

**COUNCIL OF THE VILLAGE OF YELLOW SPRINGS
REGULAR COUNCIL MEETING
AGENDA**

IN COUNCIL CHAMBERS @ 5:30 P.M.

Monday, December 4, 2017

Comments from the Public are welcomed at two different times during the course of the meeting: (1) Comments on items not on the Agenda will be heard under Citizens Concerns, and (2) Comments on all items listed on the Agenda will be heard during Council's consideration of said item. A Sign-In sheet will be made available on the small table at the rear of the Council Chambers. Please write your name and the topic you wish to discuss.

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION (5:30)

For the Purpose of the Evaluation of a Public Employee

REGULAR SESSION (7:00)

CIVILIAN HERO AWARD CEREMONY

Honoring 2017 Yellow Springs Police Department Civilian Heroes

ANNOUNCEMENTS (7:05)

CONSENT AGENDA

1. Minutes of November 6, 2017 Regular Meeting
2. Minutes of November 20, 2017 Regular Meeting

REVIEW OF AGENDA

I. PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Active Transportation Committee re: Clifton Connector

II. PUBLIC HEARINGS/LEGISLATION (7:15)

First Reading of Ordinance 2017-42 Amending Utility Dispute Resolution Board Establishment; Authority

Reading of Resolution 2017-51 Adjusting Employee Wage Scales

Reading of Resolution 2017-53 Establishing an Endowment with the Community Foundation for the Ongoing Maintenance of the Yellow Springs Creek Conservation Area

III. CITIZEN CONCERNS

IV. SPECIAL REPORTS (7:20)

V. OLD BUSINESS (7:30)

Outreach Specialist Funding/Job Description

Cresco Facility Update

Lodging Tax Implementation

Complete Streets Policy

Board and Commission Policy Review

VI. NEW BUSINESS (8:45)

Valve Exercise Machine/Bucket Truck Presentation

VII. MANAGER'S REPORT

VIII. ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR'S REPORT

IX. CHIEF'S REPORT

X. CLERK'S REPORT

XI. FUTURE AGENDA ITEMS (9:15)

Dec. 18: Fourth Quarter Supplemental Appropriations and Declaring an Emergency
Emergency Ordinance Amending Fee Schedule for Transient Guest Lodging
Permits
Resolutions Honoring Outgoing Council Members
Resolution 2017-52 Approving Village Council and Mayor Nominating Petition
JSTF Report on Taser Policy
Revolving Loan Fund Implementation
Follow Up on Designated Smoking Areas/Signage
Executive Session @ 5:30pm
Jan. 2: Swearing-In of New Council and Mayor
JSTF Citation Warning Report Presentation
Bowen Presentation re: Housing Needs Assessment

ADJOURNMENT

The next regular meeting of the Council of the Village of Yellow Springs will be held at 5:30 p.m. on **Monday, December 18, 2017** in Council Chambers, John Bryan Community Center, 100 Dayton Street.

The Village of Yellow Springs is committed to providing reasonable accommodations for people with disabilities. The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the Village Clerk of Council's Office at 767-9126 or via e-mail at clerk@yso.com for more information.



December 4th 2017

The Police Department wishes to recognize three civilians who, at approximately 12:50 on the afternoon of October 25th, heroically came to the aid of a citizen who was being assaulted. Their courage and willingness to intervene prevented a harmful situation from becoming worse. Their bravery prevented further serious injury to the victim and we wish to salute as our 2017 civilian heroes the following citizens:

Mr. Randy Cardwell of Xenia, Ohio
Ms. Onica-Elizabeth Garrett of Yellow Springs, Ohio
Mr. William Dyke of Yellow Springs, Ohio

The victim and family have asked that the following be read at the presentation:

%Behold, I send an angel before you to guard you on the way and to bring you to the place I have prepared.+

We have always known there are angels among us. Oh yes, they are hard to see while we hustle about our daily duties. But when you least expect it, a strangers act of kindness, a few nice words or a man jumping out of a tow truck can make your day-or save your life.

And that is what happened on October 25, when Randy saw trouble on that quiet street in Yellow Springs. He probably did not hesitate, but flew into action to save the life of our daughter. We understand there were other angels in the same area who also flew in to save her and we are forever grateful.

There are no words we can offer. There is not enough we can say to thank you all and the Yellow Springs Police for your help at that terrible moment, We just want to thank you and pray that wherever you go, whatever you do, may your Guardian Angel watch over you.

With great thanks,

M&J (Parents of the victim)

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

In Council Chambers @ 7:00 P.M.

Monday, November 6, 2017

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 7:00pm.

ROLL CALL

Present were Wintrow, Vice President Brian Housh, Gerald Simms, Judith Hempfling and Marianne MacQueen. Village Manager Patti Bates was also present, as were Finance Director/AVM Melissa Dodd, Village Planner Denise Swinger, Water Distribution Superintendent Johnnie Burns, Chief Brian Carlson and Village Solicitor Chris Conard.

SWEARING IN OF PLANNING COMMISSION MEMBER

Frank Doden was sworn in as a Planning Commission member.

ANNOUNCEMENTS

Housh announced the following: Tuesday is election day. On November 15, there will be a farewell reception for Mayor Foubert in Bryan Center Rooms A&B. Also on the 15th is a Time Exchange workshop that has been moved to Council Chambers. November 11 there is a retirement party for the former owner of Mr. Fubs Party, Priscilla Moore. This weekend is Jesus Christ Superstar at the Little Art Theatre.

MacQueen congratulated Bates on her 30+ years of public service award from the ICMA.

MacQueen raised the matter of a post made by John Hempfling, member of the Justice System Task Force (JSTF).

MacQueen stated that on Saturday, a member of the Justice System Task Force posted disparaging information about another member of the JSTF on the Facebook group Yellow Springs Open Discussion, and included an analysis of data collected about police stops that had not been fully vetted by the Task Force.

MacQueen stated that her primary concern was that the post was disparaging of David Turner, who is a candidate for Council, and the post was close enough to the election that Turner had little opportunity to defend himself.

MacQueen, speaking as the Council alternate to the JSTF, expressed her apologies to Turner and to the Yellow Springs Police Department (YSPD). MacQueen stated that the data was released out of context and õhas gone somewhat viralõ.

MacQueen commented that she had attended the Restorative Justice Symposium, and suggested that a restorative justice model be used in this instance. She stated that she had contacted Jennifer Berman who will be calling persons involved.

Wintrow spoke as outgoing Council member with 12 years of experience, and expressed her unhappiness with the post. Wintrow stated that she could not remember a time when Council or its Boards or Commissions õhave been used in such a blatant political wayõ.

Wintrow characterized the action as a violation of the trust of the board or commission to not release information without the consent and understanding of a majority of the members.

Wintrow commented that Council is generally able to stay on the periphery of election issues and that it is unfortunate to be thrown into that arena in this manner.

Hempfling spoke as the Council representative to the JSTF, stating that õthis has brought some important issues to lightõ. She then read from an e-mail she had been copied on, which was from former Councilperson Lori Askeland, reading as follows; õI understand that apparently the JSTF voted at their last public not to release the document that was included in their packet, but my understanding of sunshine law is that they actually have no authorization to make such a decision. In fact it runs directly contrary to what I understand to be the letter and spirit of sunshine law: Those are public bodies, holding public meetings, and these are already public documents, regardless of any votes takenõ {sic}

Hempfling then apologized, stating that she should have provided better leadership to the Task Force in informing the members that they could not take such a vote. She went on to opine that the õfirestormõ was occurring because of the central finding of that report õregarding our police departmentõ which, as raw data, indicates that Black citizens are stopped for traffic violations at a higher rate than white citizens.

Hempfling then stated that she watched a DVD of that meeting and noticed it being different than in her memory. She stated that in watching the DVD, she interpreted the interaction as indicative of a level of discomfort among all JSTF members present, with the exception of John Hempfling, in deciding how best to present the information publicly.

Hempfling noted the importance of transparency and stated that the group seemed more concerned about how the report would reflect upon our police department than how it was affecting those persons who were stopped in higher numbers.

Hempfling addressed the issue of MacQueen's suggestion that limits be placed upon board and commission members, and commented that this seemed to her a limit upon their ability to participate in the democratic process of our country. She stated that she objects to this direction.

Wintrow announced Art and Soul at Mills Lawn School on November 18th and a possible tree lighting ceremony on November 21st near the Mills Park Hotel.

CONSENT AGENDA

1. Minutes of October 16, 2017 Regular Meeting
2. Treasurer's Report

MacQueen MOVED and Housh SECONDED a MOTION TO APPROVE the Consent Agenda, and the MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

MacQueen asked that the JSTF taser recommendation be moved to November 20th so that there are not two JSTF recommendations discussed at the same meeting, as Council had previously asked. This was moved to December 4th.

Wintrow added an Executive Session.

CONTINUED FROM ANNOUNCEMENTS

Simms asked to comment upon the JSTF situation. He opined that John Hempfling had expressed a personal opinion, and that this is acceptable. Simms noted that this is the age of technology, which provides the ability to challenge others quickly. He commented that young persons should not be discouraged from comment, but that they may also need guidance.

Simms stated that, in the end, voters are intelligent enough to make their own choices.

Simms commented that no one should be discouraged from comment, as long as the information they are putting out is factual.

Simms commented that within boards and commissions, dissent should be heard, but that once a decision is made by the group, all members of the group should adhere to that decision.

Housh stated that there are two issues at hand, the first being a process issue.

Housh stated that there was never any suggestion that this report was not going to come to the community and to Council. He stated his understanding that the discussion had to do with how the information should be presented to Council, which is part of what we ask our commissions to do in an effort to build capacity.

Housh stated his larger concern, and one thing that was not made clear in the post in question, is that when an individual is speaking as a citizen as opposed to in her/his position as a Council commission member, it needs to be made very clear. Housh noted that the roles and responsibilities document, which is read and signed by all commission/board members, covers this critical issue, which was specifically addressed in response to lack of clarity regarding representing one's own opinions as opposed to those of the Village that was occurring with the use of social media several years ago.

Housh stressed that this separation is critical, noting that the recent series of postings not only implicates the JSTF, but also Council.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

Flier re: Nuisance Tree Workshop
Greene County Public Health Dept. re: Walk to School Day
Flier for Hazard Tree Workshop
Kat Walter re: Trucks/Stop Sign on Fairfield Pike
Chris Zurbuchen re: Resignation
Mary Evans re: Thank You Officer Beam

Matt Reed re: Transient Guest Lodging
Wendi Van Buren re: Yellow Springs Tree Program
Bowen Research re: Status Report

MacQueen asked Chief Carlson for further information regarding a stop sign at Fairfield Pike, noting that it is a feeder street and drivers are often speeding.

Carlson noted that a stop sign is doable, but that once one is placed, it will create an increase in noise for the houses near the signs, as vehicles stop and start. He noted that he is seeking a solution, and recognized that Fairfield Pike is a difficult road.

Carlson explained that the increase in truck traffic of late is because Route 343 and Grinnell Road are being repaved, and this is the pass through.

Wintrow stated that she would not be comfortable making a decision based upon a temporary situation.

Kat Walter noted that the electronic speed sign has helped slow traffic somewhat, but that it is still a concern. She suggested the possibility of speed humps and noted that the street is traversed by the elderly and children, and suggested an alternate route.

Wintrow asked if the Chief could speak with ODOT.

Carlson responded that he has spoken with ODOT, and that all trucks thus far have been in compliance.

Wintrow asked whether the change in speed limit can be posted farther out into the township so that vehicles are given more warning to slow down.

Carlson stated that he would like to post a speed meter for traffic moving west, since this technique does seem effective.

Housh commented that Fairfield Pike is one of three local roads eligible for consideration for federal grant funding and the upcoming active transportation planning process will be contemplating how to further improve this corridor.

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2017-33 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". Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Conard explained the changed legislation, noting that he had met with staff on the matter. He commented that transient guest lodging (TGL) can impact affordability in either direction. He acknowledged that the Housing Needs Assessment (HNA) is still pending, that guidelines are currently being developed for proprietors to fulfill their obligations, and that the references to "short term rental" still need to be changed to "transient guest lodging" in the zoning code to enable enforcement of the tax. To that end, Conard stated, the current legislation proposed that TGLs be permitted uses.

Hempfling commented that the issues are a tension between unregulated numbers of TGLs and the need for residents to afford to live in the Village. Hempfling opined that "there are now five houses which are solely Airbnbs". She commented against this, and stated that there should be restrictions upon rentals where the property owner is not present.

Hempfling characterized conditional uses as "onerous" particularly to young people in stating that she supported permitted use for TGLs. She stated further that the conditional use process as it was previously described "wasn't very meaningful" and stated that Council should explore legal possibilities for attaching conditions to non-owner occupied TGL establishments.

Wintrow responded that part of the purpose of a conditional use is the input of interested neighbors, noting that that input is what would make such a hearing meaningful. She continued that she will support the legislation now on the table "just to get it moving", but noted that any use other than as a dwelling could have impact on the neighborhood.

Wintrow noted that conditional uses are permitted uses that take into consideration the concerns of the neighbors and surrounding community. "It could actually take care of your concerns," she stated.

Wintrow stated that, ultimately, TGLs should be conditional uses. She commented that purchase of a home for the purpose of TGL doesn't make mathematical sense in this community, given the expense of running the operation.

Housh asked for clarification about Hempfling's thoughts regarding continuation of this discussion.

Wintrow commented that there would be no reason to take up the discussion until the new Council is seated.

Bates noted that there needs to be a process in place by January first so that Swinger can begin issuing permits.

Wintrow asked for comment from citizens. There being none, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-34 Repealing Section 1246.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1246.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger noted the need for a friendly amendment to the ordinance to take into account that TGLs are to be permitted uses.

Hempfling MOVED to AMEND THE ORDINANCE TO MAKE TRANSIENT GUEST LODGING A PERMITTED USE IN THE E-I DISTRICT. Simms SECONDED and the MOTION PASSED 5-0 on a roll call vote.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-35 Repealing Section 1248.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1248.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Hempfling MOVED to AMEND THE ORDINANCE TO MAKE TRANSIENT GUEST LODGING A PERMITTED USE IN RESIDENTIAL DISTRICTS A, B and C. MacQueen SECONDED and the MOTION PASSED 5-0 on a roll call vote.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-36 Repealing Section 1250.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1250.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

MacQueen MOVED to AMEND THE ORDINANCE TO MAKE TRANSIENT GUEST LODGING A PERMITTED USE IN B-1 and B-2. Housh SECONDED and the MOTION PASSED 5-0 on a roll call vote.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-37 Repealing Section 1284.08 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.08 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Housh MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger explained that the ordinance strikes short term rentals from the zoning code.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-38 Repealing Section 1284.09 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.09 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger explained that this adds the definition of Transient Guest Lodging to the zoning code.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-39 Repealing Appendix B of Village of Yellow Springs Recommended Trees in Part Twelve of Planning and Zoning Code, Title Two of Planning of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Appendix B of Village of Yellow Springs Recommended Trees. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger noted that this section is in the planning section of the zoning code. Swinger noted that she had worked with Wendi Van Buren of the Ohio Department of Natural Resources and Nick Boutis of the Glen Helen Nature Preserve to develop the list, which is meant to give both residents and developers a clear idea of proper choices for tree plantings.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow 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 2017-40 Repealing Section 1226.06 of Design Standards of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.06 of Design Standards. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger noted that this ordinance amends the sidewalk sizes and the recommended tree list to section 1226.06.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. THE MOTION PASSED 5-0 on a roll call vote.

First Reading of Ordinance 2017-41 Approving the 2018 Budget for the Village of Yellow Springs and Declaring an Emergency. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Dodd presented pie charts and a brief PowerPoint presentation regarding the budget.

MacQueen asked about the amount of Village debt.

Dodd stated that she does not have water plant totals, and noted that debts are shown in the department or fund in which they occurred. She declined to speculate.

Wintrow commented that the Village is carrying very little debt.

Bates noted that there are many ways to carry debt, so that a hard number can be deceptive.

MacQueen received confirmation that the \$20,000.00 for the Outreach Specialist is still in the Police Department budget. She then objected to the inclusion, stating her understanding that funding for the position would come from within the department, through elimination of another position. She further objected based on the fact that Council had not yet approved the position, but stated that she supports the concept of the position.

MacQueen MOVED to REMOVE THE \$20,000.00 ALLOCATED to the POLICE DEPARTMENT FOR AN OUTREACH COORDINATOR for 2018. Hempfling SECONDED, and the MOTION PASSED 3-2, with Simms and Wintrow voting against.

Dodd read out the amended totals for the 2018 budget.

Wintrow commented that it is not unusual to pass a budget prior to approving each expenditure, since the purpose of the budget is in part to provide an anticipation of upcoming expenses.

Housh added that it is also not unusual to add items to the budget at a later point.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. THE MOTION PASSED 5-0 on a roll call vote.

Reading of Resolution 2017-48 Approving the Annual Distribution of Flour and Sugar to Village Widows and Widowers. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow noted an upcoming Arts Council project to design a bronze statue of Wheeling Gaunt.

Wintrow CALLED THE VOTE, THE MOTION PASSED 5-0 on a roll call vote.

CITIZEN CONCERNS

Pat Dewees, JSTF Chair, stated her disagreement with the manner in which the process the group had followed was characterized by Judith Hempfling. Dewees described those remarks as insulting to the integrity of the Task Force. The JSTF, she stated, always planned to release the report information but had had three considerations to weigh. First, there were errors found in the data, and the group wanted to know whether these errors would impact the findings. Second, language of the statistical report was dense and inaccessible to the average reader, such that the group was working on an explanatory cover sheet and a shortened version of the report, which was worked on by both a citizen and John Hempfling. The final consideration, Dewees said, was concerning the results and awareness that they are both concerning and subject to multiple interpretations, which brought discussion within the group as to how best to communicate the findings.

The above, Dewees said, was the process she observed occurring. The post to social media sites, Dewees stated, caused injury to the JSTF, to David Turner as well as to John Hempfling. JSTF members have ways in place for respectful communication, she stated, and these need to be remembered.

Dewees stated her support for MacQueen's suggestion for the use of a restorative justice approach.

Ryan Loyal, a Springfield resident, offered a suggestion related to his business, which entails washing trees with a power washer. He described this method as highly effective to tree health, and offered a number of entities who have successfully engaged his services.

Sarah Morrison spoke to the JSTF matter, stating that she did not find it surprising that there would be information supporting the idea that there is racism among police officers. She stated that she did find it surprising and disturbing that this information would not be shown to the community. She spoke to the importance of transparency regarding race and racism.

John Hempfling spoke, stating that concerns were expressed as to the accuracy of the report, but stated that he was hearing concerns regarding the community's reaction to the report. Hempfling stated that he had asked friends to write a story about the situation, but since they didn't, he felt he needed to inform the voters. Hempfling stated that if David Turner's going to say that what I printed was lies and slander, I'm going to want to protest. Hempfling then acknowledged that there were at least four errors in the data.

David Turner spoke, stating that he wants all the data released, but that the data was not clear. He stated that the lack of clarity was agreed upon by the JSTF as a group. Turner then gave three examples of errors in the data, noting statistical gaps in the totals of between 10% and 21%, which could affect the accuracy of the conclusions. Turner stated that he also believes the number of total citations for both Village and non-Village residents needs to be provided. Turner stated that despite errors, he expects the conclusions to be relatively correct, and expects to see some evidence of police bias.

Wintrow declined to permit John Hempfling to speak again, suggesting that the matter be brought up in a JSTF meeting and resolved there.

Anne Bohlen commented that the data should be out in the open and that she felt that John Hempfling was within his citizen rights to reveal a public document. She asserted it as a free speech issue.

Wintrow clarified that the matter is more a process issue as to how commissions of Council release data and reports.

Housh clarified further that there was never any issue of the documents not being publicly available, noting that the Task Force keeps minutes of meetings and puts out meeting agendas and packets. The matter of preparing a report to Council has been very public, Housh noted.

John Hempfling commented that he was not concerned that the document would not be released but that there was a concern that divisions among racial lines or between citizens and the police would be exacerbated, which he did not believe was justified.

Wintrow commented that Hempfling had not used the information to clarify, but had used information from a Task Force meeting to attack a citizen, not to provide information for its own sake.

Bomani Moyenda commented that he was not concerned about individuals being cast in a bad light, but was concerned that the information be provided. He stated that the discussion about how to release the information seemed to him to be a cover up or an attempt to protect the police department from scrutiny. Moyenda characterized it as a cover-up.

Judith Hempfling stated that she had watched the DVD and that she had been embarrassed by her own behavior. The only person not behaving in an embarrassing manner, Judith Hempfling said, was John Hempfling.

Wintrow asserted that the information is not complete—time frames in which the data was gathered have not been provided, for example. Wintrow stated that she will not be surprised at the findings represented by the statistics. “I will be disappointed in the findings,” she stated, but I will not be surprised that the data indicates racial bias. Wintrow stated that she would not try to hide this information. That there were corrections being made as of this morning, Wintrow said, is concerning.

Wintrow charged the JSTF with getting the correct data out as soon as possible, citing the concern and upset already caused.

Wintrow addressed those persons of color who had expressed their concern and dissatisfaction, saying that Council is concerned as well, and wishes to examine the information carefully but correctly.

Housh added that this is part of the reason Council has worked hard to establish the JSTF, to bring any such issues to light and to assist Council in addressing them.

Bates commented that shortly after Chief Carlson was made Interim Chief, a citizen brought concerns regarding higher incidences of traffic stops for persons of color within the Village to Bates and to Carlson. This conversation, Bates said, resulted in the Chief agreeing to spot check all citations and traffic stops to look for any patterns of targeting of persons of color. Bates acknowledged that there has been a problem with this in the past.

Bates noted that this issue is one that she and the Chief have committed to addressing and have begun doing so.

SPECIAL REPORTS

There were no Special Reports.

OLD BUSINESS

Job Description for Police Department Outreach Specialist. Chief Carlson stated that some time ago, Kate Hamilton, of the JSTF had brought information to him regarding the Association of Police Social Workers. Carlson noted that this is a new concept, and is currently thriving in Illinois.

Chief commented that he had followed up with a number of police departments, social services agencies and several other agencies in Greene County.

As a result of these contacts, Carlson said, he discovered that using a social worker as part of a police department brings some liabilities and that position can become confusing to customers as a middle ground.

Carlson then realized that the term “social worker” might be limiting the results. When he looked for alternative options, he found many other job titles being used effectively, such as “diversion specialist” or “resource officer” or “police social services.” These were mostly victim advocates. Carlson stated that the Village may be looking for more of a service coordinator for persons with mental health needs, for persons in need of addiction services, and for other social service-related needs.

Carlson stated that fulfilling this role within the Village would likely be overwhelming for any one person. He described a role in which that person could follow up and establish meaningful connections with service providers, which is something officers simply do not have the time to do.

Carlson noted that officers have literature regarding services available and they distribute it, but that “it’s a stopping point” for the person in need and serves only as a reminder of the bad situation. Best practice, he said, is to follow up two-to-three days later. This, he said, is not generally possible for police officers, who have multiple duties throughout a shift.

Carlson stated that he has come up with the “outreach” idea, for a person who is a resource liaison, which, he said, is desperately needed in the community.

Housh questioned Carlson regarding the services the person is expected to make available, receiving confirmation that these are extra-departmental services that would have to be connected with.

Wintrow stated that she has spoken with Chief Altman, particularly regarding mental health services. He had planned outreach at the County level, seeing this as a critical need. She asked whether the County offers any such support.

Carlson stated that the County does have a Diversion Officer who does coordinate similar services.

Carlson read from his summary regarding the social work aspect of policing. He noted that the person would receive not only the same training as officers, but would receive additional training regarding coaching officers through difficult interactions. Carlson described a potential scenario in which an officer on-scene could call the Outreach Specialist for input as to how to handle a volatile domestic situation.

Carlson stated that his vision for the position has evolved through his research on the subject.

MacQueen suggested the idea as a pilot project. She then stated that the \$20,000.00 requested is insufficient. She stated that, "some of the tasks are simple, and some will take skill."

Hempfling asked whether someone from one of the Illinois departments could speak to Council. She suggested that the person "be at the level of a Sergeant."

Carlson responded that this is what he is providing by way of getting the project going. He commented that he is less impressed with credentials than he is with a genuine concern for Village residents and a high level of knowledge regarding available services. Carlson stated that "the need is here and now."

Wintrow pointed out the contradiction in requests, stating that while MacQueen is arguing against adding to the police department budget, she is suggesting a more extensive program, and Chief Carlson had limited his request to a minimal dollar amount. The contract idea, however, Wintrow commented, is not going to work. This will have to be an employee.

Conard commented that an independent contractor has different work parameters. He stated that grants can run out, and that obtaining a grant takes time.

Bates stated that a grant is too far out, and has to be backed up by funding or the resource is lost. That the police department budget is too high, she said, is a discussion for another day. This position is critical, and she noted that she supports it fully. It is important that we have someone who can make follow-up contact with citizens in situations in which regular outreach is needed. Bates asked Council for instruction as to what they needed from her or the Chief in order to move forward.

Housh reiterated that Council supports the idea, but that the idea has morphed, not to mention legal restrictions as to how the person can be employed and paid. He stated that he would like to see some creative approaches considered. He stated that if this person is able to perform, for example, Implicit Bias training, then some of the funding used to provide trainings could be funneled into the position. As another example, he commented that changes have been suggested regarding Mayor's Court, and that perhaps there could be some overlap there.

Hempfling asked again for a person to speak to Council on the topic. She asked for a time frame for the discussion of "two to three months."

Kate Hamilton of the JSTF and the HRC, who has been working on the position for several years, first in her capacity on the HRC and again with the JSTF, stated that the matter has been discussed "a lot." It "has been covered repeatedly at HRC and JSTF meetings." She noted that in the May 1 Council packet, there was a good deal of information and a recommendation.

Hamilton characterized the concerns as "stalling" and commented that it does in fact seem to her to be a budgetary concern. Hamilton stated that she and Carlson have reached out extensively locally, and that representatives from TCN and local social workers have attended meetings and have assisted with the job description.

Hamilton stated that "as the JSTF," this is the work that you have asked us to go out and do, and we "have done it. We've tried to be financially creative and start things out as a pilot program. This was our answer to showing Council that the investment is important and effective."

Hamilton commented that this position would not provide the services, but would follow up with a citizen to assure that they are connected with services. This would reduce calls for police officers in the future, ideally.

Regarding training, Hamilton stated, we have officers who have had six months of training before they are given a gun and a badge, and following the academy training, they have eight hours of mental health training. Even a recent graduate of a social work program has "four years," she stated. Probably 80% of police calls are social work type calls, she said.

In a large department, Hamilton stated, departments keep their police social workers for a long time "20-30 years."

Hamilton commented that she believes the JSTF has done as much as possible to this point. The Chief has taken this seriously, and information has been proposed to the Chief and to Bates.

Bates commented that initially the funding was proposed to come from existing funds within the police department. She committed to exploring the possibilities for using the position to support Mayor's Court in the area of restorative justice.

MacQueen commented that Council has to do due diligence on the matter. She stated that she had not read anything about the position until the weekend and doesn't feel able to weigh in.

Carlson reiterated that the Village is unique, and requires a unique approach and outside guidelines from other municipalities are difficult to implement. "We're creating this," Carlson said, "this is a pilot program."

Simms agreed that the position does seem appropriate as a pilot program, and suggested gathering data to build a fuller program around what is being proposed.

Carlson stated that just changing the mindset of his employees is a huge goal. He commented that the Department receives about three visits to the Dispatch window daily from mentally ill or disabled individuals, and they are not always able to fully serve these persons.

Hempfling commented that she sometimes spends time downtown late at night and "it's really quiet." She suggested eliminating a weekday night position to provide funding for the position, and perhaps "receiving assistance from the County."

MacQueen stated that the police department budget "is a big issue."

Hempfling stated that "we should be looking at a full time position."

Carlson exhorted Council to read the summary he provided. He stated that he is not sure the position is a full-time position at present.

Wintrow asked that Carlson follow up with the Miami Township Fire & Rescue Department regarding County resources.

MacQueen asked Carlson to look for ways the funds could be derived from the current budget.

Dodd commented that she had run an historical view of the police department budget and that the increases have been right in line with the increases received by other departments, with 2017 being the first increase of more than that average.

Hempfling asked again for a speaker to address Council on the topic.

David Turner commented that it should not make any difference as to who is elected Mayor, that there is clearly a need, and no reason not to get started. Turner commented that starting something off part-time makes sense as the Village gathers information. He described several personal situations in which he observed the services provided by the police department in cases of dementia or mental illness, noting that these interactions take a great deal of time. He noted the increase in persons with dementia in the community as presenting a growing need.

Council agreed that the matter should be brought back, and that information be sent to Council as soon as possible.

Board and Commission Process Discussion. Housh noted several areas he sees as needing to be resolved, in particular that there are two quasi-judicial commissions, which are required by the Ohio Revised Code (BZA and Planning Commission), stating that he would like these two bodies be treated consistently with other boards and commissions to the greatest extent possible.

Housh suggested updating the board and commission ordinances if changes are being proposed.

Conard commented that he was struck by the difference in Planning Commission and BZA, whose members are public officials. The other boards and commissions are advisory, and exist to enable Council in making more informed decisions.

The Clerk noted the process followed in how potential candidates are contacted and the interview process that follows from that point. She suggested that the interview process should be made more streamlined.

Housh suggested that perhaps the interview time could be linked to the commission's meeting time.

Hempfling asked what timeframe would be reasonable, and asked for more than two weeks, given other commitments.

Housh noted that the second Council member interviewing the commission applicant doesn't have to be the alternate liaison if that person is busy.

Hempfling asked that BZA and Planning Commission alternates not be renewed or moved into a full position without having to go through the interview process.

The Clerk stressed that volunteers for positions be interviewed as quickly as possible so that interest is not lost. She asked that an interview deadline be imposed by Council.

MacQueen commented that she believes Sunshine Law online training is over the top, and would like instead that the Clerk provide in-person training.

MacQueen asked that the Treasurer position be eliminated in the ordinances.

MacQueen asked whether a returning member has to be re-interviewed, and was told that is what is being proposed.

Wintrow asked that the Treasurer position be struck, since that is properly Dodd's purview.

Bates asked MacQueen about the online Sunshine Law training, asking why she sees this as onerous.

The Clerk noted that the online option only became an available option about two years ago. She noted that this is required training, and commented that the ill effect of not having the training can be embarrassing. She noted that she had been asked to meet with members of the JSTF to provide Sunshine Law training and, at that time, many of the members had taken the online course. She commented that the questions tend to be more in-depth if persons have taken the course. She commented that this is an important piece of taking on the role of a commission member.

Housh pointed out sections of the "Roles and Responsibilities" document as highly relevant.

MacQueen stated that there seem to be varied opinions as to how the rights and responsibilities are interpreted, and this should be addressed at some point.

Housh proposed working with the Clerk on the timeline, and returning with revised documents.

Wintrow stated that the roles and responsibilities should be more directed and less general.

Wintrow pointed out that much of what is required of public officials and commission members centers around trust and respect for fellow members. She suggested that a training addressing this aspect of membership may be what is needed.

The Clerk commented that what seems to be missing from the roles and responsibilities document is an indication as to what happens when the guidelines are not followed.

Hempfling stated that one can't mandate a particular behavior. She stated that she hoped all would learn from actions, but that perfect judgement can't be legislated.

Housh asked that the matter be resolved by the end of the year.

NEW BUSINESS

Economics of Happiness Report. MacQueen commented briefly about the conference, held by Community Solutions. She asked that when Council goals are set, there is a focus upon local production.

Evaluation Process for Staff. Wintrow asked that the two meetings in December begin at 5:30pm so that Council can evaluate first Bates and then the Clerk in Executive Sessions. This was agreed to.

MANAGER'S REPORT

Bates reported the following:

Since Council agreed to no longer lease farm properties, but rather to oversee them with a cover crop, Bates has contacted three local farmers and asked them to provide a quote to do that. Because farmers are still harvesting, a response may take several weeks. Bean fields will return to their natural grasses in the Spring, as they were planted with no-till methods.

Bates noted the ribbon-cutting at the new solar array, stating that the field should be hydro-seeded next week.

Electric Crew member Ben Sparks was awarded the AMP Hard Hat Award for Safety in 2017.

The ribbon-cutting ceremony at the new water treatment plant will occur in Spring, 2018.

Bates stated that she and Dodd learned a great deal from the educational sessions at the International City/County Management Association (ICMA) Conference in San Antonio, Texas, attending sessions on Implicit Bias, Desalination of Water, Disaster Preparedness, Changing Roles in Law Enforcement and Managing Misinformation.

Bids are due on the crew quarters by November 14th. A resolution to award the project for Council approval may be ready on November 20th.

Jason Hamby, along with Wendi VanBuren from the Ohio Department of Natural Resources and members of the Yellow Springs Tree Committee, has completed a hazard street tree inventory for the Village. There are approximately 20 trees that will be trimmed or removed over the next two years.

The scheduled shut-down of the Bryan Center did not occur on October 28th due to a materials issue. It will instead occur on November 5th, with State inspection on November 8th. The final switch to the new generator is to be determined after the final inspection.

A reminder that November is the last month Rumpke will pick up yard waste on the last Friday of the month, if it is in the proper bag. Bags are available at the Utility Office.

Staff completed Leadership Training with consultant Brenda Kraner of Wright State University earlier this year. Bates will be providing a recap of that training for the November 20th meeting.

Earlier this year, the state legislature passed a bill governing small cellular towers/antennae in the right-of-way. This legislation places many restrictions on local government as far as how to oversee the positioning of these towers and antennae. Consequently, staff is working with the Village Solicitor to draft small cell tower legislation that would enable us to have some measure of control over the placement of these facilities. In addition, it is important to note that the Village cannot collect pole rental fees. The Village can charge an application fee.

Staff has been reviewing the special event/Bryan Center rental process from beginning to end. A couple of issues that regularly come up during these discussions are: revamping the event form (which we are doing), establishing a deadline prior to the event by which staff must have the proper information about the event (in order to ensure that the event has everything needed), and establishing a particular space for special events that does not entail closing roadways and would allow the Village to install permanent facilities for such events (such as easily accessible electricity and possibly restrooms).

Bates announced that the Housing Needs Assessment Survey had ended with a strong response.

Bates noted that she and Dodd will bring information related to staff wage increases for 2018 to the meeting on the 20th.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT

Dodd reported on the following:

Regarding the Greene County CDBG grant ó Xenia Avenue sidewalk ramp project, it has been delayed and once the Village receives a firm start date, this will be communicated to residents and businesses in the area. This project will be replacing the curb ramps along Xenia Avenue from Limestone Street to South College Street.

Construction is underway on the Safe Routes to Schools project.

The new utility billing software conversion is still scheduled to happen November 17th. We will be running parallel with our old software until then in preparation.

CHIEF'S REPORT

Carlson stated the interviews for the Corporal position started last week, and he hopes to have a decision by the first of the year.

Council discussed the necessity of having the Chief attend Council meetings.

CLERK'S REPORT

The Clerk reported business as usual.

AGENDA PLANNING

Dec. 4: Fourth Quarter Supplemental Appropriations and Declaring an Emergency
Resolution Approving a Bid for Crew Quarters Construction
JSTF Report on Taser Policy
Board and Commission Policy Discussion
Lodging Tax Collection Process Discussion
Outreach Specialist Funding/Job Discussion
Complete Streets Policy
Executive Session @ 5:30pm

Dec. 18: Resolutions Honoring Outgoing Council Members
Bowen Presentation re: Housing Needs Assessment
Follow Up on Designated Smoking Areas/Signage
Executive Session @ 5:30pm

EXECUTIVE SESSION

At 10:34pm, Simms MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of Potential Litigation. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

At 11pm, Simms MOVED and MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ADJOURNMENT

At 11:01pm, Simms MOVED and Housh SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in the Clerk of Council’s office between 9am and 3pm Monday through Friday or any time via youtube link from the Village website: www.vso.com

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council

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

In Council Chambers @ 6:00 P.M.

Monday, November 20, 2017

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 6:00pm.

ROLL CALL

Present were Wintrow, Vice President Brian Housh and Council member Gerald Simms. Village Manager Patti Bates was also present, as were Finance Director/AVM Melissa Dodd, Village Planner Denise Swinger and Village Solicitor Chris Conard. Councilpersons Hempfling and MacQueen were absent.

EXECUTIVE SESSION

At 6:02pm, Simms MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of Potential Litigation and of Real Estate Matters. The MOTION PASSED 3-0 ON A ROLL CALL VOTE.

The session started with all above noted individuals present. At approximately 6:20pm, Scott Harrold and Thomas Grywalski entered the session.

At approximately 6:45pm, Swinger, Grywalski and Harrold exited the session.

At 6:50pm, Simms MOVED and Housh SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 3-0 ON A VOICE VOTE.

ANNOUNCEMENTS

Housh announced the following: the annual YS Community Thanksgiving will be held at the Presbyterian Church from 2-4pm on Thursday; Yellow Springs Arts Council holds its Holiday Art Jumble Wednesday through Sunday from 1-4pm; November 28th is "Giving Tuesday", support your local nonprofits.

Simms reminded all that daylight savings time means students returning home from practice in the dark and urged drivers to be alert.

Wintrow advised that Carlos Landaburu has flashlights available, and recommended obtaining a flashlight or a bike light from the YS Police Department.

Wintrow announced that November 24th is "Yellow Friday", and that the Bulldog Jog takes place at 10am on that day. There will be carriage rides from 2-4pm.

Wintrow noted Saturday as "Small Business Saturday".

Bates announced the departure of long-time employee Jason Hamby, Streets and Parks Supervisor. Bates noted that Hamby began his career with the Village in 1995 as a seasonal employee. November 17th marked Hamby's last day with the Village.

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

Greene County Public Health Department re: Seat Belt Challenge
Rachel McKinley re: Star Ohio Fact Sheet
Judith Hempfling re: JSTF Documents

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2017-33 Repealing Section 1258.01 "District Uses" and Section 1262.08 "Specific Requirements" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1258.01 "District Uses" and New Section 1262.08 "Specific Requirements". Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Swinger explained that the legislation removes Short Term Rentals from both sections (1262.08 and 1258.01), and adds Transient Guest Lodging as a permitted use to section 1258.01.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 3-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2017-41 Approving the 2018 Budget for the Village of Yellow Springs and Declaring an Emergency. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Dodd reviewed the budget, noting the removal of \$20,000.00 from Public Safety previously budgeted for an Outreach Coordinator.

Wintrow received confirmation that Village finances are in very good shape currently.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 3-0 ON A ROLL CALL VOTE.

Reading of Resolution 2017-49 Approving a Bid for Crew Quarters Construction. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates commented that an earlier safety inspection resulted in some issues present at the Sutton Farm facility.

Johnnie Burns described the current facility, which is small, leaky and generally inadequate. He then described plans for a new structure on the current footprint, which will allow for locker rooms, showers and washers & dryers.

Wintrow CALLED THE VOTE, and the MOTION PASSED 3-0 ON A VOICE VOTE.

Reading of Resolution 2017-50 Declaring November 25, 2017 ðMayor Foubert Dayð in the Village of Yellow Springs. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow extolled Mayor Foubert's impact on the Village over his 26 years of public service.

Wintrow CALLED THE VOTE, and the MOTION PASSED 3-0 ON A VOICE VOTE.

CITIZEN CONCERNS

Al Schlueter, member of the Justice System Task Force, expressed his concerns related to the recent Council discussion regarding a member of the JSTF releasing documents and posting on Facebook an accusation about another member of the Task Force. Schlueter stated that he, too, had voted with other members of the Task Force not to release the documents or a report, which they felt contained inaccuracies and was incomplete. ðI did not do this to protect the police department,ð Schlueter stated. He went on to express dismay that one member of the JSTF had been called out regarding what was a group vote.

Schlueter stated that he is attempting to make the report more relevant and to determine whether statistics may be skewed by one or two officers who may no longer be with the Department.

Schlueter noted his displeasure that a task force ðthat has been doing so wellð has been ðput in disarray by the actions of one individualð. He commented that the group had spent two hours at their last meeting attempting to mediate the situation, and that progress had not been made.

Schlueter commented that the injured party had asked him not to comment on the situation in hopes that one-on-one mediation could help him and the accusing party resolve the situation, and perhaps thereby bring unity back to the JSTF.

SPECIAL REPORTS

There were no Special Reports.

OLD BUSINESS

Timeline for Boards and Commissions. The Clerk addressed the topic, noting that concerns raised at the prior Council meeting had been discussed with Housh. She suggested that commission applicant interviews be scheduled and followed up by the Clerk to ensure consistency in the process and to have a

public record. She noted that it is important that all interviews follow EEOC guidelines, and that this is added in the draft presented.

Housh added that he would like merits of the candidates brought up at the time of nominations, and this was added to the draft as well.

Housh noted as well elimination of the Treasurer position, which was requested at the prior Council meeting.

Housh commented that he will be developing a "best practices" worksheet for boards and commissions.

Housh noted that he and the Clerk will be putting together an overall timeline for applicants so that the process is clear and on the record.

The Clerk added that MacQueen and Housh will be addressing the "Behaviors for Elected Officials" sheet and paring this down to more specific requirements.

Wintrow asked that some of the requirements be consolidated.

The Clerk commented that language was added that when boards and commissions are tasked with providing recommendations or reports, those are to first be publicly disseminated at a Council meeting before any other dissemination is done.

In response to a question from Wintrow, Conard stated that boards and commissions have latitude as to when a document becomes public in that work product is not a public document. He noted that the records retention schedule does not reflect the keeping of a draft. He commented that meeting minutes should reflect aspects of discussion of work product, and that minutes are a public record.

Wintrow commented upon the distinct difference between work product and a final presentation.

NEW BUSINESS

Updating Nominating Petition Discussion. Housh commented that in his process of running for Council, he noted aspects of the requirements that were singular to Yellow Springs and noted that the instruction sheet he was given by the Board of Elections (BOE) to accompany the document did not in fact correlate to the Yellow Springs form. Housh commented that he would like the process to be friendlier and more accessible.

The Clerk commented that she and Housh had cleaned up the existing Yellow Springs petition form, and that has been made legible and accurate as to dates. She noted, however, that the option to defer to the ORC petition exists, and referenced a copy of that form.

The Clerk noted that the Village could create a simple instruction sheet to cover Charter-driven candidate requirements, but that potential candidates could then be directed to the ORC form and the BOE instruction sheet for completion of the nominating petition if in fact Council wishes to go that route.

Housh noted that the Village requires only 1% of the electorate be represented in the signature section of petitions, which is an advantage over the signature requirement represented in the instructions for the ORC form, and asked that this remain the case.

Wintrow asked that legislation be brought to the meeting on December 18th to authorize the change in the nominating petition form to be used for Mayor and Council elections.

House Bill 179 Discussion re: Sanctuary Status and Implications. Chief Carlson commented upon the measure, stating that the Yellow Springs Police Department (YSPD) will not question, ID, detain or arrest anyone solely based upon her or his immigration status. Carlson stated his understanding for the interest and concern around the matter, but expressed caution that extended discussion on the topic may bring negative attention to what is currently a non-issue.

Carlson noted that the YSPD does not enforce Federal immigration laws. Once a person is detained and is in jail, follow up may occur, he said.

Housh noted that there has been no action on HB 179 since May of 2017.

Housh asked whether the Village could obtain Greene County's policy, since it could impact Village citizens.

Housh received clarification that the YSPD is aware of its need to provide translation services.

Housh asked that the Greene County policy be placed in the packet on December 4th.

Leadership Training Outcomes. In late 2016, Council hired consultant Brenda Kraner, a professor at Wright State University, to conduct Leadership Training and Team Building with Village supervisory

staff. Those team members were: Melissa Dodd, Ruthe Ann Lillich, Judy Kintner, Denise Swinger, Brad Ault, Jason Hamby, Johnnie Burns, Brian Carlson, Naomi Watson, Josh Knapp and Patti Bates. Beginning in October of 2016, Bates stated, she met individually with Brenda for a total of 10 times, for approximately 1-1/2 hours each time. The full supervisory staff met with Brenda in 4 sessions for a total of 24 hours.

During the sessions, the group engaged in exercises to help better understand each other and the ways that team members express themselves, and how these behaviors are perceived by others based on their backgrounds and personalities. Participants also learned to better understand how individual personality traits translate into a worldview.

Bates noted the following outcomes:

- Project flow sheets, which detail each project, the responsibilities for that project, specific tasks related to the project and a projected completion date
- A staff-wide habit of summarizing meetings via email
- A renewed effort to minimize duplication of effort across departments and work more cohesively
- Establishing a practice of holding immediate supervisory staff meetings when unusual events occur to coordinate tasks

MANAGER'S REPORT

Bates reported the following:

Bids are due on the crew quarters by November 16th. There may be a resolution to award the project for Council approval on December 4th. If not, it will be on December 18th.

The Bryan Center's new generator is now installed and functioning.

Community Resources has been able to close its books for the last time and has remitted to the Village a check for \$22,185.50. This is the final piece of the transfer of the CBE property to the Village.

A reminder that November is the last month Rumpke will pick up yard waste on the last Friday of the month, if it is in the proper bag. Bags are available at the Utility Office.

Bates recommended a 2.5% increase for all hourly employees for 2018.

Bates noted that earlier in 2017, the state legislature passed a bill governing small cellular towers/antennae in the right-of-way. This legislation places many restrictions on the local government as far as how we can oversee the positioning of these towers and antennae. Consequently, staff is working with the Village Solicitor to draft small cell tower legislation that would enable the Village to have some measure of control over the placement of these facilities. The Village cannot collect pole rental fees. The Village can only charge an application fee. This legislation will be brought to a future meeting.

Staff has been reviewing the special event/Bryan Center rental process from beginning to end. A couple of issues that regularly come up during these discussions are: revamping the event form, establishing a deadline prior to the event by which staff must have the proper information about the event, and establishing a particular space for special events that does not entail closing roadways and would allow the Village to install permanent facilities for such events.

Conard addressed the cell tower matter, stating that the Village could assign a fee, but is otherwise very limited.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT

Dodd reported on the following:

Dodd stated that she has been working diligently the past week to get documents and information onto the Village website related to lodging tax. She has created documents including process information, frequently asked questions and the permit application.

At the next Council meeting, the Village income tax ordinance will need to have a few changes made as a result of House Bill 49 that was passed early in 2017. These are mostly definition changes and due date changes. These need to be passed by January 31, 2018, so they will appear on the next agenda for a first reading. The language was provided by the Regional Income Tax Authority that we use to collect local income taxes.

There will also be an ordinance on the next agenda to make changes to the procedures within the Utility Dispute Resolution Board. Specifically, these will outline procedures for setting up a hearing and also procedures if a complainant does not show up for a hearing.

Housh received clarification from Bates and Conard that work continues on changing the ordinance establishing the makeup of the UDRB to allow for three citizens and to eliminate the Village Manager.

Conard noted that while the Board of Tax Appeals and the UDRB will be separate boards, they will consist of the same persons.

Dodd stated that she has decided to delay the utility billing software conversion while a few more bugs are being ironed out. She plans to run a parallel process to ensure that everything runs smoothly prior to going live.

The Xenia Avenue sidewalk ramp project should be nearly finished. The Safe Routes to School project is also moving along smoothly.

CHIEF’S REPORT

Carlson stated the interviews for the Corporal position started last week, and he hopes to have a decision by the first of the year. The Department is currently accepting applications for two new officers.

The Chief asked citizens to be aware of the early darkness hours and to turn on porch lights and drive with caution.

CLERK’S REPORT

The Clerk reported a busy several weeks and noted that new Council orientation will take place on December 7th and 8th.

Bates added that flour and sugar deliveries have gone out, and if anyone was missed, please contact her office.

Bates commented that the coat shopping event with Mills Lawn School kids was fun and successful.

BOARD AND COMMISSION REPORTS

Simms reported that the Planning Commission had approved the new fire department site plan as well as a replat for the Cresco lot and a site plan for Cresco.

Simms NOMINATED for the LIBRARY COMMISSION the following individuals, noting each person’s suitability for the position:

Joseph Carr, Dorothy Smith, Rebecca Eschliman, Richard Zopf and Leigh Duncan

Housh SECONDED, and the NOMINATIONS PASSED 3-0 on a voice vote.

Housh reported that the Arts and Culture Commission is planning the reopening of the Bryan Center Community Gallery for January 19th. The show will focus on the banners formerly hung annually on Village light poles.

The ACC is looking into supporting a Mills Lawn project focusing on Wheeling Gaunt and production of a book focusing upon African American elders in the Village.

The Economic Sustainability Commission would like to wrap up implementation work for the revolving loan fund by the end of the year, if possible.

Wintrow reported that Greene County Regional Planning Commission has been working on the budget, and that Ken LeBlanc will be retiring in 2018 and a replacement is being sought.

Wintrow reported great controversy at the last meeting of the MVRPC regarding a proposal for alleviating congestion on US 35 past Xenia’s the “superstreet”.

Wintrow announced new board members for the Yellow Springs Chamber and noted outgoing members.

Wintrow noted a decorating contest for the entire Village, sponsored by the Chamber, and noted a tree lighting ceremony to occur November 21st.

AGENDA PLANNING

- Dec. 4: Ordinance in Response to HB 49
Ordinance Amending UDRB Procedures
Resolution Approving Employee Wage Increase for 2018
Citations and Warnings Report
Board and Commission Policy
Lodging Tax Implementation
Outreach Specialist Funding/Job Description
Complete Streets Policy
Valve Exercise Machine Purchase
Civilian Hero Award
Executive Session @ 5:30pm
- Dec. 18: Fourth Quarter Supplemental Appropriations and Declaring an Emergency

Emergency Ordinance Amending Fee Schedule for Transient Guest Lodging Permits
Resolutions Honoring Outgoing Council Members
Resolution Updating Nominating Petition
JSTF Report on Taser Policy
Follow Up on Designated Smoking Areas/Signage
Executive Session @ 5:30pm

ADJOURNMENT

At 8:44pm, Simms MOVED and Housh SECONDED a MOTION TO ADJOURN. The MOTION PASSED 3-0 ON A VOICE VOTE.

Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in the Clerk of Council's office between 9am and 3pm Monday through Friday or any time via youtube link from the Village website: www.ysa.com

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council



UTILITY DISPUTE RESOLUTION BOARD ORDINANCE CHANGE

Provided by Melissa Dodd, Assistant Village Manager

December 4, 2017

In the recent reconvening of the Utility Dispute Resolution Board, it was brought to light that the composition of the Board was unfairly distributed. The ordinance as it stands lists the composition as 3 village employees and 2 citizens. The Board decided that the composition needed to be changed to reduce the number of employees to two, which would include the Finance Director and a Utilities Superintendent, and three citizens instead of two. This change removed the Village Manager from the employees represented.

The Board as a whole feels that the changes presented is a more fair makeup than the current composition.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-42**

**REPEALING SECTION 1040.01 “UTILITY DISPUTE RESOLUTION BOARD;
ESTABLISHMENT; AUTHORITY” OF THE CODIFIED ORDINANCES OF THE
VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW SECTION 1040.01
“UTILITY DISPUTE RESOLUTION BOARD; ESTABLISHMENT; AUTHORITY”**

Whereas, Codified Ordinance Section 1040.01 of the Village of Yellow Springs, Ohio establishes and gives authority to the Utility Dispute Resolution Board; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1040.01 entitled “Utility Dispute Resolution Board; Establishment; Authority” of the Codified Ordinances of the Village of Yellow Springs, Ohio to update the composition of the Utility Dispute Resolution Board.

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Section 1040.01 entitled “Utility Dispute Resolution Board; Establishment; Authority” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1040.01 entitled “Utility Dispute Resolution Board; Establishment; Authority” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded** and deleted language in ~~strike through~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed: _____

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow _____ Brian Housh _____ Gerald Simms _____

Marianne MacQueen _____ Judith Hempfling _____

Exhibit A

1040.01 UTILITY DISPUTE RESOLUTION BOARD; ESTABLISHMENT; AUTHORITY.

(a) The Utility Dispute Resolution Board shall consist of ~~the three members, Village Manager, the Finance Director, Electric Superintendent or their respective designates plus Village residents~~ **Two members shall be appointed by Council, but such appointees may not be employees, elected officials, or contractors with the Village at any time during their term or in the five years immediately preceding the date of appointment. One member shall be appointed by the Village Manager. This member may be an employee of the Village, but may not be the Director of Finance or equivalent officer, or any direct subordinate thereof.** ~~Resident members shall be appointed by Council and serve five year terms, except that one of the initial members shall serve a three year term.~~ **Members shall serve a two-year term.** ~~Two~~**three** members must be present to constitute a quorum. The Utility Dispute Resolution Board shall meet from time to time as required to fulfill its obligations pursuant to this chapter. The meetings of the Utility Dispute Resolution Board shall be open to the public. The Utility Dispute Resolution Board shall maintain minutes of its meetings and actions.

(b) The Board shall issue such written regulations, policies or interpretations as it deems appropriate to implement these Codified Ordinances. The Utility Dispute Resolution Board shall have the authority to grant such relief in each case before it as the Board, in the exercise of its discretion, deems appropriate, and which is consistent with these Codified Ordinances and the written policies, regulations and interpretations of the Board. The Board shall have the authority to deny any request. The Board shall only act upon the concurrence of ~~two~~**three** of its members. Actions of the Board may be appealed to the Greene County Court of Common Pleas.

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2017-51**

ADJUSTING VILLAGE EMPLOYEE WAGE SCALES

WHEREAS, Yellow Springs Village Council amended Section 252.05 of the Codified Ordinances with the passage of Ordinance 2010-26 which established a new methodology for the adjustment of employee wages, and

WHEREAS, the Village Manager has used this methodology and has recommended that the Village Employee Wage Scales be adjusted by 2.5% effective to January 1, 2018, and

WHEREAS, Village Council has concurred with this recommendation and asked that legislation be prepared to authorize this adjustment,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY RESOLVES THAT:

Section 1. Village Employee Wage Scales be adjusted by 2.5%.

Section 2. This increase is to be effective January 1, 2018.

Section 3. This increase will not be applied to the salary of the Village Manager, the Assistant Village Manager, Clerk of Council, the Chief of Police, Village Treasurer, or Law Director.

Section 4. This Resolution shall be in effect and in full force upon its adoption.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Karen Wintrow _____ Brian Housh _____ Gerald Simms _____

Marianne MacQueen _____ Judith Hempfling _____



Yellow Springs Creek Conservation Easement Maintenance Endowment

Submitted by Patti Bates

December 4, 2017

As Council is aware, last year we worked with Tecumseh Land Trust to secure a grant for removal of the invasive species along the Yellow Springs Creek on the Village property at the John Bryan Community Center. The effort to secure the grant was successful and Tecumseh Land Trust removed all invasive species from this length of the creek, which was then placed under a conservation easement.

As part of that effort, the Village agreed to establish an agreement and an endowment which would enable the Glen Helen Ecology Institute to monitor and the area and maintain it free of invasive species. That agreement is in your packets tonight. We would like to establish this endowment with this fiscal year's budget and ask your consideration for passage.

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2017-53**

**APPROVING A DESIGNATED/AGENCY ENDOWMENT FUND AGREEMENT WITH
THE GLEN HELEN ASSOCIATION AND THE YELLOW SPRINGS COMMUNITY
FOUNDATION AND AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO
THE DESIGNATED/AGENCY ENDOWMENT FUND AGREEMENT**

WHEREAS, in 2016, Tecumseh Land Preservation Association received a grant for the removal of invasive species along Yellow Springs Creek on Village property and, earlier this year, the Village granted a conservation easement for that area; and

WHEREAS, as part of the effort to conserve Yellow Springs Creek, the Village has determined that it would be in the best interests of the Village to enter into the Designated/Agency Endowment Fund Agreement with the Glen Helen Association and the Yellow Springs Community Foundation to create an endowment to allow the Glen Helen Association to maintain Yellow Springs Creek; and

WHEREAS, the Village Natural Area Designated/Agency Endowment Funds is being established with funds donated by the Village; and

WHEREAS, the Village Manager and the Finance Director recommend Village Council authorize the Village Manager to enter into the Designated/Agency Endowment Fund Agreement and authorize the Finance Director to donate \$20,000.00 to establish the Village Natural Area Designated/Agency Endowment Fund,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY RESOLVES THAT:**

Section 1. Council hereby approves the Designated/Agency Endowment Fund Agreement with the Glen Helen Association and the Yellow Springs Community Foundation to create an endowment to maintain Yellow Springs Creek.

Section 2. Council further accepts the recommendation of the Village Manager and authorizes the Village Manager to enter into the Designated/Agency Endowment Fund Agreement with the Glen Helen Association and the Yellow Springs Community Foundation attached hereto as Exhibit "A" in the same or substantially similar form.

Section 3. Council further accepts the recommendation of the Finance Director and authorizes the Finance Director to donate \$20,000.00 to establish the Village Natural Area Designated/Agency Endowment Fund pursuant to Designated/Agency Endowment Fund Agreement.

Section 4. Funds have been appropriated in the amount of \$20,000.00.

Section 5. This Resolution shall become effective immediately upon its adoption.

Karen Wintrow, President of Council

Passed: _____

Attest: _____
Judy Kintner, Clerk of Council

Roll Call: Karen Wintrow _____ Brian Housh _____ Gerald Simms _____
 Judith Hempfling _____ Marianne MacQueen _____

**DESIGNATED/AGENCY ENDOWMENT FUND AGREEMENT
BETWEEN
THE YELLOW SPRINGS COMMUNITY FOUNDATION and
THE INCORPORATED VILLAGE OF YELLOW SPRINGS, OHIO and
THE GLEN HELEN ASSOCIATION**

THIS AGREEMENT is made by and between the Glen Helen Association (öFounding Contributorö), the Incorporated Village of Yellow Springs, Ohio (öVILLAGEö), and the Yellow Springs Community Foundation (öFOUNDATIONö). FOUNDATION is a nonprofit Ohio corporation exempt from taxation under Internal Revenue Code ("Code") section 501(c)(3), a public charity described in section 170(b)(1)(A)(vi) of the Code.

WITNESSETH:

WHEREAS, the VILLAGE has granted a conservation easement for land along Yellow Springs Creek owned by the Village as described in the Conservation Easement attached hereto as Exhibit öAö , and has committed to ongoing restoration and stewardship of this parcel; and

WHEREAS, the VILLAGE and the Founding Contributor desires to create a charitable designated/agency endowment in the FOUNDATION to facilitate the fulfillment of ongoing land stewardship objectives on VILLAGE land; and

WHEREAS, the FOUNDATION is a nonprofit Ohio corporation exempt from taxation under Internal Revenue Code, hereinafter öCodeö section 501(c)(3), a public charity described in section 170(b)(1)(A)(vi) of the Code, and accordingly an appropriate institution within which to establish such a charitable endowment; and

WHEREAS, the FOUNDATION is willing and able to create such an endowment as a Designated/agency Endowment Fund, subject to the terms and conditions hereof:

NOW THEREFORE, the parties agree as follows:

1. NAME OF THE FUND. There is hereby established in the FOUNDATION, and as a part thereof, a Fund designated as **THE VILLAGE NATURAL AREA DESIGNATED/AGENCY ENDOWMENT FUND**, hereinafter referred to as the öFund,ö to receive gifts in whatever form of money or property and to administer the same.

2. PURPOSE. The purpose of this Fund shall be to provide funds to support habitat stewardship work on land owned by the Incorporated Village of Yellow Springs, Ohio, under the direction of the Glen Helen Association.

3. GIFTS. The Fund was established with an outright gift of TWENTY THOUSAND DOLLARS (\$20,000.00), sourced from funds appropriated by the VILLAGE. Subject to the right of the FOUNDATION to reject any particular gift, any person whether an individual, corporation, trust, estate, or organization, hereinafter referred to as öDonorö may make additional gifts to the FOUNDATION for the purposes of the Fund by a transfer to the FOUNDATION of

property acceptable to the FOUNDATION in whole or in part for the Fund, subject to the terms of this AGREEMENT. All gifts, bequests, and devises to this Fund shall be irrevocable once accepted by the FOUNDATION.

4. DISTRIBUTION. Distribution from the Fund shall be determined according to the current spending policy as determined by the FOUNDATION's Board of Trustees (hereinafter "Board"). Pursuant to said spending policy, distributions from the Fund net of the fees and expenses set forth in paragraph 11, and funds set aside for principal appreciation shall be committed, granted, or expended for purposes described in Code Section 170(c)(2)(B) to organizations described in sections 509(a)(1), (2), or (3). If any gifts to the FOUNDATION for the purposes of the Fund are received and accepted subject to a Donor's conditions or restrictions as to the use of the income therefrom, said conditions or restrictions will be honored subject, however, to the authority of the FOUNDATION's Board to vary the terms of any gift if continued adherence to any condition or restriction is in the judgment of the FOUNDATION's Board unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community served by the FOUNDATION. No distribution shall be made from the Fund to any individual or entity if such distribution will in the judgment of the FOUNDATION endanger the FOUNDATION's Code section 501(c)(3) status.

5. ADMINISTRATIVE PROVISIONS. Notwithstanding anything herein to the contrary, the FOUNDATION shall hold the Fund and all contributions to the Fund, subject to the provisions of the applicable Ohio Laws and the FOUNDATION's Articles of Incorporation and Bylaws. The Board shall monitor the distribution of the Fund, and shall have all powers of modification and removal specified in United States Treasury Regulations Section 1.170A-9(e)(11)(v)(B).

6. CONDITIONS FOR ACCEPTANCE OF FUNDS. The Founding Contributors and VILLAGE agree and acknowledge that the establishment of the Fund herein created is made in recognition of and subject to the terms and conditions of the Articles of Incorporation and Bylaws of the FOUNDATION as from time to time amended, and that the Fund shall at all time be subject to such terms and conditions, including but not by way of limitation, provisions for:

- (a) Presumption of Donor's intent;
- (b) Variance from Donor's direction;
- (c) Amendments.

7. CONTINUITY. The Fund shall continue so long as assets are available in the Fund and the purposes of the Fund can be served by its continuation. If the Fund is terminated, the FOUNDATION shall devote any remaining assets in the Fund exclusively for charitable purposes that:

- (a) are within the scope of the charitable purposes of the FOUNDATION's Articles of Incorporation; and,
- (b) most nearly approximate, in the good faith opinion of the Board, the original purpose of the Fund.

8. NOT A SEPARATE TRUST. The Fund shall be a component part of the FOUNDATION. All money and property in the Fund shall be held as general assets of the FOUNDATION and not segregated as trust property of a separate trust; provided that for purposes of determining the share of the FOUNDATION's earnings allocable to the Fund and the value of the principal of the Fund, the interest of the Fund in the general assets of the FOUNDATION shall be a percentage determined by dividing the gift to the Fund by the then value of the total assets of the FOUNDATION, such percentage interest being subject to adjustment at the time of each addition to or reduction of the assets of the FOUNDATION.

9. ACCOUNTING. The receipts and disbursements of this Fund shall be accounted for separately and apart from those of other gifts to the FOUNDATION.

10. INVESTMENT OF FUNDS. One of the professional investment management firms for the Foundation will manage this fund, as determined by the Foundation. The Fund will be managed in accordance with the investment policy of the Foundation as approved by the Foundation Board with the understanding that the Founding Contributor's investment preference for this fund is that it be pooled with Balanced Fund. The final and exclusive authority to select and retain the investment manager and to make investment decisions rests with Foundation.

11. COSTS OF THE FUND. It is understood and agreed that the Fund shall share a fair portion of the total investment and administrative costs of the FOUNDATION. Those costs annually charged against the Fund shall be determined in accordance with the then current fee schedule identified by the FOUNDATION as applicable to Funds of this type. Any costs to the FOUNDATION in accepting, transferring, or managing property donated to the FOUNDATION for the Fund shall also be paid from the Fund.

IN WITNESS WHEREOF, the Founding Contributor and VILLAGE have executed this Agreement and the FOUNDATION has caused this Agreement to be approved by its Board of Directors and to be executed by a duly authorized officer, all as of the day and year first above written.

SO AGREED:

Village of Yellow Springs

Patti Bates, Village Manager

Date

Glen Helen Association

Nick Boutis, Director

Date

Yellow Springs Community Foundation

Dan Halm, President

Date

Jeannamarie Cox, Executive Director

Date

2017004133

2017003262

2017 MAR 15 AM 11:35

2017 FEB 28 PM 3:20

ERIC C. SEARS
GREENE CO. RECORDER
XENIA, OH.
13 PG

ERIC C. SEARS
GREENE CO. RECORDER
XENIA, OH.
18PSS

This easement is being re-recorded to correct the purchase price of the easement and to add the instrument prepared by.

CONSERVATION EASEMENT

This Conservation Easement (the "Easement"), dated FEBRUARY 9, 2017 is made and entered into by and between VILLAGE OF YELLOW SPRINGS, 100 Dayton St., Yellow Springs, OH 45387, an Ohio municipal corporation ("Grantor"), TECUMSEH LAND PRESERVATION ASSOCIATION, P.O. Box 417 Yellow Springs, OH 45387, an Ohio nonprofit corporation ("Grantee", being the Applicant for Clean Ohio Conservation Funds), acting pursuant to Ohio Revised Code ("R.C.") Sections 5301.67 through 5301.70, and the OHIO PUBLIC WORKS COMMISSION, 65 East State Street, Suite 312, Columbus, Ohio 43215 ("OPWC"), as its interest may appear herein, for the purpose of preserving the property described herein as open space in perpetuity.

This is an agreement for the sale and purchase of a conservation easement and the monitoring and enforcement of that easement. Specifically, the Grantor agrees to convey and the Grantee agrees to purchase the Easement for Fourteen Thousand Five Hundred and 00/100 Dollars* and be the holder of the Easement. The Grantee, its successors and assigns, agree to monitor the property described herein in perpetuity and assist with the enforcement of the terms of this Easement. The OPWC agrees to enforce the terms of this Easement, as necessary. *(\$14,500.00)

Recitals

- A. Grantor is the owner in fee simple of real property located in Greene County, Ohio, as more specifically described in Exhibit A which is attached hereto and made a part hereof ("Protected Property"), pursuant to instruments recorded at Greene County Deed Book 464, Page 310.
- B. Pursuant to the Ohio Public Works Commission Project Grant Agreement dated December 30, 2014 (the "Agreement"), Grantee received a grant from the State of Ohio, acting by and through the Director of the OPWC, pursuant to R.C. 164.20 et seq. (the "Grant"). As a condition of receiving the Grant, Grantee must use the Grant funds to purchase an easement on and restrict the use of the Protected Property to open space, as further set forth herein.
- C. In order to fulfill Grantee's obligations under the Agreement, Grantee must record a conservation easement in order to maintain the Protected Property as open space in perpetuity.
- D. Grantee is an entity authorized to hold conservation easements under R.C. 5301.69.

NOW THEREFORE, the parties hereto, for themselves and their successors and assigns, hereby agree to the following:

Page 1 of 13

TRANSFER NOT NECESSARY
FEE EXEMPT 2/28/17
GREENE COUNTY AUDITOR

1. **Granting Clause.** Grantor, for the consideration set forth above and the mutual promises, conditions and restrictions set forth herein, conveys to Grantee a perpetual conservation easement, as defined by R.C. 5301.67(A), on the Protected Property. The Grantor warrants that Grantor has full authority to grant this Easement, has good and indefeasible fee simple title to the Protected Property described in Exhibit A, that the legal description in Exhibit A is complete and accurate to the best of Grantor's knowledge, and that the Protected Property is free and clear of all liens and encumbrances that are inconsistent with the purpose of this Easement set forth herein. Grantor agrees to defend title to the Protected Property against all lawful claims of all persons.
2. **Purpose.** It is the purpose of this Easement ("Purpose") to assure that the Protected Property will be maintained as open space, as defined by R.C. 164.22(A) by preserving and protecting the land through a perpetual restriction on the use of the Protected Property. The parties hereby agree, for themselves and their successors and assigns as future owners of the Protected Property, as follows:
 - a. The Protected Property shall be maintained as open space;
 - b. The Protected Property shall be used and developed to emphasize the following:
 - i. The support of comprehensive open space planning and incorporation of aesthetically pleasing and ecologically informed design;
 - ii. The protection of habitat for rare, threatened, and endangered species or the preservation of high quality, viable habitat for plant and animal species;
 - iii. The preservation of existing high quality wetlands or other scarce natural resources within the geographical jurisdiction of a council;
 - iv. The enhancement of educational opportunities and provision of physical links to schools and after-school centers;
 - v. The preservation or restoration of water quality, natural stream channels, functioning floodplains, wetlands, streamside forests, and other natural features that contribute to the quality of life in Ohio and to the state's natural heritage; and
 - vi. The reduction or elimination of nonnative, invasive species of plants or animals.
 - c. As specifically set forth in the Agreement, Grantee is using the Grant funds to acquire this Easement for the project named "Yellow Springs Creek Preservation."
 - d. **Conservation Values.** The Protected Property possesses natural scenic, open-space and historical values/features (the "Conservation Values") which are of great importance to the people of Greene County, Ohio. The Conservation Values are summarized as follows, and are described in detail in the Baseline Documentation referred to herein.
 1. **Natural Resource Values:** The Protected Property includes some 7 acres of woods including stands of sycamore, oak, and maples, and over 800 feet of Yellow Springs

Creek, a headwater stream to the Little Miami River, Ohio's only National and State Scenic River. The creek flows from the Protected Property into Glen Helen Nature Preserve where it meets the Little Miami River.

2. Open Space Features: Protection of the Protected Property would benefit the general public, providing/securing scenic vistas (in an area subject to residential development pressure) along some 700 feet of frontage along US 68 and Cemetery St. The Protected Property is adjacent to previously preserved property creating a block of 1400 contiguous preserved acres.

3. Historical Features: The Protected Property is rich in the history of Yellow Springs. The current location of US Highway 68 as it crosses the Yellow Springs Creek was the first state road from Dayton to Columbus. It was the site of a grist mill build by a man named Palmer and by the 1840s a stone bridge was built allowing commodities to move from the mills in Clifton to the Little Miami Railroad. Finally, in the mid 1830s Elisha Mills built his home on the site of what is today the Bryan Center. He expanded his home into a hotel and built a row of cottages along the creek for visitors to the area. The creek was dammed in the late 1890s when the pools and falls were created. Eventually the hotel burned and the property was purchased by John Bryan in 1902. John Bryan gave the property to the school district in 1916 and in 1935 the school board received an appropriation for the Works Progress Administration projects to build the open-air theater, a stone bridge, and other improvements.

3. Responsibilities of the Grantor: The Grantor shall be responsible and perform all of the following obligations:

- a. Grantor shall be responsible for payment of all taxes and assessments levied against the Protected Property, if any.
- b. Grantor shall be responsible for the upkeep and maintenance of the Protected Property.

4. Responsibilities of the Grantee:

- a. Grantee shall take all reasonable and necessary steps for the diligent enforcement of the terms of this Easement.
- b. Grantee shall conduct annual monitoring of the Protected Property to ensure compliance with the terms of this Easement. Grantee shall provide reasonable notice to the Grantor of its intent to enter the Protected Property for purposes of the required annual monitoring.
- c. Grantee shall conduct investigations of any violation or potential violation of this Easement and take appropriate enforcement action. Grantee shall notify the OPWC of any violation or alleged violation. The OPWC reserves the right to conduct an inspection of the Protected Property and enforce the terms of this Easement as set forth in Paragraph 7 below.

5. **Prohibited Uses.** Activities on or use of the Protected Property inconsistent with the Purpose of this Easement are prohibited. The following activities and uses are expressly prohibited on the Protected Property, except as otherwise set forth herein:

- a. **Construction/Development.** There shall be no construction of new buildings or structures or placing of any dwelling, residence, building, athletic or recreational structure, landing strip, helicopter pad, fence or sign, asphalt, concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit line, or any other temporary or permanent structure or facility on the Protected Property without the express, prior written consent of OPWC except as allowed in 6d;
- b. **Commercial and Industrial Activity.** There shall be no commercial or industrial activity undertaken or allowed on the Protected Property including any portion of the Protected Property being used for agriculture. No right of passage shall be granted or retained across or upon the Protected Property if that right of passage is used in conjunction with such prohibited activities;
- c. **Mining and Mining Operations.** Mining or extraction of soil, sand, gravel, oil, natural gas, minerals or other material is prohibited. Any activities associated with mining operations, including drilling, excavating, and transportation of any mined material by vehicle, pipeline, or other means, are also prohibited on or across the Protected Property;
- d. **Hydromodification.** Hydromodification projects such as dams, dredging, channelization, sedimentation, and bank clearing are prohibited on the Protected Property;
- e. **Water.** There shall be no disturbance of streams or other bodies of water on the Protected Property. Grantor and Grantee shall not transfer, encumber, lease, sell, or otherwise separate water rights from title to the Protected Property itself;
- f. **Waste and Dumping.** Dumping, accumulation, or storage of contaminated soil, non-compostable garbage, abandoned vehicles or parts, appliances, machinery, hazardous substances, or toxic or hazardous waste are prohibited;
- g. **Roads.** There shall be no building of new roads, parking lots, or other paved surfaces, or the widening of such existing surfaces on the Protected Property without the express, prior written consent of OPWC;
- h. **Utility Services and Septic Systems.** Notwithstanding anything herein to the contrary, activities described in the existing utility easements, encumbrances, or rights-of-way on the Protected Property recorded in the Official Land Records in Greene County as of the date this Easement is recorded are permitted, including, without limitation: (i) the Memorandum of Land Lease Agreement by and between Grantor, as "Lessor," and New Par d/b/a Verizon Wireless, as "Lessee," recorded at Greene County Official Records Volume 3109, Page 315; and (ii) the Memorandum of Lease by and between New Par, as "Lessor," and ATC Secoria LLC, as "Lessee," recorded at Greene County Official Records Volume 3644, Page 214. Otherwise, the granting of easements or rights-of-way for power lines, gas lines, sewer lines, water lines, telecommunication towers, wind farms, or other similar types of utilities is prohibited;

- i. **Motorized Vehicle Use.** There shall be no use of motor vehicles on the Protected Property or grant of permission for such use except as necessary for maintenance of the property, law enforcement, and public safety purposes, or as deemed necessary by the Grantee;
- j. **Surface Alterations.** There shall be no removal, filling, or other disturbances of soil surface, and no changes in topography, surface or subsurface water systems, wetlands, or natural habitat;
- k. **Subdivision.** The Protected Property may not be divided, partitioned, subdivided or conveyed except in its current configuration and
- l. **Signs.** No signs, billboards, or outdoor advertising shall be erected, displayed or maintained on the Protected Property.
6. **Grantor's Reserved Rights.** Grantor reserves for itself, its successors and assigns, all rights and privileges as owner of the Protected Property to use the Protected Property for all purposes that are not expressly prohibited by this Easement and are not inconsistent with the Purpose of this Easement. The following rights are expressly reserved by the Grantor:
- a. **Conveyance.** Grantor may sell, give, mortgage, lease or otherwise convey the Protected Property, provided that such conveyance is made subject to this Easement and written notice is provided to Grantee and the OPWC in accordance with Paragraph 13 below;
- b. **Signage.** Grantor may place interpretive signs, such as signs identifying that the Protected Property is protected by this Easement, or signs identifying habitat improvements, as well as "no hunting" or similar signs on the Protected Property;
- c. **Construction.** To maintain, remodel, improve, and replace the existing amphitheater; to construct, maintain, and replace a foot bridge across the creek;
- d. **Other Improvements.** To construct and maintain fences, trails, utility lines, and wells, to serve existing or future permitted improvements or uses;
- e. **Timber.** To selectively harvest timber to manage the health of the stand or to prevent harm or damage to the public under the guidance of The Glen Helen Executive Director and Land Manager.
7. **Rights and Remedies of Grantee and the OPWC.** In order to comply with and enforce the terms of this Easement, the Grantee and the OPWC shall have the following rights and remedies:
- a. **Right of Entry.** Grantee shall have the right to enter the Protected Property in a reasonable manner and at a reasonable time, with advance notice to the Grantor, for the purposes of: (i) inspecting the Protected Property to determine if Grantor is complying with the provisions of this Easement; and (ii) obtaining evidence for the purpose of seeking judicial enforcement of this Easement. OPWC shall have the right to enter the Protected Property after notifying Grantor as needed to exercise its rights pursuant to this Section 8 of this Easement. All notices to the Grantor under this Paragraph may be made either in writing or verbally, at the discretion of the party providing the notice.

- b. **Right of Enforcement.** If Grantee, in its discretion, determines that a material and potentially irreversible violation of this Easement has occurred or is imminent, Grantee and/or the OPWC may take legal action, without prior notice to Grantor, to enforce the terms of this Easement, to enjoin the violation, and/or to require Grantor to restore the Protected Property to its condition prior to the violation. If Grantee determines that a minor, or reversible, violation has occurred or is threatened, and that such violation should be remedied or prevented, Grantee shall first inform Grantor in writing of the nature of the violation, and request Grantor to take corrective action to cure or avoid the violation and/or to restore any damage to the Protected Property that has occurred as a result of the violation. If Grantor fails to correct any such violation within a reasonable period of time (not to exceed 30 days, unless such violation cannot be cured within such 30-day period days, in which event Grantor shall be permitted such additional time as required to cure the violation provided Grantor diligently commences and pursues such cure during the 30-day period), Grantee and/or the OPWC may take appropriate legal action to enjoin the violation and/or to require Grantor to restore the Protected Property to its condition prior to the violation.
- c. **Right of Enforcement of the Ohio Public Works Commission.** The restrictions set forth in this Easement shall be perpetual for the benefit of, and shall be enforceable by, the OPWC. The OPWC shall have the right to enforce all restrictions, conditions, and covenants of both Grantor and Grantee set forth herein by any proceedings at law or in equity. The OPWC may exercise this right of enforcement under any authority available under state or federal law if Grantee fails or is unable to enforce any of the terms of the Easement, as determined in the sole discretion of the OPWC Director. No delay or omission by Grantee or the OPWC in the exercise of any right or remedy shall impair such right or remedy or be construed as a waiver thereof.
- d. **No Liability for Natural Acts or Occurrences Beyond Grantor's Control.** Grantor shall have no liability to restore the Protected Property with respect to damage caused by natural acts or other occurrences beyond Grantor's control.
- e. **Remedies.** In the event that Grantee becomes aware of a violation of the terms of this Easement, Grantee shall give notice to Grantor at Grantor's last known post office address of such violation via certified mail, return receipt requested, with a copy to the OPWC, and request corrective action sufficient to abate such violation and restore the Protected Property to its previous condition. Except as provided in Section 7(b) herein, failure by Grantor to cause discontinuance, abatement or such other corrective action as may be requested by Grantee within thirty (30) days after receipt of such notice shall entitle Grantee to enforce, by proceedings at law or in equity, the provisions of this Easement, including, but not limited to, the right to require the restoration of the Protected Property to its condition at the date of the recording of this Easement. Grantee shall not waive or forfeit the right to take action as may be necessary to ensure compliance with the terms and conditions of the Easement by any prior failure to act. If Grantee, in its sole, reasonable discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the intended use of the Protected Property, Grantee may pursue its remedies under this Section 8(e) without prior notice to the Grantor or without waiting for the period for cure to expire. Nothing herein shall be construed to entitle Grantee to institute any enforcement proceeding against the Grantor for any changes to the Protected Property due to acts or other occurrences beyond the Grantor's control, such as changes

caused by fire, flood, or storm. Grantor shall notify Grantee of any occurrence which would adversely affect or interfere with the Purpose of this Easement, whether caused by the acts or omissions of Grantor or third parties.

- f. **Other Remedies.** Grantee shall be entitled to seek expedited injunctive relief to enforce its rights with respect to the Protected Property, and Grantor waives any bond requirement otherwise applicable to any petition for such relief. Grantee shall have the right to report to regulatory authorities any environmental conditions or any potential or actual violations of environmental laws, including noxious weed laws, with respect to the Protected Property. In the event Grantor or Grantee becomes involved in legal proceedings against the other to enforce such party's respective rights or interests under this Easement, the prevailing party shall be entitled to receive from the non-prevailing party reasonable attorneys' fees incurred in connection with any such proceedings. However, the immediately preceding sentence shall not apply to the OPWC if the OPWC exercises its rights under this Easement.
8. **Perpetual Burden and Modification of Easement.** This Easement shall run with and burden the Protected Property in perpetuity and shall bind the Grantor and the Grantee, their heirs, successors, agents, and assigns. This Easement shall not be amended, released, extinguished or otherwise modified without the prior written consent of the OPWC, which consent may be withheld in its sole and absolute discretion.
9. **Liquidated Damages.** If Grantor, or its successors or assigns as owner of the Protected Property, fails to observe the conditions and restrictions set forth herein, Grantor or its successors or assigns as applicable shall pay to the OPWC, upon demand, as liquidated damages, an amount equal to the sum of the following: (a) an amount equal to all Grant funds disbursed to Grantee; and (b) liquidated damages equal to one hundred percent (100%) of the funds disbursed by the OPWC together with interest accruing at the rate of six percent (6%) per annum from the date of the award of the Grant. Grantor acknowledges that such sum is not intended as, and shall not be deemed, a penalty, but is intended to compensate for damages suffered in the event of a violation of this Easement, the determination of which is not readily ascertainable. Failure by the OPWC to proceed with such enforcement shall in no event constitute a waiver of the right to enforce the original violation at a later date or a subsequent violation.
10. **Transfer of the Easement.** Grantor and Grantee acknowledge that the Grant for this Easement is specific to Grantee and that the OPWC's approval of Grantee's application for the Grant was made in reliance on Grantee's continued ownership and control of the easement through its successors and assigns. Accordingly, Grantee shall not voluntarily or involuntarily sell, assign, transfer, lease, exchange, convey or otherwise encumber the easement without the prior written consent of the OPWC which consent may be withheld by either in their sole and absolute discretion, and with notice to the Grantor. If Grantee fails to observe this condition, Grantee shall pay to the OPWC, upon demand, as liquidated damages, the amount set forth in paragraph 9 above.
11. **Immunity.** Nothing herein shall be deemed a waiver, express or implied, of Grantor's sovereign immunity pursuant to Ohio law.
12. **Severability.** Each provision of this Easement is independent of and severable from the remainder of this Easement. If any provision contained herein shall be held to be invalid or unenforceable, or not

to run with the land, such holding shall not affect the validity or enforceability of the remaining provisions of this Easement.

13. ~~Notices~~. Notices or any communication relating to this Easement shall be in writing and shall be sent certified or registered mail, return receipt requested, or by other national overnight courier company. Notices or communications may also be personally delivered. Notice shall be deemed given upon receipt or refusal to accept delivery. Each party hereto shall notify the other parties of a change of address according to the provisions of this Paragraph. The notice addresses of the parties are as follows:

Grantor: Village of Yellow Springs
100 Dayton St.
Yellow Springs, OH 45387

Grantee: Tecumseh Land Trust
P.O. Box 417
Yellow Springs, OH 45387

OPWC: Ohio Public Works Commission
65 East State Street, Suite 312
Columbus, Ohio 43215
Attn: Director

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Instrument Prepared by: Tecumseh Land Trust

To have and to hold unto Grantee and the OPWC for perpetuity, the covenants agreed to and restrictions imposed, as aforesaid, shall be binding upon the Grantor, its heirs, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this Conservation Easement to be executed this 8th day of FEBRUARY, 2017

GRANTOR:
VILLAGE OF YELLOW SPRINGS,
an Ohio municipal corporation

By: Patti J. Bates
Name: PATTI J. BATES
Title: VILLAGE MANAGER

STATE OF OHIO)
COUNTY OF GREENE) SS

The foregoing instrument was acknowledged before me this 8 day of FEB, 2017, by PATTI J. BATES, the VILLAGE MANAGER of the Village of Yellow Springs, Ohio, an Ohio municipal corporation, on behalf of the Village of Yellow Springs, Ohio.

Ruthe Ann Lillich
Notary Public

GRANTEE:
TECUMSEH LAND PRESERVATION ASSOCIATION,
an Ohio nonprofit corporation

By: Susan G. Miller
Name: SUSAN G. MILLER
Title: VICE PRESIDENT

STATE OF OHIO)
COUNTY OF GREENE) SS

The foregoing instrument was acknowledged before me this 8 day of FEB, 2017, by SUSAN G. MILLER the VICE PRESIDENT of the Tecumseh Land Preservation Association, an Ohio nonprofit corporation, on behalf of such corporation.

Ruthe Ann Lillich
Notary Public

Page 9 of 13

RUTHE ANN LILlich
NOTARY PUBLIC • STATE OF OHIO
Recorded in Greene County
My commission expires Dec. 11, 2018

Exhibit A
LOUIS A. GREEN AND ASSOCIATES
Land Planners-Surveyors-Engineers

♦♦♦
Louis A. Green, P.S.
5820 STATE ROUTE 734, JAMESTOWN, OHIO 45335
Phone 937-675-6400
greenresources@afl.net

**LEGAL DESCRIPTION OF PART OF THE VILLAGE OF YELLOW SPRINGS LAND TO
BE PERSERVED FOR A TECUMSEH LAND TRUST CONSERVATION EASEMENT**

Located in Sections 14 and 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being further described as follows: Beginning at the point of intersection of the centerlines of Xenia Avenue (U.S. 68) and Dayton Street, thence in a northwestwardly direction with the centerline of Dayton Street on a bearing of north forty-one degrees twenty-five minutes four seconds (41°25'04") west for a distance of one hundred forty-one and 86/100 (141.86) feet to a point;

Thence in a northeastwardly direction on a line perpendicular to said centerline of Dayton Street on a bearing of north forty-eight degrees thirty-four minutes fifty-seven seconds (48°34'57") east for a distance of thirty and no/100 (30.00) feet to the northwest corner of a concrete guard rail base, said point being on the easterly right-of-way line of Dayton Street and the true point of beginning for the easement herein described;

Thence continuing in a northeastwardly direction for the following two (2) courses:

2

1. North fifty-nine degrees thirteen minutes ten seconds ($59^{\circ}13'10''$) east for a distance of three hundred nineteen and $12/100$ (319.12) feet to an iron pin set, and;
2. north four degrees thirty-one minutes thirty-one seconds ($04^{\circ}31'31''$) east for a distance of one hundred twenty-two and $87/100$ (122.87) feet to an iron pin set at the edge of the existing tree line;

Thence following the existing tree line in a northwestwardly direction on a bearing of north thirty-one degrees fifty-five minutes twenty-two seconds ($31^{\circ}55'22''$) west for a distance of seventy and $12/100$ (70.12) feet to an iron pin set;

Thence continuing with said tree line in a southwestwardly direction on a bearing of south seventy-seven degrees fifty-four minutes forty seconds ($77^{\circ}54'40''$) west for a distance of thirty-two and $59/100$ (32.59) feet to an iron pin set;

Thence continuing with said tree line in a northwestwardly direction for the following two courses;

1. north fourteen degrees forty-three minutes forty-nine seconds ($14^{\circ}43'49''$) west for a distance of one hundred nine and $29/100$ (109.29) feet to an iron pin set, and;
2. north thirty-two degrees thirty-nine minutes forty-one seconds ($32^{\circ}39'41''$) west for a distance of three hundred fifty-four and $72/100$ (354.72) feet to an iron pin set five feet north and five feet east of a cell phone tower fence corner;

Thence in a westwardly direction on bearing of south eighty-three degrees fifty-seven minutes three seconds ($83^{\circ}57'03''$) west for a distance of one hundred sixty-seven and $91/100$ (167.91) feet to an iron pin set on the easterly right-of-way line of the Little Miami Scenic Bike Path, said Bike Path having been conveyed to the Village of Yellow Springs by deed recorded in Volume 202, Page 115, of the Official records of Greene County, Ohio;

Thence in a northwardly direction with said Bike Path right-of-way on a curve to the right having a radius of five thousand six hundred ninety-nine and $58/100$ (5699.58)

2

feet for a distance of two hundred seventy-seven and 13/100 (277.13) feet to a fence corner post at the southwest corner of land conveyed to Mary K. Smith and Melissa M. Heston, by deeds recorded in Volume 2357, Page 678 and Volume 3338, Page 448, of said Official Records, the chord bearing for this curve is north one degree twenty minutes fifty-two seconds (01°20'52") east and the chord length is two hundred seventy-seven and 10/100 (277.10) feet;

Thence in an eastwardly direction with the south line of said Smith and Heston land and existing fence line on a bearing of south eighty-seven degrees fourteen minutes five seconds (87°14'05" east for a distance of three hundred twenty-five and 02/100 (325.02) feet to a pipe found at the southeast corner of said Smith and Heston land and in the west line of land conveyed to Christopher P. Glaser, by deed recorded in Volume 698, Page 697, of said Official Records;

Thence in a southwardly direction with the west line of said Glaser land on a bearing of south no degrees three minutes fourteen seconds (00°03'14") west for a distance of thirty-three and no/100 (33.00) feet to a pipe found at the southwest corner of said Glaser land;

Thence in an eastwardly direction with the south line of said Glaser land on a bearing of north eighty-two degrees twenty-eight minutes twenty-two seconds (82°28'22") east for a distance of one hundred thirty-nine and 54/100 (139.54) feet to a corner post found at the southeast corner of said Glaser land, said post also being on the westerly right-of-way line of Cemetery Street;

Thence in a southwardly direction with said right-of-way line for Cemetery Street on a bearing of south twenty-four degrees six minutes fifty-seven seconds (24°06'57") east for a distance of seventy-seven and 93/100 (77.93) feet to an iron pin found at the northeast corner of Tract 1 as conveyed to Yellow Springs Home, Inc. by deed recorded in Volume 3529, Page 844, of said Official Records;

Thence in a southwestwardly direction with the northerly line of said Tract 1, on a bearing of south fifty-eight degrees ten minutes thirty-two seconds (58°10'32") west for

4

a distance of eighty and no/100 (80.00) feet to an iron pin found the northwest corner of said Tract 1;

Thence in a southwardly direction with the west line of said Tract 1, becoming the west line of Tract 2, as conveyed to said Yellow Springs Home, Inc. by deed recorded in Volume 3623, Page 337, and Tract 3, as conveyed to Yellow Springs Home, Inc. by deed recorded in Volume 3705, Page 390, of said Official Records, on a bearing of south thirty-one degrees forty-nine minutes twenty-eight seconds ($31^{\circ}49'28''$) east for a distance of two hundred fifty-four and 20/100 (254.20) feet to an iron pin found;

Thence continuing with the west line of said Tract 3, becoming the west line of Tract 4, also having been conveyed to Yellow Springs Home, Inc., by the last described Volume and Page, on a bearing of south twenty-one degrees twenty-nine minutes twelve seconds ($21^{\circ}29'12''$) east for a distance of one hundred nine and 39/100 (109.39) feet to an iron pin found at the southwest corner of said Tract 4;

Thence in a northeastwardly direction with the south line of Tract 4, on a bearing of north fifty-eight degrees ten minutes thirty-two seconds ($58^{\circ}10'32''$) east for a distance of nineteen and 63/100 (19.63) feet to an iron pin set;

Thence in a southwardly direction on a bearing of south twenty-eight degrees eighteen minutes thirty-two seconds ($28^{\circ}18'32''$) east for a distance of two hundred twenty-two and 18/100 (222.18) feet to an iron pin set;

Thence in a northeastwardly direction on a bearing of north twenty-seven degrees forty-four minutes fifty-one seconds ($27^{\circ}44'51''$) east for a distance of one hundred ten and 54/100 (110.54) feet to an iron pin set on said east right-of-way line of Cemetery Street;

Thence in a southwardly direction with said right-of-way line of Cemetery Street on a bearing of south twenty-eight degrees five minutes twenty-one seconds ($28^{\circ}05'21''$) east for a distance of twenty-five and 99/100 (25.99) feet to a point of curvature;

Thence on a curve to the right having a radius of fifty and no/100 (50.00) feet for a distance of seventy-one and 44/100 (71.44) feet to a point of tangency, the chord bearing for this curve is south nine degrees six minutes twenty-one seconds (09°

4

5

06'21") west and the chord distance is sixty-five and 51/100 (65.51) feet said point of tangency being on the northerly right-of-way for Xenia Avenue (U.S. 68);

Thence in a southwestwardly direction with said northerly right-of-way line on a bearing of south fifty degrees two minutes ten seconds (50°02'10") west for a distance of six hundred fifty-one and 95/100 (651.95) feet to a point of curvature;

Thence on a curve to the right having a radius of fifty and no/100 (50.0) feet for a distance of seventy-seven and 27/100 (77.27) feet to a point of tangency, the chord bearing for this curve is north eighty-five degrees forty-one minutes twenty-seven seconds (85°41'27") west and the chord length is sixty-nine and 81/100 (69.81) feet, said point of tangency being on the easterly right-of-way of Dayton Street;

Thence in a northwestwardly direction with said easterly right-of-way line for Dayton Street on a bearing of north forty-one degrees twenty-five minutes four seconds (41°25'04") west for a distance of sixty-three and 86/100 (63.86) feet to the true point of beginning and containing seven and 2335/10,000 (7.2335) acres and being subject to all existing underground utilities and other restrictions of record.

The reference bearing for this survey is north one degree twenty minutes fifty-two seconds (01°20'52") east which is the bearing for the west right-of-way line of the Little Miami Scenic

Bike Path as determined by a previous survey recorded in Volume 42, Page 50, of the Survey Records of Greene County, Ohio.

The above tract contains 6.8730 acres out of land conveyed to the Village of Yellow Springs by deed recorded in Volume 464, Page 310, of the Official Records of Greene County, Ohio, and 0.3605 acres out of land conveyed to the Village of Yellow Springs by deed recorded in Volume 3465, Page 97, of said Official Records.

The above description is based on a field survey conducted by Louis A. Green, Registered Surveyor No. 6147, completed July 25, 2016. Out of F19-1-13-1

DESCRIPTION CHECK
☒ Greene County Engineers Test Map Dept.
☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Noted
☐ Legally Insufficient, New Survey Required
 By: ADK Date: 8-8-16
 PAR ID: DIST 19, BK 1, PG 13 PAR 1

Survey Recorded in
 Greene County Surveyor's
 Record No. 45 Page 17

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EXHIBIT B

Present Condition Report



OWNER: Village of Yellow Springs

TOWNSHIP: Miami

COUNTY: Greene

DATE OF COMPLETION: October 4, 2016. **Revisit Date:** Feb. 8, 2017

PREPARED BY: Tecumseh Land Trust: Ben Silliman, Consultant

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8. Acknowledgement of Condition

This Present Condition report is an accurate representation of the Protected Property at the time of transfer.

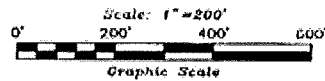
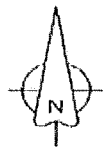
Grantor: Village of Yellow Springs

Patti J. Bates DATE: 2-8-, 2017
Patti Bates, Manager, Village of Yellow Springs

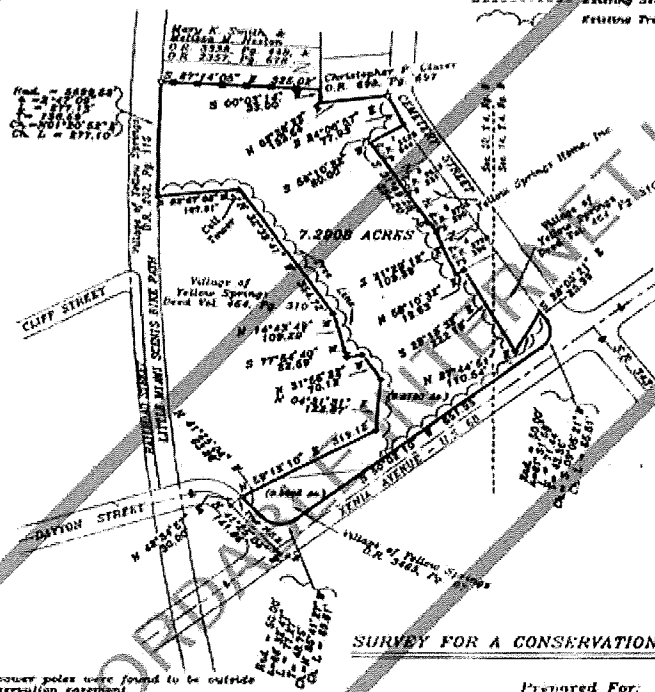
Local Grantee:

Tecumseh Land Preservation Association (a/k/a Tecumseh Land Trust)

By: Krista Magaw DATE: 2/8, 2017
Krista Magaw, Executive Director

GREENE COUNTY SURVEYOR'S RECORD No. 45 PAGE 17

- Legend
- Conn. to Road Data
 - ◆ Iron Pin Set w/ Identifying
 - Surveyor's Cap
 - Unmarked Point
 - Road Corner Post
 - Open Pin Found
 - Existing Section Line
 - Retaining Tree Line



Note:
By this survey all power poles were found to be outside of the proposed conservation easement.
The reference bearing for this survey is N 01°20'52" E, which is the bearing for the west line of Little Miami Bike Path as determined by previous survey recorded in Volume 42, Page 50 of the Survey Records of Greene County, Ohio.

All iron pins and spikes found or set are in good condition unless otherwise noted.

All iron pins are 3/4" rebar with identifying surveyor caps.

SURVEY FOR A CONSERVATION EASEMENT

Prepared For:
Tecumseh Land Trust
4627 U.S. Route 68 N.
P.O. Box 417
Yellow Springs, Ohio 45387

Prepared By:
Louis A. Green & Associates
5820 State Route 734
Jamestown, Ohio 43035
937-675-6400

SURVEYED BY:
Louis A. Green
REC SURVEYOR NO. 01347

APPROVED GREENE COUNTY ENGINEER
By *ESK* Date 8-2-16

APPROVED BY: _____ DATE _____

ZONING: _____ DATE _____

APPROX. CITY, OR VILLAGE: _____ DATE _____



GRANTOR Village of Yellow Springs, Ohio

GRANTEE Tecumseh Land Trust

LOCATION

Section 14 & 20, Town 4, Range 6

or Survey No. _____

Village of Yellow Springs TOWNSHIP

GREENE COUNTY, OHIO

DATE July 26, 2016



LODGING TAX IMPLEMENTATION UPDATE

Provided by: Melissa Dodd, Assistant Village Manager
December 4, 2017

Informational Materials

Upon the passage of Ordinance 2017-14 “Enacting New Chapter 882 Entitled Lodging Excise Tax of the Codified Ordinances of the Village of Yellow Springs” on September 5, 2017, a number of informational pieces needed to be created and made available to the public.

As part of providing the information, I created a new web page listed under the Finance Department titled “Lodging Tax”. The page can be found at the following link:

<http://www.yso.com/departments/division.php?structureid=67>

Once you navigate to the page, there are a number of informational resources that can be found. The following is a list of those currently available resources:

- Link to the full ordinance
- A list of Frequently Asked Questions on the tax
- The “Transient Lodging Permit Application” available in both print and a link for online submission

As the first due date for tax reporting becomes closer (July 1-31, 2018), I will have both a print and online reporting form available. All tax will be collected by operators and submitted to the Village via these forms.

Voluntary Tax Collection Agreements

The topic of Voluntary Tax Collection Agreements was brought to me to research toward the end of October. I then began researching these agreements that are an option with the popular short term rental company Airbnb. Although this seems as if it streamlines and simplifies lodging tax collections for municipalities, I have found that it offers a number of issues with a process that I firmly believe should remain with the municipality. I am outlining my reasons for my position in this report.

I found an extensive research report on this very topic titled “Airbnb Agreements with State and Local Tax Agencies, A formula for undermining tax fairness, transparency and the rule of law”. This report was written in March of 2017 and was published by the American Hotel and Lodging Association and can be

found by following this link:

https://www.ahla.com/sites/default/files/Airbnb_Tax_Agreement_Report_0.pdf. This 55 page report examined 12 of these publicly released agreements with effective dates ranging from 2014 into 2017. The conclusion of this report outlined a number of issues which I have listed below:

- Unjustified favoritism for Airbnb and its lodging operators
- Improperly ceding tax authority to Airbnb
- Granting huge benefits to third parties who have not signed the agreements
- Unfair treatment of other taxpayers, businesses and citizens
- Violating standards of transparency and democratic governance
- Undermining compliance with tax and regulatory laws
- Spreading undesirable precedents through state laws patterned after the agreements

I also attended a session on short term rentals at the International City Managers Association Conference in late October. These voluntary tax collection agreements were discussed and it was stressed that these agreements are not something that municipalities should enter into for a number of reasons including those I listed above. In addition, Airbnb is only one of hundreds of sites in which short term rentals can be advertised. This can be confusing to operators who do not have to charge tax for Airbnb but do for other sites. The accounting of this could be problematic for those operators.

I would also like to reference a brief document published on airbnbwatch.org which further outlines the issues with this type of agreement with Airbnb for reference -

<http://airbnbwatchold.wordpress.com/wp-content/uploads/2014/08/Voluntary-Collection-Agreements-7.19.16-.pdf>

In the final piece of my research, I found that these type of agreements are not common among other municipalities. Only the Cuyahoga county and the City of Cleveland have entered into these agreements in the entire state of Ohio. This information was found on the Airbnb website -

<https://www.airbnb.com/help/article/653/in-what-areas-is-occupancy-tax-collection-and-remittance-by-airbnb-available>

In conclusion, it is the opinion of both the Village Manager and myself that the Village should not enter into this type of agreement with Airbnb.



Lodging Tax Frequently Asked Questions

WHAT IS THE LODGING TAX?

The lodging tax is charged to every transient guest occupying a room or rooms with sleeping accommodations in a lodging establishment

WHAT IS CONSIDERED A LODGING ESTABLISHMENT?

A lodging establishment is defined as any establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests and in which one or more rooms are used for the accommodations of such guests. This includes but is not limited to hotels, motels, bed and breakfasts, cabins, condominiums, vacation homes, rooms in residences being rented to guests for sleeping accommodations, owner-occupied residences, accessory dwelling units and non-owner occupied residences.

WHERE DO I NEED TO START AS AN OPERATOR OF A LODGING ESTABLISHMENT?

You will need to register within 30 days after January 1, 2018 or within 30 days after commencing business, whichever is later, to the Zoning Administrator and obtain a "Transient Occupancy Registration Certificate"

WHO PAYS THE LODGING TAX?

Establishment operators are to include the tax on guest bills in addition to the base cost of the stay. If the operators do not collect the tax from guests the operators are responsible for paying the lodging tax.

WHAT IS THE LODGING TAX RATE?

The tax rate established by the Village of Yellow Springs is 3%

HOW DO I PAY THE TAX?

A "Lodging Tax Return" form is available from the Finance Department or on the Village web page. You simply complete this short form on a semi-annual basis, attach a check and one copy of the form and mail them to the address on the form. Keep a copy for your records.

WHEN IS THE LODGING TAX DUE?

The lodging tax is due semi-annually and must be remitted on or before January 31 and July 31 of each year. The first return shall be filed by July 31, 2018.

WHAT HAPPENS IF I AM LATE?

Failing to report tax or paying after the deadline could result in penalties and interest being charged per Village Ordinance.

WHO IS EXEMPT FROM PAYING LODGING TAX?

The following organizations and individuals do not have to pay lodging tax:

- Employees of any branch of the federal government, state or local government
- Rents received by operators renting rooms for 5 nights or less in a calendar year

HOW CAN I PAY MY LODGING TAXES?

Taxes can be paid by check made payable to the Village of Yellow Springs

WHERE DO I MAIL MY TAX RETURN AND PAYMENT?

Tax returns and payments may be mailed to:

Village of Yellow Springs

ATTN: Finance Director

100 Dayton Street

Yellow Springs, Ohio 45387



Transient Lodging Permit Application

Name of Lodging Establishment	Telephone
Address	
Name of Establishment Owner	Telephone
Address of Owner	
Name of establishment Operator (if different from Owner)	Telephone
Address of Operator	
Type of Establishment (check all that apply) <input type="checkbox"/> Hotel <input type="checkbox"/> Motel <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Home <input type="checkbox"/> Apartment <input type="checkbox"/> Other _____ <div style="text-align: right; margin-right: 50px;">Please Identify</div>	
Total Number of Rooms/Units available to transient Guest(s)	
Send All Lodging Tax Correspondence to (check one) <input type="checkbox"/> Owner <input type="checkbox"/> Operator	
Name of Applicant (Print)	
Signature	Date
To be Completed by Zoning Administrator	
Zoning Approval By (Signature)	Date Issued
Permit #	Zoning District Permit Fee \$

Please complete and submit to:
 Planning and Zoning Department
 100 Dayton Street, Second Floor
 Yellow Springs, Ohio 45387

Judy Kintner, YSO Village Clerk

From: Judith Hempfling <jjuhempfling@gmail.com>
Sent: Friday, December 01, 2017 3:19 AM
To: Judy Kintner, YSO Village Clerk
Subject: For the packet regarding lodging tax collection

Dear village council members and community,

I've included a part of Airbnb's tool kit regarding voluntary collection agreements which allows Airbnb to collect our lodging tax on Airbnb rentals. I will be bringing this idea to our discussion Monday night. Thank you very much,

Judith

Judy Kintner, YSO Village Clerk

From: Judith Hempfling <jujuhempfling@gmail.com>
Sent: Friday, December 01, 2017 3:15 AM
To: Judy Kintner, YSO Village Clerk
Subject: For the packet :Air BNB voluntary Collection agreements

Tax collection.

Home sharing provides a new source of revenue for cities and other governments. By handling collection and remittance of hotel and similar taxes, Airbnb ensures that our community pays its fair share of these taxes and relieves local governments of the effort and costs of collection and enforcement. This process generates millions of dollars for these jurisdictions while costing them nearly nothing. Key policies related to taxes include:

Voluntary Collection Agreements

Collecting and remitting these taxes, known from place to place as occupancy, lodging, room, tourist or even hotel taxes, can be a challenge for local hosts. Most of the taxes guests usually pay are based on outdated laws that were written with hotels and traditional hospitality providers in mind. The regular people who host through Airbnb or other platforms can struggle with complicated tax filing processes that were never intended to apply to home sharing, only to hotel companies equipped with accountants and finance departments.

To address this challenge, Airbnb developed a tool, the Voluntary Collection Agreement (VCA), to ensure that proper taxes are collected and remitted while relieving hosts of onerous tax filings and governments of the burden of collection and enforcement. When a jurisdiction signs a VCA with Airbnb, we collect and remit appropriate local taxes from guests as part of their booking transactions and remit the tax revenue directly to the proper tax administrator on behalf of hosts.

Targeted funding

To date, we have collected and remitted more than \$110 million in tax revenue in more than 200 jurisdictions around the world. If even just a select set of communities across the United States alone were to adopt VCAs, to say nothing of the other communities around the world in which we operate, we project that we could remit as much as \$2 billion in taxes over the next 10 years, if not more. These tax dollars can support critical services, as determined by local officials. In Chicago and Los Angeles, for example, a portion of the new revenue is going to support affordable housing and aid for the homeless. Other communities currently have formulas in place to determine how hotel and similar tax revenue is allocated. For example, San Francisco dedicates a portion of these funds to support the arts.

St. Lawrence County

Guests who book Airbnb listings that are located in St. Lawrence County, NY will pay the following taxes as part of their reservation:

- St. Lawrence County Hotel or Motel Room Occupancy Tax: 3% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the St. Lawrence County Treasurer's (<http://www.co.st-lawrence.ny.us/Departments/Treasurer/>) website.

Sullivan County

Guests who book Airbnb listings that are located in Sullivan County, NY will pay the following taxes as part of their reservation:

- Sullivan County Hotel and Motel Room Occupancy Tax: 5% of the listing price including any cleaning fee for reservations 89 nights and shorter. For detailed information, visit the Sullivan County Treasurer (<http://co.sullivan.ny.us/Departments/DepartmentsAM/CountyTreasurer/RoomTax/tabid/3484/Default.aspx>) website.

Tompkins County

Guests who book Airbnb listings that are located in Tompkins County, NY will pay the following taxes as part of their reservation:

- Tompkins County Hotel Room Occupancy Tax: 3% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit Tompkins County's (<http://www.tompkinscountyny.gov/finance/roomtax>) website.

Wyoming County

Guests who book Airbnb listings that are located in Wyoming County, NY will pay the following tax as part of their reservation:

- Guest Room Occupancy Tax: 3% of the listing price including any cleaning fees, for reservations 30 nights and shorter. For detailed information, please visit the Wyoming County Treasurer's Office (http://www.wyomingco.net/forms/treasure/Guest_Room_Occupancy_Tax.pdf) website.

North Carolina

State of North Carolina

Guests who book Airbnb listings that are located in the State of North Carolina will pay the following taxes as part of their reservation:

- North Carolina Sales Tax: 6.75-7.5% of the listing price including any cleaning and guest fees for reservations less than 90 nights. The State imposes both a statewide 4.75% tax and a local 2-2.75% tax, which varies by county. For detailed information, visit North Carolina's website (<http://www.dor.state.nc.us/taxes/sales/>).
- City and/or County Occupancy Tax: All locally imposed occupancy taxes will be collected on reservations in North Carolina. The tax varies by city and county. It is typically 1-8% of the listing price including any cleaning and guest fees for reservations less than 90 nights.

Ohio

Cuyahoga County

Guests who book Airbnb listings that are located in Cuyahoga County, OH will pay the following taxes as part of their reservation:

- County Bed Tax: 5.5% of the listing price including any cleaning fees for 29 nights and shorter. For detailed information, please visit Cuyahoga County's FAQ page (<http://fiscalofficer.cuyahogacounty.us/en-US/LodgingTax.aspx>).

Cleveland

Guests who book Airbnb listings that are located in Cleveland, OH will pay the following taxes as part of their reservation:

- Cleveland Transient Occupancy Tax: 3% of the listing price including any cleaning fee for reservations 29 nights and shorter. For detailed information, visit the City of Cleveland (<http://www.city.cleveland.oh.us/>) website.

Oklahoma

State of Oklahoma

Guests who book Airbnb listings that are located in the State of Oklahoma will pay the following taxes as part of their reservation:

- Oklahoma Sales Tax: 4.5% of the listing price including any cleaning fees. For detailed information, visit the Oklahoma Tax Commission (https://www.ok.gov/tax/Businesses/Tax_Types/Business_Sales_Tax/Oklahoma_Sales_Tax_Information_and_Rates/) website.
- Local Sales and Use Tax: The local sales and use tax rates vary by city and county. The rate is typically 1.0%-5.5% of the listing price including any cleaning fees. For detailed information, visit the Oklahoma Tax Commission (https://www.ok.gov/tax/Businesses/Tax_Types/Business_Sales_Tax/Oklahoma_Sales_Tax_Information_and_Rates/) website.
- State-Administered Local Lodging Tax: The local lodging tax rates vary by city and county. The rate is typically 5% of the listing price including any cleaning fees. For detailed information, visit the Oklahoma Tax Commission (https://www.ok.gov/tax/Businesses/Tax_Types/Business_Sales_Tax/Oklahoma_Sales_Tax_Information_and_Rates/) website.



COMPLETE STREETS POLICY

November 30, 2017

VISION

The transportation network in the Village of Yellow Springs will become measurably better connected, safer and more accessible for all users of the public right-of-way, regardless of their mode of transportation, age or abilities, as transportation projects throughout the Village are designed and constructed using Complete Streets principles. This effort to make our transportation system more complete will take advantage of opportunities presented by necessary reconstruction and expansion of the system whenever practicable.

PRINCIPLES

This policy defines Complete Streets by this outcome: "All current and projected users of the public right-of-way should be able to safely and conveniently reach their destinations along and across a street or road, regardless of their chosen mode of transportation, in order for that street or road to be considered *complete*." All users include pedestrians, cyclists, transit and school bus riders, people with disabilities, motorists, freight haulers, service personnel and emergency responders as well as a wide range of ages from young children to seniors. While some streets and roads may require changes to the right-of-way to better accommodate non-motorized users, many low volume streets and roads will require minor changes, such as signage or restriping, or no changes at all, especially if speed limits are low and enforced (see "Context Sensitive"). The purpose of this policy is to encourage improvements to the transportation network so that more and more transportation corridors in the Village of Yellow Springs meet this definition, and to encourage future designs that accommodate all users, thereby creating an increasingly safe and accessible transportation network for all modes and users.

EDUCATION & ENFORCEMENT

This policy focuses primarily on how streets are designed and built. However, it is also important that the issues of education and enforcement are addressed with regard to Complete Streets. Complete Streets can make the transportation network safer for drivers, cyclists and pedestrians if each knows the rules of the road and obeys those rules. As more cyclists and pedestrians share the right-of-way with automobiles, all parties need opportunities to learn the proper use of treatments such as bike lanes, shared lane markings (e.g. "sharrows") and sidepaths as well as how to interact safely. Project sponsors should consider whether a specific project requires special efforts in education or enforcement.

Consistent enforcement of traffic laws for cyclists, drivers and pedestrians is critical to ensure that posted speeds are obeyed, proper signals are used when turning, and traffic lights and signs are respected. This is true with regard to drivers, pedestrians and cyclists. Bicycles are legal vehicles on all Ohio roads and streets, with the exception of limited-access highways, and are subject to vehicular traffic rights and responsibilities. Pedestrians and transit riders also must take responsibility for walking along and across roadways in a safe and legal manner, using sidewalks or shoulders when available. If no such facility is available, pedestrians should walk on the left, facing traffic, as near to the outside edge of the roadway as is safe and practical.



BENEFITS

By providing, where appropriate, features such as accessible sidewalks, designated bike facilities and accessible transit stops, Complete Streets encourage walking, transit use and biking, all of which have important health, economic and environmental benefits. By shifting a share of automobile traffic to walking, biking and transit, Complete Streets help reduce the demand for fossil fuels, ease automobile congestion, reduce wear on roadways, improve air quality and make streets more attractive for businesses and customers, increasing economic activity at the neighborhood level. Well-designed complete streets improve safety by reducing collisions between automobiles, pedestrians and cyclists. Complete streets are a logical extension of the Americans with Disabilities Act and improve access for people with disabilities and older citizens, allowing them to participate more fully in community life (see "Context Sensitive").

CONNECTIVITY

The purpose of a transportation network is to connect users of the network to their desired destinations and make it possible for all individuals to be mobile, engaged members of the community. A well-connected network provides safe and convenient transitions from one mode of transportation to another, from one jurisdiction to another, and from one type of infrastructure to another. This can be accomplished by connecting sidewalks to bus stops, providing park and ride locations, providing bike-on-bus opportunities, making convenient connections from separated bike trails to the street grid and by making sure that all these connections are accessible to people with disabilities. Every effort should be made to provide a continuous, uninterrupted network accessible to all users and modes. A well-connected network considers connectivity throughout the lifespan of a transportation project, and takes into account the needs of both current and projected users.

CONTEXT SENSITIVE

There is no one design standard that achieves the Complete Streets outcome. Designs for particular projects will be context-sensitive, considering adjacent land uses and local needs, and incorporate the most up-to-date, widely-accepted design standards for the particular setting, traffic volume and speed as well as current and projected demand. Each project must be considered both separately and as part of a connected network to determine the level and type of treatment necessary for the street to be complete. The need for complete streets treatments is greatest along urban and suburban corridors that connect populous residential settings with popular and important destinations including, but not limited to, the following: medical, shopping, employment, educational and recreational destinations. In settings where there are multiple destinations that currently attract pedestrians, cyclists, people with disabilities and transit riders, any or all of the following should be considered: reduced speeds, narrowed travel lanes, bike lanes, adequate shoulders, shared lane markers, sidepaths, accessible sidewalks, marked crosswalks, median refuges, accessible pedestrian controls and accessible and comfortable transit stops.

It is also important that these features are included if there is a strong likelihood of future demand. If adjacent land use is changing to include more urbanized uses such as schools, medical facilities and shopping destinations, road design needs to anticipate future demand. Certain factors, such as the existence of a fixed transit route or proximity to a school, clearly demonstrate the need for safe



non-automobile travel. Well-worn foot paths in grassy/muddy areas along a road are also de facto evidence of the need for pedestrian facilities including sidewalks and crosswalks. Since part of every transit trip is made on foot or by using a mobility device, all transit stops should be accessible to pedestrians and people with disabilities.

Because schools are natural concentrations of non-drivers, and school bus service is usually limited by a minimum distance from the school and is usually not provided for before school or after school activities, walkers, people with disabilities and cyclists must be routinely accommodated within a minimum distance of two miles from a school facility. The Village of Yellow Springs encourages collaboration with its educational institutions to proactively consider Complete Streets principles when selecting school sites. If new schools are located in areas that are accessible to walkers and bicyclists, school systems can better manage transportation costs and avoid new congestion problems. Students can also enjoy the health benefits of walking or biking. The same can be true when shopping, medical, postal, governmental and other public facilities are built in locations that are accessible to pedestrians, cyclists, seniors and people with disabilities.

The most effective time to address these issues is early in the site selection and facility design process, therefore Complete Streets discussions should begin immediately when new facilities are being conceptualized. It is important to note that many low-speed, low-volume residential streets can be considered *complete* with no additional treatment because pedestrians, people of all abilities, cars and cyclists can already interact safely. Likewise, many low-volume roads with limited current or projected demand from cyclists, transit riders, pedestrians and people with disabilities may require no additional treatment to be considered *complete*. In general, specific treatments are less necessary where average daily traffic volumes are less than 1,000 vehicles a day and legal speeds are 25 mph or less. Where traffic is light but speeds are higher, motorists must have adequate sight distance and the opportunity to change lanes to pass a bicycle or pedestrian for a road to be *complete* without additional design elements.

APPLICABILITY

This policy applies to all transportation projects in the Village of Yellow Springs. Some projects may require no additional Complete Streets treatments if it is determined during the application review phase that no current or projected need justifies such treatment. A primary objective is to enhance transportation choices and creative approaches should be considered to address a wide variety of possible street treatments and amenities that may be desirable. Private developers are expected to apply Complete Streets principles to their projects, and the Village of Yellow Springs will also work with neighboring communities to utilize these principles to ensure connectivity across jurisdictions and regions.

This policy applies to all phases of project development, from initial planning through construction. How a project will address Complete Street requirements will be documented in the project plan. If it is determined that additional Complete Streets treatments are not warranted, e.g. because the street or road is already adequately designed to accommodate all users and, thus, is *complete* without further enhancements, this should also be documented. The probable use through the life of the project must be considered. It should also be kept in mind that resurfacing projects often offer a low-cost opportunity to adjust lane width or add a bike lane simply by



changing the pavement markings on a road to make a street more *complete*. Notably, when new traffic control detection devices are installed, they must be capable of detecting bicycles. All new pedestrian crossing devices must also meet the most current accessibility standards for controls, signals and placement.

Admittedly, there are times that bicycle and pedestrian facility standards cannot be met due to roadway topographic constraints. However, these exceptions should be completely analyzed and addressed. Pedestrians, cyclists and transit users should not be denied access, and alternate routes that are in the same traffic corridor and that allow pedestrians, cyclists and people with disabilities access to significant destinations should be considered and improved as necessary (e.g. signage, bike boulevard treatments, shared used spurs, shared-lane markings). Cyclists, pedestrians, transit riders and people with disabilities must be able to cross high-volume roads safely so that these roads do not become barriers to non-motorized use. To accommodate crossing of wide roads, signal timing may need to be adjusted to accommodate users who walk more slowly; countdown timers, and/or mid-point safety islands may need to be installed, and highly visible signage and crosswalk markings may need to be added. Accommodations for cyclists crossing these roads should also be considered, including bicycle detection devices at traffic signals and mid-point safety islands where multi-use paths cross busy roadways.

IMPLEMENTATION

Project proposals and plans will address how the project will make the transportation network more *complete*. Any transportation project proposal or plan that does not address Complete Streets principles either by including appropriate design elements or by clearly articulating why they cannot be employed will be considered incomplete. The intention of this policy is to support efforts to make the transportation network in the Village of Yellow Springs more *complete* by applying Complete Streets principles as appropriate. Facilities will be designed to the best currently available standards and guidelines. See the "Policy Guidance and Resources" section below, and the Miami Valley Regional Planning Commission is an important resource for supporting Complete Streets principles in transportation network design.

This policy does not dictate specific designs, but rather ensures the outcome that all current and projected users must be able to safely and conveniently reach their destinations along and across a street or road, regardless of their chosen mode of transportation.

POLICY GUIDANCE & RESOURCES

AAASHTO Design Publications listed at:

https://bookstore.transportation.org/category_item.aspx?id=DS American Planning Association

Publication: "Complete Streets: Best Policy and Implementation Practices" (www.planning.org)

"Designing Walkable Urban Thoroughfares: (<http://www.ite.org/css/>)

"Multimodal Level of Service for Urban Streets

(http://www.trb.org/Main/Blurbs/Multimodal_Level_of_Service_Analysis_for_Urban_Str_160228.aspx)

"National Complete Streets Coalition (<http://www.completestreets.org>)



ÉODOT Multi-modal Design Guidance

(<http://www.dot.state.oh.us/DIVISIONS/TRANSSYSDEV/MULTIMODALPLANNING/BICYCLE/Pages/PlanningandDesignResources.aspx>)

ÉTRB 2010 Highway Capacity Manual (soon to be available)

ÉUS DOT Policy Statement: "Design Guidance Accommodating Bicycle and Pedestrian Travel: A Recommended Approach" (<http://www.fhwa.dot.gov/environment/bikeped/design.htm>)

ÉWisconsin Department of Transportation

(<http://www.dot.wisconsin.gov/projects/state/docs/bicycle-rural-guide.pdf>)

Accessibility

ÉFHA Office of Civil Rights <http://www.fhwa.dot.gov/civilrights/programs/ada.htm>

ÉPublic Right-of-Way Accessibility Guidelines <http://www.access-board.gov/prowac/>

ÉAccessible Pathways to Bus Stops and Transit Facilities: A Process Guide

https://secure2.convio.net/es/site/Ecommerce?VIEW_PRODUCT=true&product_id=6341&store_id=9663

ÉToolkit for the Assessment of Bus Stop Accessibility and Safety [PDF]

https://secure2.convio.net/es/site/Ecommerce?VIEW_PRODUCT=true&product_id=4981&store_id=9663

Pedestrian and Bike Information

ÉOhio Department of Transportation Bike and Pedestrian Plan

(<http://www.dot.state.oh.us/Divisions/TransSysDev/MultiModalPlanning/bicycle/Pages/Default.aspx>)

ÉThe Pedestrian and Bicycle Information Center (PBIC) (<http://www.walkinginfo.org>)

ÉPlanning for Active Transportation in the Miami Valley <http://www.mvrpc.org/tr/bikePed.php>

Safe Routes to School

ÉNational Center for Safe Routes to School (<http://www.saferoutesinfo.org/>) Performance Standards

The success of this policy will be measured in the following quantitative ways:

ÉIncrease in number of on-street bicycle routes, defined by streets and roads with clearly marked or signed bicycle accommodations

The success of this policy will be measured in the following qualitative ways:

ÉSurveys of bicyclists, pedestrians, motorists, people with disabilities and transit users concerning their ability to reach desired destinations safely and conveniently

ÉSurveys of project sponsors concerning the value and fairness of this policy.

Guidelines for Commissions/Committees/Boards

Boards and Commissions - any body with a Council-approved charter or membership roster shall be a public body. All Boards and Commission as so defined shall operate in accordance with the Open Meetings Act (O.R.C. 121.22), the Public Records Act (O.R.C. 149.43), and Ohio Ethics Laws (O.R.C. Ch. 102) and related statutes (O.R.C. Ch. 2921). All Boards and Commissions of the Village of Yellow Springs are considered public bodies and shall operate in accordance with the Open Meetings Act (O.R.C. 121.22), the Public Records Act (O.R.C. 149.43) and Ohio Ethics Laws (O.R.C. Ch. 102) and related statutes (O.R.C. Ch. 2921).

How to Communicate with Council.

1. Minutes from commission, committee and board meetings will be provided to the Clerk of Council as soon as they are approved. **A good practice is to provide the Clerk with a draft agenda and approved minutes immediately following the monthly meeting.**
2. The Council liaison will report any unusual or time-limited information from a meeting she/he has attended that needs to be known before the second Council meeting of each month.

Role of Council Representative

1. Council Representative should not be the President of any commission, committee or board.
2. The Representative should take questions and special decisions to Council if a Council response is desired.
3. The Representative should report to the Commission anything pertinent from the last Council meeting.
4. The Representative makes sure the Commission abides by Sunshine Law, and asks the President or Secretary to notify the Clerk of Council of meeting times, changes in meetings, etc.
5. The Representative, along with another Council member, interviews applicants for open seats on his/her commission or board, then brings recommendations to Council and leads discussion on the merits of each candidate. **This is to be done immediately following conclusion of the interview period. ALL INTERVIEWS ARE TO ADHERE TO EEOC GUIDELINES, which will accompany the letters of interest provided to Council members interviewing applicants.**
6. Each Council Representative should be a voting member of the commission, committee or board; unless otherwise stated in the Codified Ordinances.

Council Expectations of Commissions, and vice-versa.

1. Commissions, committees and boards will conduct meetings with the same rules under which Council operates. **This includes reading and signing a Roles and Responsibilities document which references ethical standards for public officials.**

2. If Council asks a Commission for specific help, the expectation is that that body will do their best to respond in a timely manner.
3. Commission, Committee and Board meetings will be open to the public at announced times and places.

Minutes

1. Secretary takes minutes at each meeting and reproduces them for all. Those minutes should be approved by the commission, committee or board at their next meeting and then immediately forwarded to the Clerk of Council.

Implementing Directives and Initiating Projects

1. Council requests for help take priority over the other tasks Commission members have set for themselves. Otherwise, Commissions will initiate projects they collectively generate ideas about.
2. **If a Board or Commission is asked to provide information to Council on a specific project or topic, that information is expected to be publically presented to Council prior to any other form of dissemination.**

Sunshine Law, Process & Procedures

1. Each commission, committee and board should have a copy of the Sunshine Law, a list of proper processes and procedures, and follow them.

Attendance Policy

1. Council may remove members of commissions, committees and boards, for failure to attend any three consecutive meetings.

Role of Council Clerk and Commissions

1. **Clerk is responsible for taking and transcribing minutes of Planning Commission, BZA, and Village Council. All other minutes are the responsibility of the Board or Commission Secretary.**
2. If requests are to be made of the Clerk by board members, they must be made through their Chairperson.

Board and Commission Applicant Process

Prepared by: Clerk of Council, 12-4-2017

At present, Council is responsible for maintaining 12 Boards, Commissions or Task-Forces. Of those, one is on hiatus, and three meet only as needed. Of the 12, two are required by the Ohio Revised Code (Planning Commission and Board of Zoning Appeals--BZA).

In 2015, Council standardized the membership and procedures sections of all existing boards and commissions with the exception of Planning Commission and BZA.

As we endeavor to achieve consistency in recruiting, interviewing and communicating with Board and Commission members, the following procedures are now approved as best practice:

As a Board/Commission member approaches the end of term, or as a position becomes available on a body of Council, the Clerk shall:

- Inquire of the member whose term is expiring as to whether they wish to continue to serve, and if so, obtain acknowledgement of this from them.
- Advertise the positions(s) in the YS News for 2 weeks (as of Fall 2017, this was expanded to include advertising on the Village run sites, including the Facebook page, where more information can also be provided and to the Cable Access Channel).
- Disseminate names and resumes/letters of interested applicants to the Council rep as they come in; the Clerk will immediately follow up with the candidate to provide further information if needed and to let them know that a Council member will be contacting them in several weeks for an interview.
- Provide each applicant with the establishing ordinance, the Roles and Responsibilities document, and the Guidelines for Public Officials document prior to the interview.
- Encourage all applicants to attend a meeting of the board or commission in which they have expressed interest.
- Schedule interviews as soon as the notice has appeared in the paper.
- Follow up with interviewees and interviewers regarding scheduling and reminders.
- Once decisions are made, those are conveyed immediately to the Clerk, who then places nomination material in the Council packet, and awaits a final vote of Council.
- Once approved by Council, the Clerk sends either a packet of information and a welcome letter or a letter expressing regret that the candidate was not selected. This packet will provide the candidate the time and place for swearing-in, and will provide information for online Sunshine Law training, which is a requirement.



Assistant Village Manager Report
December 4, 2017

Billing and Disconnection Processes

I wanted to take a moment to just explain our billing and disconnection for non-payment process in the Utility Office. The Utilities Office follows all Village ordinances as they relate to utilities. All of these are found in Chapter 1040. We periodically review these ordinances to ensure that we are in compliance. If anyone has any question about our processes, procedures or their bill in general, or to receive assistance information, please call 767-7202 ext. 221.

End of Year and 2018 Budget

I have been very busy with the approval of the 2018 budget getting it submitted to the County Auditor, uploaded into the system and ready for the first of the year. I have also been working on wrapping up all that comes with the end of the year. This will include a supplemental appropriation ordinance at the next meeting to cover any unexpected expenditures during 2017.

Sidewalk Projects

The Xenia Avenue CDBG project is now officially finished and SRTS is still in progress.

Online Forms

I have also been working on creating forms that can be submitted online via our website. I have had a few issues with functionality but I am trying to work through those. I hope to have a lot of our regularly used forms on the website for the convenience of anyone needing one from the Village.



Housing Needs Assessment Status Report November 30, 2017

TO: Ms. Patti Bates, Village of Yellow Springs
FROM: Patrick Bowen, Bowen National Research
DATE: 11/30/17

The following outlines Bowen National Research's status of various work elements of the Housing Needs Assessment for Yellow Springs, Ohio as of November 30, 2017.

- 1. Study Areas:** Study areas are finalized
- 2. Demographic and Economic Information:** Demographic and economic information has been analyzed.
- 3. Stakeholder Interviews:**
 - The survey is closed. There were 26 responses. We have downloaded the results and are analyzing them currently.
 - BNR has reached out to the six specified stakeholders given by the Village as a follow-up to the online survey they completed. Any feedback they give us in addition to what they already provided will be incorporated into the study as needed.
- 4. Resident Survey:** The survey is closed. There were 581 responses. We have downloaded the results and are analyzing them currently.
- 5. Housing Survey:**
 - *Rental:* Survey is completed and results are being tabulated for analysis.
 - *For-Sale:* All MLS data received and is being analyzed.
 - *Senior Care:* Survey is completed and results are being tabulated for analysis.
 - *Non-Conventional Rentals:* BNR has compiled a small list of non-conventional rentals. Many avenues to obtain this information were unsuccessful. However, at this point we believe we have enough to move forward.
 - *Airbnb:* BNR compiled a list of advertised Airbnb rentals.
- 6. Lot Splitting & Accessory Dwelling Units:**
 - Received some basic info and locational addresses on lot splitting and ADUs from Village.
 - We are currently researching how other municipalities have utilized these two items and initiatives that could be put in place to encourage them.
- 7. Other Interviews:** a BNR researcher collected all information on planned and proposed properties, housing choice vouchers, and local economic development news.

8. **Fieldwork:** Our fieldwork is complete. This included an identification of community services, identification of sites/buildings for development opportunities, and a windshield survey/inspection of area housing alternatives.
9. **Special Needs:** Our special needs data collection is complete and information is being analyzed.

We are on pace to deliver the draft report in mid-December. Patrick Bowen will present findings/recommendations of the assessment at the January 2, 2018 Village Council meeting.

MAYOR'S MONTHLY REPORT

DATE: 11-30-17
 TO: Council, Manager, Chief of Police
 FROM: David Foubert
 RE: November 2017 Monthly Report

There were 10 traffic, no DUI, 1 misdemeanor and 7 parking citations filed with Mayor's Court in November for a total of 343 citations filed to date in 2017.

NO ACTIVITY IN BOND ACCOUNT

MAYOR'S ACCOUNT

Violations Bureau:	340.00	6115.00
Fines	120.00	4095.00
Parking	2025.00	11025.00
Court Fines		100.00
Weddings		
	2485.00	21335.00
Ending Balance		

Remitted to Other Agencies		
Victims of Crime	90.00	886.00-
Indigent Defense	260.00	2495.00-
Drug Law Enforcement	35.00	339.50-
Indigent Drivers	15.00	144.50-
Child Restraint		30.00-
Seatbelt		71.00-
		30.00-
Refund of Overpayment of Fine		1039.00
Remitted to Computer Fund	119.00	16300.00
Remitted to Village GF	1966.00	

Comparison Figures from November 2016

There were 10 traffic, no DUI, 1 misdemeanor and 15 parking citations filed with Mayor's Court in November for a total of 472 citations filed to date in 2016.

Remitted to Computer Fund	94.00	1708.00
Remitted to General Fund	939.00	19241.00

David H. Foubert, Mayor



December 4th 2017

The Police Department is pleased to announce:

We are in the promotional process for our new corporals and the department will be testing for two full time officer positions. We currently have 15 qualified applicants.

I am happy to answer any questions.

Regards,

*Brian Carlson,
Chief of Police
937-767-7206
chief@yso.com*

12-4-17

To: Council

From: Judy Kintner

Re: Clerk's Report

Business as usual in the Clerk's office over the past several weeks. It's always a bit of a change of pace preparing for the new year, and those activities are underway—exciting clerk-y things such as creating new files and re-naming templates, updating the ordinances for codification. . . .

Orientation for new Council members will take place December 7 and 8, and their schedule is attached for your interest.

The PD has been given a slew of bike lights to hand out as needed, as have the folks at the High School and Mills Lawn, and all parties are heartily encouraging bikers to be visible! If you find yourself in the dark, just ask any of these folks for your free light!

--Judy Kintner

**2018 Calendar of the Village of Yellow Springs Council
and Council's Commissions and Boards**

Council for the Village of Yellow Springs: Meets first and third Mondays @ 7 pm in Council Chambers: **Tues. Jan. 2; Tues. Jan. 16; Mon. Feb. 5; Tues. Feb. 20; Mon. March 5; Mon. March 19; Mon. April 2; Mon. April 16; Mon. May 7; Mon. May 21; Mon. June 4; Mon. June 18; Mon. July 2; Mon. July 16; Mon. Aug. 6** NO MEETING first week of August; **Mon. Aug. 20; Tues. Sept. 4; Mon. Sept. 17; Mon. Oct. 1; Mon. Oct. 15; Mon. Nov. 5; Mon. Nov. 19; Mon. Dec. 3; Mon. Dec. 17.**

Board of Zoning Appeals: Meetings only as required; scheduled by Planning Office. Meets in Council Chambers: **No Meetings Scheduled: Check Yellow Springs News or www.yso.com for meetings.**

Planning Commission: Meets second Monday of the month as needed @ 7 pm in Council Chambers: **Mon. Jan. 8; Mon. Feb. 12; Mon. March 12; Mon. April 9; Mon. May 14; Mon. June 11; Mon. July 9; Mon. Aug. 13; Mon. Sept. 10; Mon. Oct. 8; Mon. Nov. 12; Tues. Dec. 10.**

Arts and Culture Commission: Meets second Wednesdays at 5:30 in Council Chambers: **Wed. Jan. 10; Wed. Feb. 14; Wed. March 14; Wed. April 11; Wed. May 9; Wed. June 13; Wed. July 11; Wed. Aug. 8; Wed. Sept. 12; Wed. Oct. 10; Wed. Nov. 14; Wed. Dec. 12.**

Economic Sustainability Commission: Meets first Wednesdays at 7pm in Chambers. **Wed. Jan. 3; Wed. Feb. 7; Wed. March 7; Wed. April 4; Wed. May 2; Wed. June 6; Wed. July 4; Wed. Aug. 1; Wed. Sept. 5; Wed. Oct. 3; Wed. Nov. 7; Wed. Dec. 5.**

Energy Board: Meets third Tuesdays @ 6:00 pm in Council Chambers. **Tue. Jan. 16; Tue. Feb. 20; Tue. March 20; Tue. April 17; Tue. May 15; Tue. June 19; Tue. July 17; Tue. August 21; Tue. Sept. 18; Tue. Oct. 16; Tue. Nov. 20; Tue. Dec. 18.**

Environmental Commission: Meets third Thursdays at 5:45 in Council Chambers: **Th. Jan. 18; Th. Feb. 15; Th. March 15; Th. April 19; Th. May 17; Th. June 21; Th. July 19; Th. August 16; Th. Sept. 20; Th. Oct. 18; Th. Nov. 15; Th. Dec. 20.**

Human Relations Commission: Meets first Thursdays @ 7:00 pm in Chambers: **Thu. Jan. 4; Thu. Feb. 1; Thu. March 1; Thu. April 5; Thu. May 3; Thu. June 7; Thu. July 5; Thu. August 2; Thu. Sept. 6; Thu. Oct. 4; Thu. Nov. 1; Thu. Dec. 6.**

Justice System Task Force: Meets second Tuesdays at 7pm in Council Chambers. **Tue. Jan. 9; Tue. Feb. 13; Tue. March 13; Tue. April 10; Tue. May 8; Tue. June 12; Tue. July 10; Tue. August 14; Tue. Sept. 11; Tue. Oct. 9; Tue. Nov. 13; Tue. Dec. 11.**

Library Commission: Meets first Tuesday of every even # month. Meets at YS Library (415 Xenia Ave.) @ 7 pm: **Tue. Feb. 6; Tue. April 3; Tue. June 5; Tue. Aug. 7; Tue. Oct. 2; Tue. Dec. 4.**

Beaver Management Task Force: No regularly scheduled meetings. Any meetings scheduled will be noticed in the Yellow Springs News and online at www.yso.com.

Community Access Panel; Currently on hiatus.

Board of Tax Appeals: Meetings only as required Scheduled by administration. Meets in Council Chambers: **No Meetings Scheduled.**

Utility Dispute Resolution Board: Meetings only as required, scheduled by Administration. Meets in Council Chambers. **No Meetings Scheduled**

NEW COUNCIL ORIENTATION

Council Chambers

Thursday, December 7, 2017

8:15: Welcome from Council President

8:30: General Information
Agendas
Legislation
Records Management/Public Records Requests

9:15: Introduction to Planning and Zoning with Village Planner Denise Swinger

9:30: Break with Walk-Through of Bryan Center/Introductions

10:00: Now That You're a Public Official
Public Records Requests for the Public Official
Sunshine Law
Ethics in Office

11:00: Commissions/Committees/Boards
Role of Council Liaison
BZA
Planning Commission
Environmental Commission
Human Relations Commission
Economic Sustainability Commission
Justice System Task Force
Arts and Culture Commission
Community Access Panel
Village Mediation Program

12:00: Lunch with Available Village Staff

1:00: Meet with Chief Carlson
*Police/Dispatch

1:45: Meet with Finance Director Dodd
*Budget and Finance

Friday, December 8, 2017

9:00am: Tours/Introductions with Manager Bates:
Public Works
Waste Water Treatment Plant
Water Treatment Plant
Pool/Towers

12:00: Lunch with Council Members and Committee Chairs

November 30, 2017

Village of Yellow Springs Council Members,

The undersigned groups wish to bring to Council an exciting opportunity for Yellow Springs residents and ask for your assistance. There is little doubt that both the access to greenspace parks as well as the Little Miami Scenic Trail are two of the most beloved parts of Village life. One key missing link is multi-use trail access to John Bryan State Park and Clifton Gorge State Nature Preserve. Villagers wishing to walk, bike or roll to these wonderful and close destinations are hard pressed to do so safely. A Yellow Springs-Clifton connector trail would alleviate this impediment, allowing community members unfettered access via active transportation to these key places that sit at the doorstep of the Village.

Creating walking and biking access to Glen Helen off of State Route 343 will also create some relief for the sometimes crowded situation at the main Corry Street parking lot and trailhead, not to mention providing accessibility to the Raptor & Outdoor Education Centers for those unable to walk through the Glen. Additionally, given the Village's work on Climate Action Planning, this is an important initiative for delivering on goals to reduce our carbon footprint.

Our neighbors and friends in Clifton recently passed a resolution of support, including a pledge of \$3,000 to contribute to a feasibility study for the project. This study is the next major step to further explore this project, which has gained support from ODNR, ODOT, Greene County Parks & Trails, Miami Township and many others. We respectfully request that the Village of Yellow Springs support this process with a resolution of support and a pledge of \$10,000 toward the study. We all look forward to continuing the work on this very worthy project with the Village and our other partners.

Best Regards,

Glen Helen Association

Yellow Springs Active Transportation Committee

Bike Yellow Springs

17-10-03

Resolution

in Support of the Yellow Springs Clifton Connector Trail

WHEREAS, "The Yellow Springs Clifton Connector Trail" is a bicycle and recreational trail envisioned by a group of local leaders, including Village officials from Yellow Springs and Clifton, Greene County Regional Planning, Rails-To-Trails Conservancy, Miami Township, and Greene County Parks & Trails; and

WHEREAS, the proposed trail will connect the Village of Yellow Springs to the Village of Clifton along a route that would be in close proximity to the Clifton Gorge State Nature Preserve, John Bryan State Park, Boy Scouts of America Camp Hugh Taylor Birch, and Glen Helen Nature preserve; and

WHEREAS, the proposed "Yellow Springs Clifton Connector Trail" aligns with The Village of Clifton's long-term policy goals of promoting quality of life and livability in and around the Village; and

WHEREAS, the Village of Clifton is a historic village on the scenic Little Miami River; and

WHEREAS, 2017 has been designated Ohio's "Year of the Trail" in the State legislature's House Resolution 105, and supporting resolutions have subsequently been adopted by Greene County Board of Commissioners, as well as by the Village of Yellow Springs and the Village of Clifton; and

WHEREAS, more than one million individuals as both local residents and visitors utilize Greene County's growing paved trails network; and

WHEREAS, countless individuals and families visit the Clifton Gorge State Nature Preserve, John Bryan State Park, Boy Scouts of America Camp Hugh Taylor Birch, the Glen Helen Nature Preserve, as well as the unique tourism destinations and events within the Villages of Clifton and Yellow Springs; and

WHEREAS, recreational trails revitalize and invigorate communities and help support economic development and growth; and

WHEREAS, in the interest of the health, safety, and wellbeing of the general public within and surrounding our community, including that of visitors, the proposed "Yellow Springs Clifton Connector Trail" represents a valuable asset and legacy for generations to come; and

NOW, THEREFORE, BE IT RESOLVED that The Village Council of Clifton does hereby proclaim it's full support of the "Yellow Springs Clifton Connector Trail" and will facilitate the process of its engineering, design, and construction in all ways possible.

Date: October 9, 2017 Mayor 

Attest:  Clerk-Treasurer