

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

IN COUNCIL CHAMBERS @ 5:30 P.M.

Monday, December 18, 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 Evaluation of a Public Official.

REGULAR SESSION (7:00)

SWEARING IN OF NEW COMMISSION MEMBERS

Library Commission and Planning Commission Alternate

ANNOUNCEMENTS

CONSENT AGENDA

1. Minutes of December 4, 2017 Regular Meeting

REVIEW OF AGENDA

I. PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Donna and Al Denman re: Affirmative Action in Hiring
Judith Hempfling re: Council Orientation
Cyndi Pauwels re: Resignation from JSTF
Ellis Jacobs re: JSTF Data Analysis
Lisa Kreeger re: Outreach Specialist
Brian Housh re: Active Transportation

II. PUBLIC HEARINGS/LEGISLATION (7:20)

Second Reading and Public Hearing of Ordinance 2017-42 Amending Utility Dispute

Resolution Board Establishment; Authority

Emergency Reading of Ordinance 2017-43 Approving Fourth Quarter Supplemental Appropriations and Declaring an Emergency

Emergency Reading of Ordinance 2017-44 Authorizing the Annual Transfer of Funds and Declaring an Emergency

Emergency Reading of Ordinance 2017-45 Authorizing the Annual Transfer of Funds for 2018 and Declaring an Emergency

Emergency Reading of Ordinance 2017-46 Adding the Position of Community Outreach Specialist to the Village Organizational Chart and Declaring an Emergency

Emergency Reading of Ordinance 2017- 47 Amending the Fee Schedule for Transient Guest Lodging Permits and Declaring an Emergency

Reading of Resolution 2017-54 Approving Use of the ORC Approved Non-Partisan Nominating Petition as the Village Council and Mayor Nominating Petition

Reading of Resolution 2017-55 Declaring Support for the Proposed Yellow Springs-Clifton Bicycle Connector

Reading of Resolution 2017-56 Adopting a Complete Streets Policy for the Village of Yellow Springs

Reading of Resolution 2017-57 Approving a Pay Increase for the Village Manager for 2018

Reading of Resolution 2017-58 Approving a Pay Increase for the Council Clerk for 2018

Reading of Resolution 2017-59 Honoring Departing Council Member Gerald Simms

Reading of Resolution 2017-60 Honoring Departing Council President Karen Wintrow

Reading of Resolution 2017-61 Authorizing the Village Manager to Engage the Law Firm of Walter/Haverfield Jointly with the Regional Income Tax Agency and Other Municipalities for Purpose of Challenging the Constitutionality of Amendments to Chapter 718 of the Ohio Revised Code Relating to Municipal Income Tax

III. CITIZEN CONCERNS

IV. SPECIAL REPORTS (8:00)

V. OLD BUSINESS

JSTF re: Citation and Warnings Report

Revolving Loan Fund Follow Up

Follow Up on Designated Smoking Areas/Signage

VI. NEW BUSINESS

VII. MANAGER'S REPORT (8:45)

VIII. ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR'S REPORT

IX. CHIEF'S REPORT

X. CLERK'S REPORT

XI. BOARD AND COMMISSION REPORTS (9:00)

Report from Representatives:

Gerald Simms	Planning Commission (Hempfling)
Brian Housh	Economic Sustainability Commission (Wintrow)
Brian Housh	Community Access Panel (Simms) (on hiatus)
Brian Housh	Arts and Culture Commission (Wintrow)
Judith Hempfling	Energy Board (MacQueen)
Judith Hempfling	Library Commission (Simms)
Judith Hempfling	Justice System Task Force (MacQueen)
Marianne MacQueen	Village Mediation Program (Simms)
Marianne MacQueen	School Board Liaison (Simms)
Marianne MacQueen	Human Relations Commission (Housh)
Marianne MacQueen	Environmental Commission (Simms)
Marianne MacQueen	Beaver Management Task Force (Simms)
Karen Wintrow	Greene County Regional Planning Commission (Simms)
Karen Wintrow	Miami Valley Regional Planning Comm.
Karen Wintrow	Chamber of Commerce

XII. FUTURE AGENDA ITEMS (9:30)

- Jan. 2: Swearing In of New Council Members and Mayor
Nomination and Election of New President and Vice President of Council
Resolution re: Gov. Deals
JSTF Report on Taser Policy
- Jan. 10: Council Retreat; AUM, 9am-12pm.
- Jan. 16: Bowen Presentation re: Housing Needs Assessment
Selection of Council Members to Boards and Commissions
Voluntary Tax Collection Discussion

ADJOURNMENT

The next regular meeting of the Council of the Village of Yellow Springs will be held at 7:00 p.m. on **Tuesday, January 2, 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.

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

In Council Chambers @ 5:30 P.M.

Monday, December 4, 2017

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 5:34pm.

ROLL CALL

Present were Wintrow, Vice President Brian Housh, Council members Gerald Simms, Marianne MacQueen and Judith Hempfling.

EXECUTIVE SESSION

At 5:35pm, Hempfling MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Evaluation of a Public Employee. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

The session started with all above noted individuals present. At approximately 6:20pm, Village Manager Patti Bates entered the session. At 6:47pm, Melissa Dodd, Finance Director/Assistant Village Manager, and Chris Conard, Village Solicitor, entered the session.

At 7:01pm, Simms MOVED and Housh SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

CIVILIAN HERO AWARD CEREMONY

Honoring 2017 Yellow Springs Police Department Civilian Heroes.

Chief Carlson awarded the first of its kind in the Village "Civilian Hero Award" to the following individuals:

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

ANNOUNCEMENTS

Housh announced the School Forest Festival for the coming weekend.

Housh provided an update on the ODOT/ODH-funded Active Transportation Plan process, calling for citizens who may be interested in serving on the ATC Advisory Committee.

Housh noted a fundraiser soup supper to support Puerto Rico to be held at the Presbyterian Church on Wednesday. Wednesday is also the Mills Lawn Exhibition Night.

Housh noted that State Representative Rick Perales will be in the Art Room to address citizens on December 21st from 1-3pm.

Wintrow announced holiday events to be held in the Village this weekend: Bryan Center Pottery Sale as well as a poetry reading and the Mills Lawn Gingerbread Festival. The Mills Park Hotel will hold a "pop-up shop" as will the YS Brewery.

Wintrow announced that the groundbreaking for the new Cresco facility will be announced early next week.

CONSENT AGENDA

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

Simms MOVED and MacQueen SECONDED a MOTION TO ADOPT the Consent Agenda. The MOTION PASSED 5-0.

REVIEW OF AGENDA

Wintrow moved New Business before Old Business. MacQueen added discussion of the Housing Needs Assessment to Old Business, 2018 Council Retreat Planning to New Business, and a request to Council to approve an Environmental Commission project to New Business. Hempfling

added a nomination for Planning Commission. Housh added the "Yellow Springs-Clifton Connector" to New Business.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

Active Transportation Committee re: YS-Clifton Connector

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2017-42 Amending Utility Dispute Resolution Board Establishment; Authority. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Dodd explained that the UDRB has met recently for the first time in a long while and, at that time, it was recognized that the makeup of the Board needed to be amended to better reflect a strong level of citizen participation.

Dodd noted that there is an existing Board of Tax Appeals (BTA), and the idea in amending the UDRB was to mirror the makeup of the Tax Board so that the same citizens could serve on both Boards. These Boards, Dodd noted, meet very rarely.

Conard noted that the name of the Board of Tax Appeals was updated to reflect state level changes around 2014, but that this is not a substantive issue.

Wintrow received confirmation that the BTA would handle any disputes involving the Lodging Tax.

Wintrow noted that both Boards should have the same term lengths.

Bates clarified that no person working in the Village Finance Department can be appointed to either Board. She noted that while Council can suggest a placement, it cannot appoint an employee, since that is Bates's area of authority.

There being no public comment, Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a roll call vote.

Reading of Resolution 2017-51 Adjusting Employee Wage Scales. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow noted that surrounding communities were contacted to determine a baseline, which is the origin of the 2.5% suggestion with regard to the amount of the increase.

Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

Reading of Resolution 2017-53 Establishing an Endowment with the Community Foundation for the Ongoing Maintenance of the Yellow Springs Creek Conservation Area. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained that the Village had received a grant two years ago to remove invasives from the Yellow Springs Creek area. The grant asked that a mechanism be established to ensure this removal into perpetuity. Bates noted that working with Glen Helen Director Nick Boutis, this fund, in collaboration with the Yellow Springs Community Foundation, would be established for that purpose.

Wintrow received confirmation that citizens can contribute to the fund.

Conversation took place regarding how contributions could be spent, given that the name of the fund is somewhat generic. Bates commented that the funds could be contributed to other green space areas as needed.

Bates confirmed that \$20,000.00 would be sufficient to fund the Yellow Springs Creek area clean up into perpetuity.

Housh suggested creation of another fund to cover discreet projects.

Housh suggested a small change to the agreement.

Wintrow CALLED THE VOTE. The MOTION PASSED 4-1 on a voice vote, with Simms voting against.

CITIZEN CONCERNS

Chief Altman and Chief Carlson spoke regarding their coordination for the New Year's Eve events, which will be officially sponsored by Miami Township Fire & Rescue this year and will involve an official street closure.

Dale Amstutz suggested that if Mills Lawn School is abandoned for a newer facility elsewhere, that the Village purchase that block to be used for special events and as a town square.

Laurie Stober related a story of a young person that she was mentoring who was sold drugs by her employer in the Village. Stober stated that she is initiating a "Citizens' Community Watch" to try to address what she sees as a dangerous situation at the Spirited Goat.

SPECIAL REPORTS

There were no Special Reports.

NEW BUSINESS

Valve Exercise Machine/Bucket Truck Presentation. Johnnie Burns reported on the need for a valve exercise machine and on the need for a new bucket truck.

Burns commented that the valve machine can be included as part of the established budget for the new water plant in that it is an integral feature of the infrastructure and assures that the distribution system is up to the standard required by the Ohio EPA.

Burns noted that the machine can be used as a directional bore to maneuver under sidewalks, for example.

Burns stated that the machine will show the level of static pressure on fire hydrants during flushing exercises.

Altman commented that this feature is advantageous to the Fire Department as well.

The cost is \$63,379.00.

In response to a question from Housh, Burns stated that once the catch-up work is completed, this machine should be used at least weekly as a part of regular maintenance of the distribution system.

Bucket Truck: Burns noted the repair needs of the older bucket truck, stating that repair on that vehicle for 2016 was about \$13,000.00, and it is currently out of service again, in need of about \$7,000.00 worth of repair.

Burns noted the increased height capacity (15 feet) of the proposed new truck, which will allow completion of more projects. He stated that the new vehicle will cost \$134,281.00 and should provide at least 15 years of service.

Burns noted that the vehicle will be housed under cover. He commented that the new vehicle uses a green exhaust system, which is far cleaner and quieter than the current vehicle.

Dodd expressed her desire to pay for the vehicle outright rather than through a payment plan, which will save about \$14,000.00 in interest.

MacQueen MOVED to APPROVE purchase of both the valve exercise machine and the new bucket truck as proposed. Hempfling seconded. Wintrow called the vote, and the MOTION PASSED 5-0 on a voice vote.

2018 Council Retreat Planning. Council would like a retreat scheduled for early January. The Clerk will work on setting this up.

Yellow Springs-Clifton Connector Trail. Housh noted that for over 30 years, there has been discussion regarding a bike route from the Village to the John Bryan State Park/Clifton Gorge area. He noted that State Route 343 is not wide enough for cyclists to traverse safely, and stated that unlike in the past, the Ohio Department of Transportation (ODOT) and the Ohio Department of Natural Resources (ODNR) are both on board with the current proposal.

Housh noted that the Village of Clifton has passed a resolution in favor of the proposal and has earmarked \$3000 for a preliminary engineering study.

Nick Boutis, Director of Glen Helen, spoke in support of the proposal, noting that the Glen manages about 1/3 of the land between the Village and Clifton. He noted that such a path would allow

greater access to more areas of the Glen. Boutis noted that space for a multi-use trail on the Glen side is feasible and is not subject to restrictions.

Boutis responded to a query from MacQueen, noting that the Glen will not be paving any of its access points, but will level and smooth the access areas.

Marcia Sauer spoke as the newly appointed President of the local chapter of Bike Miami Valley and as a member of the Active Transportation Commission. Sauer strongly endorsed the project, and noted its historical significance as an ongoing cause for several individuals as well as the former Bike Enhancement Committee. Sauer called the proposed connector "the missing link".

Wintrow asked that a resolution be brought to Council in support of the proposal.

Sauer noted that a past roadblock was that the trail's right of way would have needed to be on the Case property, and that in the past there was not access to that property, which is now accessible.

Housh noted that funding for the project should be available from the Clean Ohio Fund, Recreational Trails Program and Transportation Alternatives Program.

Council agreed to bring a resolution to the next meeting.

Council Endorsement of Environmental Commission Project. MacQueen described the proposed project, noting that Nadia Malarkey is currently working with Mothers Out Front on a presentation and workshop on pollinator regenerators. The EC recognizes that it needs approval from Council before writing a letter of approval for the project. MacQueen MOVED that Council approve such a letter. Wintrow SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Planning Commission Alternate: Simms NOMINATED Andrew Williams to the position of Planning Commission Alternate. Hempfling SECONDED, and the MOTION PASSED 5-0 on a voice vote.

OLD BUSINESS

Outreach Specialist Funding/Job Description. Chief Carlson read the following statement related to the proposed position:

In response to the request from the JSTF to create a comprehensive outreach program to our at-risk populations, Carlson stated that he had developed a job description for Community Outreach Specialist (COS).

It is difficult for officers to maintain pace with the community demand for continual outreach services, Carlson stated.

The more time officers are able to spend helping the Village's at-risk populations, including connecting them with area social services, the more positive the impact will be on the community as a whole. This position would be the primary conduit for consistent contact with those at-risk populations to better ensure that they have the resources that they need to be successful. The COS would preferably have some understanding of law enforcement culture, as this will aid in navigating the environment in order to best help the individuals served; however, the main focus will be on community outreach.

Carlson asked that Council consider the proposal as a pilot program, because the Department will be learning as it goes, but the immediate benefit would be more community contact and officer assistance through an identified source of contact and direction.

Carlson noted that while he and Bates have considered the position to have some type of collaboration with the Mayor's office, he has concerns about potential conflicts of interest due to the sensitive nature of YSPD cases and the law.

Carlson stated that due to the recent departure of an officer, the police department has three vacant full-time positions. Carlson stated that although traditionally these positions would be filled with sworn officers, he feels strongly enough about the need for this position that he requests filling one vacancy with the Community Outreach Specialist.

Hempfling stated that she wished to speak with the police social worker contact from Illinois prior to making a decision.

MacQueen stated her readiness to make a decision, characterizing the proposal as a pilot program.

Wintrow stated that she did not have a need to speak with the police social worker.

Hempfling stated that she sees the conversation as necessary.

MacQueen commented that the Village is unique and may need to craft the position specific to its needs.

Simms commented that he is unwilling to lose a sworn officer position to the Outreach position, citing officer safety. He asked that the next Council consider funding the position.

Housh indicated his support, and reminded Council of the expressed urgency for the position. He stated that he could support acceptance at the next meeting. Housh noted that he would be interested in a phone conversation with a police social worker, but would not let this hold up a decision.

Wintrow commented that if the matter goes to the next Council, it will take some time for new members to come back up to speed, and asked that the matter be resolved during her tenure.

Bates commented that the position needs to be added to the organizational chart, which would require legislation as an emergency.

Wintrow asked that the title "Community Outreach Specialist" be used.

In response to questions from MacQueen, Kate Hamilton stated that she believes the job description provided is appropriate to the Village's needs, and noted that the specialists that she spoke with worked in far larger municipalities where they were one of several such specialists. She noted that this is a pilot project.

Hempfling stated concern that the first qualification listed is "in the area of criminal justice". She argued that the first qualification should be "social worker".

Hamilton responded that when she has spoken with the specialists, they have emphasized that the police social worker does work closely with officers and does need to be a part of the law enforcement team.

Chief Altman commented that the proposed position is a "great first step". He noted that the county social workers are insufficient to the task, and this leaves the burden on the first responders without, often, assisting the client. Altman commented that Miami Township has the highest number of mental health transports in the county, and commended the YSPD for its high level of engagement and expertise.

Chief Carlson commented that he would work on the job description to address some of the concerns expressed by Council members.

Carlson commented to Simms that he believes that if the position works as it's designed, the number of calls officers have to respond to and the amount of time on some calls should diminish. Carlson noted the "80/20" rule, citing that 80% of calls received by the YSPD are for mental health or social welfare issues, while only 20% involve traditional policing issues, and 80% of police training is related to the latter while 20% of police training is mental health/social work.

Wintrow asked that the job description return to the next meeting, with Hempfling and Housh also helping to refine it, and asked the Solicitor and Clerk to craft legislation.

Cresco Labs Facility Update. Wintrow noted that Cresco Labs has received its cultivation license as a Tier 1 medical marijuana facility. There will be a groundbreaking upcoming, she stated, and Cresco leadership is very positive about moving forward with the Village.

Lodging Tax Implementation. Wintrow received confirmation from Conard that both she and MacQueen did not need to recuse themselves from the discussion.

Dodd related that she is posting information to the Village website and, while some of the interface is not yet functional, she is working to get this resolved.

Dodd went through how to access the information online, and explained how the system will work moving forward.

Dodd noted that the legislation adding a \$25.00 fee to the lodging permit will be brought to the next meeting.

The topic of how to collect the tax was discussed.

Dodd presented information regarding voluntary tax collection based upon her research and upon a session that she attended at a recent International City/County Managers Association (ICMA)

conference. She advised against contracting with Airbnb, which offers a voluntary tax collection agreement.

Dodd commented that ICMA dissuades municipalities from entering into agreements with Airbnb due to the lack of transparency. She then conducted further research and discovered a report by the American Hotel and Lodging Association, which also advises against any agreement with Airbnb.

Dodd concluded that in the entire state of Ohio, only Cleveland and Cuyahoga County have an agreement in place with Airbnb.

Dodd recommended against any agreement between the Village and Airbnb for voluntary tax collection.

Bates expressed agreement, and noted that any proprietor who lists with multiple transient guest lodging booking sites will still need to collect for all other sites even if an agreement is in place with Airbnb.

Hempfling noted that she had brought forward information about the voluntary tax agreement (VTA), and suggested that Airbnb seems to be trying to meet the needs of municipalities. She opined that the study Dodd cited was written by their competitors.

Hempfling stated that 20 states in the US have signed with Airbnb, and asked that Cleveland be contacted for further information. She asked for more research and legal advice on the matter.

Wintrow noted that the requirement to collect starts January 1st and asked that the Village get through 2018 first and then consider the matter.

Housh supported outreach to Cuyahoga County and Cleveland to better understand how the relationship with Airbnb works.

Dodd commented that this is a private entity collecting taxes on behalf of a public agency, which does not need to adhere to Sunshine Law.

MacQueen commented that she did not believe that the small amount of money involved was worth the pursuit of the matter.

Hempfling commented several times that the VTA should make things easier for staff.

Bates followed up, asking Dodd whether the VTA would reduce staff workload. Dodd responded in the negative.

Wintrow asked whether Airbnb exacts a fee for the VTA.

Complete Streets Policy. Housh noted the provided draft, commenting that the policy ensures that all uses, ages and abilities are taken into consideration when any sidewalk or street work is done.

Housh noted that he has asked for assistance from the YS Active Transportation Committee on the policy, but would like a resolution of approval.

Wintrow requested a resolution for the next meeting.

Board and Commission Policy Review. Council adopted the provided documents regarding the interview process and the best practices for boards and commissions. Wintrow MOVED to APPROVE the documents as presented by the Clerk. Simms SECONDED, and the MOTION PASSED 4-1 on a voice vote, with MacQueen voting against.

Housh and MacQueen will work on some of the other documents associated with boards and commissions at a later date for review at the first Council retreat.

Housing Needs Assessment Update. Bates noted information provided by Bowen in the packet with a status report noting that a draft will likely be ready by mid-December. Bates noted that the plan is for the working group to review the data in time to provide feedback prior to Bowen's presentation to Council on January 2nd.

MacQueen opined that this time frame would not permit sufficient time for the working group to get feedback to Bowen in time for Bowen to incorporate that feedback in its presentation to Council.

There was general agreement with this perspective from Council.

2nd. Bates agreed to ask Bowen to present at the January 16th, 2018 meeting rather than on January

MANAGER’S REPORT

There was no Village Manager report.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT

Dodd reported on the following:

Dodd noted that the Xenia Avenue sidewalk ramp project should be nearly finished at this point. The Safe Routes to School project is also moving along very nicely.

She commented that she is wrapping up end of year financials.

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, and has 15 applications to date.

CLERK’S REPORT

The Clerk provided the 2018 meetings schedule and the upcoming New Council Orientation schedule. She reported many public records requests of late, and noted that the “ride visible” campaign continues, with lights being handed out to bikers when possible.

AGENDA PLANNING

- Dec. 18: Emergency Reading of Ordinance 2017-43 Approving Fourth Quarter Transfers and Declaring an Emergency
Emergency Reading of Ordinance 2017-44 Approving Fourth Quarter Supplemental Appropriations and Declaring an Emergency
Emergency Reading of Ordinance 2017-45 Adding the Position of Community Outreach Specialist to the Village Organizational Chart and Declaring an Emergency
Emergency Reading of Ordinance 2017- 46 Amending the Fee Schedule for Transient Guest Lodging Permits and Declaring an Emergency
Reading of Resolution 2017-54 Approving Use of the ORC Approved Non-Partisan Nominating Petition as the Village Council and Mayor Nominating Petition
Reading of Resolution 2017-55 Declaring Support for the Proposed Yellow Springs-Clifton Connector Trail
Reading of Resolution 2017-56 Adopting a Complete Streets Policy for the Village of Yellow Springs
Reading of Resolution 2017-57 Honoring Departing Council Member Gerald Simms
Reading of Resolution 2017-58 Honoring Departing Council President Karen Wintrow
Executive Session at 5:30
Revolving Loan Fund Discussion
JSTF Citation and Warnings Report
- Jan. 2: Swearing-In of New Council and Mayor
JSTF Taser Policy Presentation
- Jan. 16: Bowen Presentation re: Housing Needs Assessment
Voluntary Tax Collection Discussion

ADJOURNMENT

At 9:59pm, 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.ysc.com

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council

**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.

ORDINANCE NO. 2017-43

**2017 SUPPLEMENTAL APPROPRIATIONS AND DECLARING AN EMERGENCY
VILLAGE OF YELLOW SPRINGS, OHIO**

WHEREAS, Ordinance 2017-15 is hereby repealed and replaced in its entirety, and

WHEREAS, Ordinances 2016-27, 2017-04 and 2017-26 were adopted to make appropriations for current expenses and other expenditures of the Village of Yellow Springs, State of Ohio, during the fiscal year ending December 31, 2017, and

WHEREAS, Village Council makes supplemental appropriations to reflect adjustments which occur throughout the fiscal year, and

WHEREAS, this ordinance is hereby declared to be an emergency measure necessary to preserve the public interest and provide for a special emergency in the operation of Village services, such emergency being the urgent necessity to provide for legitimate expenditures and amend the annual appropriation

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

Section 1. To provide for expenses and other expenditures of the said Village of Yellow Springs during the fiscal year ending December 31, 2017 the following sums are hereby set aside and appropriated as follows:

Section 2. That there be appropriated from the GENERAL FUND:		CURRENT BUDGET	SUPPLEMENTAL	AMENDED BUDGET
	Council Total	341,900	\$ 25,000	366,900
	<i>Personal Services</i>	123,800	.	123,800
	Mayor Total	60,470		60,470
	<i>Personal Services</i>	43,945	\$ -	43,945
	Administration Total	437,900	\$ (25,000)	412,900
	<i>Personal Services</i>	181,250	\$ -	181,250
	Auditor	30,800	\$ -	30,800
	Rental Property	27,500	\$ 1,500	29,000
	Library	5,500	\$ -	5,500
	Cable	28,350	\$ -	28,350
	<i>Personal Services</i>	21,900		21,900
	Human Relations	25,000	\$ -	25,000
	Public Safety Total	1,462,034		1,462,034
	<i>Personal Services</i>	1,205,634	\$ -	1,205,634
	Planning Total	97,883	\$ 2,000	99,883
	<i>Personal Services</i>	70,483	\$ 2,000	72,483
	Mediation	9,000	\$ 500	9,500
	Transfers and Advances	699,309	\$ 404,812	1,104,121
	TOTAL GENERAL FUND APPROPRIATIONS	\$ 3,225,646	\$ 408,812	\$ 3,634,458

Section 3. That there be appropriated from the following **SPECIAL REVENUE FUNDS:**

202	Street Maintenance & Repair Total	\$ 600,341		\$ 600,341
	Streets	598,441		598,441
	<i>Personal Services</i>	211,546		211,546
	ODOT Safe Routes to School	\$ 1,900		\$ 1,900
204	Parks and Recreation Fund Total	\$ 382,407	\$ 42,100	\$ 424,507
	Parks Total	73,082	\$ 3,100	76,182
	<i>Personal Services</i>	22,230		22,230
	Pool Total	112,221	\$ 11,000	123,221
	<i>Personal Services</i>	64,675	\$ 11,000	75,675
	Bryan Center Total	202,150	\$ 28,000	230,150
	<i>Personal Services</i>	107,950		107,950
	Bryan Youth Center Total	5,000		5,000
207	Green Space Fund	\$ 90,960		\$ 90,960
210	Mayor's Court Computer Fund	\$ 2,200		\$ 2,200
213	Coat & Supply Fund	\$ 3,000	\$ 2,000	\$ 5,000
215	Federal Forfeited Assets Fund	\$ -		\$ -
216	State Law Enforcement Trust Fund	\$ 10,045		\$ 10,045
903	Police Pension Fund Total	\$ 115,450		\$ 115,450
	TOTAL SPECIAL REVENUE FUND APPROPRIATIONS	\$ 1,204,403	\$ 44,100	\$ 1,248,503

Section 4. That there be appropriated from the CAPITAL PROJECT FUNDS:

305	Electric Capital Improvement Fund	\$	165,000	\$	132,000	\$	297,000
306	Facilities Improvement Fund	\$	52,000	\$	284,625	\$	336,625
351	USACE - Grant Fund	\$	1,400	\$	12,000	\$	13,400
354	CDBG - Grant Fund	\$	-	\$	-	\$	-
TOTAL CAPITAL PROJECT FUND APPROPRIATIONS		\$	218,400	\$	428,625	\$	647,025

Section 5. That there be appropriated from the ENTERPRISE FUNDS:

601	Electric Fund Total	\$	3,391,247	\$	364,000	\$	3,755,247
	Personal Services		448,843	\$	-		448,843
610	Water Fund Total	\$	739,986	\$	147,076	\$	887,062
	Water Distribution Total		497,594				497,594
	Personal Services		261,076	\$	-		261,076
	Water Treatment Total		242,391	\$	147,076		389,467
	Personal Services		110,191	\$	25,000		135,191
620	Sewer Fund Total	\$	918,068	\$	45,000	\$	963,068
	Sewer Collection		434,933				434,933
	Personal Services		230,298	\$	-		230,298
	Sewer Treatment		483,135	\$	45,000		528,135
	Personal Services		113,359	\$	25,000		138,359
630	Solid Waste Fund	\$	262,200	\$	5,000	\$	267,200
TOTAL ENTERPRISE FUND APPROPRIATIONS		\$	5,311,501	\$	561,076	\$	5,872,577

Section 6. That the appropriation from the Total Fund Budget is as follows:

GRAND TOTAL APPROPRIATIONS ALL FUNDS	\$	9,959,950	\$	1,442,613	\$	11,402,563
--------------------------------------	----	-----------	----	-----------	----	------------

Section 7. The Finance Director and the Village Manager are hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by an ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with such ordinance.

Section 8. This ordinance is hereby declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the Village, wherefore, this ordinance shall be in effect immediately upon its adoption by Council.

Karen Wintrow, President

Passed:

Attest:

Judy Kintner, Clerk of Council

ROLL CALL:

Karen Wintrow

Brian Housh

Judith Hempfling

Marianne MacQueen

Gerald Simms

SUPPLEMENTAL APPROPRIATION WORKSHEET

SUPPLEMENT TO ORDINANCE 2017-43

GENERAL FUND

DEPT	AMOUNT	PROJECT	ACCOUNT	ACCT. DESCRIPTION
COUNCIL	\$ 25,000	Housing Needs Assessment	101-1001-53104	PROF. SERVICES
ADMINISTRATION	\$ (25,000)	Housing Needs Assessment	101-1003-53104	PROF. SERVICES
RENTAL PROPERTY	\$ 1,500	Increased utility costs	101-1005-13131	ELECTRIC
PLANNING AND ZONING	\$ 2,000	Increased personnel costs	101-1202-51101	WAGES
MEDIATION	\$ 500	Advertising	101-1204-53138	ADVERTISING
TRANSFERS OUT	\$ 404,812	Transfer of addtl revenues for cap. Imp.	101-1009-59101	TRANSFERS OUT
Total GF	\$ 408,812			

SPECIAL REVENUE FUNDS

DEPT	AMOUNT	PROJECT	ACCOUNT	ACCT. DESCRIPTION
PARKS	\$ 3,100	Professional services to Bryan Center	204-1601-53104	PROFESSIONAL SERVICES
POOL	\$ 11,000	Final wages over original budget	204-1602-51104	PART TIME WAGES
BRYAN CENTER	\$ 3,000	Increased maintenance of equipment	204-1603-53106	MAINT OF EQUIPMENT
BRYAN CENTER	\$ 14,000	Increased utilities	204-1603-53131	ELECTRIC
BRYAN CENTER	\$ 11,000	Increased facility maintenance costs	204-1603-53135	MAINT OF FACILITY
COATS AND SUPPLIES	\$ 2,000	Coats for kids	213-1201-54102	COATS AND SUPPLIES
Total SR Funds	\$ 44,100			

CAPITAL PROJECTS FUNDS

DEPT	AMOUNT	PROJECT	ACCOUNT	ACCT. DESCRIPTION
ELECTRIC CAPITAL IMP.	\$ 132,000	New small bucket truck	305-1302-55102	CAPITAL EQUIPMENT
FACILITIES IMPROVEMENT	\$ 284,625	New crew quarters	307-1902-55101	LAND AND BUILDINGS
USACE GRANT FUND	\$ 12,000	Final costs of construction	351-1901-55103	PUBLIC WORKS
Total CP Funds	\$ 428,625			

ENTERPRISE FUNDS

DEPT	AMOUNT	PROJECT	ACCOUNT	ACCT. DESCRIPTION
ELECTRIC	\$ 364,000	Additional power costs	601-1302-53119	POWER COSTS
WATER TREATMENT	\$ 25,000	Additional wages	610-1312-51101	WAGES
WATER TREATMENT	\$ 33,000	Engineering for water plant not budgeted	610-1312-53104	PROFESSIONAL SERVICES
WATER TREATMENT	\$ 89,076	Principal for one new water plant loan	610-1312-56101	PRINCIPAL
SEWER TREATMENT	\$ 25,000	Additional wages	620-1322-51101	WAGES
SEWER TREATMENT	\$ 20,000	Additional utility costs	620-1322-53131	ELECTRIC
SOLID WASTE	\$ 5,000	Additional costs for solid waste pick up	630-1331-53130	SOLID WASTE
Total Enterprise	\$ 561,076			

**Total Supplemental
Appropriations \$1,442,613**

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-44**

**AN ORDINANCE AUTHORIZING THE ANNUAL TRANSFER OF FUNDS
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinances 2016-27, 2017-04 and 2017-26 was adopted to make appropriations for expenses of the Village of Yellow Springs, State of Ohio, during the fiscal year ending December 31, 2017; and

WHEREAS, the Village of Yellow Springs Charter, Section 40, requires the transfer of funds be approved through an ordinance established by Council; and

WHEREAS, Ordinance 2017-01 was adopted to account for the annual transfer of funds during the fiscal year ending December 31, 2017; and

WHEREAS, additional transfers are warranted prior to the end of the fiscal year; and

WHEREAS, this ordinance is hereby declared to be an emergency measure necessary to preserve the public interest and provide for a special emergency in the operation of Village services, such emergency being the urgent necessity to provide for legitimate expenditures.

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

Section 1. In accordance with Ordinances 2016-27, 2017-04 and 2017-26 and Charter Section 40 the following additional transfers of funds for fiscal year 2017 are authorized:

General Fund Transfers to:

Facilities Improvement Fund	\$400,000
Guaranteed Deposit Fund	\$4,812
TOTAL GENERAL FUND TRANSFERS	\$404,812

Section 2 The Finance Director is authorized to transfer the funds as they are certified and available.

Section 3 This ordinance is hereby declared to be an emergency measure necessary to preserve the public interest and shall take effect at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll call: Wintrow_____ Housh_____ Simms_____

MacQueen_____ Hempfling_____

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-45**

**AUTHORIZING THE ANNUAL TRANSFER OF FUNDS
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance 2017-41 was adopted to make appropriations for expenses of the Village of Yellow Springs, State of Ohio, during the fiscal year ending December 31, 2018; and

WHEREAS, the Village of Yellow Springs Charter, Section 40, requires the transfer of funds be approved through an ordinance established by Council; and

WHEREAS, this ordinance is hereby declared to be an emergency measure necessary to preserve the public interest and provide for a special emergency in the operation of Village services, such emergency being the urgent necessity to provide for legitimate expenditures.

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

Section 1. In accordance with Ordinance 2017-41 and Charter Section 40 the following transfers of funds for fiscal year 2018 are authorized:

General Fund Transfers to:

Street Fund	\$333,918
Parks and Recreation Fund	\$364,764
Green Space	\$50,000
Police Pension Fund	\$81,250
Cable Capital Equipment	\$26,000
Capital Equipment Fund	\$25,000
Facilities Improvement Fund	\$25,000
Parks and Recreation Improvement Fund	\$25,000
TOTAL GENERAL FUND TRANSFERS	\$930,932

Electric Fund Transfers to:

Electric Improvement Fund	\$50,000
TOTAL ELECTRIC FUND TRANSFERS	\$50,000

Water Fund Transfers to:

Water Improvement Fund	\$50,000
TOTAL ELECTRIC FUND TRANSFERS	\$50,000

Sewer Fund Transfers to:

Sewer Improvement Fund	\$50,000
TOTAL SEWER FUND TRANSFERS	\$50,000

Section 2 The Finance Director is authorized to transfer the funds as they are certified and available.

Section 3 This ordinance is hereby declared to be an emergency measure necessary to preserve the public interest and shall take effect at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll call: Wintrow_____ Housh_____ Simms_____ MacQueen_____ Hempfling_____



Prepared by Chief Brian Carlson
December 4, 2017

In response to the request from the JSTF to create a comprehensive outreach program to our at-risk populations, I have created the attached job description for Community Outreach Specialist (OS).

It is difficult for officers to maintain pace with the community demand for continual outreach services. The more time we are able to spend helping our at-risk populations, including engaging them with area social services, the more positive the impact will be on our community as a whole. This position would be the primary conduit for consistent contact with those at-risk populations, to better ensure that they have the resources they need to be successful. The COS would preferably have some understanding of law enforcement culture, as this will aid in navigating the environment in order to best help the individuals served; however, the main focus will be in community outreach.

We should consider this a pilot program, because we will be learning as we go, but the immediate benefit will be more community contact and officer assistance through a single source of direction, coinciding with the Guidelines for Village Policing Guidelines that Council has approved and I have been tasked to facilitate. While we have considered this position to have some type of collaboration with the Mayor's office, I have concerns about potential conflicts of interest due to the sensitive nature of our cases and the law.

Due to the recent departure of Officer England, the police department has three vacant full time positions. Considering the concerns of the police department budget, and though I believe ideally those positions should be filled with sworn officers, I feel strongly enough in the need for this position that I respectfully request to fill one of those positions with the Community Outreach Specialist and ask you to approve that position. This will be of great benefit to the community and the department.

I am excited about the potential for this within our department and happy to answer any questions you may have.

YELLOW SPRINGS POLICE DEPARTMENT

Brian Carlson
Chief of Police

100 Dayton Street
Yellow Springs, OH 45387

Phone: 937-767-7206

Fax: 937-767-9281

Email: chief@yso.com

Position: Community Outreach Specialist (civilian)**12-18-2017**

Appointed by: Village Manager

Reports to: Chief of Police

Status: Part-Time

Classification: Non-Exempt

The Village of Yellow Springs is seeking qualified candidates to fill the position of Community Outreach Specialist, a role designed to provide support services to the community and the YS Police Department, including active support of the YSPD's community engagement efforts and initiatives.

Qualifications Expectations

Applicants will have a minimum of a Bachelor's Degree in Social Work or an academic degree in a related field with relevant experience. The selected applicant must be able to plan, organize, coordinate and direct the Village's proposed comprehensive police-assisted social services, including but not limited to, follow-up on calls for service with the intention of finding effective, positive solutions for people in need of services and affected community members. This position will be 30 hours/week at a salary of \$20.69/hour plus benefits. The employee's schedule may include on-call shifts (TBD).

Description

The Yellow Springs Community Outreach Specialist will primarily provide assistance and services to community members in need of social services, mental health intervention, crisis intervention or similar services. Methods of potential support include providing resources for at-risk youth populations and individuals with mental illness, drug addiction, domestic violence and emergencies/disasters. The Community Outreach Specialist will assist in remedying gaps (e.g. when a person is ineligible per agency criteria but still in need of services, effective services are time-sensitive, consistent follow-up is needed).

Working with the Chief of Police, the Community Outreach Specialist will serve as a liaison among community members, the YS Police Department, the Village, and all available social service, mental health, faith-based, housing or other living support services organizations and medical agencies. The Community Outreach Specialist will proactively develop relationships with social service agencies and other supporting organizations as well as community members, following up with referred individuals to ensure connections to services are effective and problem solving if not.

The YS Community Outreach Specialist must be able to create and update a database of available services and eligibility criteria for agency use in assisting our residents, visitors and at-risk populations. The database will consist of all available facilities, shelters, clinics, housing referrals and charitable organizations that can assist community members that the Department may encounter.

The Community Outreach Specialist will be required to receive regular training that the Chief of Police deems important. Additionally, the Community Outreach specialist will work collaboratively with various local entities to determine specific needs/gaps and develop the best approaches to address them. An aspect of this role will involve assisting the YSPD in organizing public educational activities and events to raise awareness among community members.

The Community Outreach Specialist will facilitate training to police personnel on topics such as mental health and effective responses, social services available and appropriate use, stress management, suicide awareness and prevention, age-related topics (e.g. responding to people with dementia, juveniles in need), unexpected death response, community or individual crisis intervention, debriefings for officers, as needed.

Additional duties to include the following:

1. Update police web page, social media & other communication channels with community services information.
2. Provide written monthly reports to Chief of Police covering services database updates & other key initiatives.
3. Provide quarterly reports to Village Council with updates on projects and people the Department has assisted.
4. Explore the effective use of Restorative Justice within the Village Justice System.
5. Provide ongoing guidance and supplementary case management support.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-46**

**REPEALING SECTION 242.01 “COMPOSITION; CLASSIFICATION” OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND
ENACTING NEW SECTION 242.01 “COMPOSITION; CLASSIFICATION” AND
DECLARING AN EMERGENCY**

Whereas, Codified Ordinance Section 242.01 of the Village of Yellow Springs, Ohio describes the composition and classification of the Police Department; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 242.01 entitled “Composition; Classification” of the Codified Ordinances of the Village of Yellow Springs, Ohio to include in the composition of the Police Department the position of outreach specialist; and

Whereas, the position of Outreach Specialist is intended to enhance access to available social services for those in need of those resources with the broader purpose of protecting and benefiting the Village; and

Whereas, the position of Outreach Specialist is a pilot project, the Chief of Police may recommend changes to the job description with approval of the Village Manager and input from Village Council.

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

Section 1. Section 242.01 entitled “Composition; Classification” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 242.01 entitled “Composition; Classification” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as follows with new language underlined and **bolded** and deleted language in ~~strikethrough~~:

242.01 COMPOSITION; CLASSIFICATION.

The Police Department shall be composed of a Chief of Police, as well as command staff, which may include captains, sergeants, and corporals assigned as determined by the Chief of Police and approved by the Village Manager. The Police Department shall also be composed of patrol officers and dispatcher/clerks assigned as determined by the Chief of Police and approved by the Village Manager. Part-time officers, reserve officers, ~~and part-time dispatcher/clerks,~~ **and an outreach specialist** are permitted if requested by the Chief of Police and approved by the Village Manager.

The position of Chief of Police shall be a nonclassified, contract position, whereas all other positions within the Department shall be classified as identified in Chapter 252.

Section 3. This Ordinance is hereby declared to be an emergency measure authorized under the Village's home rule powers necessary for the benefit of the health, safety and welfare of the Village and shall take effect immediately upon approval by Village Council.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow _____ Brian Housh _____ Gerald Simms _____

Judith Hempfling _____ Marianne MacQueen _____

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-47**

**REPEALING APPENDIX A “FEE SCHEDULE” OF PART TWELVE PLANNING AND
ZONING CODE, TITLE FOUR ZONING OF THE CODIFIED ORDINANCES OF THE
VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW SECTION APPENDIX A
“FEE SCHEDULE” AND DECLARING AN EMERGENCY**

Whereas, Codified Ordinances for Planning and Zoning of the Village of Yellow Springs, Ohio establish a fee schedule; and

Whereas, Because Village Council adopted a Lodging Tax and a permit fee is required to register and operate a Lodging Tax Establishment, the Fee Schedule contained in Appendix A of the Village’s Planning and Zoning Code must be enacted for registration and enforcement purposes; and

Whereas, the Village Lodging Tax takes effect on January 1, 2018 and the Fee Schedule must be in place for Lodging Tax Establishments to have notice of the permit cost.

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

Section 1. Appendix A of the Planning and Zoning Codified Ordinances of the Village of Yellow Springs entitled “Fee Schedule” be repealed.

Section 2. A new Appendix A of the Planning and Zoning Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in 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 is hereby declared to be an emergency measure authorized under the Village’s home rule powers necessary for implemation of the Lodging Tax registration and permitting process that takes effect on January 1, 2018 and shall take effect immediately upon approval by Village Council.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow _____ Brian Housh _____

Gerald Simms _____

Judith Hempfling _____

Marianne MacQueen _____

EXHIBIT A to Ord. 2017-47

APPENDIX A Fee Schedule

The following amended fee schedule shall apply to non-governmental applications and appeals file pursuant to the regulations outlined in the Village's Zoning Code:

- a) Zoning Permits
 - a. Fence/Accessory Structure Permit Application \$15.00
 - b. New Construction Permit
 - i. Single Family \$35.00
 - ii. Multi-family & Commercial \$35.00 +\$10 per residential unit over 4 and/or 1,000 sq ft over 5,000 commercial.
 - c. Sign Permit \$15.00 ~~P~~per sign
 - d. Change of Use permit \$15.00
 - e. Transient Guest Lodging permit \$25.00
- b) Planning Commission Applications
 - a. Planned Unit Development Application
 - i. Preliminary Plan Application \$150.00
 - ii. Final Plan Application \$75.00
 - b. Level B Plan Review Development Application \$100.00 + \$500 Refundable deposit.
 - c. PUD or Level B Plan Re-application/Amendment \$50.00
 - d. Conditional Use Application \$100.00
 - e. Lot Subdivision (Not associated with dev plan or PUD) \$50.00 + \$15 per lot
 - f. Map/Text Amendment Request \$200.00
- c) Board of Zoning Appeals Applications
 - a. Variance Application Request \$100.00
 - b. Administrative Appeal \$100.00
- d) Zoning Compliance Certificate \$15.00
- e) Village Council Appeal from Planning or Board \$100.00*
- f) Right-of-way Vacation Request \$50.00 (if petition as included)
per Section [1224.03](#)(a)

\$100.00 (if no petition included)

g) Fine for starting work without obtaining a permit is 50% of the cost of the permit.

Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.

* According to Section 1276.03(b)(6) - \$30.00 refunded if appeal affirmed

(Ord. 2015-05. Passed 5-4-15-)

VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2017-54

APPROVING REPLACEMENT OF THE CURRENT VILLAGE OF YELLOW SPRINGS MAYOR
AND COUNCIL NOMINATING PETITION WITH THE OHIO SECRETARY OF STATE'S
PETITION FORM 3-0

WHEREAS, as a Charter municipality, the Village of Yellow Springs has the authority to create its own nominating petition under the power of home rule, and has done so in the past; and

WHEREAS, currently, the Village petition differs in terms of its form and requirements from the standard nominating petition used by other municipalities located within Greene County and Council wishes to assure full and fair access for candidates seeking to run for the positions of Council and Mayor in the Village of Yellow Springs and avoid unnecessary confusion because of non-standard nominating petitions ; and

WHEREAS, Council has determined that it would be in the best interest of the Village to allow full and fair access by adopting the Ohio Secretary of State's nominating petition for use by candidates for Village elected office,

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

Section 1. The nominating petition for the Village offices of Mayor and Council shall be Ohio Form 3-0, attached hereto as Exhibit A, including any future changes made by the Ohio Secretary of State.

Section 2. Any instruction or condition particular to Village Charter which differs or adds to the instructions or conditions provided by the State of Ohio or the Board of Elections for Form 3-0 will be provided by the Village to the Greene County Board of Elections as an additional instruction sheet to be provided to requesters.

Section 3. The Clerk is hereby instructed to provide all necessary information and communications to the Greene County Board of Elections to enact this change.

Section 4. This Resolution shall become effective immediately upon its adoption.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll Call: Wintrow ____ Housh ____ Simms ____
 MacQueen ____ Hempfling ____

**VILLAGE OF YELLOW SPRINGS
RESOLUTION 2017-55**

SUPPORTING THE YELLOW SPRINGS-CLIFTON CONNECTOR TRAIL

WHEREAS, the Yellow Springs-Clifton Connector Trail is a recreational trail envisioned by a group of local leaders, including representatives from the Villages of Yellow Springs and Clifton, Greene County Regional Planning, Yellow Springs Chamber of Commerce, Rails-to-Trails Conservancy, Miami Township, Greene County Parks and Trails, Ohio Department of Natural Resources and Ohio Department of Transportation; 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 and provide access to the Clifton Gorge State Nature Preserve, John Bryan State Park and Glen Helen Nature Preserve; and

WHEREAS, the proposed Yellow Springs-Clifton Connector Trail aligns with Village of Yellow Springs long-term goals promoting quality of life and livability in and around the Village as well as reducing the carbon footprint of our community; and

WHEREAS, the Village of Yellow Springs advocates and encourages healthy and active lifestyles around active modes of transportation as well as accessibility for people of all ages and abilities; and

WHEREAS, 2017 has been designated Ohio's "Year of the Trail" by House of Representatives Resolution 105 in response to resolutions adopted by the Greene County Board of Commissioners as well as the Villages of Yellow Springs and Clifton; and

WHEREAS, more than one million individuals, both local residents and visitors, annually 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 and Glen Helen Nature Preserve as well as the unique tourism destinations and events in the Villages of Clifton and Yellow Springs; and

WHEREAS, recreational trails revitalize and invigorate communities and help support economic development and growth, environmental sustainability and public health; 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;

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. Yellow Springs Village Council does hereby proclaim its full support of the Yellow Springs-Clifton Connector Trail and will facilitate the process of its engineering, design and

construction in all ways possible, including appropriating \$10,000 to help fund a preliminary engineering study that will determine the trail route and estimate the cost of the project.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow _____ Brian Housh _____ Gerald Simms _____

Judith Hempfling _____ Marianne MacQueen _____

**VILLAGE OF YELLOW SPRINGS
RESOLUTION 2017-56**

**ADOPTING A COMPLETE STREETS POLICY FOR
THE VILLAGE OF YELLOW SPRINGS**

Whereas, in addition to traditional motorized transportation, citizens of Yellow Springs regularly choose active modes of transportation, including walking and bicycling as well as the use of mobility devices and public transit; and,

Whereas, the Village of Yellow Springs has made a commitment to create a safe transportation network that allows citizens to use a varied array of modes of transportation through the adoption of a Complete Streets Policy so that all current and projected users of the public right-of-way may safely and conveniently reach their destination; and,

Whereas, the Village of Yellow Springs recognizes that a Complete Streets Policy helps to ensure that all users and modes of transportation are considered during the design and implementation phases of projects; and,

Whereas, in addition to design and implementation, a meaningful Complete Streets Policy includes consideration of education and enforcement initiatives; and,

Whereas, the adoption and implementation of a Complete Streets Policy will encourage and facilitate walking, transit & mobility device use and biking, all of which have health, economic and environmental benefits;

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

Section 1: The Village of Yellow Springs does hereby express its intent to implement and continually develop a Complete Streets Policy, to be used in all future planning and construction endeavors within the Village limits.

Karen Wintrow, President of Council

PASSED:

Attest:_____
Judy Kintner, Clerk of Council

ROLL CALL:

Karen Wintrow ____

Brian Housh ____

Gerald Simms ____

Marianne MacQueen____

Judith Hempfling ____



COMPLETE STREETS POLICY

December 14, 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, road or trail, regardless of their physical ability or 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, individuals with disabilities, motorists, freight haulers, service personnel and emergency responders as well as a wide range of ages from young children to seniors. Specific attention should be paid to vulnerable populations in contexts where they may need to travel. Studies show, for example, that a large majority of cyclists feel safe only if travelling on a “protected” bike lane or trail separated from traffic. This is especially true for younger riders and families. 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 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, connected 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 all users if each knows the rules of the road and obeys those rules. As more cyclists, pedestrians and individuals traveling with mobility devices share the right-of-way with automobiles, all parties need opportunities to learn the proper use of treatments such as unsignalized crossings, 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 all users is critical to ensure that posted speeds are obeyed, proper signals are used when turning, and traffic lights and signs are respected. A concerted effort should be made by local government and community members to proactively address enforcement protocols and communicate them clearly both in policy and in practice. 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, individuals with disabilities and transit riders also must take responsibility for walking or rolling along and across roadways in a safe and legal manner, using sidewalks or shoulders when available. If no such facility is available, pedestrians or individuals with disabilities should walk or roll on the left, facing traffic, as near to the outside edge of the roadway as is safe and practical.

With regard to individuals using mobility devices, drivers and cyclists should be aware that there are times when using the street is necessary. When sharing the roads or sidewalks, be mindful of varying speeds that users travel as well as obstructions (e.g. parking vehicles on sidewalks) that can make it difficult for differently-abled individuals to get to their destinations.

BENEFITS

By providing, where appropriate, features such as connected and accessible sidewalks, dedicated bicycle facilities, well-marked crosswalks and accessible transit stops, Complete Streets encourage walking, transit & mobility device use and biking, all of which have important health, economic and environmental benefits. By facilitating a greater share of trips via these active transportation modes, 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 benefit community health through increased physical activity and improve safety by reducing crashes among all modes. 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 by planning & building new bike trails that enhance connectivity and by making sure that all these connections are accessible to individuals 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 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, individuals with disabilities and transit riders, any or all of the following should be considered: reduced speeds, narrowed travel lanes, “protected” bike lanes, adequate shoulders, shared lane markers, sidepaths, trails, 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. 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 footpaths in grassy/muddy areas along a road are also de facto evidence of the need for facilities for pedestrians and individuals with disabilities, 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 individuals 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, individuals 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, individuals using mobility devices and bicyclists, school systems can better manage transportation costs and avoid new congestion problems. Students can also enjoy the health benefits of walking, rolling 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 individuals 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, mobility device or pedestrian for a road to be *complete* without additional design elements.

APPLICABILITY

This policy applies to all transportation or public works 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. With a primary objective to enhance transportation choices, creative approaches should be considered to address a wide variety of end users and possible street treatments and amenities that will serve them. 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. New development plan design must include trail corridor dedication to enhance connectivity between the development and the existing/future trail system. On street enhancement may not be needed where ODOT-standard trails are installed.

This policy applies to all phases of project development, from initial planning through construction. The probable use through the life of the project must be considered. How a project will address Complete Streets criteria will be documented in the project plan to be approved by the Village of Yellow Springs. If it is determined that additional Complete Streets treatments are not warranted, e.g. because certain users are prohibited or a street or road is already adequately designed to accommodate all users or includes a trail plan, and thus, is *complete* without further enhancements, this should also be documented and approved by the Village of Yellow Springs. It should also be kept in mind that resurfacing projects often offer a low-cost opportunity to adjust lane widths, add bike lanes or improve crosswalks simply by changing the pavement markings to make streets more *complete*. When new traffic control detection devices are installed, they must be capable of detecting bicycles and mobility devices. All new pedestrian crossing devices must also meet the most current accessibility standards for controls, signals and placement.

In line with the “context sensitive” approach to Complete Streets, there will be instances when these strategies standards cannot be met due to issues such as roadway topographic constraints, easements or other factors. When these issues arise, these exceptions to the Complete Streets approach should be thoroughly analyzed and clearly articulated. In these instances, alternate routes that are in the same traffic corridor and that provide access and connections for pedestrians, cyclists and individuals with disabilities should be considered and improved as necessary (e.g. signage, bike boulevard treatments, shared-use spurs, shared-lane markings). Cyclists, pedestrians, transit riders and individuals 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, for example, 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 all individuals crossing these roads should also to be considered.

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.



A key outcome of the Yellow Springs Complete Streets Policy is to change the status quo of the design and construction of Village streets and other capital projects. The Yellow Springs Comprehensive Land Use Plan, local zoning regulations and the Village Planning Commission should reflect these principles in their policies, procedures and processes, which will be reviewed and updated, as appropriate, to ensure the successful implementation of this policy.

This policy does not dictate specific designs, but rather promotes 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 physical ability or chosen mode of transportation. To this end, facilities will be designed using the best available standards and guidelines. See the “Policy Guidance and Resources” section below for references to several best practices. Coordination with the Miami Valley Regional Planning Commission and the Ohio Department of Transportation during all stages of project planning and development is also recommended to support Complete Streets principles in transportation network design.

POLICY GUIDANCE & RESOURCES

- AASHTO Design Publications (https://bookstore.transportation.org/category_item.aspx?id=DS)
- American Planning Association Publication: “Complete Streets: Best Policy and Implementation Practices” (www.planning.org)
- National Association of City Transportation Officials (NACTO) Street Design Guides (<https://nacto.org/publications/design-guides>)
- 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>)
- ODOT Multi-modal Design Guidance (<http://www.dot.state.oh.us/DIVISIONS/TRANSSYSDEV/MULTIMODALPLANNING/BICYCLE/Pages/PlanningandDesignResources.aspx>)
- TRB 2010 Highway Capacity Manual
- US DOT Policy Statement: “Design Guidance Accommodating Bicycle and Pedestrian Travel: A Recommended Approach” (<http://www.fhwa.dot.gov/environment/bikeped/design.htm>)
- Wisconsin Department of Transportation (<http://www.dot.wisconsin.gov/projects/state/docs/bicycle-rural-guide.pdf>)

Accessibility

- FHA Office of Civil Rights <http://www.fhwa.dot.gov/civilrights/programs/ada.htm>
- Public Right-of-Way Accessibility Guidelines <http://www.access-board.gov/prowac/>
- Accessible 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
- Toolkit 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

- Ohio Department of Transportation Bike and Pedestrian Plan (<http://www.dot.state.oh.us/Divisions/TransSysDev/MultiModalPlanning/bicycle/Pages/Default.aspx>)
- The Pedestrian and Bicycle Information Center (PBIC) (<http://www.walkinginfo.org>)
- Planning for Active Transportation in the Miami Valley (<http://www.mvrpc.org/tr/bikePed.php>)
- High Quality Bike Facilities Increase Ridership and Make Biking Safer (<https://nacto.org>)
- Critical Environmental Factors for Transportation Cycling in Children (www.ncbi.nlm.nih.gov – Article PMC4175075)

Safe Routes to School

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

PERFORMANCE MEASUREMENTS

Measuring the impacts of the Village of Yellow Springs Complete Streets Policy will be critical to ensuring successful outcomes. An annual report to the community on these impacts shall be provided to Village Council using the following quantitative performance measures:

- Linear feet of new and repaired ADA complaint sidewalks.
- Linear feet of new and repaired curb ramps installed.
- Total number and type of crosswalk and intersection improvements.
- Total number of new transit stops and routes.
- Rates of ridership on transit routes.
- Total number of crashes, injuries and fatalities by mode, as available.
- Rates of children walking, biking or rolling to school.
- Total number of off-street bicycle routes.
- Total number of new on-street bicycle routes, defined by streets and roads with clearly marked or signed bicycle accommodations.

Qualitative measures will also be valuable in tracking the impacts of the Village of Yellow Springs Complete Streets Policy. The following qualitative performance measures will be conducted on a periodic basis, though not necessarily reported on annually:

- Surveys of bicyclists, pedestrians, motorists, individuals with disabilities and transit users concerning their ability to reach desired destinations safely and conveniently.
- Surveys of project sponsors concerning the value and fairness of this policy.
- Surveys to determine the number of safe and accessible routes for users of varied ages and abilities.

VILLAGE OF YELLOW SPRINGS
RESOLUTION 2017-57

WHEREAS, Council has reviewed the performance of the Village Manager in accordance with the terms of her Employment Agreement; and,

WHEREAS, Council has determined that based on the Village Manager's performance, retaining the services of Patti Bates as Village Manager is in the continued best interests of the Village; and,

WHEREAS, Council has determined an increase in the Village Manager's salary is warranted.

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

Section 1. Patti Bates is awarded a 3% pay increase in accordance with her Employment Agreement with an effective date of January 1st, 2018.

Karen Wintrow, President of Council

Passed:

Attest:_____
Judy Kintner, Clerk of Council

Roll Call:

Wintrow _____

Housh _____

Simms _____

MacQueen _____

Hempfling_____

VILLAGE OF YELLOW SPRINGS
RESOLUTION 2017-58

WHEREAS, Council has reviewed the performance of the Council Clerk in accordance with the terms of her Employment Agreement; and,

WHEREAS, Council has determined that based on the Clerk's performance, retaining the services of Judy Kintner as Council Clerk is in the continued best interests of the Village; and,

WHEREAS, Council has determined an increase in the Council Clerk's salary is warranted.

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

Section 1. Judy Kintner is further awarded a ____ % pay increase in accordance with her Employment Agreement with an date effective January 1st, 2018.

Karen Wintrow, President of Council

Passed:

Attest:_____
Judy Kintner, Clerk of Council

Roll Call:

Wintrow _____ Housh _____ Simms _____
MacQueen _____ Hempfling_____

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2017-59**

Appreciation for Gerald Simms' Six Years of Service as a Council Member

Whereas, Gerald Simms has served with insight, compassion and devotion on Village Council since his election in 2011 and again in 2015; and

Whereas, both Council and the Village of Yellow Springs have benefitted from his willingness to listen closely to all sides of a debate and to weigh them against the greater good; and

Whereas, Mr. Simms brought an unprecedented level of interest and understanding to his role as an excellent employer, often working alongside the Village Crew or lending a hand during a power outage or storm; and

Whereas, Mr. Simms embodied the principle of "think before you speak" and distinguished himself as a thoughtful participant in Council debates; and

Whereas, Council wishes to honor Gerald Simms' commitment and service to the Village of Yellow Springs, to Village Staff and to Council,

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

Section 1. Gerald Simms is hereby officially recognized for his devotion to his community as shown through his service on Yellow Springs Village Council.

Section 2. Council for the Village of Yellow Springs hereby advises relaxation and enjoyment of the 1st, 2nd and 3rd Mondays of the month as well as during the many hours you would have spent in assisting the Village crew, helping during an emergency event or talking with your constituents.

Section 3. Council for the Village of Yellow Springs will officially miss your presence at Council table.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Wintrow	___
Simms	___
Housh	___
MacQueen	___
Hempfling	___

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2017-60**

Appreciation for Karen Wintrow's Twelve Years of Service as a Council Member

Whereas, Karen Wintrow has served with energy, compassion and dedication on Village Council for twelve years, since her election in 2005 in 2009 and again in 2013; and

Whereas, both Council and the Village of Yellow Springs have benefitted from Karen's ability to navigate the waters of controversy with skill and fairness; and

Whereas, In her role as Council President, which she held during 2007 and again from 2013 to the present, Karen has been a valued leader and colleague in many diverse debates and difficult decisions; and

Whereas, Karen brought a passion for intelligent and responsive development of commerce to the table which has positively impacted the Village as a whole; and

Whereas, Council wishes to honor Karen's commitment and service to the Village of Yellow Springs, to Village Staff and to Council,

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

Section 1. Karen Wintrow is hereby officially recognized for her devotion to her community as shown through her service on Yellow Springs Village Council.

Section 2. Council for the Village of Yellow Springs hereby advises relaxation and enjoyment of the 1st and 3rd Mondays of the month as well as during the many hours you would have spent in research, reading, consultation, meetings with staff, and preparation for Council meetings.

Section 3. Council for the Village of Yellow Springs will officially miss your presence at Council table.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Wintrow	___
Simms	___
Housh	___
MacQueen	___
Hempfling	___

**VILLAGE OF YELLOW SPRINGS
RESOLUTION 2017-61**

**AUTHORIZING THE VILLAGE MANAGER TO ENGAGE THE LAW FIRM OF
WALTER/HAVERFIELD JOINTLY WITH THE REGIONAL INCOME TAX AGENCY
AND OTHER MUNICIPALITIES FOR PURPOSE OF CHALLENGING THE
CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO
REVISED CODE RELATING TO MUNICIPAL INCOME TAX**

WHEREAS, the Village of Yellow Springs (the "Village") recognizes, as a home rule power of local self-government, that municipal income tax administration and collection is vital to the health, safety and welfare of the municipality; and

WHEREAS, the Village relies on the revenue from effective municipal income tax administration and collection to provide the services that maintain the health, safety and welfare of the municipality; and

WHEREAS, the Ohio General Assembly has attempted to assert control over the administration and collection of municipal income taxes by claiming that a municipality has no authority to impose an income tax unless it adopts a code in strict compliance with R.C. Chapter 718; and

WHEREAS, the established law of Ohio is clear that any such preemption of municipal income tax codes by the State of Ohio violates the Ohio Constitution and home rule provisions that allow a municipal corporation the right to administer and enforce its own municipal income tax; and

WHEREAS, more specifically, the State of Ohio has enacted HB 5 in 2014 comprehensively rewriting the entire municipal income tax law and HB 49 in 2017 authorizing centralized collection by the State of Ohio of municipalities' net profits taxes; and

WHEREAS, the Village desires to assert its home rule authority to control the administration and collection of the municipal income tax, in order to provide for the health, safety and welfare of the municipality.

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

Section 1 - The Manager is authorized to engage Walter & Haverfield, LLP jointly with the Regional Income Tax Agency and other municipalities for the purpose of pursuing litigation challenging the constitutionality of amendments to Chapter 718 of the Ohio Revised Code. That the legal services of Walter & Haverfield, LLP are hereby retained, those services to be in connection with the legal challenge(s) to H.B. 49 regulating the collection, administration and enforcement of net profits taxes all of which is as further described in Exhibit A that will be signed by the Manager in a substantially similar form.

Section 2 - It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council,

and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution is adopted under the Home Rule powers of the Village.

Section 4. This Resolution shall become effective immediately upon adoption.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow _____ Judith Hempfling _____ Brian Housh _____
Marianne MacQueen _____ Gerald Simms _____

SOLICITOR'S REPORT ON HB 49
Christopher Conard, December 15, 2017

House Bill 49 alters the net profit tax by facilitating the centralized filing and administration of the net profit portion of the municipal income tax paid from a business or profession conducted both within and without the boundaries of a municipal corporation. Taxpayers, other than individuals, may now elect in and file their net profit municipal income tax returns solely through the State of Ohio Department of Taxation under R.C. 718.80(A).

House Bill 49 also eliminated the nexus to nowhere sales provision which established a taxable situs in a municipal corporation if the property [wa]s shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

Several Ohio municipalities have formed a coalition and filed a mandamus action seeking injunctive relief and/or declaratory judgment action in a Court of Common Pleas, against the municipal income tax provisions as set forth in HB 49, as well as the original legislation comprehensively rewriting the municipal income tax statute, HB 5 (enacted in 2014).

The Regional Income Tax Agency (RITA) initiated litigation on behalf of its members in the Lorain County Common Pleas Court raising constitutional challenges to HB 49 through the Walter & Haverfield law firm in Cleveland. Before the RITA lawsuit was filed, the Frost Brown law firm initiated a separate lawsuit in the Franklin County Common Pleas Court. The Frost Brown litigation requires municipalities to participate through an initial retainer with accruing fees as the litigation progresses. The RITA initiated litigation is for the benefit of all members of RITA with fees and costs absorbed by RITA members without municipalities having to pay out of pocket. For this reason, joining the RITA litigation is preferred since the fees will be assessed to all members whether they participate as named plaintiffs in the lawsuit without the need to pay any retainers. The RITA litigation can be viewed as a benefit conferred upon its members with economies of scale because of the shared cost structure that comes with RITA membership.

The importance of the Village participating in the litigation is primarily twofold. The first reason is practical. The Village and municipalities are at risk of losing control of their tax revenue because the state both collects the tax and will charge an administrative fee of 5%. The management fee would ordinarily be used to offset the management and administration of the local tax collection and RITA. In addition, many communities are concerned that the effort by the state to gain control over local tax revenue is a first step toward total control of local tax revenue. Municipal attorneys also correctly contend HB 49 poses another effort by the state to encroach and limit the home rule powers of all municipalities.

The Resolution before you this evening authorizes the Manager to sign a letter on behalf of the Village to join the RITA litigation as a named Plaintiff. I recommend Council approve the Resolution.

Judy Kintner, YSO Village Clerk

From: Judith Hempfling <jujuhempfling@gmail.com>
Sent: Friday, December 15, 2017 9:14 AM
To: Judy Kintner, YSO Village Clerk
Subject: Packet from JSTF
Attachments: JSTF December 2017 John Hempfling Lessons Learned.html; JSTF December 2017 Pat DeWeese Face Sheet Data Analysis Report revised Final 11 30 2017.docx; JSTF December 2017 John Hempfling Research questions and dataset explainer.docx; JSTF December 2017 Michael Bottomley Analysis Clarifications for the Justice System Task Force.docx; JSTF December 2017 Short Report John Hempfling The Extended Data Analysis Summary 11.13.docx; JSTF December 2017 Yellow Springs Warnings and Citations Report Updated 11_27_2017.docx; JSTF December 2017 David Turner (1).docx; JSTF December 2017 Cyndi Pauwelsl (1) (1).docx; JSTF December 2017 Al Schlueter Report on Race Bias in YS Police Citations^J 2010-2016.docx; JSTF December 2017 Al Schlueter Report on Race Bias in YS Police Citations^J 2010-2016.docx; JSTF December 2017 John Hempfling's Response to Schlueter's 'Report on Racial Bias'.docx; JSTF December 2017 Pat DeWeese Lessons learned, table on data report.docx

Dear Council and community,

There are several documents in the council packet regarding the Wright State report "Yellow Springs Citations and Warnings ".

The report itself is complicated and difficult for non-statisticians to understand. I would suggest reading the documents in this order from overview to the actual report as a way to understand and make more digestible the significance of what is an exploratory study. There are additional comments and critiques by JSTF members which we have included for those interested in digging deeper into the conversation that evolved around the report.

Judy K,

Please put this email on top of this packet and then put the documents in this order:

Thanks,

Pat Deweese Overview
John Hempfling Research Questions and Dataset Explainer
Mike Bottomley Clarification Report
John Hempfling Short Report
The Wright State Report
JSTF member responses/discussion:
Dave Turner
Cyndi Pauwel
Al Schlueter Analysis
Al Schlueter Spread Sheet
John Hempfling response to Al Schlueter
Pat DeWeese Lessons Learned
John Hempfling Lessons Learned

Yellow Springs JSTF Data Analysis of Police Warnings and Citations November 9, 2017

Overview: Why analyze policing data? Creating a culture of transparency is a critical step in establishing *Community-based Policing*. Policing data offers a platform for local government, community, and law enforcement to examine and reflect on topics such as: 1) the types of crime occurring in a community; 2) policing activities and how police interact with community (e.g. who do they cite, and for what?); 3) whether policing activities align with community values; and, 4) how to improve policing. These are all important questions that the JSTF has been concerned with.

Establishing on-going collection and analysis of policing data is not a small task, but it's one that municipal governments are increasingly investing in. The JSTF wanted to see what could be learned about our own policing practices and the effort/time investment involved in analyzing policing data. This report summarizes an initial, exploratory study using data from the YSPD. It provides a look at how the study was carried out and its major findings, but does not attempt to provide interpretations or explanations of the findings.

The Study: For this initial study, we looked at whether there are any disparities in the warnings and citations police issued to YS residents based on their age, gender and/or race. We examined the warnings and citations issued by the YSPD between April 1, 2010-December 31, 2016. We framed the study around a simple question: does the policing data indicate any imbalances in how police respond to YS residents based on their age, gender and/or race?

To answer that question, you can't just look at the total number of citations or warnings. Why not? Because the Yellow Springs population isn't evenly spread across age, gender, or racial groups. For example, there are many more whites in YS than blacks. Based on that, you would expect whites to receive higher numbers of warnings and citations than blacks (and they do). To make meaningful comparisons, we needed to use measures with a common baseline. For one measure, we used proportions (%) of people in various groups who had gotten a warning or a citation, and compared those numbers to census data %s for those same groups. For another measure, we identified the total number of warnings or citations issued to individuals who had received at least one warning or citation. Based on those data, we calculated the average number of warnings or citations issued to various groups and compared those averages across groups.

The attached report examines the warnings and citations issued by the Yellow Springs Police Department to Yellow Springs residents covering the period from April 1, 2010 to December 31, 2016. Data were provided by the Yellow Springs Police Department, based on their records of warnings and citations issued during that period.¹

Findings: The analysis conducted by the WSU Statistical Center (attached) is very detailed. The WSU report provides the full set of findings and explanations of various statistical tests, along with a detailed description of the dataset. The analysis used 2 gender categories (male, female), 6 age categories (10-14; 15-24; 25-34; 35-44; 45-59; 60+), and 3 racial categories (White, Black/African-American, All Other Races [Asians, Native Americans, Mixed, etc.])

¹ The dataset has some missing data, particularly regarding racial identification. Of the 921 YS residents who received at least one warning, race is not identified in 201 (21.8%) of the records. Similarly, of the 401 residents who received at least one citation, race is not identified in 41 (10.2%) of the records.

The major findings from the report are summarized below.

Warnings: The analysis of % of residents who receive at least one warning showed one significant effect. The results indicate that:

the % of warnings issued to people of different racial groups and gender groups aligns with what we would expect, based on their representation in the YS population.

the % of warnings departs significantly from census data across age groups. Younger residents, particularly 15-24 and 25-34 year-olds, were issued warnings at much higher rates compared to the % of those groups in the larger YS population, while people 60+ get a lower % of warnings compared to census data %s.

The analysis of the average number of warnings issued to residents indicates that:

The average number of warnings issued by the YSPD differed depending on a person's race, their gender, and their age. The average number of warnings to Black males was higher than those to White residents (males or females) or to Black females or to other racial/gender groups in every age category except for residents aged 60+. These differences were markedly and significantly greater in two age categories: Black males ages 25-34 and 45-59 received a significantly higher average number of warnings than residents in other gender and racial groups.

Citations: The analysis of % residents who receive at least one citation showed several significant effects. The results indicate that:

the % of Black residents who received citations is significantly greater than we would expect it to be based on the % of Blacks in the YS population.

The % of male residents who received citations is significant greater than we would expect, based on the % of males in the YS population.

The % of residents in some age groups who received citations is significant greater/less than we would expect based on census data, in the same pattern described above for warnings (e.g. younger age groups received disproportionately more and older age groups received disproportionately less compared to census data).

The analysis of the average number of citations issued to residents indicates:

the average number of citations does not differ across racial groups.

the average number of citations is markedly differently for males and females, with males getting a higher average number than females (and this is true across various age groups).

Number of citations also differs by age, with people in younger age groups receiving more citations on average than those in older age groups

(Note: The findings are also provided in tabular form at the end of this report.)

What conclusions can we draw? The findings suggest that the YSPD has focused greater attention in its warnings and citations on some age, gender, and racial groups than others. We believe that the analysis employed statistical tests appropriately, and the statistical significance of differences when they did occur are pronounced.

The findings should be taken seriously, but not also overstated. Our point here is that it is as important to pay attention to findings that indicate no difference as those that show differences--the overall pattern of findings is at least as important as individual tests. Across the four measures considered (rates of warnings, average warnings; rates of citations, average citations) two of the four measures showed racial effects: the proportion of

Commented [1]: Here is another way to say this that inverts the orderō puts the age info up front and then qualified it. I think either is a reasonable way to explain the 3-way interaction.

The average number of warnings issued to Black male residents in the 25-34 and 45-59 age groups was significantly higher than the average warnings issued to White residents (male and female), to Black females, or to Other Racial males or females. It is worth noting that although the differences were greatest in those two age categories, the average number of warnings issued to Black males exceeded the average warnings to other racial and gender subgroups in every age category except for residents 60+.

Black residents receiving citations is higher than would be expected based on census data. Also, Black male residents received more warnings, on average, than other groups, and the disparity was greatest for Black males 25-34 and 45-59 years old. There were no significant differences in the average number of citations.

We also see significant age differences on three of the four measures, with younger citizens receiving higher rates of warnings and citations than one might expect based on census data, and more citations on average, than older citizens. While the findings related to age are not so surprising, it may be useful to consider what behaviors and situations are eliciting warnings and citations from the YSPD, and putting our younger residents at risk.

How can the report be used? There are several uses for this type of data analysis. First, the YS Police Department can objectively see patterns in their actions that can be the basis for reflection and internal discussions regarding policing practices. Second, the findings lend themselves to an examination of current YSPD training, and whether it needs to be augmented or changed. Third, the data is useful as a source of objective feedback to Village Council and the larger YS community to confirm or correct perceptions and concerns regarding policing practices. Findings can lead to dialogue about behaviors/actions on the part of Council, YSPD, and community members that need to be addressed.

Finally, the analyses conducted for this report are exploratory, and findings are open to differing interpretations and explanations. We have not taken it upon ourselves to provide interpretation of the findings. However, the fact that Black male residents of Yellow Springs received significantly more warnings than other groups, and Black residents of both genders were cited at significantly higher proportional rates than other groups, requires attention from the JSTF, Village Council, the YSPD, and the Yellow Springs community.

Key Findings				
	% Warnings	Average # Warnings	% Citations	Average # Citations
Race	No significant differences	Depends on a combination of race, gender, and age (see below)	YES Higher rates of citation to Black residents	No significant differences
Age	YES High rates of warnings to younger residents	Depends on a combination of race, gender, and age (see below)	YES High rates of citation to younger residents	YES Higher averages for younger residents than for older
Gender	No significant differences	Depends on a combination of race, gender, and age (see below)	YES High rates of citation to male residents	YES Higher average for males than females
Interactions	None	YES - Average number of warnings issued to Black males higher than other groups, especially for 25-34 and 45-59 age categories	None	None

JSTF Extended Data Analysis Summary

John Hempfling

The a report submitted by Mike Bottomley of Wright State University's Statistical Consulting Center used a dataset I provided, which was based on the Yellow Springs Police Department's data.

The analysis was conducted to examine whether the written warnings and citations issued by the Yellow Springs Police Department to Yellow Springs residents differ across race, gender, or age groups. The data included in the analysis covers the period from April 1, 2010 to December 31, 2016.

Table of Contents

Research questions	1
1. Among YS residents, what proportion of each demographic group received at least one citation or warning?	1
2. Among Yellow Springs residents who received at least one citation, what was the average number of citations or warnings per person for each demographic group?	3
Differences between the two types of analysis	3
Notes on the Dataset.....	3

Research questions

Two types of analyses were performed:

1. Among YS residents, what proportion of each demographic group received at least one citation or warning?

According to the "Yellow Springs JSTF Data Analysis of Police Warnings and Citations," to see whether the policing data shows any evidence of imbalanced response to YS residents based on their age, gender and/or race, "you can't just look at the total number of citations or warnings. Why not? Because the Yellow Springs population isn't evenly spread across age, gender, or racial groups. For example, there are many more whites in YS than blacks. Based on that, you would expect whites to receive higher numbers of warnings and citations than blacks (and they do). To make meaningful comparisons, we needed to use measures with a common baseline." That is why we used the 2011-2015 census estimates as a common baseline to allow for a fair comparison.¹ The Statistical Consulting Center compared the proportion of

¹ U.S. Department of Commerce. Census Bureau. (2016). *2011-2015 American Community Survey 5-Year Estimates*. Retrieved from https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_5YR/DP05/1600000US3986940. Subjects' ages have been categorized into the same ranges as in the census data, except with 15-19 and 20-24

residents in each race, gender, and age group that received at least one citation, to the proportions of the other groups, to determine whether there was a statistical relationship between belonging to a particular racial group and receiving one citation.

For example,

Table of Race by Citation			
Race	Citation		
Frequency Row Pct	At Least One	None	Total
All Other Races	10 6.29%	149 93.71%	159
Black/African American	65 13.08%	432 86.92%	497
White	285 9.42%	2742 90.58%	3027
Total	360	3323	3683

Statistic test	DF	Value	Prob
Chi-Square	1	6.8921	0.0124 or 1.24%

(Adapted from Table 16 of the full report, p. 10)²

As you can see different proportions of each racial group received at least one citation. Although statistics cannot tell us why this happened, it can tell us the probability that the differences are purely due to random coincidence. If the differences are *not* due to random coincidence, it is said that there is a relationship between race and receiving at least one citation.

The value under the “Prob” heading represents the likelihood that the differences in the proportions of residents in each racial group who received at least one citation were due to random coincidence. This value is sometimes called the P-value. In this study any P-value below 0.05 (or 5%) was considered statistically significant. Therefore, according to the report, “Based on the P-value of 0.0124 in Table 16, there is strong evidence to suggest there is a significant association between race and getting at least one citation.” (p. 10)

combined into one category, 45-54 and 55-59 combined into another, and everyone 60 or older combined. Obviously, residents have moved to and out of Yellow Springs in that time frame, so these numbers are not exact. But they should serve as a relative baseline for each demographic.

² Note that the race of 41 of the residents who received citations is unknown. See “Notes on the Dataset” p. 3 for more information.

2. Among Yellow Springs residents who received at least one citation, what was the average number of citations or warnings per person for each demographic group?

A second way to look at police practices around warnings and citations is to look at the average number of warnings or citations residents receive. For this analysis, we identified people who had received at least one warning or citation, and then looked at how many warnings/citations were issued per individual. One way to think of these data is: given that a person was issued one warning, how many additional warnings did that person receive? The same question was asked regarding citations. In this type of analysis (Analysis of Variance) it is possible to look at how the factors of age, gender, and race work in interaction, and compare police actions across different subgroups (i.e. young white males vs. young black males). (It is important to note that this analysis does not draw any distinctions between a resident who received multiple warnings or citations during their only interaction with the YSPD, and a person who received the same number of warnings or citations across several different interactions.)

For example,

Analysis Variable : Number_of_Citations						
Race	Number of people	Number of citations	Mean	Std Dev	Minimum	Maximum
White	285	623 (corrected)	2.19 (corrected)	2.29	1.00	26.00
Black/African American	65	151	2.32	1.99	1.00	13.00
All Other Races	10	25	2.50	1.84	1.00	7.00

(Adapted from the full report, Table 24, p. 14)

The report finds that, "There was not strong evidence to suggest there is a significant difference in mean number of citations based on the race of the residents (P-value = 0.79)." (p. 14) (Remember, only P-values below 0.05 are significant.)

This may seem to contradict the finding in the above example. But remember, the two types of analyses are looking at two different populations, and are asking different questions of each.

Differences between the two types of analysis

The first type of analysis is looking at the entire population of Yellow Springs, all 3683 residents as estimated by the census bureau, and using the police data to determine what proportion of people in each group of residents received at least one citation. Whereas the second type of analysis is looking only at the 401 residents who were cited at least once, and looking at how many citations were received, on average by different demographic groups within those 401 people. Separately, the same analyses were run for written warnings.

Notes on the Dataset

The data included in the analysis covers the period from April 1, 2010 to December 31, 2016.

Warnings refer to written warnings (oral warnings were not recorded by the YSPD). Citations include the combined misdemeanor and minor misdemeanor criminal, traffic, and juvenile citations; warnings include the criminal and traffic warnings.

The analysis was conducted on citations and warnings issued to individuals living within Yellow Springs municipal limits. Residency was based on the street address associated with a warning or citations. The ticket recipient's street address was available for almost every citation and warning in the initial data set (> 99.8% for both warnings and citations).

Data were provided by the Yellow Springs Police Department, based on their records of warnings and citations issued during that period. YSPD officers record the age, gender, and race of each individual who receives a warning or citation. Date of birth and gender are factual and were usually determined by an individual's driver's license. Race was guessed by the officer issuing the citation—if the officer could not discern someone's race, then their race was left out of the record.

There were a number of instances where race data was missing from the YSPD's records: 23% of warnings and 13% of citations received by Yellow Springs residents did not note the residents' races. Age data and gender data was available for all cited YS residents, but not for all YS residents who only received written warnings. Because some individuals appeared in the data multiple times, John Hempfling was able to use these multiple records to fill-in some of the missing data. In the analysis, race was missing for 22% of YS subjects who received at least one warning, and 10% of YS residents who received at least one citation.

The analysis employed three racial categories: White, Black/African American, and All Other (American Indian/Native Alaskan, Asian, and Mixed); it included six age categories (10-14, 15-24, 25-34, 35-44, 45-59, 60 and older); and, two gender categories (male, female).



Michael Bottomley
Statistical Programmer Analyst
Statistical Consulting Center
3640 Colonel Glenn Hwy, 130 M&M
Dayton, OH 45435-0001
P: 937-775-2286 F: 937-775-2081
E: michael.bottomley@wright.edu

DATE: 11 December 2017

TO: Judith Hempfling

FROM: Mike Bottomley

SUBJECT: Clarifications for Task Force about Warnings and Citations Report

Dear Judith,

Here are some thoughts and clarifications about the data analysis to share with the task force.

First and foremost: these results in no way imply that the Yellow Springs Police Department is systematically targeting any specific age group, gender, or ethnicity. Nor do they imply that any age group, gender, or ethnicity is causing a disproportionate amount of crime. We did not test for either of those hypotheses. We only tested for relationships and mean differences among these demographics and written warnings/citations.

There are two main types of statistical studies- designed experiments and observational studies. Designed experiments involve an aspect of randomization and apply some sort of treatment. These are the gold standard and provide much stronger and more reliable conclusions. On the other hand, in an observational study the investigator simply observes and measures what is going on, but does not use any form of randomization or apply any treatment to the subjects. This study is an observational study. Often in real world studies not conducted in a lab, it is impossible/impractical/unethical to employ a designed experiment. This is one of the reasons it took so long for people to be able to say conclusively that smoking cigarettes causes cancer. It is not ethical to randomly assign people to smoke cigarettes, so the researchers were limited to observing smokers and non-smokers. Even though smokers had higher rates of health problems, defenders of the tobacco industry would say they led less healthy lifestyles in general than non-smokers and that was the real cause of the cancer.

Secondly, this is purely an exploratory study, as opposed to an inferential study. The purpose of exploratory studies is to determine if something is worthy of a more rigorous large-scale investigation (i.e. an inferential study). Any significant result in the report is something that is worth a closer look, if the task force so desires. When this study was first presented to me, I was under the impression that this was simply something the task force was curious about. I had no idea the intention was for a public debate and anything resembling a conclusive report. Had I known the intended scale of this project at the

start, I would have said there would be no way I could complete everything satisfactorily in the 2 hours of work that the investigator had been authorized to pay for.

Further, I was instructed to keep the analysis as simple as possible for ease of interpretation by the task force. This is fine as long as everyone keeps that in mind when interpreting the results. However, since I thought I was writing the report to the investigator with whom I had had several extensive conversations, I did not include all of these details. I also would have verified the results with more sophisticated statistical models, just to be safe, had I known the full scale of this research. Although given the relatively large sample size, I would be a little surprised if anything substantially changed.

I did two main tests: chi-square tests and ANOVAs. The chi-square tests test for an association between the two given variables (yes/no to received at least one citation or warning and the given demographic variable) and the ANOVAs test for significant differences in the mean number of tickets received by different demographic groups. These attempt to answer two questions. 1) Who is being warned/cited (chi square tests) and 2) On average, how many warnings/citations are they receiving (ANOVAs).

For the chi-square tests we have complete information on who the residents who got at least one warning/citation, but no information on those who did not get any. We looked to census data to estimate these numbers. The last full census was done in 2010, but there are also 5-year average estimates for more recent years. I opted not to use the 2010 census data mainly because it is outside of the period of the study. Perhaps substantial changes in demographic makeup have occurred in Yellow Springs between 2010 and 2015? Also, it is not as if the numbers given in the 2010 census are the correct counts for people who had been living there the entire year. People continuously move in and out of cities, so there is no one "correct" number for this. Because of these points, I think the 5-year rolling average for 2011-2015 probably does a better job at capturing what the distribution of the population was, in general, over the course of the study. Even though the numbers are estimates, they are unbiased estimates. This means that while they are not expected to be right on the true value (and as stated earlier there is no true value since the population is in a constant state of flux), they do not systematically underestimate or overestimate any of the values they are intending to represent. In other words, every demographic representation has an equal chance of being slightly high or slightly low. A more robust analysis would have included a sensitivity analysis. For this the estimated counts of each demographic would be slightly increased and decreased to see what kind of (if any) effect it would have on the results.

The drawback to these chi-square tests is we were limited to only testing one variable at a time. We could not control for possible effects of the other demographic variables. This is because we could not find census data on that detailed of a level. For example, we know approximately how many 15-24 year-olds there were, and how many males there were, and how many Caucasians there were, but there was no information on how many 15-24 year-old male Caucasians there were. One of the main findings of the chi-square tests was African-Americans were significantly more likely to get a citation than Caucasians. However, without controlling for age and gender it is impossible to say whether this result is due in part to either or both of these variables. Perhaps African-Americans tend to be younger or are more predominantly male and that is what is driving the significance (this is purely hypothetical, I am in no way suggesting this is the case, just that it cannot be ruled out). The results would be much stronger if data on this level could be found.

The ANOVAs are more straightforward, since they are only using the warnings/citations data and we can include all the variables into the model at once so that we can control for all of their effects and test for significant interactions. And in fact, there was a significant interaction for warnings. An interaction means that the effect of one variable is not constant across all the different groups of another variable. In

other words, we would not conclude, for example, that African-Americans in general received a higher mean number or warnings than Caucasians. This is because the mean difference between the two ethnicities was not the same for all combinations of age and gender. For example, there was evidence that African-American males aged 25-34 received significantly more warnings than Caucasian females aged 15-24, but not significantly more than Caucasian males aged 15-24. Something to keep in mind is that many of the comparisons that were not significant could be in part due to the small number of residents that were in one or both of the groups being compared. As sample sizes decrease, the magnitude of the effect needs to increase to be considered statistically significant. There were only a handful of residents in some of the age/gender/ethnicity combinations, especially combinations that included "All Other" ethnicities.

A drawback to the ANOVAs is there are two different ways a person can receive multiple warnings/citations. They could get more than one during a single encounter with law enforcement, or they could have multiple encounters with law enforcement over the course of the study. One of the ANOVA assumptions is that the observations are independent. Since one person can show up multiple times in the data set, this assumption would be violated if we treated every encounter with law enforcement as an independent event. In the interest of keeping the results as easy to interpret as possible, I was asked to not perform a more complicated type of ANOVA that could account for this. This is why the total number of warnings/citations for each unique individual was used, which essentially combines both ways of receiving multiple warnings/citations into one reading. A more robust analysis would consider the two different ways of receiving multiple warnings/citations.

Additionally, there are statistical models specifically designed for count data (Poisson regression and negative binomial regression) that would be used instead of ANOVA in a more robust analysis. In fact, if the more detailed census data I mentioned earlier was available, you could account for the residents who received no warnings/citations in these models. This would also eliminate the need for the chi-square tests, all questions about either warnings or citations could be addressed by a single statistical model.

However, no matter how sophisticated the statistical analysis became, there would be no getting around the fact that this is an observational study. Which means you still could not reliably draw any conclusions about why rates are different for different demographic groups, but simply that they are different. Off the top of my head, I cannot think of a practical way to make this a designed experiment, which is one of the reasons this has been such a hotly contested topic of debate in our country for so long. It would involve something along the lines of developing robotic "gold standard" police officers that always did everything exactly to the letter of the law. Then randomly assigning these officers and the Yellow Springs officers to different shifts and locations in the city, while at the same time keeping the existence of these robotic officers a secret so as not to bias the actions of the human officers. In this highly implausible scenario, any differences in warning/citation rates between the two groups of officers could be attributed to the officers, since everything else would be the same.

Let me know if you have any additional questions.

Sincerely,

Mike Bottomley

The Short Report: JSTF Extended Data Analysis Summary

John Hempfling

11/9/2017

This data analysis summary is based on a report submitted by Mike Bottomley of Wright State University's Statistical Consulting Center, 28 August 2017, using a dataset provided by John Hempfling, which was based on the Yellow Springs Police Department's data.

The analysis reported here was conducted to examine whether the warnings and citations issued by the Yellow Springs Police Department to Yellow Springs residents differ across race, gender, or age groups. The data included in the analysis covers the period from April 1, 2010 to December 31, 2016.

Table of Contents

Research questions	2
1. Among YS residents, what proportion of each demographic group received at least one citation or warning?	2
2. Among Yellow Springs residents who received at least one citation, what was the average number of citations or warnings per person for each demographic group?	3
Differences between the two types of analysis	4
Findings	5
Citations	5
1. What proportion of each demographic group received at least one citation?	5
2. Among residents who received at least one citation, what was the average number of citations per person for each demographic group?	8
Warnings	9
1. What proportion of each demographic group received at least one warning?	9
2. Among residents who received at least one warning, what was the average number of warnings per person for each demographic group?	11
Conclusion	11
Notes on the Dataset	11

Research questions

Two types of analyses were performed:

1. Among YS residents, what proportion of each demographic group received at least one citation or warning?

According to the “Yellow Springs JSTF Data Analysis of Police Warnings and Citations,” to see whether the policing data shows any evidence of imbalanced response to YS residents based on their age, gender and/or race, “you can’t just look at the total number of citations or warnings. Why not? Because the Yellow Springs population isn’t evenly spread across age, gender, or racial groups. For example, there are many more whites in YS than blacks. Based on that, you would expect whites to receive higher numbers of warnings and citations than blacks (and they do). To make meaningful comparisons, we needed to use measures with a common baseline.” That is why we used the 2011-2015 census estimates as a common baseline to allow for a fair comparison.¹ The Statistical Consulting Center compared the proportion of residents in each race, gender, and age group that received at least one citation, to the proportions of the other groups, to determine whether there was a statistical relationship between belonging to a particular racial group and receiving one citation.

For example,

Table of Race by Citation			
Race	Citation		
Frequency Row Pct	At Least One	None	Total
All Other Races	10 6.29%	149 93.71%	159
Black/African American	65 13.08%	426 86.76%	497
White	285 9.42%	2742 90.58%	3027
Total	360	3317	3683

¹ U.S. Department of Commerce. Census Bureau. (2016). *2011-2015 American Community Survey 5-Year Estimates*. Retrieved from https://factfinder.census.gov/bkmk/table/1.0/en/ACS/15_5YR/DP05/1600000US3986940. Subjects’ ages have been categorized into the same ranges as in the census data, except with 15-19 and 20-24 combined into one category, 45-54 and 55-59 combined into another, and everyone 60 or older combined. Obviously, residents have moved to and out of Yellow Springs in that time frame, so these numbers are not exact. But they should serve as a relative baseline for each demographic.

Statistic test	DF	Value	Prob
Chi-Square	1	6.8921	0.0124 or 1.24%

(Adapted from Table 16 of the full report, p. 10)²

As you can see different proportions of each racial group received at least one citation. Although statistics cannot tell us why this happened, it can tell us the probability that the differences are purely due to random coincidence. If the differences are *not* due to random coincidence, it is said that there is a relationship between race and receiving at least one citation.

The value under the “Prob” heading represents the likelihood that the differences in the proportions of residents in each racial group who received at least one citation were due to random coincidence. This value is sometimes called the P-value. In this study any P-value below 0.05 (or 5%) was considered statistically significant. Therefore, according to the report, “Based on the P-value of 0.0124 in Table 16, there is strong evidence to suggest there is a significant association between race and getting at least one citation.” (p. 10)

2. Among Yellow Springs residents who received at least one citation, what was the average number of citations or warnings per person for each demographic group?

A second way to look at police practices around warnings and citations is to look at the average number of warnings or citations residents receive. For this analysis, we identified people who had received at least one warning or citation, and then looked at how many warnings/citations were issued per individual. One way to think of these data is: given that a person was issued one warning, how many additional warnings did that person receive? The same question was asked regarding citations. In this type of analysis (Analysis of Variance) it is possible to look at how the factors of age, gender, and race work in interaction, and compare police actions across different subgroups (i.e. young white males vs young black males). (It is important to note that a person who received seven citations in their only interaction with the YSPD and a person who received one citation every year during each of the $6\frac{3}{4}$ years under analysis would both be seen as having received 7 citations.)

For example,

² Note that the race of 41 of the residents who received citations is unknown. See “Notes on the Dataset” p. for more information.

Analysis Variable : Number_of_Citations						
Race	Number of people	Number of citations	Mean	Std Dev	Minimum	Maximum
White	285	623 (corrected)	2.16	2.29	1.00	26.00
Black/African American	65	151	2.32	1.99	1.00	13.00
All Other Races	10	25	2.50	1.84	1.00	7.00

(Adapted from the full report, Table 24, p. 14)

The report finds that, “There was not strong evidence to suggest there is a significant difference in mean number of citations based on the race of the residents (P-value = 0.79).” (p. 14) (Remember, only P-values below 0.05 are significant.)

This may seem to contradict the finding in the above example. But remember, the two types of analyses are looking at two different populations, and are asking different questions of each.

Differences between the two types of analysis

The first type of analysis is looking at the entire population of Yellow Springs, all 3683 residents as estimated by the census bureau, and using the police data to determine what proportion of people in each group of residents received at least one citation. Whereas the second type of analysis is looking only at the 401 residents who were cited at least once, and looking at how many citations were received, on average by different demographic groups within those 401 people. Separately, the same analyses were run for written warnings.

Findings

The following table summarizes which statistical tests found significant differences and which did not.

Key Findings				
	% Warnings	Average # Warnings	% Citations	Average # Citations
Race	No significant differences	Depends on a combination of gender and race (see below)	YES Higher rates of citation to Black residents	No significant differences
Age	YES High rates of warnings to younger residents	No significant differences	YES High rates of citation to younger residents	Yes Higher averages for younger residents than for older
Gender	No significant differences	Depends on a combination of gender and race (see below)	YES High rates of citation to male residents	Yes Higher average for males than females
Interactions	None	YES - Average number of warnings issued to Black males higher than other groups, including Black females or White males	None	None

Citations

1. What proportion of each demographic group received at least one citation?

According to the “JSTF Data Analysis of Police Warnings and Citations,”

The analysis of % residents who receive at least one citation showed several significant effects. The results indicate that:

the % of Black residents who are receiving citations is significantly greater than we would expect it to be based on the % of Blacks in the YS population.

The % of male residents who are receiving citations is significant greater than we would expect, based on the % of males in the YS population.

The % of residents in some age groups receiving citations is significant greater/less than we would expect based on census data, in the same pattern described above for warnings (e.g. younger age groups receive disproportionately more and older age groups receive disproportionately less compared to census data).

Again, from Bottomley’s report (pp. 10-11)

Table of Race by Citation			
Race	Citation		
Frequency Row Pct	At Least One	None	Total
All Other Races	10 6.29%	149 93.71%	159
Black/African American	65 13.08%	426 86.76%	497
White	285 9.42%	2742 90.58%	3027
Total	360	3317	3683

(Note: 41 cited residents' races were unknown)

Statistic test	DF	Value	Prob
Chi-Square	1	6.8921	0.0124 or 1.24%

(Adapted from the full report, Table 16, p. 14)

Based on the P -value of 0.0124 in Table 16, there is strong evidence to suggest there is a significant association between race and getting at least one citation. Odds ratios are given below in Table 17.

Relative Risk Ratio Estimates			
Effect	Point Estimate	95% Wald Confidence Limits	
Race All Other Races vs White	0.67	0.36	1.23
Race Black/African American vs White	1.39	1.08	1.79

Table 17: Relative risk ratios for race

From Bottomley's report (p. 11)

Table of Sex by Citation			
Sex	Citation		
Frequency Row Pct	At Least One	None	Total
Male	237 13.31	1543 86.69	1780
Female	164 8.62	1739 91.38	1903
Total	401	3282	3683

Statistic	DF	Value	Prob
Chi-Square	1	20.9099	<.0001

Table 18: Chi-square test for sex

Based on the P -value of <0.0001 in Table 17, there is strong evidence to suggest there is a significant association between sex and getting at least one citation. Specifically, the probability of receiving at least one citation is 1.54 times higher for male Yellow Springs residents than female Yellow Springs residents [95% confidence interval = (1.28, 1.87)].

From Bottomley's report (p. 12)

Table of Age by Citation			
Age	Citation		
Frequency Row Pct	At Least One	None	Total
10-14	12 4.46	257 95.54	269
15-24	87 24.72	265 75.28	352
25-34	94 34.06	182 65.94	276
35-44	73 13.44	470 86.56	543
45-59	78 9.47	746 90.53	824
60+	57 4.92	1101 95.08	1158
Total	401	3021	3422

Statistic	DF	Value	Prob
Chi-Square	5	261.6259	<.0001

Table 19: Chi-square test for age

Based on the P -value of <0.0001 in Table 19, there is strong evidence of a significant association between age and getting at least one citation. Relative risks are given below in Table 20.

Relative Risk Estimates			
Comparison	Point Estimate	95% Wald Confidence Limits	
Age 10-14 vs 60+	0.91	0.49	1.67
Age 15-24 vs 60+	5.02	3.68	6.86
Age 25-34 vs 60+	6.92	5.12	9.36
Age 35-44 vs 60+	2.73	1.96	3.80
Age 45-59 vs 60+	1.92	1.38	2.67

Table 20: Relative risks for age

All relative risks other than 10-14 vs 60+ are considered to be significant (since the only one that includes 1 in the confidence interval is 10-14 vs 60+).

2. Among residents who received at least one citation, what was the average number of citations per person for each demographic group?

According to the "JSTF Data Analysis of Police Warnings and Citations,"

the average number of citations does not differ [significantly] across racial groups.

the average number of citations is markedly differently for males and females, with males getting a higher average number than females (and this is true across various age groups).

Number of citations also differs by age, with people in younger age groups receiving more citations on average than those in older age groups

From Bottomley's report (p.14):

Analysis Variable : Number of Citations					
Age	N Obs	Mean	Std Dev	Minimum	Maximum
10-14	12	1.67	0.98	1.00	4.00
15-24	87	2.72	3.42	1.00	26.00
25-34	94	2.10	1.51	1.00	8.00
35-44	73	2.25	2.05	1.00	11.00
45-59	78	2.08	1.58	1.00	11.00
60+	57	1.33	0.79	1.00	5.00

Table 22: Descriptive statistics for citations by age

Analysis Variable : Number of Citations					
Sex	N Obs	Mean	Std Dev	Minimum	Maximum
Female	164	1.78	1.40	1.00	11.00
Male	237	2.38	2.50	1.00	26.00

Table 23: Descriptive statistics for citations by sex

Analysis Variable : Number_of_Citations					
Race	N Obs	Mean	Std Dev	Minimum	Maximum
White	285	2.16	2.29	1.00	26.00
Black/African American	65	2.32	1.99	1.00	13.00
All Other Races	10	2.50	1.84	1.00	7.00

Table 24: Descriptive statistics for citations by race

A three-way ANOVA was run with number of citations as the dependent variable and sex and race as independent variables. This time there were no interactions (which implies any differences in any group are constant across the other groups) so the effects of each variable could be analyzed directly. There was not strong evidence to suggest there is a significant difference in mean number of citations based on the race of the residents (P -value = 0.79). However, there was strong evidence to suggest there was a significant difference in mean citations between males and females (P -value = 0.0073). Based on the difference between the least square means, males received, on average, 0.65 more citations than females. There was also strong evidence to suggest there was a significant difference between the mean number of citations received by residents aged 15-24 years and 60+ years (P -value = 0.0048). On average, residents aged 15-24 years received 1.43 more citations than those aged 60+ years.

Warnings

1. What proportion of each demographic group received at least one warning?

According to the "JSTF Data Analysis of Police Warnings and Citations,"

the % of warnings issued to people of different racial groups and gender groups aligns with what you'd expect, based on their representation in the YS population;
the % of warnings departs significantly from census data across age groups. Younger residents, particularly 15-24 and 25-34 year-olds, were issued warnings at much higher rates compared to the % of those groups in the larger YS population, while people 60+ get a lower % of warnings compared to census data %s.

From Bottomley's report:

Table of Age by Warning			
Age	Warning		
Frequency Row Pct Col Pct	At Least One	None	Total
10-14	2 0.74 0.22	267 99.26 10.64	269
15-24	175 49.72 19.17	177 50.28 7.05	352
25-34	159 57.61 17.42	117 42.39 4.66	276
35-44	130 23.94 14.24	413 76.06 16.46	543
45-59	248 30.10 27.16	576 69.90 22.96	824
60+	199 17.18 21.80	959 82.82 38.22	1158
Total	913	2509	3422

Statistic	DF	Value	Prob
Chi-Square	5	383.3279	<.0001

Table 6: Chi-square test for age group

Based on the P -value of < 0.0001 in Table 6, there is strong evidence to suggest there is a significant association between age group and whether the individual was given at least one warning.

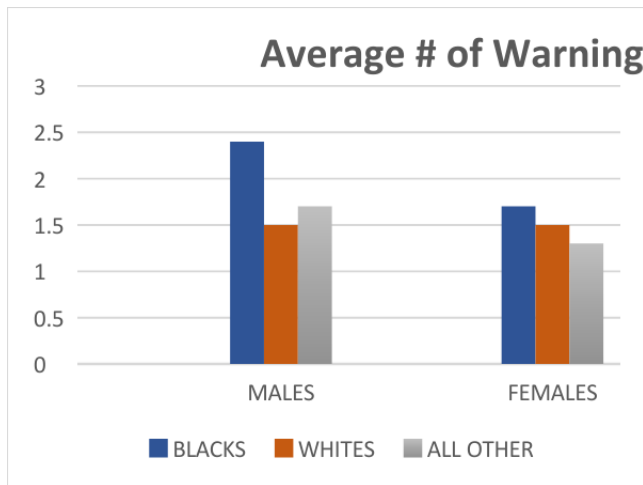
Relative Risk Estimates			
Comparison	Point Estimate	95% Wald Confidence Limits	
Age 10-14 vs 60+	0.04	0.01	0.17
Age 15-24 vs 60+	2.89	2.45	3.41
Age 25-34 vs 60+	3.35	2.85	3.94
Age 35-44 vs 60+	1.39	1.15	1.70
Age 45-59 vs 60+	1.75	1.49	2.06

Table 7: Relative risk estimates for age groups

2. Among residents who received at least one warning, what was the average number of warnings per person for each demographic group?

According to the “JSTF Data Analysis of Police Warnings and Citations,”

The average number of warnings differs markedly depending both on a persons’ race and their gender, but not their age. Specifically, Black males are issued a significantly higher number of warnings, on average, compared to other gender and racial groups. This finding held across all ages levels.



Conclusion

The analyses conducted for this report are exploratory, and findings are open to differing interpretations and explanations. However, the fact that Black male residents of Yellow Springs received significantly more warnings than other groups, and Black residents of both genders received at least one citation at significantly higher proportional rates than other groups, requires attention from the JSTF, the YSPD, and the Yellow Springs community.

Notes on the Dataset

The data included in the analysis covers the period from April 1, 2010 to December 31, 2016.

Warnings refer to written warnings (oral warnings were not recorded by the YSPD). Citations include the combined misdemeanor and minor misdemeanor criminal, traffic, and juvenile citations; warnings include the criminal and traffic warnings.

The analysis was conducted on citations and warnings issued to individuals living within Yellow Springs municipal limits. Residency was based on the street address associated with a warning or citations. The

ticket recipient's street address was available for almost every citation and warning in the initial data set (> 99.8% for both warnings and citations).

Data were provided by the Yellow Springs Police Department, based on their records of warnings and citations issued during that period. YSPD officers record the age, gender, and race of each individual who receives a warning or citation. Date of birth and gender are factual and were usually determined by an individual's driver's license. Race was guessed by the officer issuing the citation—if the officer could not discern someone's race, then their race was left out of the record.

There were a number of instances where race data was missing from the YSPD's records: 23% of warnings and 13% of citations received by Yellow Springs residents did not note the residents' races. Age data and gender data was available for all cited YS residents, but not for all YS residents who only received written warnings. Because some individuals appeared in the data multiple times, John Hempfling was able to use these multiple records to fill-in some of the missing data. In the analysis, race was missing for 22% of YS subjects who received at least one warning, and 10% of YS residents who received at least one citation.

The analysis employed three racial categories: White, Black/African American, and All Other (American Indian/Native Alaskan, Asian, and Mixed); it included six age categories (10-14, 15-24, 25-34, 35-44, 45-59, 60 and older); and, two gender categories (male, female).



Michael

Statistical Programmer Analyst

Statistical Consulting Center

3640 Colonel Glenn Hwy,
130 M&M

Dayton, OH 45435-0001

P: 937-775-2286 F: 937-775-2081

E: michael.bottomley@wright.edu

DATE: 27 November 2017

TO: Hempfling, John

FROM: Mike Bottomley

SUBJECT: Yellow Springs Residents Citations and Warnings Report

Dear Mr. Hempfling,

Here are the results of the warnings and citations data analysis for Yellow Springs municipal residents for the time period beginning on April 1, 2010 and ending on December 29, 2016. You are interested in determining if any race, sex, or age group is getting a disproportionate number of warnings or citations. Warnings in this report refer only to written warnings, oral warnings are not taken into account. For the purposes of this analysis, criminal, traffic, and juvenile citations are being combined into one category, as are criminal and traffic warnings. You have the number of citations and warnings issued to residents of Yellow Springs during this period. In addition, you have the recipients' age, sex, and race. There are three options for race: White, Black/African American, and All Other (which is comprised of American Indian/Native Alaskan, Asian, and Mixed). Since an individual can show up in the data set multiple times the observations cannot be treated as independent. To deal with this, the data are being analyzed two ways:

- (i) Yes/No to individual was given at least one citation in the time period
- (ii) Total number of warnings/citations per individual

For (i) the total number of unique individuals is being counted. This is then compared to census records for that demographic and a chi-square test of independence is done to test for an association between the variable of interest and warnings or citations. The census data are estimates from 2011-2015. Subjects' ages have been categorized into the same ranges as in the census data, except with 15-19 and 20-24 combined into one category, 45-54 and 55-59 combined into another, and everyone 60 or older combined. Obviously, residents have moved to and out of Yellow Springs in that time frame, so these numbers are not exact. But they should serve as a relative baseline for each demographic. This attempts to answer the question, "who is being stopped and is it disproportionate relative to other groups?"

For (ii) the total number of warnings/citations are being analyzed. These are being analyzed via ANOVAs with number of warnings or citations as the dependent variable and age group, sex, and race as independent variables. This attempts to answer “when an individual is cited or warned, how many warnings and citations are different demographics getting, on average?” Since the ages of individuals in the data set are naturally changing over time, it is possible for someone to start in one age group and end up in the next age group up (however they can never go two or more age groups up). For this analysis the age group that an individual appears in the most number of times is used as their age group. In the event that someone is in two age groups the same number of times, the lower age group is used.

Due to the exploratory nature of this data, no correction was made to alpha to control for potentially inflated type I error rate (claiming there is statistical significance when in reality there is not and the results were just due to chance) and a level of significance $\alpha = 0.05$ was used throughout. SAS version 9.4 (SAS Systems Inc., Carey, NC) was used for all analyses.

I. Warnings

i. Yes/No to “individual was given at least one warning in the time period”

Frequency tables of counts of warnings given to unique Yellow Springs residents are listed below in Tables 1 - 3.

Race				
Race	Count in Data	Percent of Data (%)	Yellow Springs Representation Estimate (%)	Yellow Springs Representation Margin of Error (%)
American Indian/Alaskan Native	4	0.56	0	0.7
Asian	9	1.25	1.1	1.2
Black/African American	112	15.56	13.5	2.9
Other, includes multi-racial	15	2.08	3.2	2.1
White	580	80.56	82.2	3.8
Frequency Missing = 201				

Table 1: Warnings by race

Sex				
Sex	Count in Data	Percent of Data (%)	Yellow Springs Representation Estimate (%)	Yellow Springs Representation Margin of Error (%)
Female	459	50.33	51.7	3.7
Male	453	49.67	48.3	3.7
Frequency Missing = 9				

Table 2: Warnings by sex

Age				
Age	Count in Data	Percent of Data (%)	Yellow Springs Representation Estimate (%)	Yellow Springs Representation Margin of Error (%)
10-14	2	0.22	7.3	2.3
15-24	176	19.21	9.6	2.1
25-34	159	17.45	7.5	2.5
35-44	129	14.27	14.7	2.9
45-59	247	27.11	22.4	2.9
60+	198	21.73	31.4	2.1
Frequency Missing = 10				

Table 3: Warnings by age group

Note: For the combined categories, I simply added the census estimates for representation and averaged the margins of error. All margins of error are 90% margins of error.

The results of the chi-square tests of independence are given below in Tables 4 ó 6. This test compares the observed frequencies in the cells to their expected frequencies to test for an association between the two variables. The “None” column is the estimate given in the census data minus the number in the “At Least One” column. It represents the number of Yellow Springs residents who were issued no warnings in the time period. The top number in each cell is the observed count and the bottom number is the percentage for that row (each row sums to 100%). For example, the top left cell in Table 5 indicates that 19.16% of white Yellow Springs residents were issued at least one warning in the duration of the study (580 out of the 3,027 in the census estimate, with the 2,447 in the “None” cell being 3,027 - 580).

Table of Race by Warning			
Race	Warning		
Frequency Row Pct	At Least One	None	Total
White	580 19.16	2447 80.84	3027
Black/African American	112 22.54	385 77.46	497
All Other	28 17.61	131 82.39	159
Total	720	2963	3683

Statistic	DF	Value	Prob
Chi-Square	2	3.4880	0.1748

Table 4: Chi-square test for **race**

Based on the P -value of 0.17 in Table 4, there is not strong evidence to suggest there is a significant association between race and getting at least one warning.

Table of Sex by Warning			
Sex	Warning		
Frequency Row Pct	At Least One	None	Total
Male	453 25.45	1327 74.55	1780
Female	459 24.12	1444 75.88	1903
Total	912	2771	3683

Statistic	DF	Value	Prob
Chi-Square	1	0.8727	0.3502

Table 5: Chi-square test for **sex**

Based on the P -value of 0.35 in Table 5, there is not strong evidence to suggest there is a significant association between sex and getting at least one warning.

Table of Age by Warning			
Age	Warning		
Frequency Row Pct Col Pct	At Least One	None	Total
10-14	2 0.74 0.22	267 99.26 10.63	269
15-24	176 50.00 19.32	176 50.00 7.01	352
25-34	159 57.61 17.45	117 42.39 4.66	276
35-44	129 23.76 14.16	414 76.24 16.49	543
45-59	247 29.98 27.11	577 70.02 22.98	824
60+	198 17.10 21.73	960 82.90 38.23	1158
Total	911	2511	3422

Statistic	DF	Value	Prob
Chi-Square	5	387.1533	<.0001

Table 6: Chi-square test for **age group**

Based on the P -value of < 0.0001 in Table 6, there is strong evidence to suggest there is a significant association between age group and whether the individual was given at least one warning. Relative risks were calculated to quantify this association. Relative risks in this context are the proportion of residents in a given age group who got at least one warning divided by the proportion of residents in the 60+ age group who got at least one warning. For example, the relative risk for the 15-24 group compared to the 60+ group is $(176/352)/(198/1158) = 2.92$. This means that the estimated probability of getting at least one warning is 2.92 times higher for someone in the 15-24 group than someone in the 60+ group. The 95% confidence limits give us a range of plausible values for the true relative risk. For example, the relative risk estimate for 15-24 vs 60+ is 2.92, but at 95% confidence the true relative risk could feasibly be as low as 2.48 or as high as 3.45. The rest of the relative risks are given below in Table 7.

Relative Risk Estimates			
Comparison	Point Estimate	95% Wald Confidence Limits	
Age 10-14 vs 60+	0.04	0.01	0.17
Age 15-24 vs 60+	2.92	2.48	3.45
Age 25-34 vs 60+	3.37	2.86	3.96
Age 35-44 vs 60+	1.39	1.14	1.69
Age 45-59 vs 60+	1.75	1.49	2.07

Table 7: Relative risk estimates for age groups

(ii) Total number of warnings per individual

Descriptive statistics by the various demographics are given below in Tables 8 6 11.

Analysis Variable : Number_of_Warnings							
Age	Sex	Race	N Obs	Mean	Std Dev	Minimum	Maximum
10-14	Male	Black/African American	1	2.00	.	2.00	2.00
		All Other Races	1	1.00	.	1.00	1.00
15-24	Female	Black/African American	11	2.18	1.83	1.00	6.00
		White	40	1.43	0.90	1.00	5.00
	Male	Black/African American	16	2.31	1.78	1.00	7.00
		All Other Races	2	2.00	1.41	1.00	3.00
		White	71	1.65	0.97	1.00	5.00
25-34	Female	Black/African American	3	1.00	0.00	1.00	1.00
		All Other Races	5	1.40	0.55	1.00	2.00
		White	60	1.58	0.89	1.00	5.00
	Male	Black/African American	11	2.91	2.74	1.00	9.00
		All Other Races	3	2.67	1.53	1.00	4.00
		White	50	1.48	0.99	1.00	5.00
35-44	Female	Black/African American	7	2.00	1.15	1.00	4.00
		All Other Races	1	2.00	.	2.00	2.00
		White	51	1.45	0.81	1.00	5.00
	Male	Black/African American	7	2.71	1.60	1.00	6.00
		All Other Races	2	1.50	0.71	1.00	2.00
		White	32	1.47	0.92	1.00	5.00

45-59	Female	Black/African American	20	1.60	0.68	1.00	3.00
		All Other Races	6	1.00	0.00	1.00	1.00
		White	71	1.45	0.79	1.00	5.00
	Male	Black/African American	12	3.17	2.55	1.00	9.00
		All Other Races	3	1.00	0.00	1.00	1.00
		White	81	1.58	1.04	1.00	6.00
60+	Female	Black/African American	13	1.31	0.48	1.00	2.00
		All Other Races	2	1.50	0.71	1.00	2.00
		White	69	1.39	0.84	1.00	5.00
	Male	Black/African American	11	1.18	0.40	1.00	2.00
		All Other Races	3	1.33	0.58	1.00	2.00
		White	52	1.40	1.07	1.00	8.00

Table 8: Descriptive statistics for warnings by age, sex, and race

Analysis Variable : Number_of_Warnings					
Age	N Obs	Mean	Std Dev	Minimum	Maximum
10-14	2	1.50	0.71	1.00	2.00
15-24	176	1.65	1.12	1.00	7.00
25-34	159	1.56	1.15	1.00	9.00
35-44	129	1.52	0.90	1.00	6.00
45-59	247	1.55	1.04	1.00	9.00
60+	198	1.33	0.81	1.00	8.00

Table 9: Descriptive statistics for warnings by age

Analysis Variable : Number of Warnings					
Sex	N Obs	Mean	Std Dev	Minimum	Maximum
Female	459	1.45	0.83	1.00	6.00
Male	453	1.59	1.17	1.00	9.00

Table 10: Descriptive statistics for warnings by sex

Analysis Variable : Number of Warnings					
Race	N Obs	Mean	Std Dev	Minimum	Maximum
White	580	1.50	0.92	1.00	8.00
Black/African American	112	2.06	1.68	1.00	9.00
All Other Races	28	1.46	0.79	1.00	4.00

Table 11: Descriptive statistics for warnings by **race**

A three-way ANOVA, which tests for mean differences amongst the factor levels of the groups, was run with number of warnings as the dependent variable and age group, sex, and race as independent variables. There was evidence of a three-way interaction (P -value = 0.0375). This implies that the effect of any one variable is not constant across all levels of the other variables. To investigate the interaction, Tukey's multiple comparison procedure was performed, which compares each of the age/sex/race combinations to each other and controls the level of significance for the number of comparisons made. There was strong evidence to suggest that the mean number of warnings received by black males aged 25-34 and black males aged 45-59 was significantly greater than the mean number of warnings for several other groups. The results of the significant comparisons and least squared mean differences (these are just means that control for unequal sample sizes) are detailed below in Table 12. For example, on average, black males aged 25-34 in the data set received 1.48 more warnings than white females aged 15-24. Any comparison not listed in Table 12 was not significant at $\alpha=0.05$

Baseline Group	Comparison Group	Mean Difference	P -value
----------------	------------------	-----------------	------------

25-34 Black Male	15-24 White Female	1.48	0.0123
	25-34 White Female	1.33	0.0371
	25-34 White Male	1.43	0.0157
	35-44 White Female	1.46	0.0111
	35-44 White Male	1.44	0.0285
	45-59 White Female	1.46	0.0072
	45-59 White Male	1.33	0.0271
	60+ White Female	1.52	0.0036
	60+ Black Male	1.73	0.0360
	60+ White Male	1.51	0.0063
45-59 Black Male	15-24 White Female	1.74	0.0002
	15-24 White Male	1.52	0.0016
	25-34 White Female	1.58	0.0009
	25-34 White Male	1.69	0.0003
	35-44 White Female	1.72	0.0002
	35-44 White Male	1.70	0.0009
	45-59 Black Female	1.57	0.0158
	45-59 Other Female	2.17	0.0135
	45-59 White Female	1.72	<0.0001
	45-59 White Male	1.59	0.0005
	60+ Black Female	1.86	0.0041
	60+ White Female	1.78	<0.0001
	60+ Black Male	1.98	0.0026
	60+ White Male	1.76	<0.0001

Table 12: Significant results from Tukey's multiple comparison procedure

It should be noted that many of the age/race/sex that were not significant contained a low number of residents (mainly in the "Other" category), which could be playing a role in them not being significant.

II. Citations

(i) Yes/No to "individual was given at least one citation in the time period"

The same process was repeated for citations. Frequency tables of counts of warnings given to unique Yellow Springs residents are listed below in Tables 13 - 15.

Race				
Race	Count in Data	Percent of Data (%)	Yellow Springs Representation Estimate (%)	Yellow Springs Representation Margin of Error (%)
American Indian/Alaskan Native	2	0.56	0	0.7
Asian	2	0.56	1.1	1.2
Black/African American	65	18.06	13.5	2.9
Other, includes multi-racial	6	1.67	3.2	2.1
White	285	79.17	82.2	3.8
Frequency Missing = 41				

Table 13: Citations by race

Sex				
Sex	Count in Data	Percent of Data (%)	Yellow Springs Representation Estimate (%)	Yellow Springs Representation Margin of Error (%)
Female	164	40.90	51.7	3.7
Male	237	59.10	48.3	3.7

Table 14: Citations by sex

Age				
Age	Count in Data	Percent of Data (%)	Yellow Springs Representation Estimate (%)	Yellow Springs Representation Margin of Error (%)
10-14	12	2.99	7.3	2.3
15-24	87	21.70	9.6	2.1
25-34	94	23.44	7.5	2.5
35-44	73	18.20	14.7	2.9
45-59	78	19.45	22.4	2.9
60+	57	14.21	31.4	2.1

Table 15: Citations by age

The results of the chi-square tests are given in Tables 16-18.

Table of Race by Citation			
Race	Citation		
Frequency Row Pct	At Least One	None	Total
All Other Races	10 6.29	149 93.71	159
Black/African American	65 13.08	432 86.92	497
White	285 9.42	2742 90.58	3027
Total	360	3323	3683

Statistic	DF	Value	Prob
Chi-Square	1	6.8921	0.0124

Table 16: Chi-square test for race

Based on the P -value of 0.0124 in Table 16, there is strong evidence to suggest there is a significant association between race and getting at least one citation. Relative risks are given below in Table 17.

Relative Risk Estimates			
Effect	Point Estimate	95% Wald Confidence Limits	
Race All Other Races vs White	0.67	0.36	1.23
Race Black/African American vs White	1.39	1.08	1.79

Table 17: Relative risks for race

Since the confidence interval for the relative risk for "All Other Races vs White" includes 1 (which happens when the risks are the same), we would not consider the relative risk estimate of 0.67 to be significant and therefore not draw any conclusions about it. However, the relative risk for "Black/African American vs White" is statistically significant. The estimated probability of receiving at least one citation is 1.39 times higher for a black Yellow Springs resident than a white Yellow Springs resident.

Table of Sex by Citation			
Sex	Citation		
Frequency Row Pct	At Least One	None	Total
Male	237 13.31	1543 86.69	1780
Female	164 8.62	1739 91.38	1903
Total	401	3282	3683

Statistic	DF	Value	Prob
Chi-Square	1	20.9099	<.0001

Table 18: Chi-square test for sex

Based on the *P*-value of <0.0001 in Table 17, there is strong evidence to suggest there is a significant association between sex and getting at least one citation. Specifically, the probability of receiving at least one citation is 1.54 times higher for male Yellow Springs residents than female Yellow Springs residents [95% confidence interval = (1.28, 1.87)].

Table of Age by Citation			
Age	Citation		
Frequency Row Pct	At Least One	None	Total
10-14	12 4.46	257 95.54	269
15-24	87 24.72	265 75.28	352
25-34	94 34.06	182 65.94	276
35-44	73 13.44	470 86.56	543
45-59	78 9.47	746 90.53	824
60+	57 4.92	1101 95.08	1158
Total	401	3021	3422

Statistic	DF	Value	Prob
Chi-Square	5	261.6259	<.0001

Table 19: Chi-square test for **age**

Based on the *P*-value of <0.0001 in Table 19, there is strong evidence of a significant association between age and getting at least one citation. Relative risks are given below in Table 20.

Relative Risk Estimates			
Comparison	Point Estimate	95% Wald Confidence Limits	
Age 10-14 vs 60+	0.91	0.49	1.67
Age 15-24 vs 60+	5.02	3.68	6.86
Age 25-34 vs 60+	6.92	5.12	9.36
Age 35-44 vs 60+	2.73	1.96	3.80
Age 45-59 vs 60+	1.92	1.38	2.67

Table 20: Relative risks for **age**

All relative risks other than 10-14 vs 60+ are considered to be significant (since the only one that includes 1 in the confidence interval is 10-14 vs 60).

(ii) Total number of citations per individual

Descriptive statistics for total number of citations per individual are given below in Tables 21-24.

Analysis Variable : Number_of_Citations							
Age	Sex	Race	N Obs	Mean	Std Dev	Minimum	Maximum
10-14	Female	Black/African American	1	1.00	.	1.00	1.00
		All Other Races	1	1.00	.	1.00	1.00
	Male	White	6	1.67	1.21	1.00	4.00
		Black/African American	2	2.50	0.71	2.00	3.00
15-24	Female	White	19	1.74	1.10	1.00	5.00
		Black/African American	2	1.50	0.71	1.00	2.00
	Male	White	42	3.29	4.36	1.00	26.00
		Black/African American	13	2.92	3.30	1.00	13.00
		All Other Races	1	7.00	.	7.00	7.00
25-34	Female	White	37	1.89	1.45	1.00	8.00
		Black/African American	2	1.00	0.00	1.00	1.00
		All Other Races	1	3.00	.	3.00	3.00
	Male	White	34	2.29	1.62	1.00	6.00
		Black/African American	11	2.55	1.75	1.00	7.00
		All Other Races	1	1.00	.	1.00	1.00
35-44	Female	White	29	2.17	2.12	1.00	11.00
		Black/African American	5	1.60	0.89	1.00	3.00
	Male	White	24	2.50	2.28	1.00	10.00
		Black/African American	5	4.00	2.24	1.00	7.00
		All Other Races	1	2.00	.	2.00	2.00
45-59	Female	White	24	1.75	1.29	1.00	5.00
		Black/African American	6	1.67	1.21	1.00	4.00
		All Other Races	3	2.67	1.15	2.00	4.00
	Male	White	27	2.44	2.04	1.00	11.00
		Black/African American	12	2.17	1.40	1.00	4.00
		All Other Races	1	2.00	.	2.00	2.00
60+	Female	White	18	1.39	1.04	1.00	5.00
	Male	White	25	1.28	0.61	1.00	3.00
		Black/African American	6	1.67	1.03	1.00	3.00
		All Other Races	1	1.00	.	1.00	1.00

Table 21: Descriptive statistics for citations by age, sex, and race

Analysis Variable : Number of Citations					
Age	N Obs	Mean	Std Dev	Minimum	Maximum
10-14	12	1.67	0.98	1.00	4.00
15-24	87	2.72	3.42	1.00	26.00
25-34	94	2.10	1.51	1.00	8.00
35-44	73	2.25	2.05	1.00	11.00
45-59	78	2.08	1.58	1.00	11.00
60+	57	1.33	0.79	1.00	5.00

Table 22: Descriptive statistics for citations by **age**

Analysis Variable : Number of Citations					
Sex	N Obs	Mean	Std Dev	Minimum	Maximum
Female	164	1.78	1.40	1.00	11.00
Male	237	2.38	2.50	1.00	26.00

Table 23: Descriptive statistics for citations by **sex**

Analysis Variable : Number_of_Citations					
Race	N Obs	Mean	Std Dev	Minimum	Maximum
White	285	2.16	2.29	1.00	26.00
Black/African American	65	2.32	1.99	1.00	13.00
All Other Races	10	2.50	1.84	1.00	7.00

Table 24: Descriptive statistics for citations by **race**

A three-way ANOVA was run with number of citations as the dependent variable and sex and race as independent variables. This time there were no interactions (which implies any differences in any group are constant across the other groups) so the effects of each variable could be analyzed directly. There was not strong evidence to suggest there is a significant difference in mean number of citations based on the race of the residents (P -value = 0.79). However, there was strong evidence to suggest there was a significant difference in mean citations between males and females (P -value = 0.0073). Based on the difference between the least square means, males received, on average, 0.65 more citations than females. There was also strong evidence to suggest there was a significant difference between the mean number of citations received by residents aged 15-24 years and 60+ years (P -value = 0.0048). On average, residents aged 15-24 years received 1.43 more citations than those aged 60+ years.

Let me know if you have any questions pertaining to anything in this report or any other aspect of the research.

Sincerely,

Mike Bottomley

Hempfling/WSU Yellow Springs Police Citation Data Sorted by Race then Officer

Officer	# Citations	# AA cited	# Cauc. Cited	# Other cited	# unk. Cited	2016 cited	% AA cited
A	469	84	339	0	46	No	19.86
AA	81	18	47	0	13	No	27.69
AB	28	4	15	0	8	No	21.05
AC	112	23	77	1	11	Yes	23.00
AF	287	61	200	0	26	No	23.37
AG	11	0	11	0	0	No	0.00
B	9	2	7	0	0	No	22.22
D	98	9	52	1	36	No	14.75
E	170	40	117	0	13	Yes	25.48
F	168	18	114	4	32	Yes	13.64
G	15	1	14	0	0	Yes	6.67
H	56	9	40	0	7	Yes	18.37
I	8	0	8	0	0	Yes	0.00
J	87	10	65	2	10	No	13.33
L	220	55	133	2	30	Yes	29.26
M	743	169	488	0	61	No	25.72
N	186	45	132	0	9	Yes	25.42
O	527	118	333	0	75	Yes	26.16
Q	14	2	12	0	0	No	14.29
R	176	33	134	0	9	No	19.76
S	20	7	12	0	1	No	36.84
U	524	90	332	3	99	Yes	21.33
Unknown	198	31	145	0	22	No	17.61
V	120	8	66	0	46	No	10.81
W	32	7	24	0	1	Yes	22.58
X	74	5	59	0	9	No	7.81
Y	106	5	72	0	37	No	6.49
Z	180	34	114	4	28	Yes	22.97
TOTAL(2010-16)	4719	888	3162	17	629		21.93
Tot. 2016 officers	2720	520	1809	3	369		22.33
- AA,E,L,M,N,O,S	2792	436	1900				18.66
less 14 extremes	2382	407	1605				20.23

	African Am.	Caucasian	Biracial	AA + biracial AA	Disparity Ratio with biracial for all citations
YS Pop. 2000 census	14.97%	76.58%	5.74%	18.00%	1.22
YS Pop. 2010 census	12.00%	76.60%	7.30%	16.90%	1.30
YS Pop. 2010 ACS estimate	9.00%	80.30%	4.20%	11.60%	1.89
- AA,E,L,M,N,O,S					1.17
less 14 extremes					1.27
Hempfling/WSU= 2015 ACS est.	13.50%	82.20%	3.20%	15.90%	1.38
Hempfling/WSU= 2015 ACS est.	for YS resident citations only including biracial AA			Disparity ratio =	1.31
Hempfling/WSU= 2015 ACS est.	for YS residents only in WSU report			Disparity ratio =	1.39

Re: My issues on the pending data analysis

Inbox x



Nov 2 (8 days ago)

divad renrut

to Cyndi, Al, Bill, Ellis, John, me, Kate, Marianne, Nia, Steve, Laura

I also have problems with the data. I count up total citations and warnings by race, gender, and age groupings. The citations totals are:

401 by gender

360 by race (white vs. non-white total)

This is a 10% difference.

Warnings show a similar problem:

912 by gender

720 by race (white vs. non-white total)

This is about a 21% difference.

I assume that some or all can be explained by offices not putting race down, but it is a large percentage in both cases that can skew the results.

I also feel we need to look at all data, not just that for residents of YS.

Data presentation should have up front simple tables of totals by race, gender, and age. After that, more involved charts by age range, etc. would be useful, but too much detail up front will be confusing to many. Leave out jargon as well.

David

My issues on the pending data analysis



Nov 1 (9 days ago)

Cyndi Pauwels

to Al, Bill, David, Ellis, John, me, Kate, Marianne, Nia, Steve, Laura

Since I have such trouble explaining myself in public conversation (I'm a writer; I do much better with a blank page, and time to edit), let me try again here.

First, as I've said, I commend John and the WSU folks for their work gathering and analyzing the arrest data as they have. It's a monumental job, I know. I've done enough of that kind of work, albeit on a broader level.

Second, while the data certainly raises issues that need to be examined further, I repeat my concern that while expansive, the data is and therefore the analysis is incomplete. To release anything at this stage would be premature and irresponsible, as it will most certainly be misconstrued. We as an appointed body have a duty to provide as clear and exact a picture of our findings as possible, and I do not believe this is it.

As much as any other member of this task force, I want to see our police department held accountable as necessary, and improved as much as possible. To do that, we need accurate, *complete*, data. And I don't believe we're there yet.

Currently, the findings as presented in the standing reports paint the entire Yellow Springs Police Department with the same brush. I continue to maintain that we need to know if the questionable stops were performed by a small number of officers (who may no longer be with the department) or if such practices were/are more widespread. Those findings could have direct consequence on any recommendations the JSTF would make (better hiring practices vs. better/different training for all existing officers, etc.).

If I'm not mistaken, John has said that data is in fact already available. And Al (I believe) pointed out that each of the officers involved could be given random, anonymous identifiers for such further analysis.

My vote is that this work should be completed prior to any public release of our findings.

Thanks.

Take care,
Cyndi Pauwels

Justice System Task Members,

John Hempfling graciously shared with me the spreadsheet data that he obtained from our police department. The report that we approved was derived from these data. I have been unsettled by many aspects of the report and felt the need to study the analysis that led to the report. I have done so over the past week and would like to share with you some of my findings.

1) The Hempfling/WSU study focused only on YS residents because only for this group were racial, gender and age populations known and thus amenable to checking for disparities in the citations given by race, gender and age of this group. While this is understandable, it should be noted that this means only a fraction of the citations of our police officers, less than 20%, are considered. I did an analysis using all 4719 citations given by our department during the 2010-2016 period to broaden the data sample.

2) The Hempfling/WSU conclusions are based upon the American Community Survey (ACS) estimates of the YS population and its makeup. These differ significantly from the official USA Census Bureau decade tabulation.

3) The Hempfling/WSU study ignores many things. There are many citations for which the officer lists "unknown" for the race of the person being cited. These of course must be dropped from the data analysis, but we need to understand what causes an officer to use the "unknown" label. In addition, for 198 citations, the officer is listed as unknown.

4) A second factor ignored by the Hempfling/WSU study is the category of biracial. There are a lot of biracial YS residents and most of these have an AA component. In a very few cases an officer's citation lists the race as biracial AA. In my analysis I added the AA and biracial AA as one category and used the census data to arrive at a YS percentage for those listing themselves as AA or AA biracial. I recognize that some might disagree with this, but, I think it is still true today that most biracial AAs are identified as AA.

5) On two occasions I shared my concern at our committee meetings that a couple of officers with serious implicit bias issues could skew the data for the entire department. The Hempfling/WSU analysis does not check this issue. To do so I sorted all 4719 citations first by race and then by officer. [I asked John to replace the officers name with a letter code before giving me the data so all officers would be anonymous. He did so.] I then looked at the percentage of citations by race given by each officer. In addition, I compared the officers who wrote at least one citation in 2016 with the total of all officers over the 2010-2016 span of the data set. This would enable a comparison of the more current force with the officers over the longer time span with respect to racial bias.

Conclusions

1) Using the citations for YS residents only the Hempfling/WSU study yields an African American/Caucasian disparity ratio of 1.39 (see Table 17 of report). Using all 4719 citations I calculate this disparity ratio to be 1.38. This indicates that the YS resident rate is nearly the same as that for the entire data collection.

2) The use of the American Community Survey (ACS) Estimates is a great concern for me. These estimates are given annually, and the 2015 estimate is the one used by Hempfling/WSU to draw their conclusions with respect to race, gender and age citation disparities. I have so far been unable to determine the methodology used to obtain the ACS Estimates.

The basis for my concern can be understood by comparing the USA Census Bureau 2010 demographic profile data with the ACS 2010 Estimate:

	%Cauc.	%AA	%biracial	%AA+AA biracial
2010 Census Bureau data	78.1	12.0	7.3	16.9
2010 ACS Estimate	80.3	9.0	4.2	11.6
2015 ACS Estimate	82.2	13.5	3.2	15.9

Why are the Census Bureau and ACS Estimate for 2010 so different? The ACS Estimates seem to significantly undercount AAs and biracial residents and overcount Caucasians. The 2015 ACS Estimate used by Hempfling/WSU to some degree corrects the AA undercount, but continues to undercount the biracial category. Indeed, the ACS Estimates show a steady yearly rise in the YS AA count from 2010 of 9.0% to 2015 of 13.5%. This is at odds with the general perception that our AA population is declining.

The conclusions of the report are totally dependent upon using the most accurate demographic data. For example, using the 2010 Census Bureau data to recalculate the Hempfling/WSU race disparity ratio gives 1.56 rather than 1.39. This needs much further investigation.

3) The very large number of citations for which the race is listed as unknown is a concern. A few officers listed as “unknown” for the race in over a third of their citations. Over 13% of all citations list the race as “unknown”. A number this large must be investigated and understood because it could have a considerable effect on the conclusion. Was implicit bias the basis of a significant number of the “unknowns” or was it just a clerical error. I intend to check with Chief Carlson to gain understanding as to why so many citations have “unknown” race.

4) The neglect of the biracial category in the Hempfling/WSU analysis is a significant oversight. While we are moving from the Jim Crow era when anyone >one-sixteenth AA was classified as AA, still many identify those with some AA heritage as AA. A very few of the YS citations, less than 20, list biracial AA. In my analysis I added the AA and AA biracial citations together and used the census data to generate a AA + AA biracial category. Using these I calculated a race disparity ratio of 1.30. Correcting the Hempfling/WSU disparity ratio by including the biracial numbers, lowers their ratio of 1.39 to 1.31.

5) Finally, I found that the percentage of citations given by the officers on the force in 2016 was 22.3%. This is higher than the percentage of citations given by the officers during the 2010 to 2016 period of 21.9%. This shows that there was no improvement in the citation race disparity leading up to the end of the data reporting time in 2016. It must be recognized, however, that at least two officers were dismissed after the New Years Eve event, two officers who seemingly showed a racial bias at that event, and the citations of these officers are included in the data for 2016. An analysis of the citations issued in 2017, after the New Years Eve event and our new chief becoming acting chief and then Chief would be valuable to compare with the earlier data.

In looking at individual officers there is a wide range of percentages of citations given to AAs, from a high of >36% to a low of 0%. Five (5) officers gave less than 10% of their citations to AAs and nine (9) gave less than 20%. On the other hand, seven (7) gave greater than 25%. If the citations for the seven officers (AA,E,L,M,N,O and S) who gave the greatest percentage to African Americans are eliminated, then the percentage of citations to African Americans drops from 21.9% to 18.7%. The disparity ratio of 1.39 drops to 1.17. If the citations for the seven officers giving the greatest percentage of citations to African Americans and the seven giving the lowest percentage are both eliminated, then the percentage of citations drops from 21.9 to 20.1. The disparity ratio of 1.39 drops to 1.27. The large number of officers (27) within the six-year period of the citations means that no one officer's citations had a large enough effect to skew the overall results significantly, but citations of the seven officers did significantly impact the disparity ratio. The large number of officers that we have had, compared with the stable force in the 1980s and 1990s may be the root cause of a lot of the problems we have been having with our police force in recent years. Our committee might consider making a general recommendation apropos to this.

General Conclusions: The Hempfling/WSU data analysis show three groups receive disproportionate numbers of citations from the YS Police Force. They are: males, young people, i.e. particularly those in the late teens, twenties and early thirties, and African Americans. Is this because they are being profiled?

In my opinion, the disparities are not surprising. The "testosterone effect" is likely responsible for a large portion of the male disparity, if not all. Inexperience, peer influence and tendency to poorly evaluate risk are likely the cause of much of the disparity for young people. Finally, the difference in age demographics and in economic condition probably accounts for a portion of the African American disparity.

Have males, young people and African Americans been profiled? Likely they have been to some degree. Is implicit bias a factor in the African American citations? Of course, it is. A careful analysis might have been able to put some estimates on these factors, but the error bars would have been large. The Hempfling/WSU report does not acknowledge any of this. And, sadly, John Hempfling in his post against David Turner publicizes an African American disparity factor that is both incorrect in value and gives no context. It seems intended to inflame not to help our community.

The Hempfling/WSU analysis gives a race disparity figure of 1.39. In my opinion, this number is too large and, perhaps significantly too large for the reasons given above. I regret that we put so much trust in the WSU group to do a thorough job. This is my effort to make amends.

As a task force for our community, I feel that we need to collect and analyze data that will help to understand and remedy problems. We need to gather more recent citation data to aid in understanding if our current police force is making progress toward fair and unbiased law enforcement. We have more to do.

Response to Al Schlueter's "Report on Racial Bias in YS Police Citations"

Contents

Introduction	1
Supplemental Descriptive Statistics	2
Officers current as of 12/31/2016 vs. former officers.....	2
Year-by-Year breakdown	3
Response to Research Design Concerns	4
Why the American Community Survey 2015-2011 Five-Year Estimates Instead of the 2010 Decennial Census?	4
Why Not Combine Mixed Race and African American Residents?	4
"The Finding that Black Residents were 1.39 Times More Likely to Receive at Least One Citation than White Residents is Understated ," an Example Argument.....	4
The Example Argument	4
"The Analysis Should Have Focused on Recent Years and Current Officers"	4
"Unknowns in the Data"	5
"Average Number of Citations Received by Different Demographic Groups"	6

Introduction

I was planning on providing some additional descriptive statistics regarding the data analysis, including a year-by-year breakdown and a comparison between the set of officers that were current as of December 31st, 2016, and the set of officers that had left the YSPD between April 1st, 2010 and December 31st, 2016. I will also respond to Al Schlueter's "Report on Racial Bias in YS Police Citations." Like Schlueter, I will not review the written warning data in this document.

In the first part of this document, I will provide the descriptive statistics mentioned above. In the second part of this document, I will defend the decision of the Data Analysis Project (DAP) to use the 2015-2011 five-year population estimates instead of decennial census, and I will defend the way that the citation data was compared to the census data, in regard to people of mixed race.

In Schlueter's report, he concludes that,

The Hempling/WSU analysis gives a race disparity figure of 1.39. In my opinion, this number is too large and, perhaps significantly too large for the reasons given above. (p. 3)

In the third part of this document, I will provide an example of an argument that the WSU report **understates** the extent of the racial disparity. This argument will hopefully provide a critical counterweight to the argument of those on JSTF which seem inclined to argue that the findings of the WSU report are overstated. My purpose here is to show that a critic could just as convincingly—probably more convincingly—pick through the data and come to the exact opposite conclusion. Both types of critiques of the analysis are important and valuable.

Supplemental Descriptive Statistics

Please note that the descriptive statistics provided below have not been subjected to any sort of statistical testing, so we cannot say whether any differences between the groups is due to chance.

Also, note that during the period under analysis, residents were often cited by multiple different sets of officers and across multiple years, so the numbers of cited residents from the various rows will not sum to the numbers reported in the Grand Totals reported at the bottom of each table.

Officers current as of 12/31/2016 vs. former officers

A number of members of JSTF expressed concern that the report was unfair because it included citations issued by both officers that were currently on the force, and officers which left the force during the period. Al Schlueter expressed the desire to also exclude the officers which left shortly after the New Years Eve incident from the set of current officers, so I have.

Cited Residents by Race and Sets of Officers

		White	Black	All Other (Mixed)	Total	Total Race Known	Total Race Unknown
ACS 2011-2015 5- year estimates	Estimate %	3027 82.2%	497 13.5%	159 (118) 4.3% (3.2%)	3683 100%		
Officers current as of 12/31/16, excluding Hawley and Sauber	Citations	232	80	14 (9)	347	326	21
	Residents	141	41	8 (5)	207	190	17
	Citations / Person	1.6	2.0	1.8 (1.8)	1.7	1.7	1.2
	% of residents	74.2%	21.6%	4.2% (2.6%)		91.8%	8.2%
Former Officers, including Hawley and Sauber	Citations	368	69	11 (8)	489	448	41
	Residents	175	40	5 (3)	246	220	26
	Citations / Person	2.1	1.7	2.2 (2.7)	2.0	2.0	1.6
	% of residents	79.5%	18.2%	2.3% (1.4%)		89.4%	10.6%
Officer Set Unknown	Citations	23	2		26	25	1
	Residents	15	1		17	16	1
	Citations / Person	1.5	2.0		1.5	1.6	1.0
	% of residents	93.8%	6.3%			94.1%	5.9%
Grand Total	Citations	623	151	25 (17)	862	799	63
	Residents	285	65	10 (6)	401	360	41
	Citations / Person	2.2	2.3	2.5 (2.8)	2.1	2.2	1.5
	% of residents	79.2%	18.1%	2.8% (1.7%)		89.8%	10.2%

Table 1: Comparison of Sets of Officers

“Officer Set Unknown” includes both citations which were associated with no officer, and citations that were associated with both “current” and “former” officers¹.

As you can see, the citations issued by “current” officers were by no means more in line with the Yellow Springs population than officers that left the force during the period.

Year-by-Year breakdown

The year-by-year breakdown was requested at JSTF’s October meeting.

Cited Residents by Race and Year

		White	Black	All Other (Mixed)	Total	Total Known	Total Unknown
ACS 2011-2015 5- year estimates	Estimate %	3027 82.2%	497 13.5%	159 (118) 4.3% (3.2%)	3683		
2010 (starting 4/1/2010)	Citations	71	14		90	85	5
	Residents		44	6	54	50	4
	Citations / Person	1.6	2.3		1.7	1.7	1.3
	% of residents	88.0%	12.0%			92.6%	7.4%
2011	Citations	129	15	1	150	145	5
	Residents		49	11	66	61	5
	Citations / Person	2.6	1.4	1.0	2.3	2.4	1.0
	% of residents	80.3%	18.0%	1.6% (0.0%)		92.4%	7.6%
2012	Citations	57	17	1	87	75	12
	Residents		30	11	53	42	11
	Citations / Person	1.9	1.5	1.0	1.6	1.8	1.1
	% of residents	71.4%	26.2%	2.4% (0.0%)		79.2%	20.8%
2013	Citations	96	28	7 (5)	146	131	15
	Residents		61	16	87	80	7
	Citations / Person	1.6	1.8	2.3 (2.5)	1.7	1.6	2.1
	% of residents	76.3%	20.0%	3.8% (2.5%)		92.0%	8.0%
2014	Citations	85	21	7 (6)	119	113	6
	Residents		48	13	69	64	5
	Citations / Person	1.8	1.6	2.3 (3.0)	1.7	1.8	1.2
	% of residents	75.0%	20.3%	4.7% (3.1%)		92.8%	7.2%
2015	Citations	84	25	3 (1)	127	112	15
	Residents		52	15	79	69	10
	Citations / Person	1.6	1.7	1.5 (1.0)	1.6	1.6	1.5
	% of residents	75.4%	21.7%	2.9% (1.4%)		87.3%	12.7%
2016	Citations	101	31	6 (5)	143	138	5
	Residents		59	19	85	82	3
	Citations / Person	1.7	1.6	1.5 (1.7)	1.7	1.7	1.7
	% of residents	72.0%	23.2%	4.9% (3.7%)		96.5%	3.5%
Grand Total	Citations	623	151	25 (17)	862	799	63
	Residents		285	65	401	360	41
	Citations / Person	2.2	2.3	2.5 (2.8)	2.1	2.2	1.5
	% of residents	79.2%	18.1%	2.8% (1.7%)		89.8%	10.2%

Table 2: Year-by-Year Breakdown

¹ In reality, a single citation cannot be issued by more than one officer. The dataset, however, sometimes incorrectly associates multiple officers with a single citation. The reasons for this are not clear.

Response to Research Design Concerns

Why the American Community Survey 2015-2011 Five-Year Estimates Instead of the 2010 Decennial Census?

The American Community Survey's 2015-2011 Five-Year Estimates are based on survey data collected by the U.S. Census Bureau in 2011, 2012, 2013, 2014, and 2015. Both the American Community Survey and the decennial census are products of the Census Bureau. The American Community Survey estimates are a better fit for the time period of this study, and there's no reason to believe that the 2010 decennial census numbers would be more accurate.

Why Not Combine Mixed Race and African American Residents?

Currently, we have no hard evidence supporting the view that officers would necessarily misclassify mixed race residents as African American, as opposed to correctly identifying them as mixed race, marking their race as unknown or misclassifying them as white. Nor do we have sufficient reason to disbelieve that there is an actual disparity in the citations received by black and mixed race residents. Absent a clear justification for combining the racial groups, the most neutral choice available was to accept the validity of the YSPD citation data.

"The Finding that Black Residents were 1.39 Times More Likely to Receive at Least One Citation than White Residents is *Understated*," an Example Argument

I want to say that I am currently neither endorsing nor opposing the argument presented below. This argument primarily aims to provide a useful counterweight against those arguments that the WSU findings were overstated. Please note that the differences discussed below have not actually been subjected to statistical testing to determine their significance.

The Example Argument

"The Analysis Should Have Focused on Recent Years and Current Officers"

"The inclusion of the data from 2010-2012 and the inclusion of data from officers who have left the YSPD before 12/31/2016 unfairly masks the true level of racial disparity. This table, which limits the period under analysis to the last four years (2013-2016), shows how the recent racial disparity was really being driven by current officers.

Cited Residents by Race and Set of Officers (2013-2016)

		White	Black	All Other (Mixed)	Total	Total Race Known	Total Race Unknown
ACS 2011-2015 5- year estimates	Estimate %	3027 82.2%	497 13.5%	159 (118) 4.3% (3.2%)	3683		
Officers current as of 12/31/16, excluding Hawley and Sauber	Citations	183	71	12 (9)	282	266	16
	Residents		112	38	170	157	13
	citations per person	1.6	1.9	1.7 (1.8)	1.7	1.7	1.2
	% of unique	71.3%	24.2%	4.5% (3.2%)		92.4%	7.6%
Former Officers, including Hawley and Sauber	Citations	176	34	11 (8)	245	221	24
	Residents		103	19	139	127	12
	citations per person	1.7	1.8	2.2 (2.7)	1.8	1.7	2.0
	% of unique	81.1%	15.0%	3.9% (2.4%)		91.4%	8.6%
Unknown	Citations	7			8	7	1
	Residents		5		6	5	1
	citations per person	1.4			1.3	1.4	1.0
	% of unique	100.0%	0.0%			83.3%	16.7%
Grand Total	Citations	366	105	23 (17)	535	494	41
	Residents		196	48	277	253	24
	citations per person	1.9	2.2	2.6 (2.8)	1.9	2.0	1.7
	% of unique	77.5%	19.0%	3.6% (2.4%)		91.3%	8.7%

Table 3: Comparison of Sets of Officers (2013-2016 only)

“As you can see, although those officers that left the force were citing residents almost in line with the Yellow Springs population as a whole, the officers that stayed on were issuing citations in a highly disproportionate fashion. Black residents received 24.2% of the citations issued by this group, even though they make up only 13.5% of the population. White residents received a much smaller proportion of these officers’ citations, while residents of other races were somewhere in the middle. These numbers reveal that black residents were **2.07 times more likely** than white residents to have received at least one citation from ‘current’ officers from 2013 to 2016.

“Unknowns in the Data”

“It should also be noted that the 2013-2016 data includes proportionally fewer residents of unknown race, and fewer citations where the officer set is unknown, than the dataset as a whole. As a result, regardless of the identity of the unknown officers and residents, these numbers will not shift significantly.

“Nor would it be fair to assume that the 13 subjects of unknown race that were cited by ‘current’ officers between 2013 and 2016 are all white. Those officers cited 21 residents as race unknown during that period, and, of those, the races of 8 can be determined from other citations that they received. Of those 8, only 5 (62.5%) were white. Of the remaining three, one was black, one was mixed, and one was Asian. This suggests that the 13 subjects were also disproportionately non-white.

“Average Number of Citations Received by Different Demographic Groups”

“We should also note that the average number of citations received by black residents that received at least one citation was higher for the set of ‘current’ officers, than for the set of officers that left the YSPD during the period. The opposite is true for white residents.”

Main points on JSTF discussions on Data Analysis Project report --main question is can we address disagreements in our next level of work and report on what we currently have done?

Agree	Data Questions	Lessons Learned	Disagreements	Future
Transparency thru data analysis is useful activity	No officer identifications	Simple Tables needed	Analysis should focus on current officers	YSPD needs to be full partner in keeping and sharing accurate records
Exploratory study does not provide interpretations- Raises questions and points to future studies.	Only residents data examined-this is sample of >20% of citations	Less jargon in reports for the public.	Analysis should include all citations of both resident and non-resident.	Agreement required on research questions in JSTF and with YSPD
Purpose of DAP is to learn how to do analysis well and identify issues for further research.	Race not always noted in records	No "results" released by individual committee person		Get clear on all fields in the dataset- ie-"unknown" id on citations needs further clarification
FINDINGS - agree that over the time period examined, the YSPD focused greater attention on some age, gender and race groups than others. This is an exploratory study, not conclusive.	Numbers not always adding up (see above)	Very clear SOW needed for contracts with outside individuals or groups		Get clear on research design-risk ratios vs. odds ratios, etc.
	Questions on Bi-racial identity in records	"Findings" are only step one, discussion, interpretations and Next Steps follow in a new phase of work		Further discussion and research needed -- if a more sophisticated analysis would be useful.
	Use of Census vs. ACS			

John Hempfling

Dec 10 (5 days ago)

to Ellis, Patricia, me, Bill, Steve, Kate, Marianne, Cyndi, Al, david, Ayanna, Judy, Laura, Beth, Janet

Dear JSTF,

My response to Schlueter's "Report on Racial Bias" is attached. It includes descriptive statistics comparing the racial makeup of the citations received by residents from the set of officers that were current as of 12/31/2016 vs. the set of officers that left the force during the period, as well as a year-by-year breakdown.

Moving forward

I have decided not to bring a detailed proposal regarding how to move forward with the report. I believe it would be best to give the report to council at their first meeting in January, but I'm open to hearing ideas from other members of JSTF.

Lessons learned from the Data Analysis Project's first statistical analysis:

1. Always check the descriptive statistics before sharing a statistical report. This can help prevent erroneous numbers from being shared.
2. Always use relative risk ratios instead of odds ratios. Odds ratios tend to overstate differences.
3. Try to obtain a complete understanding of what all of the requestable fields are before requesting the dataset. Understanding what all of the fields are can enable you to obtain more detailed information on the records in the dataset, opening new avenues for interpretation. Furthermore, it can sometimes help you better understand the meaning of fields in the dataset.

Thank you,

John Hempfling



Designated Smoking Areas Report
Submitted by Johnnie Burns and Patti Bates
December 18, 2017

On January 1, 2018, Ordinance 2017-17 will take effect, limiting the use of tobacco products (of all kinds) on any property owned by the Village. In order to facilitate this, we reviewed all Village-owned properties to determine (1) if they were large enough to accommodate a designated smoking area and (2) if so, where that area should be located.

The following properties are owned by the Village.

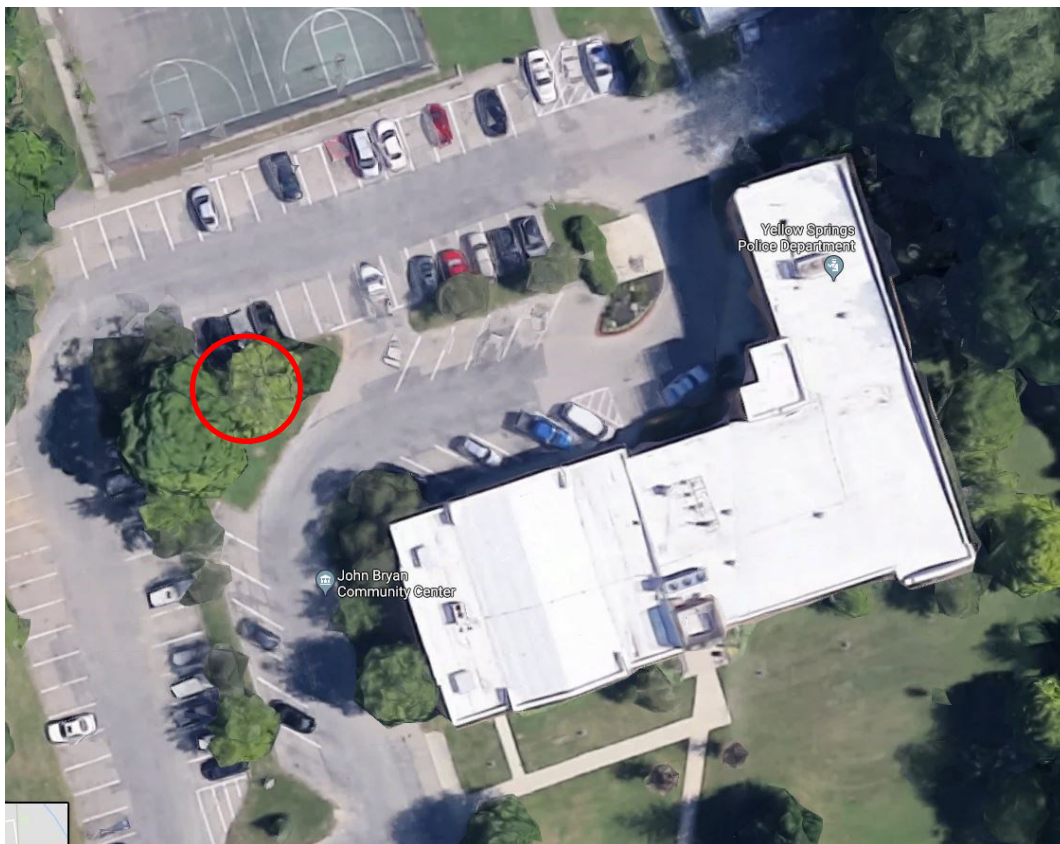
Property	Address	Designated Area?	Location
John Bryan Community Center/Community Pottery	100 Dayton Street	Yes	Under trees by picnic table
Sutton Farm	1130 SR 343	No	N/A
Electric Transfer Station	Yellow Springs-Fairfield Road	No	N/A
Wastewater Treatment Plant	3835 Grinnell Road	No	N/A
Water Treatment Plant	640 Jacoby Road	No	N/A
Water Towers	315 W South College	No	N/A
Lift Station	US 68	No	N/A
Glass Farm	King Street	No	N/A
Former sewer plant	Corry Street	No	N/A
Gaunt Park	315 W South College	Yes	Under tree near transformer
Fair Acres Park	Northwood & Whitehall	No	N/A
Ellis Park	Polecat Road	Yes	On concrete area, west side of parking lot toward spillway
Beatty Hughes Park	Corry Street	Yes	Next to "Park Closes at Dusk" sign
Triangle Park	Whiteman/Davis/Livermore	No	N/A
Strip Park	Xenia Ave/Allen Street	No	N/A
Bill Duncan Park	Dayton Street/Limestone St	Yes	Near water spigot

The areas that were determined to be too small to adequately accommodate a designated smoking area will be completely smoke-free. Areas determined to be large enough to accommodate a designated smoking area will have signs specifying the area, as well as receptacles for the ash and butts. These receptacles will be monitored by Village employees in the performance of their daily duties. All properties will have signs provided by the Greene County Combined Health District indicating the areas that are to be tobacco-free on all Village-owned properties, as well as ash receptacles in the designated smoking areas. Maps are attached showing the approximate locations of the designated smoking areas are attached, as well as samples of the signs and ash receptacles.



Village of Yellow Springs Designated Smoking Areas

The areas with red circles in each of the graphics depict the locations of the designated smoking areas. These areas will be marked with signage and a receptacle for disposing of tobacco waste.



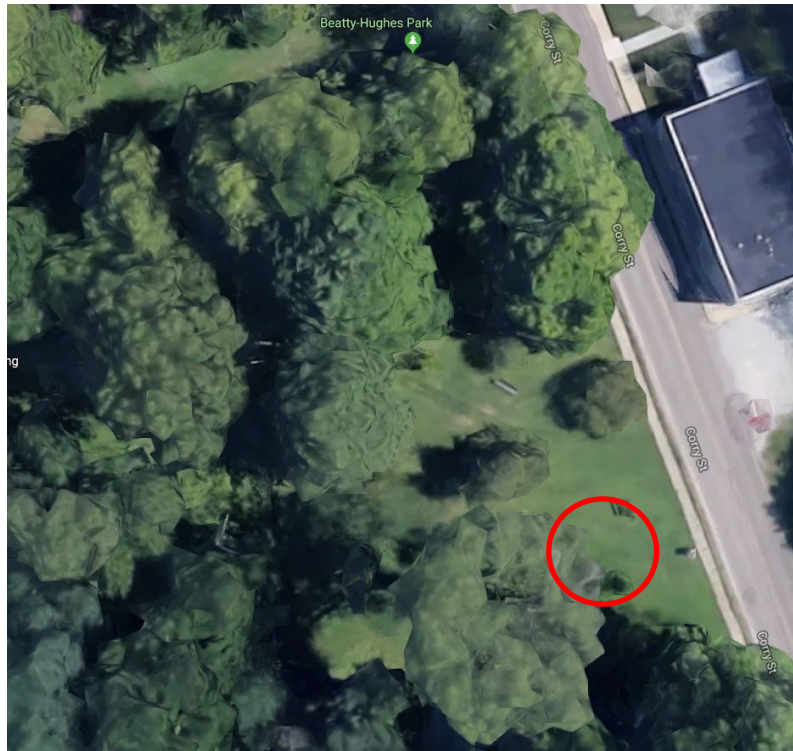
John Bryan Center



Ellis Pond



Bill Duncan Park



Beatty Hughes Park



Gaunt Park/Pool

Please keep this area **TOBACCO FREE**



**Our community values a safe,
healthy & clean environment.**

Yellow Springs Ordinance 2017-17
prohibits the use of tobacco products
on Village-owned property.



yso.com

smokefree.gov

- Secondhand smoke has more than 4,000 chemicals of which 250 are known to be harmful, and at least 50 are known to cause cancer.
- Secondhand smoke puts children at an increased risk for acute respiratory problems, ear infections and asthma attacks. Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
- Tobacco-free environments prevent kids from using tobacco and assists adults in quitting. Youth exposed to smoking and tobacco use are more likely to use tobacco products when they get older.
- Cigarette butts are the most commonly discarded piece of waste worldwide. It is estimated that 1.69 BILLION pounds wind up as toxic trash each year, creating an enormous environmental, health, and economic burden.
- Cigarette butts are NOT biodegradable and take 15 years to decompose. During that time, they leach cadmium, arsenic, and other poisons into the soil and may be ingested by children and wildlife.
- Cigarette butts ingested by children cause spontaneous vomiting, nausea, lethargy, gagging, and flushing.
- Discarded cigarettes are the third leading cause of preventable outdoor fires. In 2008, approximately 60,000 outdoor fires in the U.S. were caused by tobacco.
- For information on tobacco cessation programs, contact Greene County Public Health at 937.374.5600 or visit gcph.info.

Please keep this area **TOBACCO FREE**



Our community values a safe,
healthy & clean environment.

Yellow Springs Ordinance 2017-17
prohibits the use of tobacco products
on Village-owned property.



937-767-7206



Public Health
Prevent. Promote. Protect.
Greene County



Quit Line: 1-800-QUIT-NOW

yso.com



smokefree.gov

SEARCH RESULTS Back

Global Industrial™ Black Outdoor Ashtray

Item #: T97261391BK (97)



\$33.00

Free Shipping

Global Industrial™ Gray Outdoor Ashtray -

Item #: T97261391GY (39)




\$33.00

Free Shipping

Global Industrial™ Black Outdoor Ashtray


Item #: T97245133BK (135)



\$40.00

Global Industrial™ Green Outdoor Ashtray

Item #: T97245133GN (58)



\$40.00

Global Industrial™ Silver Aluminum

Item #: T97603029 (18)



\$65.95

Shop Categories

Help

Welcome [Log In](#)
[Account Tools](#)

(0)
Lists

All

[Return to Category List](#)

Enlarged View

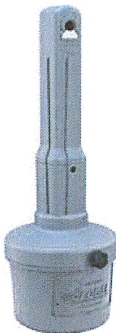
[Home](#)

[Outdoor & Grounds Maintenance](#)

[Outdoor Ashtrays](#)

[Free Standing Ashtrays](#)

[Global Indust](#)



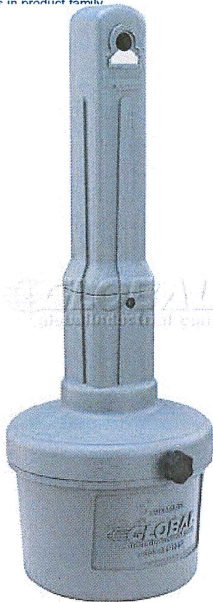
[Rollover image to zoom in](#)

Frequently Purchased Together



Security Cable Kit - Includes
Cable Padlock And 3 Keys (45)

[Add](#) **\$8.95**



Product Information

Photo/Video Gallery

Customer Review

Product Q&A

Accessories



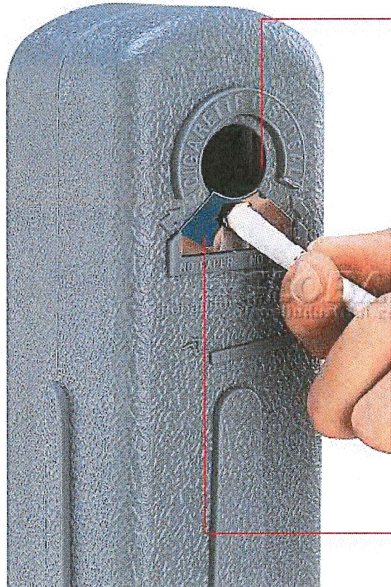
Turn zoom on

Gray Outdoor Ashtray - 1-1/2 Gallon

Reduce fire risk and keep your facility clean with this low-maintenance outdoor ashtray loaded with safety and convenience features. The interlocking flame retardant polyethylene housing keeps out rain and airflow to extinguish butts and fight odor. Broader neck design adds strength overall. Exclusive stainless steel ash plate keeps urn looking fresh and clean. Restricted opening keeps out non-cigarette waste. Includes tie-down eyes to secure receptacle from theft and wind. Outdoor ashtray measures 30"H x 11" diameter.

Product Specifications

CAPACITY GALLONS	1-1/2
COLOR FINISH	Gray
BRAND	Global Industrial™
CONSTRUCTION	Plastic
DIAMETER INCHES	11
HEIGHT INCHES	30
MODEL	261391GY
STYLE	Free Standing
WEIGHT LBS	6



Have A Question About This Product?

0 Question | 0 | Answer

[Read All Q&A](#) [Ask a Question](#)

[Answer A Question](#)



Manager's Report, December 18, 2017

Crew Quarters

The plans have been submitted to Greene County for approval. We will break ground as soon as the permits are issued.

Special Events Policy

There is a new process in place for all Village events. Anyone wishing to have an event, either on Village property or that requires road closure or other assistance from the Village, needs to start the process with Samantha Stewart in the Youth Center. Sam will assist you with the application, discuss fees (if any) and insurance requirements, and then route your application to appropriate departments. Please note that we are also instituting a deadline for event applications of **30 days prior to the event**. This allows proper processing and coordination of the various departments that may be involved.

Upcoming Topics

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 the local government as far as how we can oversee the positioning of these towers and antennae. Staff will meet about this on Monday, December 18th and will continue to keep you informed.

From the Village staff, we wish everyone a happy and safe holiday season.

I am happy to answer any questions. Thank you! Patti Bates



TO: Village Council and Village Manager Patti Bates
FROM: Denise Swinger, Planning, Zoning & Economic Sustainability
DATE: December 12, 2017
RE: Report of Activities from November 16, 2017 ó December 12, 2017

Meetings:

Village Council Meeting ó November 20th
Staff Meeting ó November 28th
Planning Commission meeting ó December 11th
1) Conditional Use & Site Plan Review ó YS Brewery @
1475 Xenia Avenue location
2) Text Amendment ó Adding a fee for a TGL permit
Meeting w/ODOT re: sidewalk project
Meeting w/RPCC re: Greene County Thoroughfare Plan
Meeting w/interested party re: Medical Marijuana Processing
Meeting w/resident re: zoning issues
Meeting w/resident re: replat of property/PND
Meeting w/Cresco Officials-set up Al Kuzma @ GCBR for face-to-face
Meeting w/Mike Heintz re: Final Replat
Attended MV Planning & Zoning Workshop @ Sinclair
Presented Planning/Zoning & Economic Sustainability Duties to
New Council and Mayor @ Orientation
Filed CBE Replat w/V. Mgr. @ Greene County Recorder's Office

Permits Issued:

1 Addition
1 Accessory structure & solar agreement
2 Replats
1 Fence
1 Sign
1 Demolition

Violations:

- 1) A concern over a clear line of vision was reported and was checked by the Police Dept. It was determined to not be in violation.
- 2) A fence/property line dispute was resolved. Mediation was offered, but it was declined by the complainant.
- 3) A second mediation on another neighbor dispute is pending. Zoning was involved due to it being a property line/fence issue.
- 4) An ongoing dispute causing excessive light spill onto a property is being handled by the solicitor.
- 5) A nuisance abatement was issued pertaining to an accessory structure.
- 6) A complaint was made regarding chickens running loose. This is being reviewed as it involves township zoning.

Staff prepared for a conditional use hearing and site plan review for the Yellow Springs Brewery special events/private party location at 1475 Xenia Avenue. A written analysis of the property, notification of neighbors, public hearing notification in the Yellow Springs News and a public hearing sign at the property was displayed. The conditional use was approved for a brew pub and outdoor patio area. The brew pub will feature a roof top deck and outdoor patio, and will be open for private events only. There will be a retail store for the sale of packaged beer and merchandise with established hours. The brew pub will have a manufacturing area for the production of craft beers onsite, and a cold storage warehouse. Attached to this report is a rendering of the proposed remodel.

On November 30th, we received the exciting news that Cresco was awarded a Tier I medical marijuana grow license. Staff is working with Cresco and their sub-contractors on the process of construction of the infrastructure and their facility. This has been an ñall hands on deckö effort by the various departments and Council to move this forward in light of the deadline set by the State of Ohio that these facilities be up and running by September, 2018. A big thanks to all, with special recognition to Council members Karen Wintrow and Brian Housh, the Planning Commission, Village Manager Patti Bates and Superintendent Johnnie Burns for their efforts. I would also like to recognize Al Kuzma, Building Official for Greene County Building Regulations (GCBR) and GCBR reviewer Kristine Petrick, for their participation in the pre-construction meeting with Cresco officials.

Respectfully submitted,

Denise Swinger





November 2017 Monthly Report WRF and Water Treatment-Brad Ault

Water Reclamation Facility-WRF

- Sent out Monthly operating report for November to Ohio EPA, on December 6, due by the 20th of each month. 16.573 Million Gallons of Wastewater Treated for the month of November 2017
- Rinergy removed 48,000 gallons of sludge this month.
- Switched clarifiers for winter.
- Cleaned up all chlorine equipment around plant.
- Safety training at Sutton Farm on 11/29/17

Water Treatment Plant- WTP

- Sent out Monthly Operating Report for November to Ohio EPA on December 5, due by the 10th of the month. 8.275 Million Gallons of Water Treated for the month of November 2017.
- Sent out November Discharge Monitoring Report for filter backwash water to OEPA on 12/5/17.
- Shook working on minor details to finish the plant up. Installed all equipment tags, pipe wraps, finished sealing floors and paved around the plant. DJE worked on completing SCADA system.
- Monthly job progress meeting 11/16/17 attended by Richard and John.
- We focused all our attention on operating the new plant for close to 8 hours daily. Running lab test and learning the operation of all the equipment. Took all bacteria samples of new filters, results were good and we are ready to put plant online and produce water to system.

Yellow Springs Police Department Activity Report for the month of November 2017

(A) Calls for Service Information

Total number of calls for service received ----- 519

(B) Offenses Information

Total offenses reported ----- 123

Village Policing-----19

(C) Felony criminal citation, misdemeanor criminal citations, and traffic citations (moving, parking, and warning citations).

Total citations issued ----- 81

(D) Stolen Property Value

Value of reported stolen property ----- \$4287.95

Value of property recovered ----- \$200.00

(E) Accident Information

Accidents without injury -----6

Accidents with injury -----2

Accidents hit skip -----1

Accidents fatal ----- 0

(F) Domestic Violence Information

Domestic violence/disputes incidents -----0

(G) Overdose information

Number of Overdoses-----0

Number of Narcans used--0

VILLAGE OF YELLOW SPRINGS

OBSERVED HOLIDAYS for 2018

New Year's Day	Monday, January 1
Martin Luther King, Jr. Day	Monday, January 15
Presidents' Day	Monday, February 19
Memorial Day	Monday, May 28
Independence Day	Wednesday, July 4
Labor Day	Monday, September 3
Thanksgiving	Thursday, November 22
Day after Thanksgiving	Friday, November 23
Christmas Day	Tuesday, December 25



December 18th 2017

The Police Department is pleased to announce:

We are in the process of testing qualified applicants for two full time officer positions.

The department has hired one part time dispatcher.

I am happy to answer any questions.

Regards,

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

12-18-17

To: Council

From: Judy Kintner

Re: Clerk's Report

It has been extremely active in the Clerk's office with regard to public records requests in the last few weeks.

I would like to express my best wishes to Gerry and Karen as they move on to other pursuits. I believe I have a unique position within which to see just how demanding the role of public servant can be.

Gerry and Karen have given of themselves, Gerry for six years and Karen for twelve, and I have great respect for what this has meant to them in terms of devotion to the community and of their ability to constantly respond to criticism and challenge and to keep the good of the Village in view at all times.

Karen, I will particularly miss you as a mentor to me over the years. You have been present and supportive during many challenging times for me personally, and I am deeply grateful for that.

--Judy Kintner

Active Transportation Plans

What is an Active Transportation Plan?



A document created with community input outlining how to support more walking, bicycling, and transit.

Benefits of Planning for Walking and Biking

Financial benefits:

- Important part of investment planning
- Low cost, high impact investment



Benefits of Planning for Walking and Biking

Overall community benefits:

- Flexible, convenient, affordable travel option
- Reduces congestion, emissions
- Supports economic development
- Compatible with transit



Benefits of Planning for Walking and Biking

Health and Safety benefits:

- Improves public health
- Increases safety of all users

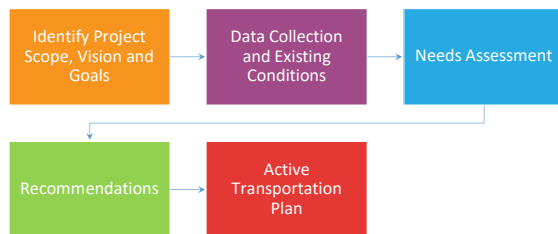


Purpose of an Active Transportation Plan

- Outline vision, goals, and strategies to support increased walking, bicycling, and other modes of transportation
- Analyze needs and deficiencies
- Recommend a network of bicycle and pedestrian facilities
- Identify and prioritize programming, policy, and facility improvements



What is the Process for Creating an Active Transportation Plan?



Public and Stakeholder Involvement



Common Components of an Active Transportation Plan

- Report and Maps
- Recommendations for programs, policies, and infrastructure improvements
- Performance measures

Sample Recommendations Table

Recommendation	Priority	Location	Timing	Responsible	Cost	Performance Measure
A Street Bicycle Lanes	Mid	A Street, between 2nd and 3rd	Short	Public Works Department	Low	Increased bicycle counts
Raised crosswalk at intersection of A and 2nd	High	Intersection of A and 2nd	Short	Public Works Department	Mid	Increased student walk counts at A school

Education Recommendations:

- Teach safe walking, bicycling, and driving
- Teach about the benefits of walking and bicycling



Encouragement Recommendations:

- Promote walking and bicycling
- Increase visibility of walking and bicycling



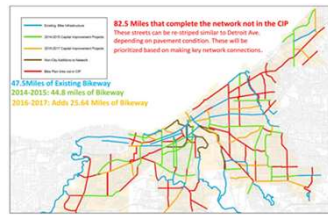
Enforcement Recommendations:

- Help change unsafe behaviors of drivers, pedestrians, and bicyclists



Engineering Recommendations:

- Changes to how Roads are Designed
- Pedestrian and Bicycle Networks
- Safety at Intersections



Questions?

What is Active Transportation?

Active transportation is human-powered transportation that engages people in healthy physical activity while they travel from place to place. People walking, bicycling, using strollers, wheelchairs/mobility devices, skateboarding, and rollerblading are engaged in active transportation. Active transportation supports transit use, since many people reach transit stops using active travel modes.

Ohio communities of all sizes are making investments in active transportation. Types of transportation projects that support active transportation include:

- ✓ Construction of new sidewalks and curb ramps – provide spaces for neighborhood interaction and enhance property values. As an example, to date there are over 1,700 miles of improved sidewalks within the City of Cincinnati (5' minimum width, smooth ADA compliant surface, and new walkways for added network connectivity).
- ✓ Implementation of bicycle lanes, cycle tracks, trails and pathways – in cities big and small, new facilities are popping up throughout much of the State in response to the need for more comfortable facilities to ride bicycles. For example, the Cleveland Lakefront Bikeway spans the entire length of Cleveland's 17-mile Lake Erie shoreline from the City's eastern border with Euclid and its western border with Lakewood.
- ✓ Implementation of bike share programs – new active transportation alternatives that expand transit options and are now being planned in cities around Ohio. Bike share systems are already established in Columbus, Cleveland, Cincinnati, and Dayton.

Transportation systems that support active modes of travel like walking and bicycling can bring many benefits to counties and cities, including:

- ✓ Greater economic prosperity, because workers, tourists and businesses are attracted to locations with high-quality, multimodal transportation systems.
- ✓ Better transportation choices for residents, making it easier for people of all ages and abilities to get around.
- ✓ Improved access to transit stops, local businesses and other services connecting residents to activity centers and jobs.
- ✓ Healthier communities where physical activity is a valued part of people's daily lifestyles.
- ✓ Cleaner air and water due to reduced greenhouse gas emissions and stormwater contamination.
- ✓ Improved social equity created by low cost transportation options that are available to all people, regardless of income or background.

What is an Active Transportation Plan?

An Active Transportation Plan (ATP) outlines the vision, goals and strategies needed to support increased walking, bicycling and other active modes of transportation. An ATP may be developed by a state, regional or local agency. It should identify a combination of programs, policies and physical improvements (such as new sidewalks or bicycle paths) that are needed to ensure the safety, comfort and convenience of active travel modes. The ATP might be one element of a broader planning process, such as a regional long-range transportation plan, or it might be a stand-alone document (sometimes also called a Bicycle/Pedestrian or Complete Streets Plan).

Judy Kintner, YSO Village Clerk

From: Cyndi Pauwels <cynpauw@gmail.com>
Sent: Wednesday, December 13, 2017 8:58 AM
To: Judy Kintner, YSO Village Clerk
Subject: JSTF

Dear Yellow Springs Village Council:

It is with deep regret that I submit my resignation from the Justice System Task Force.

After the events of the past few months, most recently the unprofessional and ill-advised Facebook attack by an individual representative of the Task Force on a fellow member, I cannot continue to serve on this vital commission. I fear the integrity of the JSTF – and of its members – has been seriously harmed by this incident.

I have expressed more detailed concerns to the JSTF under separate cover.

Thank you for the opportunity to serve the village. I will continue to seek out other ways to give back to the community we have come to love.

Regretfully,
Cynthia L. Pauwels

Judy Kintner, YSO Village Clerk

From: Patti Bates, YSO Village Manager
Sent: Monday, December 11, 2017 4:18 PM
To: Judy Kintner, YSO Village Clerk
Subject: FW: something nice to read on facebook

For packets, please and thanks.

From: Susan Gartner [mailto:s.gartner@att.net]
Sent: Monday, December 11, 2017 3:26 PM
To: Johnnie Burns <JBurns@vil.yellowsprings.oh.us>; Patti Bates, YSO Village Manager <PBates@vil.yellowsprings.oh.us>
Subject: something nice to read on facebook

spotted on facebook....
Posted by Warren Kearney Jr.

Just wanted to thank the Village of Yellow Springs for installing electric vehicle chargers.

We recently purchased a used 2016 Leaf for [Becky](#)'s main commute vehicle. Last night was our first "worse case" scenario. It was cold out (dip in battery efficiency) combined with getting home late put the overnight trickle charge to the test and it failed. With only about 75 miles of range and a 50 mile round trip it was looking a little dicey. So this morning at about 6:30 I was able to charge to 98% with a 95 mile range. Now I won't have to worry about her drive home.

So well done Village of Yellow Springs.

PS It was wonderful to charge the car while I was taking a pottery class!

Susan Gartner
TV Station Manager
Yellow Springs Community Access
Yellow Springs, OH
(937) 767-2170

Judy Kintner, YSO Village Clerk

From: Donna Denman <dkdenman@icloud.com>
Sent: Sunday, December 03, 2017 8:10 PM
To: Judy Kintner, YSO Village Clerk
Subject: affirmative action in hiring

Dear Members of Village Council,

I was sorry to read that Jason Hamby has left his position as supervisor of the street crew. Our contacts with him have been very positive. It was puzzling there was no statement thanking him for his many years of service.

We have lived in Yellow Springs since 1965. We were delighted to be in an integrated community with blacks in leadership positions such as Jim McKee. Through the years we have seen Yellow Springs become more white. We have lost many of our minority citizens and have lost many of our black employees.

My purpose in writing this letter is to urge Council to take seriously its goal of affirmative action in hiring employees. We can reach out to black communities here and in the larger metropolitan areas to encourage them to apply for positions we have available. We talk about diversity but it will require commitment and some effort to make it a reality.

Sincerely,

Donna Denman

Judy Kintner, YSO Village Clerk

From: Judith Hempfling <jujuhempfling@gmail.com>
Sent: Sunday, December 03, 2017 2:30 PM
To: Judy Kintner, YSO Village Clerk
Subject: New council members orientation

12/3/17

Dear Village Council, community, new Council members,

The new council member orientation is happening this week and I wanted to make a few comments regarding it. Given all that's been going on I did not think to raise this early enough to affect the current new member orientation. But I do wish to share my thoughts before it occurs and ask that the new council provide that leadership in two years when new elections occur.

It's very important that the village council play a leadership role in setting up the new council member orientation in the future. This is because The only people who have been village council members are current and past council-members. While current and past council members may have different thoughts regarding our roles as elected representatives, we are the only local people who have filled that role. Having a discussion with new members is an important way for them to develop their own thoughts and ideas regarding their new responsibilities to our community. It's very important that new members have an opportunity to think about their responsibility to citizens as well as their proper relationship to staff and to the rest of village council. In my mind that understanding is key to a well functioning democratic government and discourse.

Village staff that work directly for village council include the village manager, village solicitor, and clerk of council. They have much important information to impart to new members during orientation regarding the functioning of our government. However, in the future I feel it is very important that new members have had an opportunity to think about their role as an elected representative as the first step in being oriented to their very important new role.

At our first meeting in January I suggest that we plan our council retreat to take place early in the year so we can have this discussion. If Judy Kintner could please put this email on council table and forward this email to Lisa Kreeger and Kevin Stokes.

Thank you,

Judith Hempfling

Judy Kintner, YSO Village Clerk

From: Jacobs, Ellis <ejacobs@ablelaw.org>
Sent: Thursday, December 14, 2017 5:21 PM
To: Judy Kintner, YSO Village Clerk
Cc: Jacobs, Ellis
Subject: Letter re police study for packet

Judy, Can you make sure that this letter gets into the Council members' packets for the upcoming meeting? Thanks.

Members of the Yellow Springs Village Council,

I'm writing to thank the Council for funding the data analysis for the Police Warnings and Citations study.

The Yellow Springs Justice Task Force learned a lot during the process of doing the study. It took longer than we anticipated and there was some back-and-forth to ensure that the best data was being used. The Facebook posting incident was distressing to all but the entire group had a facilitated discussion about it and at our last meeting those involved said that they had met and that an apology was offered and accepted.

The result of all the energy that went into preparing the report is a sound piece of social science research. Like all social science research that does not proceed from a designed experiment, there were limits to what could be done with the available data. This study used appropriate statistical techniques for testing and working with that data so that the results are as accurate and probative as can be. The analysis was conducted by Mike Bottomley, a skilled and respected statistical analyst at Wright State. Members of the committee- John Hempfling, Pat Dewees, and community member Beth Crandall also put in many hours and deserve our thanks.

The study results provide useful information for the Council, the police, and the community and should be very helpful as we work toward the shared goal of ensuring that our Police Department is free from bias and providing the best service to all members of the community.

Yours,

Ellis Jacobs
131 E. Davis St.
767-2225

December 13, 2017

To: Village Council Members

From: Lisa Kreeger

Regarding: Community Outreach Specialist

I'm writing as a community member to share an encouragement about the new Community Outreach Specialist.

I encourage the counsel to reconsider the academic preparation required for this position. I recommend that a bachelor's degree should be a minimum requirement. My rationale is that the requirements to *plan, organize, coordinate, and direct* a comprehensive social services program require a multifaceted skill set and mature leadership capability. The position description indicates that a successful candidate will combine social services, public event coordination, resource coordination, and technology skills. This unique combination of expectations merits baccalaureate preparation particularly since this person will also be responsible for shaping this new role.

Thank you for considering my recommendation and for moving quickly – but not rushing – the decision-making process. This new position has the potential to provide a positive new service to our community. The outcome will be better for the community, our police, and for the new outreach specialist if the position expectations are appropriate and clearly written and when there is a shared understanding of what success will look like.

Thank you,

A handwritten signature in black ink, appearing to read "Lisa Kreeger". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Lisa Kreeger