

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

IN COUNCIL CHAMBERS @ 6:00 P.M.

Monday, May 21, 2018

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. NOTE: Agenda items may be changed at the pleasure of Council during Review of Agenda. This is done with attention to the need to give the public time to engage, and is kept to a minimum.

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION

For the Purpose of Discussion of the Potential Purchase of Real Estate.

REGULAR MEETING (7:00)

ANNOUNCEMENTS

Ms. Wilson's Fourth Grade class presentation on Village Housing. (10 min.)

CONSENT AGENDA (7:15)

1. Minutes of May 7, 2018 Regular Meeting
2. Ord. 2018-22 Repealing Section 1266.03 "Permitted Signs" of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Chapter 1266.03 "Permitted Signs"
3. Ord. 2018-23 Repealing Section 1284.03 "Definitions: C-D" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Chapter 1284.03 "Definitions: C-D"
4. Ord. 2018-24 Repealing Section 1284.08 "Definitions: R-S" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Chapter 1284.08 "Definitions: R-S"

REVIEW OF AGENDA

I. PETITIONS/COMMUNICATIONS (7:20)

The Clerk will receive and file:

Alex Scott/Chamber re: Fees for Event Services
Karen Wintrow/Chamber re: Events' Effects on Municipalities
Jackie Ashworth re: Thanks to Village Crew
Rachel McKinley re: Treasurer's Report
Lisa Wolters re: Fees for Event Services
NAMI re: Suicide "Gatekeeper" Training
Southwest Ohio HOBY re: The HOBY Story and Information for Resolution 2018-19
Lori Winlan, American Heart Assn. re: Tobacco 21 (5 documents)

II. PUBLIC HEARINGS/LEGISLATION (7:25)

Emergency Reading of Ordinance 2018-15 Approving the Editing and Inclusion of Certain Ordinances and Resolutions as Parts of the Various Component Codes of the Codified Ordinances: Approving Adopting and Enacting New Matter in the Updated and Revised Codified

Ordinances: Repealing Ordinances and Resolutions in Conflict Therewith; Publishing the Enactment of New Matter; and Declaring an Emergency

Second Reading and Public Hearing of Ordinance 2018-16 Repealing Chapter 1020.04(a) “Maintenance Requirements” of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Chapter 1020.04(a) “Maintenance Requirements”

Second Reading and Public Hearing of Ordinance 2018-17 Repealing Section 1248.01(a) “R-A, Low Density Residential District” of the Codified Ordinances of the Village Of Yellow Springs, Ohio and ENACTING a New Section 1248.01(a) “R-A, Low Density Residential District”

Second Reading and Public Hearing of Ordinance 2018-18 Repealing Section 1260.04(a)(6) “Uses; Accessory Buildings and Structures” of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting a New Section 1260(a)(6) “Uses; Accessory Buildings and Structures”

Second Reading and Public Hearing of Ordinance 2018-19 Repealing Section 1262.02(b) “Procedures: Public Notice” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Replacing it With a New Section 1262.02(b) “Procedures: Public Notice”

Second Reading and Public Hearing of Ordinance 2018-20 Repealing Section 1250.03 (a) “Spatial Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting a New Section 1250.03(a) “Spatial Requirements”

Second Reading and Public Hearing of Ordinance 2018-21 Repealing Section 1262.08(e)(1) “Conditional Use Requirements: Residential: Accessory Dwelling Units” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting a New Section 1262.08(e)(1) “Conditional Use Requirements: Residential: Accessory Dwelling Units”

Reading of Resolution 2018-14 Creating an Economic Development Incentive Policy

Reading of Resolution 2018-17 Awarding a Contract to Hi-Tech Electrical Contractors LLC for the Removal and Replacement of 11 Electrical Poles and Lines for the Village of Yellow Springs

Reading of Resolution 2018-18 Appointing Johnnie Burns Public Works Director

Reading of Resolution 2018-19 Honoring Southwest Ohio Hugh O’Brian Youth (HOBY) For Outstanding Accomplishments and Declaring June 28-July 1, 2018 as “Southwest Ohio Hugh O’Brian Youth Days in the Village of Yellow Springs, Ohio”

III. CITIZEN CONCERNS (7:45)

This time is held for citizens wishing to comment upon items NOT listed on the agenda. Comments are limited to 3 minutes, please.

IV. SPECIAL REPORTS

V. OLD BUSINESS (7:50)

Tobacco 21 Legislation Discussion (Housh: 20 min.)

JSTF Mayor’s Court Recommendation (Hempfling: 20 min.)

Fees for Event Services (Bates: 20 min.)

Proposal for Legislation to Forgive First Late Fee Annually for Utilities (Kreeger: 5 min.)

VI. NEW BUSINESS (8:55)

Date for Work Session for Capital Projects (Housh: 5 min.)

VII. MANAGER’S REPORT (9:00)

VIII. CHIEF’S REPORT (9:05)

IX. SOLICITOR’S REPORT (9:10)

X. CLERK’S REPORT (9:15)

XI. BOARD AND COMMISSION REPORTS (9:20)

Report from Representatives:

Judith Hempfling	Energy Board (Stokes)
Judith Hempfling	Library Commission (Stokes)
Judith Hempfling	Justice System Task Force (Kreeger)
Marianne MacQueen	Village Mediation Program (Kreeger)
Marianne MacQueen	School Board Liaison (Housh)
Marianne MacQueen	Housing Advisory Board
Marianne MacQueen	Environmental Commission (Kreeger)
Marianne MacQueen	Glass Farm Management Committee
MacQueen	Planning Commission (Kreeger)
Kreeger	Economic Sustainability Commission (Stokes)
Kreeger	Arts and Culture Commission (Housh)
Stokes	Community Access Panel (Housh)
Stokes	Human Relations Commission (MacQueen)
Housh	Greene County Regional Planning Commission
Housh	Miami Valley Regional Planning Comm.

XII. FUTURE AGENDA ITEMS (9:25)*

June 4: **Second Reading and Public Hearing of Ordinance 2018-22** Repealing Section 1266.03 “Permitted Signs” of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Chapter 1266.03 “Permitted Signs”
 Second Reading and Public Hearing of Ordinance 2018-23 Repealing Section 1284.03 “Definitions: C-D” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Chapter 1284.03 “Definitions: C-D”
 Second Reading and Public Hearing of Ordinance 2018-24 Repealing Section 1284.08 “Definitions: R-S” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Chapter 1284.08 “Definitions: R-S”
 Diversity Outreach Hiring Policy Draft
 Utility Roundup Follow Up
 Proposal for Tree City Status

June 18: Ordinance re: Small Cell Towers
 Biennial Review of JSTF Commission Status
 ESC Presentation on DCIC Progress and Next Steps

July 2:

July 16: ESC Presentation of Bylaws for DCIC
 Ordinance Quarterly Supplemental

Aug. 20: Resolution Approving DCIC Bylaws

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

ADJOURNMENT

The next regular meeting of the Council of the Village of Yellow Springs will be held at 7:00 p.m. on **Monday, June 4, 2018** 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 @ 7:00 P.M.

Monday, May 7, 2018

CALL TO ORDER

Vice President of Council Marianne MacQueen called the meeting to order at 6:01pm.

ROLL CALL

Present were Vice President Marianne MacQueen and Council members Kevin Stokes and Lisa Kreeger. Also present were Village Manager Patti Bates, Village Solicitor Chris Conard and Chief of Police Brian Carlson. Council President Housh and Councilperson Hempfling were absent from the meeting.

EXECUTIVE SESSION

At 6:01pm, Stokes MOVED and Kreeger SECONDED a MOTION to ENTER EXECUTIVE SESSION to Discuss the Discipline of a Public Employee; Potential Litigation and the Potential Promotion of a Public Employee. The MOTION PASSED 3-0 on a ROLL CALL VOTE.

Council President Housh and Councilperson Hempfling participated by phone following roll call.

At 7:03, Kreeger MOVED to EXIT EXECUTIVE SESSION. Stokes SECONDED, and the MOTION PASSED 3-0 ON A VOICE VOTE.

ANNOUNCEMENTS

Bates announced that this week is Spring Cleanup in the Village. Bates also called for any interested parties to volunteer for lead and copper testing with regard to their water.

Stokes announced that Implicit Bias training is in final phase, now that the Village has approved Culture Learning Partners as the provider for both Implicit Bias and Cultural Intelligence training for all Village staff and Council.

Stokes announced that the Police Department has donated 10 bicycles to Antioch College.

CONSENT AGENDA

1. Minutes of April 16, 2018 Regular Meeting
2. **Resolution 2018-13** Forming an Agreement between the Village of Yellow Springs and the Greene County, Ohio Engineer for a Cooperative Paving Program
3. **Resolution 2018-15** Authorizing the Village Manager to Enter Into an Agreement with ODOT for Ramp and Dome Repair and Construction for 2018
4. **Ordinance 2018-16** Repealing Chapter 1020.04(a) "Maintenance Requirements" of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Chapter 1020.04(a) "Maintenance Requirements"
5. **Ordinance 2018-17** Repealing Section 1248.01(a) "R-A, Low Density Residential District" of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting a New Section 1248.01(a) "R-A, Low Density Residential District"
6. **Ordinance 2018-18** Repealing Section 1260.04(a)(6) "Uses; Accessory Buildings and Structures" of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting a New Section 1260(a)(6) "Uses; Accessory Buildings and Structures"
7. **Ordinance 2018-19** Repealing Section 1262.02(b) "Procedures: Public Notice" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Replacing it With a New Section 1262.02(b) "Procedures: Public Notice"
8. **Ordinance 2018-20** Repealing Section 1250.03 (a) "Spatial Requirements" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting a New Section 1250.03(a) "Spatial Requirements"
9. **Ordinance 2018-21** Repealing Section 1262.08(e)(1) "Conditional Use Requirements: Residential: Accessory Dwelling Units" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting a New Section 1262.08(e)(1) "Conditional Use Requirements: Residential: Accessory Dwelling Units"

Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE. The MOTION PASSED 3-0 on a voice vote.

REVIEW OF AGENDA

A nomination was added to New Business. Ordinance 2018-15 was removed from legislation.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

NAMI re: Film at Little Art Theater
NAMI re: Newsletter
Greene Co. Public Health Dept. re: Hepatitis A
Mercy Health re: Health Fair/Mobile Mammography Unit
Macy Reynolds re: Tree City Status
Chris Zurbuchen re: Map Quilt

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2018-14 Amending the Employee Personnel Manual to Add One Holiday to the Recognized Holiday Calendar.

Bates explained that this legislation amends Section 304 of the Personnel Manual to add December 24th to the Observed Holidays of the Village. As previously discussed at Council, this day is generally exceptionally quiet at the Village, with many employees taking vacation days and virtually no citizens coming in for assistance.

MacQueen OPENED THE PUBLIC HEARING. There being no comment, MacQueen CLOSED THE PUBLIC HEARING and CALLED THE MOTION.

Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

MacQueen CALLED THE VOTE, and the MOTION PASSED 3-0 on a ROLL CALL VOTE.

Reading of Resolution 2018-09 Creating a Permanent Glass Farm Conservation Area Management Committee. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Kreeger asked whether the Management Committee would essentially be a re-purposing of the Beaver Management Task Force.

Bates commented that reliance upon volunteers is unpredictable, and that there had been a commitment made by Council at the start of the Glass Farm wetland preservation effort that some sort of ongoing commitment would be implemented to ensure continuity of maintenance.

Bates explained that, previously, a recommendation from the Environmental Commission was brought to Council by Vice President Marianne MacQueen to establish a Glass Farm Management Committee to oversee the continued maintenance and management of the Glass Farm wetland area.

At that time, a citizen expressed concerns over some of the wording of the resolution as well as a concern that the mandate of the Management Committee may conflict with the Council goal developing housing (or anything else) on the Glass Farm.

The wording has been revised to alleviate the concerns and a second section has been added to ensure that the Management Committee takes direction from Council in managing the area in ways that achieve all of Council's goals. The Village has been in communication with Tecumseh Land Trust, which assures that the wetland can be increased in size, if necessary. Drainage concerns can then be best considered when specific development is proposed and requirements are set forth.

There being no comment from citizens, MacQueen CALLED THE VOTE, and the MOTION PASSED 3-0 on a VOICE VOTE.

Reading of Resolution 2018-16 Approving an Employment Agreement for the Position of Finance Director.

This legislation authorizes the Village Manager to sign a contract employing Colleen Harris as the Village's new Finance Director. Colleen comes to the Village with 15 years of government finance experience and is currently employed as the Finance Director for the City of New Carlisle.

There being no comment from citizens, MacQueen CALLED THE MOTION. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

MacQueen CALLED THE VOTE, and the MOTION PASSED 3-0 on a VOICE VOTE.

CITIZEN CONCERNS

A candidate for the office of Governor, Larry Neely, spoke to those present, asking for votes on May 8th.

SPECIAL REPORTS

HRC Annual Report. Steve McQueen delivered the HRC 2017 summary and asked for a budget of \$8,500.00 to continue the Commission's work in the community. Council will review the request once budget information is provided by the new Finance Director.

OLD BUSINESS

Housing Advisory Board Report on Community Conversations/Next Steps. MacQueen introduced the topic, including a proposed series of next steps.

Stokes commented upon the frequency of comment made regarding a perception of negative impact of the greenbelt upon affordable housing.

Kreeger noted the high level of respectful engagement in the process. She noted the need for information on infrastructure related to development. Kreeger stressed the need to coordinate with Village staff, Planning Commission and any needed experts to drive a fully informed approach.

Kreeger noted participant concerns regarding all of Village infrastructure—both that controlled by the Village and privately held property. She commented that the need to address Village assets and to assist citizens in retaining and/or improving those assets is important.

Stokes commented upon the difference in cost and amenities between an apartment in the Village and one in the surrounding area. He noted the need to maintain and repair homes and asked how this can be further encouraged. He stated that there is a need to make housing in the Village a better value overall.

MacQueen responded to a question from Stokes, stating that there were about 180-200 participants in the community conversations overall.

Bates related a situation, noting that there is reluctance on the part of some renters to report substandard housing out of fear that they will be displaced.

MacQueen suggested the need for Council to address concerns raised regarding the greenbelt. She commented that there is a lack of information regarding the three types of Village boundaries: the greenbelt, the urban service boundary and the Village limits.

MacQueen commented that the value of no growth—in either housing or the economy--which has persisted through the years needs to be addressed, seeing this as a greater challenge to housing than the greenbelt.

Stokes brought up the idea of the Antioch College Village, commenting that this idea is well along in process and should be considered. He commented that it is his desire to find out what projects are closest to “putting roofs over people’s heads”.

MacQueen stated that a strategy is to make contact with developers to determine how best they might meet the needs of the Village.

Kreeger asked that definitions for terms like “market rate” and “affordable” be agreed upon early in the process so that there is a common vocabulary for discussing housing issues. She asked that all stakeholders be invested and included in any planning. She noted that any other potential developers should be collaborated with to avoid duplication or over production.

Kevin Magruder responded to Kreeger’s comments regarding terms. He commented that “affordability” has become a euphemism for “low income” and suggested that a percentage of median income be used as the guideline instead as a useful way to get everyone on the same page and to be able to have a more precise discussion.

Magruder commented that people’s concerns need to be meaningfully addressed, and this can only be done when terms and intentions are clear.

David Turner commented that the housing conversation seems not to have evolved appreciably over several decades, and he would like the discussion to move into action. Turner related that his work brings him into many homes, and that he has at times been disturbed at the conditions he finds. He stated that when he has reported substandard conditions to the Greene County Health Department, they have informed him that they cannot enter a home unless they are invited or unless they have seen something. He suggested a prioritization of housing upkeep.

Matthew Kirk commented that the current situation has arisen out of a broken housing market, which is based upon scarcity. Kirk opined that the Village has chosen neither to expand its borders nor to permit intensification of land use. He suggested that the Village invite developers to the table to suggest possibilities. He stressed that until scarcity is addressed, cost will not come down, and the issue of affordability will remain central.

MacQueen suggested an outline for addressing the housing issues as follows:

- a. Gather information and identify the issues
- b. Develop a Vision and Policy Statement
- c. Create Housing Goals
- d. Develop Strategies to meet the Goals
- e. Assess resources
- f. Create a Housing Plan
- g. Begin implementation

The group asked that the Housing Advisory Board return to Council with a more fleshed out plan based upon the implementation steps. Kreeger requested that specificity of definitions be implemented early in the process.

Utility Tiering Discussion. Kreeger introduced the topic as one of overall utility affordability. Kreeger noted the importance of utilities to overall affordability in the Village, and stated that she has gained a great deal more information regarding infrastructure needs for the Village over the next several years, which has caused her to rethink the suggestions that she made at the meeting on April 16th.

Kreeger invited others to “follow her journey of discovery” regarding the need for infrastructure improvements and maintenance in the Village. These are items deemed essential either to safety or to prevention of deterioration. Kreeger referenced a document prepared by Johnnie Burns and the Village Manager, which outlines these needs based upon both current population and upon Council’s desire for growth. These needs total over two million dollars, which far exceeds what is currently in the budget.

Kreeger requested a deeper conversation regarding upcoming capital projects, and suggested that this take the form of a special meeting devoted to that topic.

Kreeger stated that she brought up the Burns/Bates report as a way to contextualize her shift in thinking with regard to utility affordability.

Kreeger noted the incoming new Finance Director, stating that financial modeling will be critical to an informed decision regarding utility affordability. For this reason, she said, she is at least temporarily taking off the table her suggestion that 50 Kwh be taken off of each customer’s basic charge.

Kreeger also stated that she has realized that a tiered system based upon greater cost for higher use may in fact harm most those customers least able to absorb the cost, specifically those living in Greene Met housing. Kreeger noted the concern raised at the previous meeting that a tiering system might disincentivize use of electricity, which, while more costly than natural gas, is less polluting.

Kreeger stated that she is still recommending that the Village waive the first utility late fee of each calendar year, and asked Bates for an estimate as to what impact that would have on Village income.

Bates responded that her best estimate was an impact of between six and ten thousand dollars annually.

Kreeger asked that Council implement this policy.

Kreeger asked that Council approve establishment of a Utility Round-Up Advisory Committee for the purpose of equitably vetting potential recipients. She asked that this group be charged with quickly establishing the policies and procedures of a round-up program and establishing a relationship with a 501c3 organization as a flow-through. Kreeger also asked that the group look into an education program around energy efficiency, which could be implemented in parallel.

Kreeger again asked that Council hold a special session to discuss upcoming capital projects since this information will be critical to knowing what may be possible in terms of resources for the round-up and education programs.

Bates agreed that the session is needed. She noted that she has a meeting set up with Susan Jennings of Community Solutions to discuss its possible assistance as a 501c3. She also noted an upcoming meeting with Kat Walter to discuss energy education and efficiency. Finally, Bates will be meeting with a Mills Lawn teacher regarding a possible energy-focused PBL for next year.

Stokes commented that the HRC is beginning work on addressing affordability as well, and asked for approval that this effort continue.

Johnnie Burns explained the increase in reliance upon the west circuit over the last several years (the water plant, the new fire station, the CBE), stating that unless a third circuit is built, this increased draw, once the fire station and CBE are more built out, will cause a drop in power for those entities farthest out, and the farthest out is the water plant. He stated that a middle circuit would pick up and fulfil this need.

Bates commented that any development on the Glass Farm will require a third circuit.

Kreeger received confirmation that there has been a need for a third circuit since the 1990s.

Incentive Policy. Kreeger referenced documents that she had provided, noting that a scoring sheet has been created to level the field for potential applicants.

Kreeger stated that unless there are comments or suggestions from Council, she would like the policy to come to the table as legislation on May 21st. Kreeger asked that all three attachments be referenced in the legislation.

NEW BUSINESS

MacQueen NOMINATED Matthew Lawson for a full position on the Environmental Commission. Kreeger SECONDED and the MOTION PASSED 3-0 on a voice vote.

MANAGER’S REPORT

Bates noted that political signs are not permitted in Village rights of way.

Bates noted that the new crew quarters are nearing completion.

CHIEF’S REPORT

Chief Carlson reported that Florence Randolph is rapidly coming up to speed and is filling a need in her outreach activities.

Chief Carlson noted that new officers Rafoul and Neal are doing well in their training.

SOLICITOR’S REPORT

Conard noted that the small cell tower legislation was indeed passed at the State level and will go into effect in July.

CLERK’S REPORT

The Clerk reported that there has been a significant increase in public records requests, and that those are coming primarily from three individuals. She noted that a total of about 45 hours in staff time has been consumed in a one-month period in fulfilling these requests.

Council commented upon the impact on staff time.

Conard noted that public records requests are an ongoing challenge for most communities. He noted that it is not the responsibility of the municipality to translate the requests, and that this is one of the most challenging aspects of completing the requests.

The Clerk noted that the best way to get what one needs as a requester is to ask directly and to ask for assistance in making the request if needed.

Kreeger commented that she hoped the requesters are balancing what good they hope to do against the work created.

AGENDA PLANNING

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

- May 21: **Second Reading and Public Hearing of Ordinance 2018-16** Repealing Chapter 1020.04(a) “Maintenance Requirements” of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Chapter 1020.04(a) “Maintenance Requirements”
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- Second Reading and Public Hearing of Ordinance 2018-21** Repealing Section 1262.08(e)(1) “Conditional Use Requirements: Residential: Accessory

Dwelling Units” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting a New Section 1262.08(e)(1) “Conditional Use Requirements: Residential: Accessory Dwelling Units”

Resolution 2018-14 Creating an Economic Development Incentive Policy
Tobacco 21 Discussion

Utility Round-Up

Resolution for Pole Replacement

Ms. Wilson’s 4th Grade Class Presentation

JSTF Proposal for Permanent Commission Status

JSTF Mayor’s Court Recommendation

Diversity Outreach Hiring Policy Draft

Fees for Event Services Discussion

June 4: **First Reading of Ordinance 2018-22** Making Sale of Tobacco to Persons under the Age of 21 a Misdemeanor in the Village of Yellow Springs
Small Cell Tower Legislation

June 18: **Second Reading and Public Hearing of Ordinance 2018-22** Making Sale of Tobacco to Persons under the Age of 21 a Misdemeanor in the Village of Yellow Springs

ESC Presentation on Designated Community Improvement Corporation
Progress and Next Steps

July 2:

July 16: ESC Presentation of Bylaws for DCIC

Aug. 20: Resolution Approving DCIC Bylaws

ADJOURNMENT

At 9:11pm, Kreeger MOVED and Stokes SECONDED a MOTION TO ADJOURN. The MOTION PASSED 3-0 ON A VOICE VOTE.

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

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council

TO: Village Council

FROM: Denise Swinger, Zoning Administrator

DATE: May 21, 2018

RE: Text Amendments

The following three text amendments were reviewed by the Planning Commission at their meeting on April 9, 2018. The Planning Commission has recommended these changes be forwarded to Village Council for adoption. They are:

1266.03 PERMITTED SIGNS.

The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described below and in Table 1266.03(a) and (b), issuance of a sign permit and all other applicable regulations. In any B or I district, a maximum of three types of permitted signs and four total permitted signs per principal building shall be allowed. In the case of a multi-tenant building where the maximum number of permitted signs has been reached, one additional sign per tenant shall be permitted. The Zoning Administrator may exempt the maximum requirement if a site visit determines the location of the signs will not be visible from the street or public property.

Staff would like to add an exemption to the maximum number of signs if they are not visible from the street or public property.

1284.03 DEFINITIONS: C-D.

~~—**Density, gross.** The number of dwelling units meeting the minimum area requirements of the district to be located on a parcel of property, divided by the total acreage of that property.~~

~~—**Density, net.** The dwelling unit density of a particular area measured by the number of dwelling units meeting the minimum area requirements of the district divided by the total number of acres, excluding public rights of way and private easements.~~

Because the minimum size of a dwelling unit was removed in the 2013 Zoning Code Update, the Planning Commission is suggesting that any fraction of an acre be allowed the full number of dwelling units for an acre as another way to increase density. Density will ultimately be determined by the zoning code's requirements for setbacks, lot coverage, parking, etc.

Density. Computed by multiplying the number of units allowed per acre in a district. Any fraction of an acre may be rounded up to the next acre, allowing additional density if meeting the minimum requirements of the district.

1284.08 DEFINITIONS: R-S.

Structure. Anything constructed, erected or placed which requires location on the ground or attachment to something having location on the ground including, but not limited to: buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, solar panels, decks and platforms; provided, however, that patios shall not be deemed structures if no part is above the ground and if it is located outside the minimum front, side and rear yard setback area. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas or retaining walls shall not be considered as structures for purposes of this code.

Staff would like to add solar panels as it is considered an accessory structure per the above definition and this would further clarify it for permitting purposes.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-22**

**REPEALING SECTION 1266.03 “PERMITTED SIGNS” THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING
NEW SECTION 1266.03 “PERMITTED SIGNS”**

Whereas, the Codified Ordinances of the Village of Yellow Springs currently limits the number and type of signs permitted on a property; and

Whereas, there have been instances where a particular business or organization requires more than the currently permitted maximum number of signs to expeditiously direct persons around the business or property; and

Whereas, staff believes that limiting the number of permitted signs when said signs are not readily visible to the public does not enhance the Village, either aesthetically or in a practical way; and

Whereas, staff feels that allowing signs that are not readily visible to the public but create a more easily navigable Village would benefit both the Village and the business,

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

Section 1. Chapter 1266.03 entitled “Permitted Signs” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1266.03 entitled “Permitted Signs” 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 deleted language in ~~striketrough~~, 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.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____
Kevin Stokes _____ Lisa Kreeger _____

1266.03 PERMITTED SIGNS.

The following signs are permitted in combination, unless noted otherwise, in each district, subject to the requirements described below and in Table 1266.03(a) and (b), issuance of a sign permit and all other applicable regulations. In any B or I district, a maximum of three types of permitted signs and four total permitted signs per principal building shall be allowed. In the case of a multi-tenant building where the maximum number of permitted signs has been reached, one additional sign per tenant shall be permitted. The Zoning Administrator may exempt the maximum requirement if a site visit determines the location of the signs will not be visible from the street or public property.

(a) Type A: Ground/Free-Standing sign

Number	Residential	Other Zones	
	One	One per street frontage	
Size	Conservation	Residential	All Other Zones
	8 square feet	24 square feet	32 square feet
Location	Conservation	Industrial	All Other Zones
	Minimum 10 feet from front lot line		Minimum 10 feet from front lot line
	Minimum 50 feet from all other lot lines		Minimum 10 feet from all other lot lines
Height	Six feet maximum		

(b) Type B: Wall sign

Number	One per street frontage, but only one per wall			
Size	Conservation	Business	Educational	Industrial
	Five percent of wall area to which it is attached, not exceeding 12 square feet	Five percent of wall area to which it is attached, not exceeding 25 square feet total aggregate for wall signs	Five percent of wall area to which it is attached, not exceeding 64 square feet	
Location	Mounted flat against the wall			

(c) Type C: Gateway sign

Exhibit A Ordinance 2018-22

Number	One per street frontage
Size	24 square feet
Location	Minimum 15 feet from all lot lines
Height	Six feet maximum

(d) Type D: Development sign

Number	One non-illuminated
Size	Maximum 48 square feet
Location	Minimum ten feet from all property lines
Height	Eight feet maximum
Other	May be in place for up to one year from the date the subdivision record plan is recorded
	Only can be used to promote a newly-developed subdivision of at least ten dwelling units

(e) Type E: Home occupation sign

Number	One non-illuminated sign identifying the home occupation
Size	Maximum two square feet in area
Type	Ground, projecting or wall signs
Location	If a ground sign is utilized it must be setback from the front lot line a minimum of ten feet

(f) Type F: Business center sign

Number	One per property. No other freestanding sign shall be permitted on the property for individual businesses.
Size	48 square feet
Location	Minimum ten feet from front lot line, minimum 25 feet from all other property lines

Height	Six feet maximum
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(g) Type G: Canopy, projecting or awning sign


Number	One per business
Size	Eight square feet maximum
Location	Projecting out from building wall not more than three feet
Height	A clearance of at least eight feet is required between the sidewalk and the bottom of the sign

(h) Type H: Marquee sign

Number	One per business
Size	48 square feet maximum
Location	Projecting out from building wall not more than six feet
Height	A clearance of at least eight feet is required between the sidewalk and the bottom of the sign
Other	Flashing lights are not permitted

(i) Type I: Window sign

Size	Permanent window signs are limited to 25 percent coverage of the window that they are posted within
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 **Table 1266.03(a)**

<i>Zone 1 Sign Type</i>	<i>Ground/Freestanding</i>	<i>Wall</i>	<i>Gateway</i>	<i>Development</i>	<i>Home Occupation</i>	<i>Business Center</i>	<i>Awning/Canopy/Projecting</i>	<i>Marquee</i>	<i>Window</i>
C	*	*	~	~	~	~	~	~	~

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R-A, R-B, R-C	*	*	P	P	P	~	~	~	~
E-1	P	P	P	~	~	~	~	~	~
B-1	P	P	~	~	~	~	P	P	P
B-2	P	P	P	~	~	P	~	~	P
I-1	P	P	P	~	~	P	~	~	~
I-2	P	P	P	~	~	~	~	~	~

P = Permitted * = Permitted for non-residential uses only ~ = Not permitted

Table 1266.03(b) Schedule of Permitted Signs by District	
All Districts	
Community Special Event sign	
Number	No limit
Size	24 square feet maximum
Location	On or off the property on which the event will occur; set back at least 15 feet from any side or rear property line and set back from the front property line the same distance as required for a ground sign in the district in which the sign is located
Height	Six feet maximum
Other	The sign shall be installed no more than ten days prior to the scheduled event and must be removed within 48 hours of the event's conclusion
Construction sign	
Number	One per street frontage, but only one on each street
Size	32 square feet maximum
Location	Minimum six feet from all street right-of-way lines and at least ten feet from any other lot line
Height	Ten feet maximum
Other	The sign shall be posted from the time the building permit is issued and removed within ten days after a certificate of occupancy is issued for the building to which the sign refers or when at least 50% of the lots within a development have been sold

Exhibit A Ordinance 2018-22

Temporary sign	
Number	One per street frontage, but only one on each street
Size	32 square feet
Location	Minimum five feet from front lot line
Height	Six feet maximum
Other	Temporary signs may be displayed for a maximum of 21 consecutive days for any single permit period and a maximum of three permit periods may be permitted in a calendar year. The sign shall be removed by the permit holder upon expiration of the permit period.

(Ord. 2016-11. Passed 6-20-16.)

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-23**

**REPEALING SECTION 1284.03 “DEFINITIONS: C-D” THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING
NEW SECTION 1284.03 “DEFINITIONS: C-D”**

Whereas, the Codified Ordinances of the Village of Yellow Springs currently limits the number of residential units permitted per acre of property in each zoning district; and

Whereas, allowing any fraction of an acre to be rounded up to the next full acre when calculating the maximum number of dwelling units permitted would allow increased density; and

Whereas, the minimum size for a dwelling unit was eliminated during the 2013 Zoning Code update; and

Whereas, there are other requirements in the Zoning Code, such as setbacks, parking and other requirements, that are effective in regulating the permissible number of dwellings per parcel;

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

Section 1. Chapter 1284.03 entitled “Definitions: C-D” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1284.03 entitled “Definitions: C-D” 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 deleted language in ~~striketrough~~, 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.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____

Kevin Stokes _____ Lisa Kreeger _____

1284.03 DEFINITIONS: C-D.

Canopy. A rigid, permanent cover over a walkway, attached to a building (see "awning").

Carport. An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides and designed or used for the storage of motor vehicles.

Certificate of occupancy. A permit authorized and issued by the Zoning Administrator certifying that the use of the building or land in question is in conformity with this code or that a legal variance has been approved.

Church (place of worship). A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical professionals, psychologists or social workers.

Code. The Zoning Code of the Village of Yellow Springs, Title Four, Zoning, of Part Twelve, the Planning and Zoning Code of the Yellow Springs, Ohio Code of Ordinances.

Cohousing. A type of intentionally developed community composed of private dwellings, supplemented with shared facilities such as common open space, parking, cooking, dining, recreation, gardening, child care, offices and internet access. Decisions are generally made by consensus of the owners within the cohousing community.

Commercial vehicle.

(1) Vehicles, owned by and registered to a business or organization, used to transport commercial goods or materials or used to provide a commercial service;

(2) Tractor cabs used for hauling semi-trailers;

(3) All vehicles, including passenger vehicles, affixed with signs advertising or identifying an establishment, product, service or activity;

(4) Mobile mechanized equipment, such as cranes, bulldozers, trenchers, tractors, compressors and similar equipment.

Commission. The Planning Commission.

Common Open Space. A perpetual open space area of land to benefit all residents of a Pocket Neighborhood Development (PND) or Planned Unit Development (PUD), which is unoccupied by buildings, structures, storage or parking areas, street right-of-ways, exterior setbacks, driveways, required yards and utility easements, except for recreational structures, and on slopes of ten percent or less and developed and maintained so it is usable for active or passive recreation activities.

Community garden. One or more plots of land gardened collectively by a group of people.

Comprehensive Plan. The document adopted by the Planning Commission and/or Village Council which establishes the goals, objectives and policies related to future land use and the general location and extent of present and proposed community facilities.

Conditional use. A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission and subject to special requirements which are in addition to those usual requirements for the district in which the conditional use may be located.

Conservation area. An environmentally sensitive land protected from activities that would significantly alter its ecological integrity, balance or character.

Conservation easement. An easement granting the right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition.

Continuing care retirement community. A facility or complex of buildings and structures designed for and occupied by persons 55 years or older and persons with disabilities that provides a range of housing and lifestyle choices, including independent living, assisted living and skilled nursing care in an integrated system.

Council. The Village Council.

Day care, family. A private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

Day care, group. A private home in which seven, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

~~—**Density, gross.** The number of dwelling units meeting the minimum area requirements of the district to be located on a parcel of property, divided by the total acreage of that property.~~

~~—**Density, net.** The dwelling unit density of a particular area measured by the number of dwelling units meeting the minimum area requirements of the district divided by the total number of acres, excluding public rights-of-way and private easements.~~

Density. Computed by multiplying the number of units allowed per acre in a district. Any fraction of an acre may be rounded up to the next acre, allowing additional density if meeting the minimum requirements of the district.

Dormitory. A building used as group living quarters for a student body, religious order or other group as an accessory use to a college, university, boarding school, orphanage, convent or other similar use. Kitchen facilities are not provided in each room/unit but there may be a group kitchen facility to serve all residents.

Drain. A watercourse, gully, dry stream, creek, ditch or pipe which carries storm water runoff.

Drive-in or drive-thru facility. An accessory use for a business (such as a bank, restaurant, dry cleaners or pharmacy) where the delivery of customer services is done, usually from within the building via a service window while patrons are in their motor vehicle.

Dwelling:

(1) Dwelling, multiple family. A building designed for occupancy by three or more families living independently of one another.

(2) Dwelling, single-family. A detached building designed exclusively for and occupied exclusively by one family.

(3) Dwelling, single-family attached. A multiple-family building containing at least three dwelling units; in which each unit has its own front and rear access to the outside on the ground floor; and where units share one or more common walls but not a common floor/ceiling

(4) Dwelling, two-family. A building consisting of two dwelling units or designed for or used by two families or housekeeping units living independently of one another. May also be referred to as a duplex.

(5) Dwelling, manufactured home. See "manufactured home."

Dwelling unit. A permanent building or portion of a building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family as a single housekeeping unit, but not including hotels/motels, recreational vehicles, tents or portable buildings.

(Ord. 2013-19. Passed 9-16-13; Ord. 2017-24. Passed 9-18-17.)

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-24**

**REPEALING SECTION 1284.08 “DEFINITIONS: R-S” THE CODIFIED ORDINANCES
OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW SECTION
1284.08 “DEFINITIONS: R-S”**

Whereas, the Codified Ordinances of the Village of Yellow Springs currently has an extensive list of examples of allowable structures; and

Whereas, that list does not currently include solar panels as an allowable structure; and

Whereas, in every way, solar panels meet the definition and description of a structure; and

Whereas, adding solar panels to the list in the definition of “Structure” would clarify the permitting process for solar panels;

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

Section 1. Chapter 1284.08 entitled “Definitions: R-S” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1284.08 entitled “Definitions: R-S” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth in Exhibit A with new language underlined 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.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____

Kevin Stokes _____ Lisa Kreeger _____

1284.08 DEFINITIONS: R-S.

Recreational vehicle. Vehicles or equipment used primarily for recreational or leisure purposes including, but not limited to, motor homes, camper trailers, travel trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies and similar vehicles and the trailers used to transport them.

Recycling center. A facility or location in which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Residential districts. The R-A, R-B and R-C Districts.

Restaurant. An establishment principally operated for the sale of food and beverages to be served for consumption on the premises, which may also include carry-out service or delivery of food through a drive-in and drive-thru facility for consumption off the premises.

Right-of-way. A strip of land dedicated for public use and occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or other essential services.

Screen. A visual barrier that surrounds a potentially offensive or incompatible activity.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Techniques include fences, hedges, walls, berms or other such features.

Setback. The required minimum horizontal distance between the line at which the building may be built and the related front, rear and side property lines.

Sexually oriented business. Those businesses defined, as follows:

(1) Adult arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(2) Adult bookstore, adult novelty store or adult video store.

A. A commercial establishment which has as a significant or substantial (i.e., 50% or more) portion of its stock-in-trade or derives a significant or substantial (i.e., 50% or more) portion of revenues or devotes a significant or substantial (i.e., 50% or more) portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;

2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

B. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the definition above is met.

(3) Adult cabaret. A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which features: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. "Private club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

(4) Adult motel. A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off- premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television.

(5) Adult motion picture theater. A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are shown for any form of consideration.

(6) Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities which is not customarily open to the general public during such features because it excludes minors by reason of age.

(7) Escort agency. A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.

(8) Massage parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with specified sexual activities is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder, nor by any other individual licensed by the State of Ohio to perform massages.

(9) Semi-nude model studio. Any place where a person regularly appears in a state of nudity or semi-nudity or displays specified anatomical areas for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons. This definition does not include an accredited state licensed public or private educational institution or bona-fide art organization offering instruction, which may involve the exposure of the human body for purposes of drawing, filming or photographing as part of a course.

(10) Sexual encounter establishment. A business or commercial establishment that as one of its principal business purposes offers for any form of consideration:

A. A place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas; or

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized sexual therapy.

(11) Simulated. To assume the mere appearance of something, without the reality, to imitate or pretend.

(12) Specified anatomical areas. Includes any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, anus or any portion of the female breast below the top of the areola or nipple; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(13) Specified sexual activities. Includes any of the following:

A. The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

- C. Masturbation, actual or simulated;
- D. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- E. Excretory functions as part of or in connection with any specified sexual activities defined in this section.

Sign. A device, structure, display, exhibit, poster, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.

(1) Sign, awning. A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements (see canopy and projecting sign).

(2) Sign, business center. A sign advertising a shopping or business center, strip center, mall or any multi-tenant commercial, industrial or office use.

(3) Sign, canopy. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover (excluding a marquee) over a door, entrance, window, or outdoor service area (see awning and projecting sign).

(4) Sign, community special event. A temporary sign calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other non-profit charitable, philanthropic, religious or benevolent organizations.

(5) Sign, construction. A temporary sign, typically freestanding, displayed at construction site to promote and provide information about the company or companies involved in the project. These can include the contractor, architect, developer, etc.

(6) Sign, development. A temporary or otherwise limited-term sign for the purpose of identifying multiple lots or new homes in a subdivision, including single-family and/or multi-family dwelling units.

(7) Sign, free-standing. Any sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground (see ground sign).

(8) Sign, gateway. A sign marking the entrance to a town, neighborhood, development, park or other public area. A sign placed at the street entrance to a single-family subdivision, multiple-family development, planned unit development, industrial park or similar consolidated development, containing only the name of the subdivision or development.

(9) Sign, ground. A free-standing sign supported by a base which rests directly on the ground. The width of the base shall be at least 50% of the width of the sign to be considered a ground sign (see free-standing sign).

(10) Sign, home occupation. One non-illuminated sign identifying the home occupation.

(11) Sign, marquee. A sign that is part of or attached to a permanent roof-like structure or canopy of rigid materials supported by and extending from the building front.

(12) Sign, projecting. Any sign attached to a building or other structure and extending in whole or in part more than 12 inches from such structure (see awning and canopy sign).

(13) Sign, temporary. A sign that is not permanent or affixed to a building or structure and, by its nature, may be or is intended to be moved from one location to another, such as “A” frame signs or signs on a movable trailer, whether rented or owned.

(14) Sign, wall. A sign painted, attached to or erected in a plane parallel to a wall, extending no more than 12 inches from the exterior face of the wall to which it is attached.

(15) Sign, window. A sign affixed to the glass on the outside or inside of a window, or erected within three feet of a window on the inside of a building so as to be seen from the outside of the building.

Site plan. A drawing, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific land parcel.

Skilled nursing care. Procedures that require technical skills and knowledge beyond those of an untrained individual and commonly employed in providing for the physical, mental and emotional needs of the ill or otherwise incapacitated.

Spot zone. Singling out of a lot or small area for discriminatory or different treatment from that accorded surrounding land which is similar in character.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, and also any portion of a building used for human occupancy between the topmost floor and the roof.

Street. A public right-of-way 50 feet or more in width which provides a public means of primary access to abutting property, or any such right-of-way more than 30 and less than 50 feet in width, provided that it existed prior to November 18, 1971. The term "street" includes avenue, drive, lane, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Street classification. A hierarchy of street types denoting their relative function and traffic-carrying capability.

(1) Arterial. A connected network of continuous routes serving intra- and interstate travel, as well as interurban travel. Arterials accommodate high traffic volumes generally at higher speeds. Access to abutting land is subordinate to moving through traffic. The following streets are classified as arterials:

- A. Dayton-Yellow Springs Road /Dayton Street.
- B. Fairfield Pike.
- C. Xenia Avenue.

(2) Collector. Those streets which collect traffic from local streets and channel it to arterial streets. Collector streets carry moderate traffic volumes and primarily provide for local traffic movements with a minor amount of through traffic. While traffic movement is an important function, collectors also provide for a higher degree of land access than arterials. The following streets are classified as collectors:

- A. Allen.

- B. Corry.
- C. Enon.
- D. High.
- E. King.
- F. Limestone.
- G. Livermore.
- H. South College.
- I. Spillan.
- J. Walnut.

(3) **Local.** A street that provides direct access to adjacent land and access to higher street classifications. All streets not otherwise classified are local.

Structure. Anything constructed, erected or placed which requires location on the ground or attachment to something having location on the ground including, but not limited to: buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, solar panels, decks and platforms; provided, however, that patios shall not be deemed structures if no part is above the ground and if it is located outside the minimum front, side and rear yard setback area. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas or retaining walls shall not be considered as structures for purposes of this code.

Subdivision. Shall mean:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision for purposes of this code; or

(2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sanitary sewers, water lines, storm drainage or other public features.

Swimming pools and spas. Any structure or container, either permanent or portable, and either above or below ground, designed to hold water to a depth of 24 inches or greater at any point, intended for the immersion of the human body, whether for swimming, wading or sitting, used by the occupants thereof and guests, without payment of any fee, and as an accessory use to a residence. This includes hot tubs, steam baths and other hydrotherapy devices. Pools that are

Exhibit A Ordinance 2018-24

less than 24 inches in depth, are portable or temporary, are exempted from the requirement of a zoning permit.

(Ord. 2013-19. Passed 9-16-13; Ord. 2016-07. Passed 4-18-16; Ord. 2016-12. Passed 6-20-16; Ord. 2017-37. Passed 11-7-17.)

VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-15

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing has completed its updating and revision of the Codified Ordinances of the Village; and

WHEREAS, various ordinances and resolutions of a general and permanent nature have been passed by Council since the date of the last updating and revision of the Codified Ordinances (December 31, 2016) and have been included in the Codified Ordinances of the Village; and

WHEREAS, certain changes were made in the Codified Ordinances to bring Village law into conformity with State law;

NOW, THEREFORE, The Council of the Village of Yellow Springs, Ohio, hereby ordains that:

Section 1. The editing, arrangement and numbering or renumbering of the following ordinances and resolutions and parts of ordinances and resolutions are hereby approved as parts of the various component codes of the Codified Ordinances of the Village, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. or Res. No.</u>	<u>Date</u>	<u>C.O. Section</u>
2017-05	4-17-17	1248.03
2017-09	5-1-17	674.02
2017-12	7-3-17	1048.05
2017-14	9-5-17	882.01 - 882.17, 882.99
2017-17	9-18-17	1262.08
2017-18	9-18-17	1226.06
2017-19	9-18-17	1264.02
2017-20	9-18-17	1284.07
2017-22	9-18-17	1248.02
2017-23	9-18-17	1260.04
2017-24	9-18-17	1284.03
2017-25	9-18-17	242.01
2017-27	10-16-17	660.13
2017-29	10-16-17	1048.01

<u>Ord. or</u> <u>Res. No.</u>	<u>Date</u>	C.O. Section
2017-30	10-16-17	1046.01
2017-31	10-16-17	1042.02
2017-33	11-20-17	1258.01, 1262.08
2017-34	11-6-17	1246.02
2017-35	11-6-17	1248.02
2017-36	11-6-17	1250.02
2017-37	11-7-17	1284.08
2017-38	11-7-17	1284.09
2017-39	11-7-17	Part 12, App. B
2017-40	11-7-17	1226.06
2017-42	12-18-17	1040.01
2017-47	12-18-17	Part 12, App. A

Section 2. The following sections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

402.24, 402.27, 402.57, 404.03, 416.14, 432.03, 432.16, 432.34, 434.011, 434.03, 434.09, 434.11, 436.09, 436.14, 446.01, 446.03, 446.04, 446.08, 452.05, 452.06, 452.07, 606.01, 608.04, 608.16, 612.07, 618.01, 618.26, 624.01, 636.05, 636.14, 636.16, 642.06, 642.07, 678.01, 678.02, 678.04, 678.14, 678.15

Section 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the new matter adopted in Section 2 of this ordinance are hereby repealed as of the effective date of this ordinance, except as follows:

- (a) The enactment of such sections shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to December 31, 2017.

Section 4. Pursuant to Section 25 of the Village Charter and Ohio R.C. 731.23, the Clerk of Council shall cause to be published a summary of this ordinance within one week after its passage, together with a summary of the new matter contained in the 2018 Replacement Pages hereby approved, adopted and enacted, a copy of which summary is attached hereto as Exhibit A.

Section 5. This ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for the public health, peace and welfare by providing an up-to-date codification of the legislation of the Village, consistent with State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the Village, enforce law and order and avoid practical and legal entanglements, wherefore this ordinance, including the 2018 Replacement Pages hereby approved, adopted and enacted, shall be in full force and effect from and immediately after its passage by an affirmative vote of not less than four members of Council.

Brian Housh, President of Council

Passed:

Attest: . Judy Kintner, Clerk

Roll Call:	Housh	_____
	MacQueen	_____
	Hempfling	_____
	Stokes	_____
	Kreeger	_____

EXHIBIT A

SUMMARY OF NEW MATTER
CONTAINED IN THE 2018 REPLACEMENT PAGES
FOR THE CODIFIED ORDINANCES
OF YELLOW SPRINGS, OHIO

New matter in the 2018 Replacement Pages for the Codified Ordinances of Yellow Springs, Ohio, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
402.24	Definition of motorized bicycle.
402.27	Definition of pedestrian.
402.57	Definition of vehicle.
404.03	Exceptions generally; emergency, public safety and coroner vehicles exempt.
416.14	Operation of personal delivery device on sidewalks and crosswalks.
432.03	Rules governing overtaking and passing of vehicles.
432.16	Ambiguous or non-working traffic signals.
432.34	Stop signs at grade crossings.
434.011	Immobilizing or disabling device violation.
434.03	Speed limits.
434.09	Street racing defined; prohibited on public highways.
434.11	Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles.
436.09	Display of license plates or validation stickers; registration.
436.14	Removal of vehicles after accidents.
446.01	Definitions for bicycles, motorcycles, etc.
446.03	Code application; prohibited operation.
446.04	Permitted operation.
446.08	Registration of vehicles.
452.05	Impounding abandoned motor vehicle on public property.
452.06	Impounding motor vehicle on private property.
452.07	Condition when motor vehicle left unattended.
606.01	Definitions.
608.04	Failure to report a crime.
608.16	Disposition of unclaimed or forfeited property held by Police Department.
612.07	Open container prohibited.
618.01	Dogs or other animals running at large; nuisance, dangerous or vicious dogs; hearings.
618.26	Sexual conduct with an animal.
624.01	Controlled substance or prescription label.
636.05	Violating a protection order, consent agreement, anti-stalking protection order or order issued by a court of another state.
636.14	Contributing to unruliness or delinquency of a child.
636.16	Threatening or harassing telecommunications.
642.06	Arson.

- 642.07 Determining property value or amount of physical harm in arson.
- 678.01 Weapons definitions.
- 678.02 Carrying concealed weapons.
- 678.04 Improperly handling firearms in a motor vehicle.
- 678.14 Possession of an object indistinguishable from a firearm in a school safety zone.
- 678.15 Concealed handgun licenses; possession of a revoked or suspended license; additional restrictions; posting of signs prohibiting possession.



TO: Village Council

FROM: Denise Swinger, Zoning Administrator

DATE: May 1, 2018

RE: Text Amendments

The following six text amendments were reviewed by the Planning Commission at their meeting on April 9, 2018. The Planning Commission has recommended these changes be forwarded to Village Council for adoption. They are:

- 1) **1020.04 (a) Maintenance Requirements** – changing the height of plant growth from twelve to nine inches.

The nine inch requirement was changed in Chapter 674.02 (2) of the weeds ordinance last year. This was recently discovered in the Right of Way section of the codified ordinances. This amendment will keep the language consistent within the Codified Ordinances.

- 2) **1248.01(a) Residential Districts** – removing the word “approximately” to the number of dwelling units per acre in R-A, Low Density Residential District.

The word “approximately” isn’t necessary when densities of up to 6 units per acre are already stated. The word “approximately” does not appear in the R-B or R-C District’s purpose.

- 3) **1260.04 (a) (6) Uses. Accessory Buildings and Structures** – Adding the word “gross” to floor area, which can be found in the definitions, further clarifies how the primary building’s floor area is calculated. See definition below:

Floor area, gross. The sum of the horizontal area of the several floors of a building, measured from the interior faces of the exterior walls.

- 4) **1262.02 (b) Procedures.** Changing the staff member responsible for notifying property owners from Clerk of Council to Zoning Administrator.

5) 1250.03 SPATIAL REQUIREMENTS.

Table 1250.03a Dimensional Requirements: Business Districts							
Zoning District	Maximum Building Height (Ft.)	Minimum Yard Setbacks (Ft.)					Lot Coverage (%)
		Front		Side		Rear	
		Parking	Building ¹	Total	Least		
B-1	35	0	1/10 ²	0	0 ³	5 ⁴	90
B-2	45	20	30	30	15 ⁵	25 ⁶	50

1 Average established setback shall apply, where applicable, in accordance with Section [1260.02\(a\)](#).

2 Buildings shall be set back at least one foot, but not more than ten feet, from the right-of-way line.

3 No side setback is required, unless the side yard abuts a Residential District in which case a minimum side yard of 15 feet shall be provided along that side.

4 If the rear yard abuts a Residential District, a setback of 15 feet shall be provided.

5 If the side yard abuts a Residential District or a Village boundary line, a setback of 30 feet shall be provided.

6 If the ~~side~~ rear yard abuts a Residential District or a Village boundary line, a setback of 35 feet shall be provided.

There is an error in Footnote #6 – should be rear yard, not side yard.

- 6) **1262.08(e) (1) Conditional Use Specific Requirements** – Accessory Dwelling Units – This text amendment is for a change requested by the Planning Commission after the latest conditional use hearing in which the property owner did not want to be required to have a microwave.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-16**

**REPEALING SECTION 1020.04(a) “MAINTENANCE REQUIREMENTS” OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND
ENACTING NEW SECTION 1020.04(a) “MAINTENANCE REQUIREMENTS”**

Whereas, Council for the Village of Yellow Springs previously instituted specific maintenance requirements for properties throughout the Village; and

Whereas, Council previously amended Section 674.02 “Removal of Plants and Weeds by Owner” of the Codified Ordinances of the Village of Yellow Springs; and

Whereas, Section 674.02 “Removal of Plants and Weeds by Owner” and Section 1020.04 “Maintenance Requirements” of the Codified Ordinances of the Village of Yellow Springs work in concert and should reflect the same information,

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

Section 1. Chapter 1020.04 entitled “Maintenance Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1020.04 entitled “Maintenance Requirements” 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 deleted language in ~~striketrough~~, 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.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____

Kevin Stokes _____ Lisa Kreeger _____

 **1020.04 MAINTENANCE REQUIREMENTS.**

Owners of property adjoining any right-of-way are hereby required to maintain such right-of-way in a clean, sanitary and safe condition. This shall include, but not be limited to:

- (a) Keeping all plant growth cut to a height not to exceed ~~twelve~~ nine inches;
- (b) Keeping all trees and shrubs trimmed to permit free use of streets, sidewalks and bikepaths and to avoid obstruction of the vision of users of such facilities;
- (c) Maintaining in good condition and to original grade, all drainage swales, culverts under private drives and related storm drainage facilities.

(Ord. 82-10. Passed 9-7-82.)

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-17**

**REPEALING SECTION 1248.01(a) “R-A, LOW DENSITY RESIDENTIAL DISTRICT”
OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS,
OHIO AND ENACTING A NEW SECTION 1248.01(a) “R-A, LOW DENSITY
RESIDENTIAL DISTRICT”**

Whereas, Section 1248.01(a) “R-A, Low Density Residential District” of the Codified Ordinances of the Village of Yellow Springs notes an approximate number of dwelling units permitted per acre by using the word “approximately”; and

Whereas, the number of dwelling units permitted on a particular building lot is specifically determined by the square footage of that lot, making the word “approximately” extraneous and potentially confusing the interpretation of the Ordinance; and

Whereas, removing the word “approximately” will make the requirement clear and eliminate the confusion caused by potential conflicting interpretation,

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

Section 1. Chapter 1248.01(a) entitled “R-A, Low Density Residential District” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1248.01(a) entitled “R-A, Low Density Residential Districts” 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 deleted language in ~~striketrough~~, 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.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____
Kevin Stokes _____ Lisa Kreeger _____

1248.01 PURPOSE.

(a) "R-A," Low Density Residential District. The R-A District is intended to accommodate single-family residential subdivision and infill development at densities of up to approximately six units per acre, along with related uses. Land within this district will be served by public sanitary sewer and water facilities.

(b) "R-B," Moderate-Density Residential District. The R-B District is intended to encompass much of the Village's existing single-family and medium-density residential neighborhoods and accommodate similarly situated new and infill development at densities up to eight units per acre. This district also permits the introduction of attached residential units and nonresidential uses that are compatible and in scale with the established neighborhood character. Land within this district will be served by public sanitary sewer and water facilities.

(c) "R-C," High Density Residential District. The R-C District is intended to promote a high quality mix of residential units, including multiple-family dwellings, at a density of up to 14 units per acre. Other compatible, nonresidential uses may also be permitted. Public sanitary sewer and water facilities are required.

(Ord. 2013-19. Passed 9-16-13.)

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-18**

**REPEALING SECTION 1260.04(a)(6) “USES.ACCESSORY BUILDINGS AND
STRUCTURES” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW
SPRINGS, OHIO AND ENACTING A NEW SECTION 1260.04(a)(6) “USES.
ACCESSORY BUILDINGS AND STRUCTURES”**

Whereas, “gross floor area” is specifically defined in Section 1284.04 E-F-G of the Codified Ordinances of the Village of Yellow Springs; and

Whereas, Section 1260.04(a)(6) “Uses. Accessory Buildings and Structures” of the Codified Ordinances of the Village of Yellow Springs does not note that “gross floor space” will be used in making specific determinations regarding accessory buildings and structures; and

Whereas, adding the word “gross” to Section 1260.04(a)(6) will make the method of determination of gross floor space clear and eliminate the confusion caused by potential conflicting interpretation,

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

Section 1. Chapter 1260.04(a)(6) entitled “Uses. Accessory Buildings and Structures” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1260.04(a)(6) entitled “Uses. Accessory Buildings and Structures” 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 deleted language in ~~striketrough~~, 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.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____
Kevin Stokes _____ Lisa Kreeger _____

1260.04 USES.

(a) Accessory Buildings and Structures.

(1) Accessory buildings or garages shall be considered to be part of the principal building and subject to all setback requirements of the principal building, if structurally and architecturally integrated into the building or if attached by an enclosed breezeway or similar enclosed structure not greater than ten feet in length. Detached accessory buildings shall be located at least ten feet from any principal building.

(2) Accessory buildings and structures shall not be erected in any front yard.

(3) Accessory buildings and structures may be erected in a rear yard if set back at least ten feet from the rear and five feet from the side property lines. In any case, accessory buildings and structures shall not occupy more than 30% of the required rear yard.

(4) An accessory building or structure designed for and containing a vehicle entrance to be accessed from an existing publicly dedicated and commonly used alley may be located on the rear lot line, if parking space plans have been approved by the Zoning Administrator.

(5) The height of an accessory structure shall not exceed 18 feet when a hip or gable roof is used, 15 feet when a mansard or gambrel roof is used and 12 feet when a flat or shed roof is used, except when a dwelling unit is included in the structure, in which case the height shall not exceed 24 feet.

(6) Accessory structures shall not exceed 66% of the principal building's gross floor area or 800 square feet, whichever is less.

(7) An accessory building or accessory structure shall not be constructed or occupied on a lot before the principal building or use on the lot is constructed.

(8) Accessory buildings and structures in planned unit developments shall be subject to the same requirements as in the Residential Districts.

(9) Accessory structures located in a designated flood hazard area shall comply with the additional provisions set forth in [Chapter 1282](#).

(10) Swing sets, playground equipment, garden trellises, well-head covers, portable or temporary pools less than 24 inches in depth, and similar above- ground yard equipment accessory to a residential use shall be exempt from the provisions of this zoning code, except for height limitations, or unless specific provision is made for such equipment by Village ordinance.

(11) Buildings and structures accessory to nonresidential uses shall meet the minimum setback requirements and height limitations for principal buildings in the respective zoning district.

(12) Accessory structures and buildings shall share all public utilities (water/ sewer/electric) with the principal building. Accessory structures and buildings will not be separately metered.

(13) Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-19**

**REPEALING SECTION 1262.02(b) “PROCEDURES: PUBLIC NOTICE” OF THE
CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND
REPLACING IT WITH A NEW SECTION 1262.02(b) “PROCEDURES: PUBLIC
NOTICE”**

Whereas, Section 1262.02(b) of the Codified Ordinances of the Village of Yellow Springs, Ohio currently names the Clerk of Council as the person responsible for the public notification regarding conditional use hearings; and

Whereas, this function is better performed by the Zoning Administrator, who normally is the person who ensures that all affected parties receive proper notice under the Zoning Code procedures; and

Whereas, changing the party responsible for public notice of conditional use hearings will streamline operations and align the Ordinance with a more efficient process,

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

Section 1. Chapter 1262.02(b) entitled “Procedures: Public Notice” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1262.02(b) entitled “Procedures: Public Notice” 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 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.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____
Kevin Stokes _____ Lisa Kreeger _____

1262.02 PROCEDURES.

Applications for conditional uses shall be considered by the Planning Commission in accordance with the following procedures:

(a) Application. An application for conditional use approval shall be made to the Planning Commission in writing, on a form for that purpose, and shall be filed with the Zoning Administrator at least 20 days before the next regularly scheduled meeting at which it is to be heard. The application must be accompanied by a fee, as established by the Village Council, a site plan in accordance with the requirements of [Chapter 1268](#) and such other material as the Commission determines necessary.

(b) Public Notice. When an application has been filed in proper form with the required data, the ~~Clerk of Council~~ Planning and Zoning Administrator shall cause notice of the time, place and purpose of the hearing to be given, in writing by first class mail, to the applicant(s), to owners of property contiguous to and directly across the street from the property that is the subject of the conditional use application. The notice shall be given at least seven days in advance of the hearing, noting the request and the property location. The name and address of any property owner on the most recent property record of the Greene County Auditor shall be the address used for public notification. If the address is unclear or uncertain, the property owner may be notified by legal notice published one time at least seven days in advance of any hearing, listing the address of the property to receive notification.

(c) Sign. At least ten days prior to the scheduled public hearing, a temporary sign six square feet in area shall be posted on the property subject to a conditional use request. The sign shall be removed within three days following the public hearing at which the request was heard. The sign shall contain the following information:

- (1) The specific request being made;
- (2) Date of the public hearing;
- (3) Location of the public hearing; and
- (4) Location where additional information may be obtained regarding the request

(d) Representation. The applicant shall appear at the public hearing in person or by agent. If the applicant or authorized representative is not present, no action shall be taken by the Planning Commission on that application.

(e) Record of Proceedings. The Planning Commission shall keep minutes of its proceedings, showing the action of the Commission and the vote of each member or, if absent or failing to vote, indicating such fact. The Commission shall act by resolution.

(f) Required Vote. The concurring vote of three Planning Commission members shall be necessary to approve a conditional use application.

(g) Review Criteria. The Planning Commission shall review the application in relation to the general standards of this chapter for conditional uses, as provided in Section [1262.03](#), and any specific standards required for the use proposed, as identified in this chapter.

(Ord. 2013-19. Passed 9-16-13.)

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-20**

**REPEALING SECTION 1250.03(a) “SPATIAL REQUIREMENTS: DIMENSIONAL
REQUIREMENTS: BUSINESS DISTRICTS” OF THE CODIFIED ORDINANCES OF
THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING A NEW SECTION
1250.03(a) “SPATIAL REQUIREMENTS: DIMENSIONAL REQUIREMENTS:
BUSINESS DISTRICTS”**

Whereas, Section 1250.03(a) “Spatial Requirements: Dimensional Requirements: Business Districts” of the Codified Ordinances of the Village of Yellow Springs, Ohio has an error in footnote 6 which notes a specific distance for a setback from a side yard; and

Whereas, footnote 6 should instead list a specific distance for a setback from a rear yard,

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

Section 1. Chapter 1250.03(a) entitled “Spatial Requirements: Dimensional Requirements: Business Districts” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1250.03(a) entitled “Spatial Requirements: Dimensional Requirements: Business Districts” 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 deleted language in ~~striketrough~~, 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.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____

Kevin Stokes _____ Lisa Kreeger _____

1250.03 SPATIAL REQUIREMENTS.

(a) All lots and buildings shall meet the minimum area and width requirements of [Table 1250.03](#). New lots shall not be created, except in conformance with these requirements.

<i>Table 1250.03 Lot and Width Requirements: Business Districts</i>		
Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)
B-1, Central Business	0	0
B-2, General Business	12,000	80

(b) All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in [Table 1250.03a](#).

Table 1250.03a Dimensional Requirements: Business Districts							
Zoning District	Maximum Building Height (Ft.)	Minimum Yard Setbacks (Ft.)					Lot Coverage (%)
		Front		Side		Rear	
		Parking	Building ¹	Total	Least		
B-1	35	0	1/10 ²	0	0 ³	5 ⁴	90
B-2	45	20	30	30	15 ⁵	25 ⁶	50

1 Average established setback shall apply, where applicable, in accordance with Section [1260.02\(a\)](#).

2 Buildings shall be set back at least one foot, but not more than ten feet, from the right-of-way line.

3 No side setback is required, unless the side yard abuts a Residential District in which case a minimum side yard of 15 feet shall be provided along that side.

4 If the rear yard abuts a Residential District, a setback of 15 feet shall be provided.

5 If the side yard abuts a Residential District or a Village boundary line, a setback of 30 feet shall be provided.

6 If the ~~side~~ rear yard abuts a Residential District or a Village boundary line, a setback of 35 feet shall be provided.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-21**

**REPEALING SECTION 1262.08(e)(1) “CONDITIONAL USE REQUIREMENTS:
RESIDENTIAL: ACCESSORY DWELLING UNITS” OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING A
NEW SECTION 1262.08(e)(1) “CONDITIONAL USE REQUIREMENTS:
RESIDENTIAL: ACCESSORY DWELLING UNITS”**

Whereas, Section 1262.08(e)(1) “Conditional Use Requirements: Residential: Accessory Dwelling Units” of the Codified Ordinances of the Village of Yellow Springs, Ohio specifically requires that any accessory dwelling units contain a microwave oven; and

Whereas, many accessory dwelling units may contain a traditional oven for food preparation, which may be preferred by many; and

Whereas, the primary requirement should be for the provision of a safe method of food preparation but not, specifically, the provision of a microwave oven,

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

Section 1. Chapter 1262.08(e)(1) entitled “Conditional Use Requirements: Residential: Accessory Dwelling Units” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Chapter 1262.08(e)(1) entitled “Conditional Use Requirements: Residential: Accessory Dwelling Units” 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 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.

Brian Housh, President of Council

Passed: 5-21-18

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen __Y__ Judith Hempfling __Y__
Kevin Stokes __Y__ Lisa Kreeger __Y__

1262.08 SPECIFIC REQUIREMENTS.

In addition to the general standards of Section [1262.03](#) applicable to all conditional uses, additional requirements may be applicable to specific conditional uses and shall be satisfied in order to obtain approval. Conditional uses for which added requirements apply are:

(a) Commercial.

(1) Drive-through businesses, excluding restaurants.

A. The drive-up or drive-through facility must be attached to a building, except that an automated teller machine may be in a stand-alone structure with a canopy or similar roof to protect users from the elements.

B. The facility shall be screened from any adjacent residential district or use and lighting shall be limited and fully shielded to prevent glare and light trespass.

C. Drive-through and stacking lanes and parking lot access shall be clearly identified and delineated.

D. A drive-through shall have an escape lane to allow a vehicle to pass those waiting to be served.

E. All drive-through service windows shall be located on the side or rear of the building to minimize visibility from any abutting street.

F. Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to minimize associated noise impacts.

G. At least three stacking spaces shall be provided per each drive-through lane.

(2) Mortuaries and funeral homes.

A. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

B. Minimum lot area shall be one acre and minimum lot width shall be 150 feet.

C. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

D. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or other driveway.

(3) Retail of 10,000 square feet or more.

A. The building and site design shall be compatible with and complementary to the established character of the district with respect to scale, height, bulk, setbacks, building materials and pedestrian and bicycle transportation amenities.

B. Off-street parking areas shall be designed to minimize their visibility and obtrusiveness from the adjacent street(s).

C. No new driveways or other means of vehicular access shall be permitted on Xenia Avenue between Limestone and Corry Streets.

(b) Industrial.

(1) Chemical manufacturing and storage.

A. As part of the conditional use application, the applicant shall provide documentation, reports, studies and other materials required by the Village specifying the materials to be handled, safety measures, existing soil conditions, methods of protecting ground water and all other information required by the Village in the course of reviewing the proposed use and its location.

B. The facility shall at all times operate according to all applicable local, Greene County, State of Ohio and Federal regulations.

C. Adequate safety measures shall be implemented and in use at all times.

D. There shall be no storage of hazardous materials outdoors, except in tanks or containers designed for that purpose that are inaccessible to anyone not authorized to process or handle such materials, and that meet all applicable safety regulations.

E. The applicant shall provide a disaster mitigation plan and fire pre-plan, approved by the appropriate authorities, as part of the application for a conditional use.

F. Truck routes to and from the facility shall be subject to approval.

(c) Public/Quasi-Public.

(1) Churches, places of worship, schools (elementary, middle and high).

A. The use shall have frontage on and direct access to an arterial or collector street. Secondary access to a local street may be permitted if the applicant provides evidence satisfactory to the Planning Commission that the added traffic will not have a negative impact on the surrounding neighborhood.

B. All outdoor activity, parking areas and recreational space shall be screened from adjacent property in any residential district.

C. Exterior lighting shall be 90-degree style cut-off fixtures, directed away from adjacent property and the public right-of-way.

D. Parking areas shall not be located within the required front setback area and the building setback shall be consistent with the established average setback of adjacent properties, as provided in Section [1260.02\(a\)](#).

(d) Recreation/Food/Entertainment.

(1) Mobile vending (food trucks).

A. Food trucks may be permitted to operate within the B-1, E-I, I-1 and I-2 zoning districts.

B. The food truck shall be located only within an approved off-street parking lot; provided, the food truck shall not displace any required parking spaces.

C. The food truck shall not be located closer than ten feet to any driveway.

D. Outdoor seating may be permitted; provided, written permission is obtained from the property owner and the seating area does not displace any required parking spaces.

E. Amplified sound and free-standing signs shall not be permitted.

F. The food truck shall be stationary at all times when open for business.

G. The owner or an employee shall be present within the vehicle at all times while open for business.

H. Access to restroom facilities must be available.

I. The owner or operator of the food truck shall provide trash receptacles, other than public receptacles.

J. All equipment, other than outdoor seating, shall be inside, attached to or within three feet of the food truck.

K. Evidence of Greene County health department approval shall be provided.

L. Disposal of wastewater shall be into the sanitary sewer system. The use of storm drains or any other form of discharge is prohibited.

M. The conditional use approval shall be reviewed annually by the Village Manager to ensure compliance with all standards of this section and any other conditions that may have been imposed upon the original approval.

(2) Internet sweepstakes café.

A. A license shall be obtained in accordance with Village Ordinance 2011-12.

B. An internet sweepstakes café shall be located no closer than 500 feet from any school, church, public park, library or other internet sweepstakes café, as measured from nearest property line to nearest property line.

C. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.

(3) Outdoor commercial recreation.

A. The front, side and rear yard minimum setbacks shall be 50 feet for all buildings and outdoor components of the recreational facility.

B. The parking setback shall be 20 feet from lot lines in the front, side and rear yards in nonresidential zoning districts and 50 feet from lot lines in residential districts.

C. Building design and materials shall be compatible with the existing or intended character of the surrounding area.

D. An operations plan describing the nature of the use, hours of operation, etc. shall be provided.

E. The Planning Commission may also establish conditions to minimize negative impacts on nearby uses and traffic operations along public streets, such as, but not limited to hours of operation, noise buffering and location of waste receptacles.

(4) Restaurants, drive-through.

A. Sufficient vehicular stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.

B. A minimum of two parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

C. Public access to the site shall be located at least 100 feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the access.

D. Internal circulation and access to egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

E. Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to minimize associated noise impacts. Noise levels must comply with the Village noise ordinance ([Chapter 634](#)).

(5) Sexually oriented business.

A. Intent. In the development and execution of these zoning regulations, it is recognized that some uses, because of their very nature, may have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of sexually oriented businesses to certain uses considered particularly susceptible to the negative impacts of the concentration of sexually oriented uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute to a blighting effect on the surrounding

area. There is convincing documented evidence of the deleterious effect that sexually oriented businesses have on both existing businesses around them and the surrounding residential areas to which they may be adjacent. Therefore, the following intents are served by these regulations:

1. This subsection describes the uses regulated and the specific standards necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.

2. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution.

3. Additionally, it is not the intent of the provisions of this section, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said Federal and State constitutions.

4. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market.

5. These regulations shall not be interpreted as intending to legitimize any activities that are prohibited by Federal or State law, or by any other code of the Village.

B. Uses regulated. The following uses are regulated by this subsection and defined for purposes of regulating sexually oriented businesses:

1. Adult arcade.
2. Adult book store.
3. Adult cabaret, club, bar or lounge.
4. Adult motel.
5. Adult motion picture theater.

C. Regulations.

1. No sexually oriented business shall be permitted in a location in which any principal building or accessory structure, including signs, is within 1,320 feet of any principal building or accessory structure of another sexually oriented business.

2. No sexually oriented business shall be established on a parcel within 500 feet of any parcel in a residential district or any parcel used for a single-family, two-family or multiple-family residence, public park, school, child care facility, church or similar place of worship, public library, Village office, police department or fire department, youth center, or commercially operated school attended by children such as, for example, dance schools, gymnastic centers, etc. The distance between a proposed sexually oriented business and any such zoned area or existing use shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of that zoned area or existing use.

3. Any sign or advertising for the sexually oriented business must comply with the provisions of this code. No sign or advertising may include photographs, silhouettes, or drawings of any specified anatomical areas or specified sexual activities, or obscene representations of the human form and may not include animated or flashing illumination.

4. The entrances to the proposed sexually oriented business at both the exterior and interior walls, in a location visible to those entering and exiting the business, must be clearly marked with lettering at least two inches in height stating:

- a. "Persons under the age of 18 are not permitted to enter the premises;" and
- b. "No alcoholic beverages of any type are permitted within the premises."
- 5. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
- 6. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.
- 7. All off street and on-site parking areas shall comply with this code, based on the primary use (i.e., retail, assembly, etc.) and shall additionally be illuminated at all times.
- 8. Any booth, room or cubical available in any sexually oriented business that is used by patrons for the viewing of any entertainment shall:
 - a. Be unobstructed by any door, lock or other entrance and exit control device;
 - b. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - c. Be illuminated such that a person of normal visual acuity looking into the booth, room or cubical from its entrance adjoining the public lighted aisle can clearly determine the number of people within;
 - d. Have no holes or openings in any side or rear wall not relating to utility, ventilation or temperature control services or otherwise required by any governmental code or authority.
- D. Conditions of approval. Prior to granting approval for the establishment of any sexually oriented business, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the sexually oriented business which is necessary for the protection of the public interest. Any evidence, bond, or other performance guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- E. Access to minors. No person operating a sexually oriented business shall permit any person under the age of 18 to be on the premises of the business as an employee, customer, or otherwise.
- (e) Residential.
 - (1) Accessory dwelling units.
 - A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
 - B. The accessory dwelling unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.
 - C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
 - D. The accessory dwelling unit shall be limited in size to a maximum of 66% of the total living area of the principal dwelling or 800 square feet of the total living area of the principal dwelling or 800 square feet, whichever is less.
 - E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven and/or, stove and sink) and may contain not more than one bedroom.
 - F. No more than two adults shall occupy the accessory dwelling unit.
 - G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

(2) Bed and breakfasts.

A. A bed and breakfast shall not provide more than six guest rooms plus a common area for use by all guests.

B. A bed and breakfast establishment shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.

C. The bed and breakfast shall be the principal residence of the owner or manager, who shall reside there when the bed and breakfast is in operation.

D. Meals shall be limited to breakfast and evening snack, and shall be served only to guests of the facility and members and guests of the owner's family.

E. There shall be at least one off-street parking space provided for each guest room, in addition to the parking spaces required to serve the principal residence.

F. One sign, not exceeding four square feet, shall be allowed for identification purposes only and shall either be mounted on the front wall of the dwelling or placed within the front yard no closer than ten feet to the front lot line. Sign lighting shall be indirect and shielded from view off-site. Internally lighted signs are not permitted.

G. Cooking facilities shall not be permitted in bed and breakfast guest rooms.

H. Exterior refuse storage facilities shall be screened from view on all sides by a six-foot solid decorative fence, wall, vegetation or similar visual barrier.

I. In addition to the site plan required by this chapter, a floor plan of the dwelling unit and the use of each room shall be submitted with the conditional use application.

(3) Boarding houses.

A. The boarding house shall front on and have direct access to an arterial or collector street.

B. A maximum of ten guest rooms may be permitted.

C. Off-street parking shall be provided at a ratio of one space per guest room. The parking area shall be located in the rear yard and screened from adjoining properties.

D. One sign, not exceeding four square feet, shall be allowed for identification purposes only, and shall either be mounted on the front wall of the dwelling or placed within the front yard no closer than ten feet to the front lot line. Sign lighting shall be indirect and shielded from view off-site. Internally lighted signs are not permitted.

(4) Dwelling units on upper floors with nonresidential at street level.

A. Dwelling units shall not be located on the street level of a mixed use building.

B. Nonresidential uses, including storage, shall not be located on the same floor as a dwelling unit.

(5) Home occupation.

A. Permit. Application for a home occupation permit shall be made to the Zoning Administrator, together with payment of such fee as may be established by Village Council. The requirement for a permit shall be waived if all of the following conditions apply to the home occupation: the proposed home occupation will not employ any persons other than residents of the dwelling; the home occupation is such that it will not generate customers, clients or visitors to the home; there will be no sign on the property identifying the home occupation and all other provisions of this section shall be met.

B. If the Zoning Administrator cannot determine if the home occupation conditional use requirements are met, in his or her sole discretion the Zoning Administrator may refer the matter

to the Planning Commission for a conditional use hearing in accordance with the procedures of this chapter.

C. The use shall be conducted entirely within the dwelling, with the following exception(s):

1. The use may be conducted entirely within a garage or accessory building unattached to the dwelling in property zoned R-A, or R-B or R-C as long as the use is not prohibited in a Planned Unit Development, recorded deed restrictions or other similar applicable recorded restrictions upon the parcel.

2. Any dwelling, garage or accessory building used in the home occupation shall comply with all other applicable Village ordinances and requirements and shall not be nonconforming with respect to lot, width and dimensional requirements.

D. The use shall be carried on only by the residents of the dwelling and not more than one other person.

E. The use of the dwelling for a home occupation must be clearly accessory, incidental and subordinate to the permitted principal residential use, and shall not utilize more than 20% of the usable floor area of the principal dwelling or its equivalent if conducted within an accessory building, or 250 square feet, whichever is less.

F. The appearance of the dwelling shall not be altered, nor shall the occupation within the dwelling be conducted in any manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds, vibrations or light that carry beyond the premises.

G. No outdoor storage, activities or displays shall be permitted.

H. No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all Federal, State and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.

I. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. The use shall not create a nuisance for the public and any surrounding property.

J. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district. Vehicles used in the home occupation or making deliveries shall be no larger than utility vehicles commonly used for noncommercial purposes, i.e, pick-up trucks, vans, panel trucks and the like and parcel package delivery trucks.

K. The home occupation shall not entail more than eight client visits per day or 40 per week. The operator of the home occupation is responsible for maintaining a log of such visits.

L. Parking of motor vehicles shall be limited to one vehicle used for the home occupation per parcel. Parking generated by the conduct of the home occupation shall be provided for on the lot's driveway, which shall meet the minimum size requirements for off-street parking set forth in [Chapter 1264](#). Parking of motor vehicles generated by the home occupation are not allowed on the street or on any unpaved area of the lot.

M. In the event any of the above conditions or other conditions required by the Planning Commission are not met, the revocation process as set forth in Section [1262.06](#) shall take place.

(6) Short-term rentals.

A. Permit. Upon approval of the conditional use, the owner shall submit to the Zoning Administrator the name and emergency contact information for the owner or property manager

who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the short-term rental property or tenants.

B. Location. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood.

C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable Health Department requirements.

(f) Storage and Distribution.

(1) Cartage, express and parcel delivery facilities, freight terminals, warehousing and storage.

A. The site shall have a minimum area of ten acres, provided the Planning Commission, may reduce the site area to no less than five acres where it is demonstrated to its satisfaction that the truck terminal operation will be compatible with other surrounding uses.

B. All ingress and egress from the site shall be directly onto an arterial street.

C. The site shall be designed so all vehicles are able to enter and leave the site without having to back out onto the street. Driveways shall be curbed for their full length in the front yard.

D. The Planning Commission shall determine that traffic will be no more hazardous nor the volume of traffic any greater than the capacity for the street involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of intersections. All access to the site shall be from arterial streets built to a standard to accommodate heavy trucks.

(2) Mini-warehouse and self-storage facilities.

A. The minimum size of the site shall be not less than two acres.

B. All ingress and egress from the site shall be directly onto an arterial or collector street.

C. No storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the Fire Prevention Code, or toxic materials, shall be permitted within the self-storage buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted.

D. The use of the premises shall be limited to storage of personal items and business items and shall not be used for operating any other business, maintaining or repairing vehicles or for any recreational activity or hobby.

E. Limited retail sales of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted.

F. All yards abutting a street shall be screened from view in accordance with the requirements of Section [1270.02\(b\)](#).

G. A security manager may be permitted to reside on the premises. A minimum of two parking spaces shall be provided for the dwelling unit.

H. This use shall not be permitted within the Gateway Overlay District.

(g) Utility.

(1) Wireless communication facilities.

A. Required approvals. The placement of wireless communications facilities and towers shall meet the following approval requirements:

1. Installation of new antenna. The installation of new antenna(s) on existing towers, including legal nonconforming towers, and existing alternative structures (such as water towers,

buildings, or church steeples) may be approved by the Zoning Administrator, subject to all requirements of this section. Any new antenna that will add either 10% or 20 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this chapter for the installation of new towers as described below.

2. Installation of new accessory structures. The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the Zoning Administrator.

B. Removal. Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his or her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the Zoning Administrator, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.

C. Interference with public safety facilities. No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.

D. Required documentation for all facilities. In addition to the requirements provided in this chapter for the receipt of conditional use approval, applications for new towers, new antenna, and new related facilities shall include the following: Where the equipment is mounted on an existing building, the comparable information for that structure shall be provided.

1. Engineer's report. A report from a professional engineer licensed in the State of Ohio that:

- a. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation;
- b. Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antennas it can accommodate;
- c. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces: ice, wind, earth movements, etc.);
- d. Certifies that the facility will not interfere with established public safety telecommunication facilities; and
- e. Includes the engineer's seal and registration number.

2. Letter of intent. A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.

3. Proof of compliance. Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other appropriate State and Federal agencies.

4. Removal affidavit. A letter committing all parties, including the property owner and his or her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in Greene County, with a copy of the recorded affidavit provided to the Zoning Administrator.

E. Determination of new tower need. Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Ohio that the antenna(s) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two-mile radius of the proposed tower location due to one or more of the following reasons:

1. Existing public site. There are no existing publicly- owned towers or sites suitable to accommodate the proposed tower or antennas.

2. Inadequate structural capacity. The antenna(s) would exceed the structural capacity of an existing or approved tower or other structure.

3. Interference. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.

4. Inadequate height. The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.

5. Land availability. Additional land area is not available (when necessary).

F. Design requirements for new towers and related facilities. All telecommunications facilities shall meet the following design requirements:

1. Lighting. Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other Federal or State authority. All ground-level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90-degree cut-off luminaries (shielded down lighting).

2. Co-location. All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.

a. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.

b. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.

3. Height. All towers and antenna shall conform to FAA tall structure requirements. The maximum height of accessory structures shall be 15 feet.

4. Signs. Signs for all telecommunications facilities shall be permitted up to a total of four square feet per user and mounted on the fence.

G. Site requirements for new towers and related facilities. All telecommunications facilities shall meet the following site requirements:

1. Vehicular access. Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements.

2. Site area. The lot (or lease area) where the tower is located shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities.

a. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.

b. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property so it is no closer to any lot line than one-half the tower height.

c. All tower supporting and stabilizing wires shall be located within the site area.

3. Setback. The required setbacks for the tower and related facilities shall be as follows:

a. Side and rear setback. The minimum side and rear setback for all facilities, including the security fence, shall be 25 feet.

b. Front setback. The minimum front setback for all facilities shall be as specified by this code for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in the required front setback.

c. Additional setback from residential districts. No facility shall be placed closer than one and one-half times the total height of the tower or 200 feet, whichever is greater, to any property included in a residential district.

d. Additional landscaping. Landscape screening, in addition to the requirements of this chapter, may be provided in the setback area.

4. Encroachment. No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, sidewalk, or property line.

5. Fencing. An eight-foot high security fence shall completely surround the tower and accessory equipment building site. Any deterrents, such as barbed wire, shall be at least eight feet above grade.

a. An area ten feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in subsection (g)(1)H., below.

b. In the residential districts, the required security fence enclosing the facility shall be 100% opaque and of wood, brick, or stone construction. Opaque, eight-foot-tall gates shall be provided for access. In no instance shall the use of chain link fencing or gates with screening inserts be considered as opaque.

H. Landscape screening. Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all wireless communications facilities. The landscape plan for the site shall provide plants in a number and design to provide a screen of the fence, all equipment and the base of the tower, as determined by the Planning Commission.

1. If evergreen shrubs are used they shall be planted a maximum of five feet apart on center.

2. If evergreen trees are used they shall be planted a maximum of ten feet apart on center.

(h) Vehicle and Transportation.

(1) New and used vehicle sales.

A. The minimum lot size shall be one-half acre with a minimum lot width of 200 feet.

B. Signs shall conform to the requirements of [Chapter 1266](#). Flags, pennants, balloons, ribbons, or other attention getting devices are not permitted.

C. Temporary or portable structures are not permitted.

D. Outdoor display.

1. Vehicles, for sale or otherwise, shall be parked on approved hard surfaces.

2. Vehicle display areas shall meet the setback requirements for parking areas as required in the B-2 District.

3. Vehicle display or storage shall not be allowed in areas required for visitor, employee or service parking, as required by [Chapter 1264](#).

4. All other merchandise available for sale, including, but not limited to, clothing, accessories, collectibles etc. shall be sold and displayed within an enclosed building.

E. All service work, including car washing, repair and general maintenance, shall be conducted entirely within an enclosed building.

F. Audible paging systems or outdoor speakers are not permitted.

G. The use of spotlights or similar equipment is prohibited.

(2) Vehicle repair, major.

A. All main and accessory structures shall be set back a minimum of 75 feet from any residential district.

B. There shall be a minimum lot frontage of 100 feet or the zoning district requirement, whichever is greater, on an arterial or collector street, and all access to the property shall be from that street.

C. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

D. A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.

E. Overhead doors shall not face a public street or residential district. The Planning Commission may modify this requirement upon a determination that there is no reasonable alternative and the poor visual impact will be diminished through use of building materials, architectural features and landscaping.

F. All maintenance and repair work shall be conducted completely within an enclosed building.

G. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.

H. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to 30 days in a designated area. Such area shall be screened from public rights-of-way by a solid, sight-obscuring fence or wall six feet in height.

I. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent ground water contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.

(3) Vehicle repair, minor.

A. A building or structure shall be located at least 40 feet from any side or rear lot line abutting a residential district.

B. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

C. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.

D. All activities shall occur inside a building. No vehicle may be stored outside on the property for more than five days.

E. Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted.

F. Floor drains shall not connect to the sanitary sewer system.

G. The minimum required lot frontage shall be on an arterial or collector street and all access to the property shall be from that street.

H. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent ground water contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.

I. If the use includes fuel sales, the requirements for a vehicle service station shall also be met.

(4) Vehicle service stations.

A. There shall be a minimum lot area of one acre and minimum lot width of 150 feet on an arterial street.

B. Only one driveway shall be permitted from each street, unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

C. Pump islands shall be a minimum of 30 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.

D. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. All signs, logos, or identifying paint scheme shall be in accordance with [Chapter 1266](#). The canopy shall not exceed 18 feet in height. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

E. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent ground water contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.

F. In the event that a service station use has been abandoned or terminated for a period of more than 12 months, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.

G. A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurants; provided all requirements, including parking, are met for each use and the most restrictive requirements applicable to any single use shall apply.

(5) Vehicle wash facilities.

A. All washing activities must occur inside a building.

B. The building exit for washed vehicles must be at least 75 feet from the entrance drive that accesses the site.

C. Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.

D. Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers. All such water shall be discharged only into the public sanitary sewer system.

E. Only one driveway shall be permitted from any street, unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.

F. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

G. For automated drive-through wash facilities, a by-pass lane is required that allows by-passing waiting vehicles.

H. Overhead doors shall not face a street, except if approved by the Planning Commission in these circumstances:

1. When the doors of a through garage are located at the front and rear of a building; or
2. When a garage is located on a corner or through lot; or
3. When determined that a rear garage door would negatively affect an abutting residential use or district.

I. A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 50 feet from a street right-of-way line and 100 feet from any residential district boundary.

J. The property owner or operator must comply with all applicable noise regulations. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles, be in proper working condition and must also comply with this provision.

(Ord. 2013-19. Passed 9-16-13; Ord. 2016-04. Passed 4- 16-16; Ord. 2016-17. Passed 9-19-16.)

**VILLAGE OF YELLOW SPRINGS
RESOLUTION 2018-14**

CREATING AN ECONOMIC DEVELOPMENT INCENTIVE POLICY

WHEREAS, the Council of the Village of Yellow Springs, firmly believes that economic development is essential to the continued financial health and well-being of the Village; and

WHEREAS, incentives related to economic development are extremely helpful in not only attracting new businesses, but also in assisting existing businesses to expand and develop; and

WHEREAS, incentives have been offered by the Village in the past in order to attract and assist business development; and

WHEREAS, the Village of Yellow Springs wishes to revive that practice under new guidelines that are in concurrence with the stated Village Values; and

NOW, THEREFORE, BE IT RESOLVED by the Council for the Village of Yellow Springs that

Section 1. The Economic Development Incentive Policy attached as Exhibit A is hereby adopted.

Section 2. The Village Manager is instructed to implement the Economic Development Incentive Policy.

Signed: Brian Housh, President of Council

Passed:

Attest: Judy Kintner, Clerk of Council

Housh _____

MacQueen ____

Hempfling ____

Stokes ____

Kreeger_____



The Economic Sustainability Commission provides information and makes recommendations to Council regarding economic development for the Village of Yellow Springs, identifying primary opportunities for economic development in the Village and strategies to support these efforts and facilitating a forum for incubating ideas and networking among diverse groups working on economic development in the Village.

VILLAGE OF YELLOW SPRINGS INCENTIVE POLICIES

The Village of Yellow Springs encourages investment in the community by for profit and non-profit entities. That investment can take many forms such as commercial expansion; new housing construction; activity that supports business, job, or tax base growth and retention, or projects that contribute to improving the quality of life in the community by supporting Village Values and Goals.

VILLAGE VALUES

The Yellow Springs Village Council strongly believes in the following values around which annual goals are written and policy decisions are made:

Value #1 - Deepen decision-making processes with active citizen participation and effective representative governance.

Value #2 - Be an excellent employer and provider of services within a responsible fiscal framework.

Value #3 - Be a welcoming community of opportunity for people of diverse races, ages, sexual orientations, cultures and incomes and abilities.

Value #4 - Pursue a strong economy that provides diverse employment, a stable tax base and supports the values of the community.

Value #5 - Seek, in all our decisions and actions, to reduce the carbon footprint of the community and encourage sound ecological practices throughout.

Value #6 - Provide careful, creative and cooperative stewardship of land resources.

INCENTIVE OPPORTUNITIES

Incentive requests that support Village Values include but are not limited to the following:

- Low interest loans or grants
- Abatement/credit of income or property tax
- Land sale or swap
- Utility easements or extensions
- Other Infrastructure
- Fee waivers
- Other as deemed appropriate

QUALIFYING PROCESS

- Submit application to the Village Manager
- Manager reviews and prepares a recommendation to Council based on the scoring sheet
- Granting of the incentive requires a majority vote of Council

QUALIFYING CRITERIA

Applicant must identify and support how their project will achieve one or more of the following:

- Job creation/retention with a good faith effort to hire Yellow Springs/Miami Township residents

Exhibit A Resolution 2018-14

- Construction of new or expanded facilities, equipment or residential units
- Expanded operations with a focus on innovation
- Generation of additional property and/or income tax
- Meeting a community goal within the guidelines of the Village Values
- Leveraging of additional resources by incentive award

AWARDING OF INCENTIVES

Following is the process and requirements to be awarded an incentive:

Cost/Benefit Analysis: Applicants must provide a cost/benefit analysis addresses all the factors of the project, both tangible and intangible. It is a general policy to expect a positive cost/benefit analysis.

Review of the Request: The project proposal and cost/benefit analysis will be presented to the appropriate entity for review and recommendation to Council who will then make the final decision on awarding an incentive.

Project Success: The applicant must demonstrate that they have the necessary experience and capacity to complete a successful project.

Regulatory Compliance: Every proposed project shall be in compliance with zoning/building/health/fire codes, air quality codes, plus any other applicable statute and regulation. The applicant will not have other outstanding findings and orders that would threaten the success of the proposed project.

Outstanding Fines and Bills: There shall be no outstanding, unpaid environmental fines, orders, taxes (including income, payroll and property taxes), Village utility bills or fines, for the applicant either at this project's location or at other locations.

Prohibited Costs for Funding: Local incentive programs will not be used to provide funds for operating funds, refinancing, or lobbying and political donations.

Prior Incentives Awarded: The request for the incentive will include a statement regarding the terms and project outcome of any past awards of incentives to ensure equitable distribution of incentives and successful project completion.

INCENTIVE COMPLIANCE REQUIREMENTS

Entities that are awarded an incentive must adhere to the compliance requirements following:

Terms: Incentives granted should have a general term of no more than five (5) years unless there are circumstances demonstrated by the cost/benefit analysis.

Annual Reporting: Any project awarded an incentive will report within 30 days of project completion or annually during the term of the incentive to the appropriate entity with a statement of the factors for which the applicant's incentive was awarded, for example – a report of the jobs created and retained by position, a report of the building project or investments, an accounting of payments. The project and its accomplishments will be reviewed and a report made to Council with final recommendations regarding continuation or compliance concerns.

Accountability: The applicant will be legally held accountable for compliance with the terms of an incentive. Typically, the applicant benefiting from the incentive must be the same firm that commits the investments, creates/retains jobs, etc.; a third party cannot comply except under circumstances that are agreed upon at the time of the award.

Exhibit A Resolution 2018-14

Penalties: An applicant could be subject to a payback of the incentive if it is partially or completely non-compliant to all the promises agreed to as part of the incentive, or at a minimum, suspension of the incentive could be recommended, subject to review and action by Village Council.

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2018-17**

**AWARDING A CONTRACT TO HI-TECH ELECTRICAL CONTRACTORS, LLC FOR THE
REMOVAL AND REPLACEMENT OF 11 ELECTRICAL POLES AND LINES FOR THE
VILLAGE OF YELLOW SPRINGS**

WHEREAS, the Village of Yellow Springs has approximately 180 electric poles that need to be replaced;
and

WHEREAS, the Village has the capacity to replace approximately 90 of those poles using Village staff;
and

WHEREAS, the Village does not have the capacity in either personnel or equipment to replace the
remaining poles; and

WHEREAS, Hi-Tech Electrical Contractors LLC was the only company who wished to submit a quote to
replace eleven (11) poles, and

WHEREAS, Hi-Tech Electrical Contractors, LLC have to date no unresolved Findings for Recovery on
record with the Auditor of State,

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

Section 1. The contract to replace eleven (11) electric poles is hereby awarded to Hi-Tech Electrical
Contractors LLC.

Section 2. The amount of the contract shall not exceed \$49,000.00.

Section 3. The Village Manager is hereby authorized and directed to enter into a contract to complete the
improvements with Hi-Tech Electrical Contractors LLC.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll Call: Housh _____ MacQueen _____ Hempfling _____
 Stokes _____ Kreeger _____

Hi-Tech Electrical Contractors LLC

PO Box734
Washington C.H., OH 43160
State License #44955
740-606-8077

Proposal**Proposal Date:** 4/13/2018**Proposal #:** 631**Project:****Bill To:**

Village of Yellow Springs
Attn: Johnie Burns
100 Dayton St
Yellow Springs, Ohio 45387

Description	Est. Hours/Qty.	Rate	Total
- Proposal to change 11 poles for Village of Yellow Springs			
Total		49,000.00	49,000.00
Thank you for your business.		Total	\$49,000.00

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2018-18**

APPOINTING JOHNNIE BURNS AS PUBLIC WORKS DIRECTOR

WHEREAS, the position of Public Works Director currently exists in the Village Organizational Chart, as approved by Council, but said position has been unfilled for several years; and

WHEREAS, the Village as a whole is experiencing an unprecedented need for the close coordination of all infrastructure projects to make the best use of limited resources; and

WHEREAS, filling the position of Public Works Director with a highly qualified individual would better facilitate the coordination of all capital improvements; and

WHEREAS, the Village of Yellow Springs internally posted the notice for the vacant position of Public Works Director; and formed an interview committee that identified and interviewed two candidates; and

WHEREAS, the interview committee met with the prospective candidates and provided feedback to the Village Manager to consider for the purpose of making the final hiring decision as prescribed under the Village Charter, and

WHEREAS, the Village Manager has considered the feedback and determined that Johnnie Burns should be extended an offer of employment as the Public Works Director for the Village of Yellow Springs and makes same recommendation to Council,

NOW THEREFORE, Council for the Village of Yellow Springs, Ohio hereby resolves that:

Section 1. Johnnie Burns is hereby extended an offer of employment to serve as Public Works Director for the Village of Yellow Springs, to serve at the pleasure of the Village Manager.

Section 2. The duties of the Public Works Director shall be those as provided for in the job description for the Public Works Director and pursuant to the Employment Agreement attached to this Resolution as Exhibit A.

Section 3. The Employment Agreement is hereby approved in substantially the same form as Exhibit A. The Village Manager is hereby authorized to execute the Employment Agreement and to take such other actions on behalf of the Village as may be necessary to assure this appointment.

Section 5. This Resolution shall be in full force and effect upon its adoption. It is the intent of the Council that the Employment Agreement will be effective upon signature by the parties.

Brian Housh, President of Council

Passed: 5-21-2018

Attest: _____
Judy Kintner, Clerk of Council

Roll Call: Brian Housh __Y__ Marianne MacQueen __Y__ Judith Hempfling __Y__
Kevin Stokes __Y__ Lisa Kreeger __Y__

**VILLAGE OF YELLOW SPRINGS
PUBLIC WORKS DIRECTOR EMPLOYMENT AGREEMENT**

This Employment Agreement ("Agreement") is made and entered into this 28th day of May 2018, by and between the **Village of Yellow Springs**, Ohio, a municipal corporation ("the Village"), and **Johnnie Burns** ("Employee").

WITNESSETH:

WHEREAS, the Village, through its Village Manager, desires to appoint Employee to be the Public Works Director, categorized as a salaried (Exempt) position pursuant to the Village Personnel Policy Manual; and

WHEREAS, it is the desire of the Village to provide certain benefits, establish certain conditions of employment, and set working conditions of said Employee; and

WHEREAS, it is the desire of Employee to accept employment as the Public Works Director;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. Duties and Hours of Work:

The Village Manager hereby appoints Employee as Public Works Director effective the 28th day of May 2018. Employee shall perform the duties set forth in the position description for Public Works Director including proper duties and functions as the Village Manager may from time to time assign.

Employee shall devote a minimum of eighty (80) hours on a bi-weekly basis (concurrent with pay periods) to official Village business. Employee shall be designated as an "Exempt" employee and it is expected that, through a combination of office hours and meetings, the Employee shall work a minimum of forty (40) hours each week. It is recognized that the Employee must devote some time outside the normal office hours to business of the Employer. Employee shall not receive additional compensation based on hours worked in excess of forty (40), but shall be allowed to establish an appropriate work schedule to offset hours worked in excess of forty (40) as approved by the Village Manager.

2. Term:

This Agreement is for a term of two (2) years, subject to the provisions of Paragraphs 3 and 4 below, which term may be renewed for successive periods of two (2) years thereafter by agreement of the Parties.

The Parties acknowledge the at-will nature of their employment relationship. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Village Manager to discharge Employee, subject only to the provision set forth in Paragraph 3 of this Agreement. Likewise, nothing in this Agreement is intended to prevent, limit or otherwise interfere with the right of Employee to resign at any time from Employee's position with the Village.

3. Termination and Severance Pay:

If Employee is discharged by the Village Manager at any time during Employee's employment without Cause, the Village will pay Employee severance pay in an amount equal to ninety (90) days aggregate salary and benefits, and Employee shall be compensated for accrued benefits in accordance with the

Personnel Policy Manual of the Village. In the event Employee is discharged for Cause as defined below, the Village shall have no obligation to provide severance pay or benefits pursuant to this Paragraph.

For purposes of this Agreement, "Cause" shall mean: (a) failure to perform Employee's duties (other than any such failure resulting from incapacity due to physical or mental illness); (b) failure to comply with any valid and legal directive of the Village Manager; (c) engaging in dishonesty or illegal conduct; (d) embezzlement, misappropriation or fraud, whether or not related to Employee's employment with the Village; or (e) being charged with a crime that constitutes a felony or a crime that constitutes a misdemeanor involving moral turpitude.

4. Resignation:

If Employee voluntarily resigns her position with the Village, Employee shall give the Village thirty (30) days' notice in advance, unless the parties agree otherwise in writing. Upon receiving notice, the Village, at its option, may choose to waive Employee's service for all or any part of the thirty (30) day notice period, provided that the Village continues to pay Employee's salary during the remaining notice period. Such a waiver by the Village will not trigger the severance pay provisions of Paragraph 3 above.

5. Salary:

The Village agrees to pay Employee an annual salary of \$95,000.00, commencing on Employee's first day of this agreement. Mutually agreeable changes and adjustments may be made by the Village at any time. Salary shall be payable in equal installments every two weeks, at the same time and in the same manner as other employees of the Village. In addition, Employer agrees to increase said base salary and/or other benefits of Employee in such amounts and to such extent as the Village Manager may determine is desirable to do so on the basis of an annual performance evaluation (Article 7).

6. Benefits:

All applicable provisions of the Village's Personnel Policy Manual relating to employee benefits, including but not limited to holidays, personal leave, sick leave, medical insurance, retirement and pension system contributions, or as such provisions may hereafter be amended by the Village, shall apply to Employee as they would to other employees of the Village, in addition to all benefits included herein.

The Village shall provide Employee with life insurance in the amount of \$50,000.00, subject to acceptance by carrier with double indemnity for accidental death.

Paid vacation shall accrue thereafter at the rate of fifteen (15) days per year, accrued January 1 of each calendar year. Employee may not carry forward more than five (5) days of vacation from one calendar year to the next and unused vacation time will not be paid at the end of the calendar year unless specifically authorized by the Village Manager, in writing. Employee shall receive compensation for unused, accrued vacation leave up to a maximum of forty (40) business days, at the then current rate of pay, upon termination without Cause or upon resignation with timely notice as set forth in Paragraphs 3 and 4 above.

7. Performance Evaluation

The Village Manager shall review and evaluate the performance of Employee annually. This evaluation shall be in accordance with the criteria and format developed jointly by Employee and the Village Manager.

8. Dues and Subscriptions

The Village will pay reasonable expenses for dues, subscriptions, conferences and out-of-pocket costs as are necessary to the performance of Employee's duties and Employee's professional development, to the extent that they benefit the Village. Such expenses must be approved in advance by the Village Manager.

9. Indemnification

The Village shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Public Works Director. The Village, or its insurance carrier, may, without personal cost to Employee, compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. Claims arising after the resignation or discharge of Employee but which are based on events which are alleged to have occurred during Employee's employment shall also be covered. Indemnification shall not apply to any claim, demand or other legal action, whether criminal or civil, where the alleged liability arises out of Employee's criminal activity.

10. Other Terms and Conditions of Employment

A. The Village agrees to budget and pay reasonable expenses for dues, subscriptions, conferences and out-of-pocket costs as are necessary to the performance of Employee's duties and Employee's professional development, to the extent that they benefit the Village.

B. The Village shall provide Employee with a cell phone for official Village business.

C. The Village shall provide Employee with a car when at work.

D. The Village Manager and Employee may mutually agree to amend this agreement from time to time as they may determine it necessary to establish other terms and conditions of employment, provided that any such amendment is not inconsistent with the Village Charter or other law.

11. General Provisions.

A. The text herein and the Village Charter and ordinances and resolutions shall constitute the entire agreement between the parties.

B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Employee.

C. This agreement shall be binding upon the Village regardless of changes in the Village Council membership.

D. This agreement shall be effective beginning May 28, 2018.

E. This Agreement constitutes the entire agreement between the parties, superseding all prior arrangements and agreements, and may be modified, amended or waived only by a written instrument signed by all of the parties.

The Village may fix other such terms and conditions of employment from time to time as it may determine necessary or desirable relating to the performance of Employee, provided such are not inconsistent or in conflict with the provisions of this Agreement, the Village Charter, or law.

12. Severability

If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the Village has caused this agreement to be signed and executed on its behalf by the Village Manager, and Employee has signed and executed this Agreement, as set forth below.

VILLAGE OF YELLOW SPRINGS

By: _____
Village Manager

Date: _____

Its _____

EMPLOYEE

Date: _____

Village of Yellow Springs, Ohio
Resolution 2018-19

HONORING SOUTHWEST OHIO HUGH O'BRIAN YOUTH (HOBY) FOR OUTSTANDING
ACCOMPLISHMENTS AND DECLARING JUNE 28-July 1, 2018 AS "SOUTHWEST OHIO HUGH
O'BRIAN YOUTH DAYS IN THE VILLAGE OF YELLOW SPRINGS, OHIO"

WHEREAS, Council for the Village of Yellow Springs, Ohio, supports the Hugh O'Brian Youth Leadership (HOBY) program goal "to inspire and develop our global community of youth and volunteers to a life dedicated to leadership, service and innovation"; and

WHEREAS, in the summer of 1958, actor Hugh O'Brian motivated by the unforgettable experience he had with Dr. Albert Schweitzer, developed a leadership seminar focused on the young leaders of our nation; and

WHEREAS, the core values that guide the vision of the HOBY team center around Volunteerism; Integrity; Excellence; Diversity; and Community Partnership; and

WHEREAS, in the 60 years that HOBY has been in existence, it consistently receives honors as one of our nation's top youth leadership organizations, with participants in all 50 states and more than 20 countries; over 4,000 volunteers who have logged over 3.5 million hours of service; making over an 85 million dollar economic impact on communities; and

WHEREAS, HOBY carries out its mission by inspiring young people to make a difference and become catalysts for positive change in their home, school, workplace, and community; and

WHEREAS, the Southwest Ohio HOBY Leadership seminar will take place June 28 – July 1, 2018 at Antioch College;

NOW, THEREFORE, BE IT RESOLVED that Council for the Village of Yellow Springs does hereby

Section 1: Congratulate Southwest Ohio HOBY for its positive effect on youth and community.

Section 2: Proclaim June 28 through July 1, 2018, as Southwest Ohio Hugh O'Brian Youth Days in the Village of Yellow Springs, Ohio.

Section 3: Encourage all citizens to acknowledge the importance of successfully motivating our youth and encouraging them to be an inspiration to others.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____

Kevin Stokes _____ Lisa Kreeger _____

THE HOBY STORY

Hugh O'Brian Youth Leadership (HOBY) has worked diligently at helping young people make a difference and become positive catalysts for change in the home, school, workplace, and community. As the nation's premier nonprofit youth leadership development organization, HOBY is respected worldwide.

Beginnings in an African Jungle

In the summer of 1958, actor Hugh O'Brian received the invitation that would change his life.

O'Brian, then 33, was in Winnipeg, Manitoba, parlaying his fame as television's legendary Wyatt Earp into extra income by guest-starring in a rodeo.

HOBY's mission is to inspire and develop our global community of youth and volunteers to a life dedicated to leadership, service, and innovation.



Then the cable arrived from French Equatorial Africa: renowned humanitarian and 1952 Nobel Peace Prize winner Dr. Albert Schweitzer would welcome him at any time.

O'Brian had long admired the German doctor-missionary-theologian-musician. "I'd read so much about him," he reflects. "He was a great humanitarian who could have done anything he wanted in the world, and there he was in the middle of Africa taking care of people."

Within two weeks he was on his way, by commercial airliner, bush plane and canoe, to the famed hospital that Schweitzer had founded in 1913 on the banks of the Ogooue River in Lambarene.

The actor spent nine days at the clinic complex where Schweitzer and volunteer doctors and nurses, working without electricity or running water, cared for patients, including many with leprosy.

The doctor was impressed that the young American had taken the trouble to visit him. He shared stories and life lessons with O'Brian each evening. Schweitzer, then 83, was concerned about global peace prospects and was convinced that the United States should take a leadership role in achieving peace. He impressed upon the young O'Brian the urgency for change and how education must teach young people to think for themselves.

It was an unforgettable nine days. And, as O'Brian departed, Schweitzer took his hand, looked deep into his eyes, and asked, "Hugh, what are you going to do with this?"

Two weeks after returning from his 1958 meeting with Schweitzer, O'Brian put together a prototype seminar for young leaders: HOBY. And the rest is living history.

By the Numbers

- **Twenty-six student Ambassadors** participated in the very first HOBY leadership seminar. Now, nearly **six decades** later, there are more than **450,000 Alumni** that are part of the HOBY legacy.
- Each year, more than **10,000 students** attend HOBY Leadership programs from across the U.S. and around the world.
- Our Ambassadors represent more than **7,200 U.S. high schools**.
- There are **70 State Leadership Seminars** each spring across the country.
- More than **4,000 committed HOBY volunteers** plan, fundraise, and help to produce the programs each year. **65% of volunteers are HOBY Alumni**.
- HOBY's total paid staff is **16 full-time equivalents**.
- HOBY Alumni have logged approximately **four million hours of service** since the inception of Leadership for Service.



Through the Years

- **1958 - 1967:** Leadership Seminars took place annually in Los Angeles for sophomores throughout California.
- **1968:** The scope of the HOBY program grew to include national and international participants, which led to the expanded week-long international leadership seminar, now called the **World Leadership Congress (WLC)**. The WLC is held annually in different major cities across the United States.
- **1977:** In an effort to include more students nationwide, three- and four-day **State Leadership Seminars (LS)** were instituted, with Delaware, Illinois, New Jersey, New York, and Rhode Island being the first to conduct HOBY Leadership Seminars.
- **1982:** Within five short years, State Leadership Seminars were being conducted annually in all 50 United States with the help of many partner civic organizations.
- **1991:** HOBY extended its reach and started a one-day leadership program called **Community Leadership Workshops (CLWs)**. These workshops, now held for high school freshmen, allow schools to select many students to participate.
- **1997:** To secure its commitment to local communities, HOBY began **Leadership for Service (L4S)**, which challenged HOBY Ambassadors to volunteer a minimum of 100 hours in their community.
- **2011:** HOBY went global and revitalized its **International Programs**, which allowed HOBY Alumni to visit and experience the cultures of other countries.
- **2013:** The **Advanced Leadership Academy (ALA)**, a five-day program, was created to provide high school juniors and seniors with an extended HOBY experience.
- **2016:** HOBY Founder Hugh O'Brian passed and HOBY established the **Hugh O'Brian Legacy Fund** to continue Mr. O'Brian's impact.



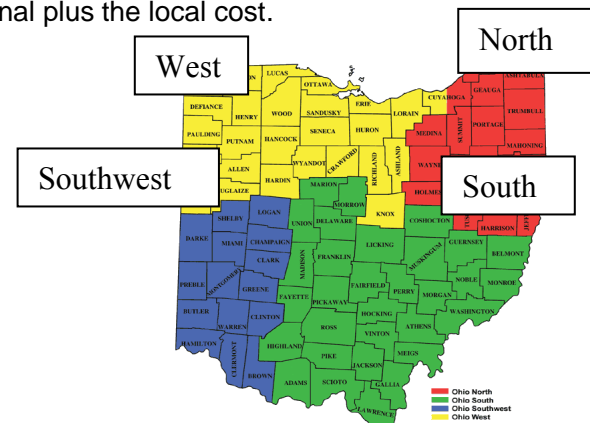
Southwest Ohio
OB Leadership Seminar
www.swohiohoby.org

P.O. Box 340814
 Beavercreek OH 45434-0814
 (937) 207-8180
SWOHHOBY@gmail.com

What is Hugh O'Brian Youth Leadership (HOBY)?

- Inspired by his meetings with Dr. Albert Schweitzer, Hugh O'Brian founded HOBY in 1958 to motivate and empower individuals to make a positive difference within our global society through understanding and action, based on effective and compassionate leadership.
- HOBY seminars involve sophomore students annually in all 50 states, D.C., and 20 countries, with more than 450,000 alumni worldwide
- To provide lifelong leadership development opportunities that empower individuals to achieve their highest potential and to encourage students in their quest for positive self-identification and self-development
- To provide these young leaders with the forum to interface with recognized leaders in business, industry, government, science and education through give-and-take workshops
- To encourage these young leaders to commit to 100 hours of community service annually by demonstrating the benefits and rewards of service with hands-on "Leadership for Service" activities
- The Southwest Ohio HOBY seminar was founded in 1995 with the first seminar having 126 sophomore attendees.
- The committee is comprised of volunteers from a wide range of professions including HOBY alumni.
- The 4-day Leadership Seminar is held annually each June. Curriculum is based on the Social Change Model of Leadership and develops leadership from three perspectives: Personal Leadership, Group Leadership, and Societal Leadership combined with hands-on leadership and teambuilding activities, community service projects, and social activities for high school sophomores.
- Volunteer adult facilitators lead groups of 8-12 students throughout the seminar weekend.
- Speakers, panelists, and activity leaders volunteer their time and resources to participate.
- Every high school in the State of Ohio (public and private) is invited to select and send one sophomore "Ambassador." Each school should also be selecting an alternate in case the primary is not able to attend.
- Additional Students, Alternates and Guests also have the opportunity to attend – invitations for Alternates are extended in February. Schools may register up to 10 Additional Students per school.
- Guests are also able to attend seminars on a space available basis. Guests can be volunteer family members, sponsoring civic organization youth club members, HOBY alumni relatives, etc.
- A registration fee of \$225 is required for schools to register a primary student and is paid to HOBY International
- Primary Student Local Sponsorship: Costs for meals, lodging, facilities, and training materials for the entire weekend are raised in the community by local HOBY volunteers. These funds are raised by Southwest Ohio HOBY Seminar and are estimated at a cost per student of \$175-\$200 for the 4-day seminar. This is funded by sponsorships from corporations, civic organizations, foundations, and private citizens.
- The only thing the primary student is responsible for is transportation to and from the seminar and any additional spending cash, i.e. for photos and souvenirs.
- Alternates and guests are permitted on a space available basis. The total cost for the alternates to attend is \$395 This includes the \$225 registration fee which goes to HOBY International plus the local cost.

Adam Burris, Seminar Chair,
admburris@gmail.com
 (937) 207-8180





Tobacco 21 – Possible Penalties and Enforcement

Submitted by Chief Brian Carlson, Solicitor Chris Conard and Patti Bates

May 21, 2018

Background

Council is considering passing an ordinance establishing 21 years of age as the legal age to purchase tobacco and related products within the municipal limits of the Village. Research was collected from several entities which have already passed this legislation as to implementation problems, enforcement and penalties. That information is listed below.

The ordinances for Upper Arlington, Bexley, Grandview Heights, New Albany, Cleveland and Powell were reviewed. Emails were sent to those communities, as well as Columbus and Euclid. Information was received from Bexley, Powell and Columbus. None of the other entities responded.

Feedback from Other Municipalities

Patti spoke with Mayor Ben Kessler of Bexley, who indicated that their ordinance was passed three years ago, at the same time as Upper Arlington, which neighbors Bexley. Bexley sent a letter to vendors after the legislation had been passed. The initiative was driven by residents and medical providers, with proactive public information distribution. They had no complaints from residents on the passage. They have had no complaints about violations but also have not conducted any undercover operations. Enforcement limited.

Ben Boruchowitz responded for the City of Powell, noting that they solicited input from the community prior to the passage of legislation and that, while some vendors objected, it was overwhelmingly supported by the business community and residents. The City provided informational flyers and stickers to every business that sells tobacco to help with the public education of the ordinance. Enforcement is primarily reactionary, in response to specific complaints. Enacted June, 2017.

Finally, Patti spoke with Melissa MacArthur of the Columbus Health Department. Ms. MacArthur indicated that Columbus enacted their legislation in December of 2016 and did reach out to stakeholders prior to the enactment of the legislation. They issue "advisory letters" on confirmed underage buys in response to complaints/investigations. They have about a 66% compliance.

Penalties

Of the six communities whose ordinances were reviewed, the penalties were consistent. A first offense underage sale of any product covered by the ordinance was considered a misdemeanor of the fourth degree (M4), punishable by zero to thirty days in jail and a fine of up to \$250. Subsequent offenses were considered misdemeanors of the third degree (M3), punishable by zero to sixty days and a fine of up to \$500. There were no penalties noted for underage persons who buy/use the products.

Our Recommendation

When laws like this are enacted in local communities and they vary from State statutes that encompass the same subject matter, they are extraordinarily difficult to enforce and present a challenge to implement. If Council chooses to enact this legislation, our recommendation would be that we be consistent with other municipalities using the M4-M3 penalties for illegal sales. If we should choose to enforce against underage young people using tobacco products in violation of the law, we suggest a minor misdemeanor cited to Mayor's Court with an education component. Enforcement would be complaint-driven, similar to our Zoning Code enforcement process.

JUSTICE SYSTEM TASK FORCE

V5 – 4.10.18

MAYOR'S COURT SUBCOMMITTEE

IMPLEMENTATION OF 2018 PLAN OF WORK

RECOMMENDATION #1

As amended by JSTF on 4.10.18; JSTF voted to make this recommendation to Council on 4.10.18

STATEMENT OF NEED:

To use Mayor's Court to the fullest extent possible. Now, many Village misdemeanor cases are being handled by the Xenia Municipal Court.

WHY IS CHANGE NEEDED?

1) YS Police officers have the discretion to cite misdemeanor cases to the YS Mayor's Court or to Xenia Municipal Court. In the recent past, many of these cases were being sent to Xenia Municipal Court though in recent months, the YS Police Department has been sending a great number of these citations to YS Mayor's Court. It should also be noted, that some misdemeanor cases are required to go to Xenia Municipal Court per state law.

2) Persons appearing in Mayor's Court have a choice regarding how the case proceeds. If they accept the Mayor's ruling, it stands. If they think it is not fair or correct under the law, the person can appeal to Xenia Municipal Court. Also, if a person wants a jury trial, they can choose to have the case removed to Xenia Municipal Court. When the police charge cases directly to Xenia Municipal Court, these choices are not available to the accused.

3) Yellow Springs taxpayers pay about \$56,000/year for a Mayor's Court. YS taxpayers would get the full benefit of their tax dollars if YS Mayor's Court handled more cases.

4) YS citizens want to dispense justice in a way that seeks to change behavior in a less punitive, less burdensome, more restorative manner than some perceive to be administered at the county level. This can occur only if the cases come to Mayor's Court.

5) The burden on the accused who have to go to Xenia is high. Administration of cases in Xenia Municipal Court is more time consuming, costly, and burdensome -for the accused and victims than if the case remained in Yellow Springs.

6) Collateral consequences to the poor, young offenders, persons with mental state challenges will be much different if the case is handled locally rather than in Xenia. For example, the Mayor can set court costs, fees, and fines at a much lower level in YS than in Xenia. Further, YS has the opportunity to implement a diversion/restorative justice program if we have enough cases to justify one.

WHAT WAS THE PROCESS BY WHICH THIS RECOMMENDATION WAS FINALIZED?

On March 12, 2018, the Justice System Task Force voted to notice this recommendation to the YS Police Department and the public to solicit comments before finalizing its recommendation. It received no input from YSPD and received one written comment from the public. JSTF also asked Mayor Conine for input on the recommendation and she joined us and provided input during the April 10 meeting.

RECOMMENDATION.

On April 10, 2018, the JSTF voted to recommend to Council that this recommendation be implemented within six (6) months. The draft Resolution for Council's consideration would direct the Village Manager and Chief of Police to make the change just described therein.

[FORM OF RESOLUTION FOLLOWS]

COUNCIL OF THE VILLAGE OF YELLOW SPRINGS

YELLOW SPRINGS, OHIO

RESOLUTION # _____

ADOPTING A POLICY REQUIRING THE CHARGING OF MISDEMEANOR CASES INTO MAYOR'S COURT
(UNLESS OTHERWISE REQUIRED BY STATE LAW)

Whereas, it is the policy of this Council to handle as many misdemeanor cases as possible in the Yellow Springs Mayor's Court, which has been established under the Village Charter and supported financially by the taxpayers of this community specifically for this purpose; and

Whereas, the Justice System Task Force has made a recommendation that action be taken to change the current pattern of police charging Mayor's court-eligible cases to the Xenia Municipal Court; and

Whereas, Council favors implementing criminal justice locally and consistent with our Guidelines for Policing and, whereas, Council believes that we can only achieve this if justice is administered locally to the greatest extent possible.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The Village Manager is directed to work with the Chief of Police to ensure that all misdemeanors that can be charged to Mayor's Court are charged to Mayor's Court, unless jurisdiction is otherwise placed in another court by law. This policy will be fully implemented by November 1, 2018.

Section 2. The Village Manager is directed to report to Council on a quarterly basis the number and types of cases (by name and code section) that are being charged into Yellow Springs Mayor's Court and how many to other jurisdictions, particularly Xenia Municipal Court.

SO RESOLVED this _____ day of _____, 2018 by a majority of a quorum of the Council of the Village of Yellow Springs, Ohio, at a regularly scheduled public meeting.

ATTEST:

President of Council

Clerk of Council



To: YS Village Council, re: JSTF Mayor's Court Discussion at May 21 meeting

From: Mayor Pam Conine

Having followed the good work of the JSTF since the first of this year, I have read with interest the various reports and recommendations it has put forth, most recently regarding Mayor's Court. Since being on the job since January 1 and presiding over eight court sessions at last count, I would like to offer some comments on the resolution before the council tonight.

JSTF Recommendation to Village Council: ADOPTING A POLICY REQUIRING THE CHARGING OF MISDEMEANOR CASES INTO MAYOR'S COURT (UNLESS OTHERWISE REQUIRED BY STATE LAW)

It is my opinion thus far that officer discretion is an important part of the process in deciding where to send individual cases. For example, there are services dealing with mental health or addiction issues already in place in Xenia Municipal Court that can provide valuable help to a defendant--services that we do not have in place to offer. Our outreach specialist is working to amass some of these resources, but more time is needed. A reduction in sentence is also possible in Xenia when dealing with some of the higher-level misdemeanors. At this time, I'd like to see the charging officers able to assign cases—especially higher-level misdemeanors-- to where they feel the defendant would get the most benefit.

The task of the JSTF is incredibly important to our community and our Village Mayor's Court holds a strategic position within this task. There are many individuals relating to the Mayor's Court who are new to their position: a new Mayor, new Chief of Police, new Clerk of Court, and new Community Outreach Specialist. As a general rule, individuals in new positions fall into a learning curve about not only their position, but also the potentials within their position. For example, the Mayor's Office has begun coordinating resources with the new community outreach specialist. The Mayor also recently met the Greene County prosecutor who works with charges from the village and a collaboration of resources is just beginning. Included in this collaboration is a request for data regarding judgment entries and fines for YS cases heard in Xenia Municipal Court.

The office of the mayor is simply requesting additional time before the council considers the forthcoming resolutions from the village JSTF as they relate to Mayor's Court so that the office of the mayor can amass and share the most current and accurate information possible. A period of six months until the Village Council would consider forthcoming resolutions regarding Mayor's Court was proposed at a recent meeting of the task force. This seems reasonable and the office of the mayor would like to adhere to that timeline.



JSTF recommendation to mandate cases to Mayor's Court
Submitted by Chief Brian Carlson,
May 21, 2018

Background

The Justice System Task Force is recommending legislation that would mandate what cases are to be heard in Mayor's Court by removing the discretion from the Officer and or the Chief of Police.

History

Mayor's Courts are unique state courts created under sections 1905.01 and 1905.02 of the Ohio Revised Code by some Ohio Municipalities. There are only two states in the U.S. that have Mayor's Courts- Louisiana and Ohio.

Each case is generally heard by either a Mayor or a magistrate appointed by the Mayor. If appointed the magistrate must be a lawyer. Mayor's Courts are not courts of record and cannot conduct jury trials.

Some advantages to having your case heard in Mayor's court are the more informal setting, evening hours and a more convenient location. I believe in a restorative and resolution oriented approach to our policing. Our Mayor's Court is a perfect solution to facilitating this approach with our proper guidance. The Yellow Springs Police Department is working hard to place every possible case allowed into our Mayor's Court.

The Mayor's court generally hears cases involving violations of municipal ordinances including parking, standing, and moving violations. Disorderly conduct, theft and misdemeanor drug charges may also be heard in Mayor's Court. I would prefer that no crimes of violence be allowed simply because we do not have the victim and proper assistance resources available.

The Mayor's Court by law cannot hear any felony violations, domestic violence, assault, aggravated trespass, stalking, menacing, any juvenile cases or violations of protection orders involving a household member even if they are charged as misdemeanors.

Recommendation

I have been working with the Mayor's office to bring about the resurgence of our court and it is working. I feel strongly that removing the discretion of the department regarding cases placed into Mayor's Court would be damaging to the trust we are working so hard at rebuilding.

With new victim's laws, situational and exigent circumstances that only a responding officer would be privy to understanding, removing the discretion by the department could be more damaging to the offender who may need the resources that the Village cannot provide. This is where our new Community Outreach Specialist can assist by connecting the person to resources through the Municipal Court system.

Mayor's Court has already had success with our Village Mediation Program and our Community Outreach Specialist is providing assistance to citizens before some situations become a police matter. Many times people just need the connection to help.

This type of approach is exactly what resolution oriented policing and restorative justice can provide to all parties involved in human error.

I ask that you allow the Police Department and the Mayor's office to continue our efforts in rebuilding The Village of Yellow Springs's Mayor's Court.

Thank you for your consideration in this matter.

Respectfully,

Brian Carlson

Chief of Police
Village of Yellow Springs
chief@yso.com
937-767-7157 Direct

SOLICITOR'S REPORT ON HB 49

May 21, 2018

The Village Springs Charter provides that all executive and legislative powers and the determination of all matters of policy shall be vested with Council. Council's power to set policy is limited by the Ohio Constitution, U.S. Constitution, its amendments, Ohio law as limited by home rule powers and to the extent federal supremacy supersedes state's rights. Accordingly, Council possesses the power to set policies that do not conflict with constitutional protection and Ohio law.

In the context of Mayor's Court, whether to summons the individual to Municipal or Mayors' Court is often dependent certain factors. The following background is relevant to the discussion. Mayor's Court jurisdiction is limited to misdemeanor cases. In Ohio, misdemeanors are categorized by degree as follows:

- | | |
|--------------------------------------|---|
| • 1 st Degree Misdemeanor | 0-180 days in jail and a fine of \$0 to \$1,000 |
| • 2 nd Degree Misdemeanor | 0-90 days in jail and a fine of \$0 to \$750 |
| • 3 rd Degree Misdemeanor | 0-60 days in jail and a fine of \$0 to \$500 |
| • 4 th Degree Misdemeanor | 0-30 days in jail and a fine of \$0 to \$250 |
| • Minor Misdemeanor | No jail time and a fine of \$0 to \$150 |

In addition, not all misdemeanor cases can be cited to Mayor's Court such as repeat offender drunk/impaired driving and domestic violence cases.

The general rational for Mayor's Courts is to maintain local control of cases and revenue generation. Mayor's Court often offers limited services since caseloads are significantly smaller than Municipal Courts and resources and programs are not available. For example, a typical Municipal Court has full time employees in the clerk's office (in some cities, the clerk is an elected position), there is full time judicial staff including a dedicated probation officer(s). A Mayor's Court is often staffed with part-time staff or staff assigned to other municipal departments. It is not unusual for Mayor's Courts to function with no probation services.

In communities with Mayor's Courts, all minor misdemeanors are cited into Mayor's Court. This is because the cases are resolved through the payment of money without jail time. The decision with regard to where to send a case that carries potential jail time is often the most significant factor police officers are required to consider. Not surprisingly, the decision to charge a crime in Mayor's Court typically weighs two factors: cost and availability of social services.

The cost of taking a case to Mayor's Court begins with the decision whether to arrest the individual. If a person is arrested and charged by local ordinance, the local community is required to pay the cost to jail the person and if medical services are required, those costs as well.

If a person is charged by the Ohio Revised Code (often referred to as "State Code"), the cost to house the person is charged to the county. The distinction also makes a difference where the person goes to court. Someone charged under the Village code, for example, would be ordered

to appear in the Village's Mayor's Court. If charged under the State Code, the person would go to the Xenia Municipal Court. For this reason, most communities only cite cases where the person is not arrested and faces little risk of being ordered to serve a jail sentence as punishment following a guilty finding.

Another potentially significant factor in deciding to charge under the State Code relates to the underlying circumstances and facts of the case. Does the Mayor's Court have services available to assist a person in need of help mental health or drug treatment? Has the person been to Mayor's Court and is a repeat offender? These considerations are made on a case by case basis and in most communities the threshold decision often begins in the form of officer discretion because many communities believe their officers are in the best position to know what is "happening on their streets."

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Charges for Events
Prepared by Staff
February 5, 2018

Council has asked staff to prepare a recommendation on potential charges for events that require staff time or Village resources. To that end, we have prepared the following document.

Below is a recap of the majority of the events in the Village that required Village resources in some form.**

Zombie Walk	approximately \$791 (installing temp electric poles, dropping barricades)
YS Pride Day	approximately \$87 (snow fencing)
Tour de Coops	approximately \$160 (hanging banners)
MLK March	no cost
Bike Road Race	approximately \$41 (dropping barricades)
Cyclops	approximately \$241 (dropping barricades, temp electric)
Mills Lawn 5K	approximately \$84 (dropping barricades)
Simply Women 5K	approximately \$244 (dropping barricades and cones, hanging banners)
4 th of July	approximately \$325 (setting up for parade and fireworks, setting up chairs)
Village Fam	approximately \$241 (dropping barricades, temp electric)
St. Paul's Party	approximately \$41 (dropping barricades)
Street Fair	approximately \$18,171 (temp electric, dropping barricades, overtime for police Department, setting trash boxes, cleaning up)
Block Parties	approximately \$41 X number of block parties (25 in 2017) (dropping barricades)

**Lost equipment/wear and tear on vehicles, barricades, cones not included.

Additionally, the Electric Department consistently hangs banners for a number of different entities and events throughout the Village. Large banners are hung using two bucket trucks and require at least three employees. Small banners are hung with a lift that must be rented for a cost of \$198 plus staff time to pick up/return each time we rent it.

Staff would like to make the following recommendation for charges for events and hanging banners:

- If your event is estimated by the Village to cost less than \$200, there will be no charge from the Village, unless you have it on Village property, in which case established rental fees apply.
- If your event requires strictly staff time in an amount that exceeds \$200, you will be charged for the staff time at the rate of \$25.00/hour/employee for anything exceeding \$200.

- If your event requires the provision of temporary electric, you will be charged \$100 **per panel** for the establishing temporary electric service.
- Hanging large banners, \$150/banner/occurrence
- Hanging small banners, \$10/banner/occurrence

DRAFT

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-XX**

**MODIFYING SECTION 1042.01: FORGIVING FIRST DELAYED ELECTRIC SERVICE
PAYMENT CHARGE IN A CALENDAR YEAR**

Whereas, The Village of Yellow Springs provides electric utilities to all residents and businesses eligible for said services within the Village and

Whereas, the Village of Yellow Springs is committed to a service oriented non-punitive relationship with the community

Whereas, it is recognized that at a delay electric service payment may be due to an oversight or other factors and

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

Section 1. A modification to **Section 1042.01 Electric Service Charges for the Village of Yellow Springs** of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby enacted to read as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 2. This ordinance shall take effect and be in full force at the earliest date permitted by law.

EXHIBIT A

1042.01 ELECTRIC SERVICE CHARGES.

(a) Residential Electric Rate; Rate Number One.

(1) Availability. This rate is available to all single-family residential units and single apartment units located within the Village's service area for all uses.

(2) Type of service. Single-phase, 60 hertz, at seller's standard secondary voltages. A bi-directional meter will be used to measure the flow of electricity in both directions. On-site generating capacity will be limited to 25 KW or the customer's estimated peak load, whichever is less. When on-site generating capacity exceeds 25 KW (kilowatts) of solar generation or three KW of wind generation, service will be provided pursuant to Village's General Service Rate, Rate Number Three (see Section **1042.01** (c)).

(3) Billable KWH (kilowatt hours). If the current meter reading is less than or equal to the highest previous meter reading, there are no billable KWH for the current month. Otherwise, the difference between the current meter reading and the highest previous meter reading is the billable KWH.

(4) Net rate - monthly

A. Customer Charge: Ten dollars (\$10.00) per month. The customer charge shall be increased by \$1 per month each year for five years (2017 - 2021), effective with bills rendered in January.

B. Energy Charge: \$0.110 per KWH (Based on Billable KWH)

(5) Delayed payment charge - gross. Five percent shall be added to the net bill if service charges are not paid by the fifteenth day of the month of rendition of the bill for such service.

(6) Monthly minimum charge. The applicable customer charge and subject to the delayed payment charge.

(7) Power supply cost and excise (kilowatt-hour) tax adjustment. Billing for energy delivered under this schedule will be adjusted as provided in Section **1042.01** (g).

(b) Commercial Lighting and Power Rate; Rate Number Two.

(1) Availability. This rate is only available to consumers that are receiving service under this rate at the time this rate becomes effective.

(2) Type of service. Single-phase or three-phase, 60 hertz, at seller's standard secondary voltages. A bi-directional meter will be used to measure the flow of electricity in both directions. On-site generating capacity will be limited to 25 KW or the customer's estimated peak load, whichever is less. When on-site generating capacity exceeds 25 KW (kilowatts) of solar generation or three KW of wind generation, service will be provided pursuant to Village's

General Service Rate, Rate Number Three (see Section **1042.01** (c)).

(3) Billable KWH (kilowatt hours). If the current meter reading is less than or equal to the highest previous meter reading, there are no billable KWH for the current month. Otherwise, the difference between the current meter reading and the highest previous meter reading is the billable KWH.

(4) Net rate - monthly.

A. Customer Charge:

Single phase: \$15.00 per month

Three-phase: \$15.00 per month

The single-phase Customer Charge shall be increased by \$1.00 per month each year for five years (2017-2021), effective with bills rendered in January.

The single-phase customer charge shall be increased by \$2.00 per month each year for five years (2017-2021), effective with bills rendered in January.

B. Energy charge: \$0.115 per KWH (based on billable KWH).

(5) Delayed payment charge - gross. There shall be no delayed payment charge for the first incidence of a delayed payment in a calendar year. For any subsequent delayed payment, five percent shall be added to the net bill if service charges are not paid by the fifteenth day of the month of rendition of the bill for such service.

(6) Monthly minimum charge. The applicable customer charge and subject to the delayed payment charge.

(7) Power supply cost and excise (kilowatt-hour) tax adjustment. Billing for energy delivered under this schedule will be adjusted as provided in Section [1042.01](#) (g).

(c) Large Power Rate; Rate Number Three.

(1) Availability. This rate is available to all consumers within the Village's service area for all uses.

(2) Type of service. Three-phase, 60 hertz, at seller's standard secondary voltages. A bi-directional meter will be used to measure the flow of electricity in both directions. On-site generating capacity will be limited to 25 KW or the customer's estimated peak load, whichever is less. When on-site generating capacity exceeds 25 KW (kilowatts) of solar generation or three KW of wind generation, the billing KWH (kilowatt hours) will be based on the metered KWH delivered to the customer, and the billing capacity will be equal to the billing capacity that would have been billed absent the on-site generation.

(3) Billable KWH (kilowatt hours). If the current meter reading is less than or equal to the highest previous meter reading, there are no billable KWH for the current month. Otherwise, the difference between the current meter reading and the highest previous meter reading is the billable KWH.

(4) Net rate - monthly.

A. Customer Charge:

Single Phase: \$15.00 per month

Three-Phase: \$15.00 per month

The Single-Phase Customer Charge shall be increased by \$1.00 per month each year for five years (2017-2021), effective with bills rendered in January.

The Single-Phase Customer Charge shall be increased by \$2.00 per month each year for five years (2017-2021), effective with bills rendered in January.

B. Demand Charge: \$10.00 per KW

C. Energy Charge: 7.0¢ per KWH (based on billable KWH)

(5) Delayed payment charge. Five percent shall be added to the net bill if service charges are not paid by the fifteenth day of the month of rendition of the bill for such service.

(6) Power supply cost and excise (kilowatt-hour) tax adjustment. Billing for energy delivered under this schedule will be adjusted as provided in Section [1042.01](#) (g).

(7) Measurement of energy and determination of billing capacity. Energy supplied under this schedule will be delivered through not more than one polyphase meter. The billing capacity shall be the highest average KW used by the consumer for any period of thirty consecutive minutes during the month for which the billing is rendered.

(d) Large Power Rate; Rate Number Four.

(1) Availability. This rate is available to all consumers within the Village's service area for all uses.

(2) Type of service. Three-phase, 60 hertz, at seller's standard secondary voltages. A bi-directional meter will be used to measure the flow of electricity in both directions. On-site generating capacity will be limited to 25 KW or the customer's estimated peak load, whichever is less. When on-site generating capacity exceeds 25 KW (kilowatts) of solar generation or three KW of wind generation, the billing KWH (kilowatt hours) will be based on the metered KWH delivered to the customer, and the billing capacity will be equal to the billing capacity that would have been billed absent the on-site generation.

(3) Billable KWH (kilowatt hours). If the current meter reading is less than or equal to the highest previous meter reading, there are no billable KWH for the current month. Otherwise, the difference between the current meter reading and the highest previous meter reading is the billable KWH.

(4) Net rate - monthly.

A. **Customer Charge: \$50.00 per month**

B. **Demand Charge: \$10.00 per KW**

C. **Reactive Charge: \$0.50 per kVar**

D. **Energy Charge: 6.5¢ per KWH (based on billable KWH)**

(5) Delayed payment charge. Five percent shall be added to the net bill if service charges are not paid by the fifteenth day of the month of rendition of the bill for such service.

(6) Power supply cost and excise (kilowatt-hour) tax adjustment. Billing for energy delivered under this schedule will be adjusted as provided in Section [1042.01](#) (g).



Managers Report, May 21, 2018

Finance Director Position

Colleen Harris is getting acclimated as our new Finance Director. She will be working for the Village part-time until June 4th, when she becomes full-time.

Open Checkbook

A Council member recently read a post on Facebook about a program run by State Treasurer Josh Mandel's office called Open Checkbook. Open Checkbook was initiated by Treasurer Mandel approximately 3 years ago and gives any governmental entity the opportunity to post all checks written by that municipality on the Treasurer's website. It does not list the full budget, only the checks written. When the program was first initiated, it had many issues and glitches. Now that it has been up for a while, the glitches have been worked out and Council could consider posting all checks on the website. The first post would be somewhat time consuming, but subsequent posts would be less so. However, it should be noted that our full budget information is available from the State Auditor's website or from our own Finance Department. Our new Finance Director, Colleen Harris, did post on Open Checkbook for New Carlisle and would be happy to brief Council further, if desired.

Utility Roundup/Energy Education

I spoke recently with Susan Jennings at Community Solutions reference being the non-profit entity to assist in the administration of the Utility Roundup Program. Ms. Jennings will be discussing the question with her Board and will get back with me.

Additionally, Johnnie Burns and I met with Kat Walter and Vickie Hitchcock about a possible Project Based Learning module around energy conservation. Johnnie and I also spoke with Ms. Walter about a possible energy education fair. Energy Board has previously spoken with both Empower and Go Sustainable about these projects, as well. Johnnie and I will be working on these items further and bring more information back to Council for next steps.

PUBLIC WORKS UPDATE

Crew Quarters

Paint and flooring should be in this week. Still hoping for July 1 completion.

Gaunt Park

Work is moving forward at a rapid pace on the pool repairs to enable us to be ready to open on time. Pool fill started on May 15th. Fingers crossed!

Recreational baseball leagues started May 15th.

Pool passes, including Swimming for All passes, will be sold at the John Bryan Youth Center during open hours (12-7 PM Monday through Friday) through May 25th. They will be sold AT THE POOL ONLY beginning May 26th.

Bryan Center

Crews will be removing the curbs at the Bryan Center in preparation for the upcoming paving. We will be replacing the curbs with parking bumpers, which are far easier to replace when they crack than are curbs.

Banner Poles

The banner poles at the north end of town have rotted at the bottom and crews will be working to replace them. Banners at the south end of town (Xenia & Allen) are attached to electric poles that have lines attached to them. In strong winds, the banners flap into the lines and can cause a power outage. We are searching for a better location for banners at the south end of town where they would not interfere with electric.

PLANNING AND ZONING

Zoning is dealing with a lot of high grass and vegetation complaints.

WATER AND SEWER TREATMENT

The back-up generator at the Xenia Avenue lift station stopped working and could not be repaired. As this is necessary in an emergency and required by the EPA, I authorized the immediate purchase of a new generator at a cost of \$35,808.00 under the emergency purchases clause of the Administrative Code of the Village that allows me to exceed my purchasing limit during emergencies that affect the health, safety and welfare of Village residents. I am also required to notify Council of this purchase at the next meeting, which I am doing now.

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



Utility Rate Increase Recap
Submitted by Patti Bates
May 21, 2018

General Notes

-Readiness for service (RFS) is generally what is used to set aside for capital improvements in enterprise funds. You will note that we are not increasing RFS in water or sewer, only usage rates. People have more control over their usage and no control over RFS. If you have service, RFS is on there, even if you don't use anything.

-With Electric, the RFS increases annually by \$1.00 for 5 years, but the power cost/KWh does not increase. It stays at \$.11/KWh. Our power cost is \$.09/KWh. The reason many people think their electric rates are going up is because of our power cost adjustment, which is determined by AMP based on the contracted projects and what we owe to them that month. The hydroelectric projects are a huge part of that and have a major effect on our monthly bills.

Water

	RFS	Cost/1,000 gallons	
3-17-14	6.80	5.25	(Ord. 2014-06 3-17-14)
5-15-15	6.80	5.77	(Ord. 2015-14 11-2-15)
1-1-16	6.80	7.50 (1 st 30%)	
1-1-17	6.80	9.75 (2 nd 30%)	
1-1-18	6.80	12.68 (3 rd 30%)	
1-1-19	6.80	12.97 (2.5%)	
1-1-20	6.80	13.26 (2.5%)	

Previous rate increases: 2010, 1997

Sewer (Ordinance 2014-25, passed 12-1-14)

	RFS	Cost/1,000 gallons
1-1-15	11.80	5.70
1-1-16	11.80	6.56 (1 st 15%)
1-1-17	11.80	7.54 (2 nd 15%)
1-1-18	11.80	8.67 (3 rd 15%)
1-1-19	11.80	9.97 (4 th 15%)
1-1-20	11.80	10.27 (5%)

Previous rate increases: 2014, 2004

Electric

Ordinance 2016-08, passed 4-18-16

RFS increases \$1.00/year on January 1, years 2017-2021 / Energy cost stays at \$.11/KWh

Previous rate increases: 2001

Final Notes

It is important to note the multiple years between rate increases in all utilities. Many municipalities believe that they are helping citizens by keeping rates at the same level, when in fact they are doing a disservice. Small, incremental annual rate adjustments are far easier for users to absorb than deferring increases to the point that multiple larger increases are necessary. In fact, **small, annual rate increases ultimately equate to lower rates than multi-year larger increases.** In considering rates, you should also be cognizant that different municipalities carry the debt on their utility systems in different ways. Most pay the debt through user rates.



May 21st 2018

The Police Department is pleased to announce:

The department has been working with the schools at year end on several PBL sessions in addition to safety and evacuation drills.

We are excited about our street fair that is right around the corner on June 9th.

The department has been working on an abundance of records requests which has been occupying hours of staff time. We received a request this week for over 4,104 hours of recorded video from the Bryan Center. This would constitute a total of at least 2,045 DVDs.

I am very happy to announce that summer is here!

Regards,

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

Yellow Springs Police Department Activity Report

	Jan-2018	Feb-2018	Mar-2018	Apr-2018	May-2018	Jun-2018	Jul-2018	Aug-2018	Sep-2018	Oct-2018	Nov-2018	Dec-2018
Total Calls	586	563	547	560								
Village Policing Calls	15	21	33	21								
Stolen Property Value	\$400.00	\$817.00	\$15.00	\$2,300.07								
Recovered Property Value	\$0.00	\$0.00	\$15.00	\$655.00								
Domestic Violence	0	0	0	1								
Domestic Disputes	1	0	1	1								
Property Damage Crashes	2	1	0	1								
Injury Crashes	1	0	0	0								
Hit/Skip Crashes	2	0	0	0								
Drug Overdoses	1	0	0	1								
Narcan Uses	2	0	0	0								
Total Offenses Reported	125	135	109	146								
Total Citations Issued	63	64	64	95								

Total Calls Year-to-Date	2256
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5-21-18

To: Council

From: Judy Kintner

Re: Clerk's Report for May 21, 2018

Business mostly as usual in the Clerk world—meetings, minutes, packets. . . . and public records requests.

I would like to provide an update regarding public records requests for the past two weeks.

We have received the following requests:

1. Non-resident request for PD incident reports for a specific individual for a specific time period.
2. Dayton Daily News reporter request for specific information related to facebook posts related to a drug incident.
3. Multiple exchanges with two non-residents regarding a series of records requests which have either been denied or to which I have suggested methods for narrowing to feasible limits, which has proven unacceptable to these requesters. A portion of the requests have been fulfilled, but are in excess of 600 pages in length and so require either an in-person review (no charge) or payment ahead of the copying process.

Because it is the responsibility of other departments to gather most documents (I will still need to redact about 200 of the 600 pages which have been produced for the above requester), this is the breakdown of time spent per department over the last two weeks:

Police Department: 2 hours

Coolidge-Wall: 1.5 hours

Manager's Assistant: 2 hours

Payroll Clerk: 3 hours

Clerk of Council: 3 hours

--Judy Kintner



Art & Culture Commission

Economic Sustainability Commission

Kreeger Reports / April/May, 2018

Arts & Culture Commission

The old business that the Arts & Culture Commission is currently focusing on:

- **VIDA award** Maureen Lynch and Richard Lapedes are the Spring 2018 recipients of the VIDA Award.. The award ceremony was May 12.

The new business that we are exploring include:

- A **summer public art project** that involves placing pianos at select locations in the downtown
- A **Porch Project** in which music will be presented at various locations throughout the village.- targeting Fall, 2018

See Minutes for additional detail

Economic Sustainability

The ESC has been focused primarily on the formation of a **Designated Community Improvement Corporation (DCIC)** for Yellow Springs.

April-May activities:

1. Draft position paper / purpose statement for inclusion in the Council packet at the June 18 Village Council meeting. The position paper describes:
 - Call to action
 - Purpose of a DCIC
 - Proposed
 - mission of a Yellow Springs DCIC
 - constituency / membership
 - powers
 - High level process to form a DCIC
 - Timeline
2. Preliminary work on bylaws. A subcommittee of the ESC has begun a draft of DCIC bylaws.



5/16/18

MacQueen Council Reports

Planning Commission

Planning Commission approved two conditional use applications, one for a detached garage with an upstairs apartment as a rental, the other for an accessory dwelling unit in R-A to be used as a guesthouse and pool house. (In the latter case neighbors who came with concerns were unaware that ADUs were allowed.) PC also grappled with the lack of clarity regarding minimum lot frontages, access easements and flag lots. These issues have arisen because of property owners who either have land-locked parcel behind their primary lot or want to divide their lot with a second lot behind their home. I believe, once there has been more research for clarity as well as discussion at the HAB, Council should deliberate on whether it wants to create greater ease in lot divisions through access easements and flag lots.

Housing Advisory Board

HAB is developed a list of activities and will have a more extensive report and recommendation for Council in June. Activities include:

- Creating list of developers, landowners of potential developments, and other stakeholders; and developing a strategy for reaching out to them. The goal is to find ways to collaborate on developments to meet Village goals and determine incentive strategies toward this end.
- Reviewing and developing the proposed Housing Initiative Process, the outline of which was included in the last Council meeting.
- Developing a glossary of housing related terms for educational purposes and clarity.
- Determining tasks for which we may need outside assistance and a list of those who might provide it. This includes contacting Patrick Bowen who developed our Housing Needs Assessment and who indicated he would be available for one more consultation with Council.

Environmental Commission

EC is continuing to engage in an Environmental Prioritization Process (environmental risk assessment) to determine what makes most sense to focus on. Issues discussed included 1) developing a process for resident recycling at apartment buildings; 2) threats to our ground water including Morris Bean discharge, lawn chemicals and the Vernay Superfund site. We anticipate coming to Council with a recommendation regarding Vernay. We are contacting Hope Taft who may do a presentation on groundwater protection. At its April meeting Vickie Hennessy suggested EC consider recommending a Plastic Bag Ban to Village Council. Further research by Vickie and concerns by EC members have probably taken this off the table.



TO: Village Council
FROM: Brian Housh
RE: May Commission Reports
DATE: May 18, 2018

Greene County Regional Planning Commission

As a member of the Executive Committee, I was involved in interviewing a great prospect to take over as Executive Director of the Commission, as Ken LeBlanc has been looking to retire for several months. This individual understands the importance of supporting all modes of transportation – motorized and nonmotorized – and is familiar with the needs of rural communities and for economic development. Notably, he initiated a Complete Streets Policy for the county that he currently works with, highlighting that he recognizes the importance of keeping up with trends such as the importance of active transportation to support healthy communities. I expect that an official appointment will be announced at our monthly meeting next Tuesday.

Miami Valley Regional Planning Commission

The MVRPC is focusing on supporting safety with regards to its transportation infrastructure initiatives, collaborating with Bike Miami Valley (through which Yellow Springs now has a chapter led by Marcia Sauer & Gary Zaremsky) to tour various communities that are implementing Complete Streets projects. Matt Lindsay presented on the recent regional trail use surveys, which led to a great brochure highlighting “the nation’s largest paved trail network” that I am providing to all Council members. Many communities, including Huber Heights, expressed significant interest in developing their trail networks and connecting up with the regional trail system. Another focus of the Commission is on expanding its reach, re-engaging counties/municipalities that have not been as active in this collective planning & funding body.



The Arts & Culture Commission advises Village Council on issues that affect use, appearance and experience of Village property. The Commission takes into consideration the respect for all users of public space to promote and support improvement, beautification, growth and creativity of our community.

Art & Culture Commission 4/11/18 Minutes

Members Present: Brittany Baum, Brian Housh, Lisa Kreeger , John Fleming, Nancy Mellon, Cathy Roma, Kathy Moulton

- Minutes from 3/14/18 ACC meeting were approved.
- Discussion regarding rehab of the John Bryan Community Pottery building. The ACC will act as a liaison to the council for the organization request. It was recommended that the JBCP become an ex-officio participant on the ACC and attend at least 4 meetings annually.
- The ACC is awaiting an expense proposal for a plexiglas display case for the JBC Gallery
- John nominated Maureen Lnych and Richard Lapedes to be the Spring 2018 recipients of the VIDA Award. He agreed to contact them regarding the nomination. Further discussion of future recipients included: Asanda Imports or the Women's Park (Summer 2018) and the Hwy 68 sunflower field (Fall 2018).
- Discussion regarding the Art Puzzle: a deadline will be established for a two month period for entries; winners will be chosen based on completed forms; Brian will talk to Patti Bates to discuss participation from the Village Staff and Youth Center. The Staff Pick from Patti Bates was noted, as was the overall favorable response to the design by Kathy. Finalization of the puzzle design and timeline will be discussed at the May meeting.
- Discussion regarding the YS Permanent Art Collection: The YSAC will sign a new agreement with Antioch Midwest in June 2018. The terms of the agreement will also include responsibility for gallery hardware to be used at AUM. A new acquisition from Lucianna Lieff was received.
- Discussion regarding a possible acquisition of the Hidden Figures collection: the YS Library would agree to display the collection; a need for biographical information was noted; also noted was to identify the collection as a Mills Lawn PBL project. John agreed to investigate with Nan Meekin details of making prints; further discussion will take place at the May meeting.
- Piano Project: John proposed a Piano Summer 2018+project in which donated pianos would be placed in selected locations in the Village. The ACC would pay for moving, an initial tuning and weather tarps. Community volunteers would be sought to monitor the pianos. The pianos could be painted. The pianos would not be returned to donators.
- Porch Project: Kathy proposed a Porch Project+in which music will be presented at various locations throughout the village. A developed proposal will be presented at the May Meeting.
- Next meeting: May 9, 5:30pm

Energy Board Minutes

March 17, 2018

Members present: Rick Walkey (Chair), Eric Johnson (Secretary), Dan Rudolf, Judith Hempfling (Council Representative) Alan Brunsman

Members Absent: Bob Brecha, Franklin Halley

Others Present: Johnnie Burns, John Seryak (Go Sustainable), Stephanie Ritchey, (Go Sustainable),

Rick began with the presentation by John and Stephanie of Go Sustainable of their proposal.

John listed key points he perceived were important to our priorities:

- Affordable utilities
- Total cost to Village of the project
- Continuing Education for residents
- Continue the Village's leadership in renewable energy
- Leveraging stakeholder partnerships

Who will implement and what are soft costs? Who can be program partner (High School/Vectren)?

Dan – We don't want data analysis on light bulbs. The problem is to get people to participate.

John – There are some things we can't help with which are not in our capabilities.

Dan – We might be looking at an educational event.

John – Not clear what the path forward is. We need to know what resources are available. There seemed to be some traction around lightbulbs. We should start with a narrow list – light bulbs/thermostats.

Rick We have created interest due to water and utility rate increases.

Dan – We need to just do something and then reflect on it.

John – A tip sheet with a way for neighbors to compete on cutting back is one strategy with a call to action and collective goals.

Dan – We have to combine education with actionable steps that can be done.

Judith – Most people will not come. We should focus on the schools and Senior Center. We might be able to piggyback on another event. Kat Walters and Mothers Out Front are working on projects with similar goals.

Alan – My wife Becky says turn on the kids and kids will bring adults.

Johnnie – Maybe we can find an app.

Judith – We need to meet with the Environmental Commission.

Dan – Jim Mayer offered to install one toilet a week for anyone with a leaking toilet who needs to cut a water bill.

John – Empower has an app which allows you to enter your data and see how you compare with your neighbors. They also have a good strategy for rentals but they are reassessing at the moment.

Judith – We need to discuss this in another meeting.. Maybe link it to a PBL project?

Stephanie – Maybe September?

John and Stephanie left the meeting.

Johnnie questioned that Go Sustainable knows how to do what we need.. He said he found 11 cases of CFLs from 2011/2012 which were never distributed. Now you can get an LED for 99 cents.

Judith – Patti, the Human Relations Commission and the Environmental Commission need to be involved. The HRC is working on utility issues.

Johnnie said the Village is 88.5% renewables, up from 78.9% in 2017.

Johnnie said he and Patti would talk to schools.

The minutes of February 8th and December 17th were adopted.

Adjourned at 7:35

Yellow Springs Environmental Commission

Meeting Minutes

March 15, 2018

5:45-7:00 PM

Council Chambers, Bryan Center

Attendance: Marianne MacQueen, Deanna Newsom, Duard Headley, Bettina Stolsenberg, Tom Dietrich, Nadia Malarkey, Vickie Hennessey

- I. Welcome, Introduction of Guests 5:45
- II. Agenda Review and Approve Meeting Minutes, 5:45-5:50
 - a. Motion to approve: Marianne
 - b. Second: Bettina
 - c. Vote: Ayes: 6; nays: 0
- III. Discuss and Approve Update to Wellhead Protection Plan 5:50-6:00 PM
 - a. Suggest to amend the report with the following:
 - i. Need to add a review period of the Plan—at least every 5 years
 - ii. Suggest to reassess the time of travel in the future, since it's been about 20 years and new technology may provide more precision in results.
 - b. Motion to approve the update with this amendment, Marianne; Tom seconded. Vote with unanimous approval.
 - c. Will be sent to Council for approval, likely in April meeting.
- IV. Discuss and Approve Annual Report 6:00-6:10 PM New deadline for delivering the report-- March 19, 2018 Council meeting
 - a. Three minor text edits were discussed and agreed upon.
 - b. Motion to approve the Report as amended, Marianne; Nadia seconded. Vote with unanimous approval.
- V. Glass Farm Management Proposal 6:10-6:20 PM
 - a. Some minor wording changes recommended.
 - b. Motion to approve the update as amended, Marianne; Duard seconded. Vote with unanimous approval.
 - c. Will be forwarded to Council for approval, likely in April meeting.
- VI. Discuss and Approve Climate Action Plan 6:20-6:30 PM
 - a. The document will be revised to include a revision date, since it will likely be a “living document.”
 - b. Question if this document should expand focus beyond greenhouse gas emissions. The question was raised in reference to future increasing stormwater impacts and a focus on resiliency. The Climate Action Plan is currently focused on mitigating emissions/contributions to climate change. We need to explain this is not a focus in current version, and need to add climate resiliency actions—add statement as such on “Next Steps” slide.
 - c. Renamed to “Climate Action Priorities” since the actual planning steps need to be fleshed out.
 - d. Motion to approve the Climate Action Priorities with this amendment, Marianne; Deanna seconded. Vote with unanimous approval.
 - e. Will be forwarded to Council for approval, likely in April meeting.

- VII. Climate Action Resolution 6:30-6:35
 - a. Entitled: “Supporting the Climate Action Priorities and the supporting actions curtailing climate change and encouraging carbon footprint reduction”
 - b. Motion to approve the resolution as read by Patti Bates at the meeting; by Tom; Bettina seconded. Vote with unanimous approval.
- VIII. Wellhead Protection Plan Update Resolution
 - a. Entitled: “Adopting a wellhead protection plan update and encouraging source water protection education and activities”
 - b. Motion to approve the resolution as read by Patti Bates at the meeting; by Tom; Marianne seconded. Vote with unanimous approval.
- IX. Updates (Brief overview of each project and next steps) 6:45-7:00 PM
 - a. Waste Reduction – including Bag Ban Discussion (Vickie)
 - i. Bettina went to Dayton Sustainability Plan workshop
 - ii. The initiative to develop a Plastic Bag ban had some initial progress back in 2016, due to the negative environmental impacts caused by plastic bags. Need to do research and provide a “brief” to Council to move this ahead.
 - 1. Some cities or states have statewide bans on plastic bags, but none in Ohio.
 - iii. Recommend for Bettina to work with Vickie to discuss and and work on a plan to move forward to bring back to EC.
 - iv. Suggest to include local businesses in the discussion.
 - b. Pesticide reduction
 - i. Nadia proposed we expand upon the Council Directive to not use pesticides on Village land by creating an ordinance, based on examples provided by Beyond Pesticides. Nadia will research and develop a brief to bring back to EC.
 - c. Source Water Protection Plan
 - i. None.
 - d. Glass Farm—
 - i. Signs to be installed
 - ii. Outlet pipe (riser) fixed by volunteers
 - iii. Rock added by the outlet structure
 - iv. Grass seeded on path

X. Next Meeting date, Chairperson, and draft agenda, 1 minute

Draft Agenda items—

- Risk Assessment and Prioritization
- Plastic Bag Ban Update
- Pesticide Ordinance Update?

Meeting Date-- 2018	Chairperson
March 15	Duard
April 19	Nadia
May 17	Marianne
June 21	Deanna
July 19	Bettina
August 16	Duard
September 20	Nadia
October 18	Marianne
November 15	Deanna
December 20	Bettina

*Note: Retreat meeting. All other meetings on 3rd Thursday of the month

Justice System Task Force(JSTF) Meeting—12 March 2018

The meeting began at 7:07 pm. Members present: J. Booth (new member), P. Dewees, K. Hamilton, John Hempfling, Judy Hempfling(Village Council Representative), E. Jacobs, S. McQueen, A. Schlueter and D. Turner. Also present: B. Crandall and L. Curliss.

The meeting was led by E. Jacobs.

The 9 February JSTF minutes were accepted as amended.

J. Booth was introduced as a new JSTF member.

The taser policy for the YSPD was discussed. Concern was expressed about the policy recommended earlier by the JSTF. A compromise policy using a nationally adopted policy, Lexipol, modified with local input was considered a preferred option. This policy allows some desired possibilities, e.g. ability to pull taser in unusual circumstances. The modified Lexipol policy will go to the Council for approval.

John H. shared a recent situation of considerable personal concern to him.

Working group reports: **Police Working Group**—They support police training and shared five issues. 1) The idea of sponsoring a local student for obtaining the training needed to become an officer. 2) An orientation program for new officers that would enable them to get to know the local community and its values. 3) Implicit bias training focusing on race. A brief training occurred once last year but more is needed. A discussion of the effectiveness of implicit bias training ensued with some questioning its effectiveness. It was suggested that recently hired F. Randolph might be a good contact to facilitate this training. 4) The taser policy that was discussed above. 5) De-escalation training.

The group is not ready to make formal recommendations on the above at this time.

Data Group—The data group met with Dr. Tarpley, a Wright State University faculty member in statistics, to discuss further data analysis. He is eager to be a part and the necessary data will be obtained from the YSPD.

Disparate Impact on the Poor Group(a new group)—This group met once and focused on describing the problem locally, and nationally as it impacts the local. To this end information will be gathered from the Mayor (Mayor's Court), the YSPD and available literature. All members are in the process of reading the book, "Not a Crime to Be Poor".

It was suggested that the issue of "Surveillance and Privacy" would be a useful one to investigate because of the widespread use of digital technology. The ACLU is focused on this.

Copies of an article on this issue were shared with committee members. The group consensus was that it would be good to study this further.

Mayor's Court Group—The group presented a Recommendation #1 that included, rational, FAQs, and a proposed resolution to the Village Council. The recommendation urged all possible cases be sent by the YSPD to our Mayor's Court. The recommendation contended that the YS Ordinance 606.05 is not being followed at the present time by sending so many to the Xenia court system. A long discussion followed. Uncertainty was expressed as to whether the ordinance was literally being violated. The current Mayor has been engaged in the discussion of the Recommendation #1 prior to its presentation to us. There was concern about the ability and role of the Mayor in handling the expanded responsibilities that would result from the recommendation.

An amendment to the recommendation was presented by John H. The amendment basically listed eight misdemeanors for which officer discretion could be used in deciding whether to send to Mayor's Court or the Xenia court system. A discussion of the amendment and the wisdom of officer discretion followed. In the end the amendment was voted down by a 7 to 2 vote.

Before the vote, the recommendation and resolution to the Council were modified. It was also pointed out that by committee procedures, the resolution will need to be publicized to allow for community input and then voted on again at the next meeting.

The vote on the modified resolution was unanimous with eight favorable votes.

Agenda planning. The above resolution will be considered with community input. Resolution #2 will be presented by the Mayor's Court Group.

The meeting was adjourned at 9:00 pm.



Dear Yellow Springs Village Council Members,

We are writing to express our support for Tobacco 21 legislation that would make it unlawful to sell or distribute a tobacco product to anyone under the age of 21 in Yellow Springs. Tobacco 21 legislation may reduce the number of young people who use and become addicted to tobacco products and, ultimately, help to reduce the disease and premature death that these products cause.

Tobacco use remains the leading preventable cause of death in Ohio and the United States and are responsible for over \$5.6 billion in health care costs in Ohio each year. Tobacco use almost always begins during adolescence and young adulthood. About 95 percent of adult smokers began smoking before they turned 21. If current trends continue, 259,000 of Ohio's youth alive today will die prematurely from a smoking-related illness.

Increasing the age for sale of tobacco products to 21 will help counter the tobacco industry's efforts to target young people at a critical time when many move from experimenting with tobacco to regular smoking. In Ohio alone, the tobacco industry spends over \$1 million a day marketing its products. It will also help keep tobacco out of high schools, where younger teens often obtain tobacco products from older students.

In March of 2015, the Institute of Medicine predictive models concluded that increasing the tobacco sale age would reduce the number of adolescents and young adults who start smoking; reduce smoking-caused deaths; and immediately improve the health of adolescents, young adults and young mothers who would be deterred from smoking, as well as their children. The greatest impact would be among adolescents age 15 to 17, who would no longer be able to pass for legal age and would have a harder time obtaining cigarettes from their older friends and classmates.

Laws that increase the tobacco sales age to 21 must include certain components to ensure that they will be effective, enforced and include the products that children are using the most. These components include:

- Coverage of all tobacco products, including electronic cigarettes.
- Provision for public education, training, and technical assistance to retailers.
- Implementation measures for active enforcement, such as retailer licensing and penalties, including license suspension and revocation.
- No creation of new categories of products, which would exempt them from other tobacco control laws.
- No penalization of youth.
- No preemption of other jurisdictions from passing strong tobacco control laws

Increasing the tobacco sale age to 21 also has broad public support. A survey by the Centers for Disease Control and Prevention (CDC), released in July 2015, found that 75 percent of adults support increasing the minimum age for sale of tobacco products to 21.

We call on you to support legislation that may reduce the number of young people who start on a path that too often leads to addiction, disease, and premature death.

Sincerely,

American Cancer Society Cancer Action Network
American Lung Association in Ohio

American Heart Association
Campaign for Tobacco-Free Kids



Tobacco Retail Licensing in Ohio

To combat the public health problems that tobacco use causes and to ensure businesses comply with tobacco laws local governments may implement retail licensing as a policy tool to monitor businesses that sell tobacco products. Under a local licensing law, the city would require all sellers of tobacco products to obtain a license annually. Local licensing laws should require licensed retailers to pay an annual fee that funds administrative and enforcement activities such as compliance checks and youth purchase compliance checks.

Benefits of tobacco retail licensing:

- *Limiting youth access to tobacco*
- *Strong laws with sufficient annual fees create self-financing programs*
- *Comprehensive local enforcement of all tobacco-related laws*
- *Foundation for additional policies regulating tobacco sales*

General Criteria

For local licensing laws, we recommend:

- Retailers are required to annually apply for and pay an annual fee for a license to sell tobacco products including e-cigarettes.
- The annual fee should be at a level that would fund administration and enforcement of the law.
- The city maintains a list of licensees that is publicly available; and collects enforcement data to evaluate the effectiveness of the law in reducing sales to youth.
- The law specifies the government entity responsible for administering and enforcing the law, and how licensees will be monitored and how enforcement will be conducted.
- A penalty schedule is established for licensees that are caught selling to those underage. Fines are graduated for repeat offenses ultimately resulting in license suspension and permanent license revocation after multiple offenses.
- A provision states that any violation of federal, state or local tobacco laws constitutes a violation of the local tobacco retail licensing law and subject to the appropriate penalties and license suspension/revocation.
- A definition of tobacco products that includes current and future tobacco products including e-cigarettes.

Resources

- ChangeLab Solutions--tobacco retail licensing fee calculator: <http://www.changelabsolutions.org/tobacco-control/trl-fee-calculator#/page/0>
- Counter Tobacco--licensing, zoning and retailer density: <http://countertobacco.org/licensing-zoning-and-retailer-density>
- Tobacco Control Legal Consortium—tobacco retail environment and licensure: <http://publichealthlawcenter.org/topics/tobacco-control/retail-environment-and-licensure>
- Tobacco Control Legal Consortium—raising sales age to 21 model language: <http://publichealthlawcenter.org/sites/default/files/resources/tclc-fs-sample-ordinance-MLSA-2016.pdf>
- Tobacco Control Legal Consortium—raising sales age to 21 model resolution: <http://publichealthlawcenter.org/sites/default/files/resources/tclc-fs-sample-resolution-MLSA-2015.pdf>
- Counter Tobacco—raising sales age to 21 resources: <http://www.countertobacco.org/raising-minimum-legal-sale-age-21>



Raising the Minimum Sales Age of Tobacco Products to 21

The Toll of Tobacco

According to the Campaign for Tobacco-Free Kids, an estimated 20,200 adult Ohioans die per year as a result of their own smoking.ⁱ There are an estimated 259,000 kids now under the age of 18 and alive in Ohio who will ultimately die prematurely from smoking.ⁱⁱ In Ohio, healthcare costs directly caused by smoking have been estimated to total \$5.64 billion annually and of this number, \$1.4 billion is covered by the state Medicaid program.ⁱⁱⁱ

Youth Tobacco Use

Youth use of tobacco remains unacceptably high with new users starting every day.

- National data show that about 95% of adult smokers begin smoking before they turn 21.^{iv}
- Among high school students in 2015, 9.3 percent smoked cigarettes, 16 percent used electronic cigarettes, 7.2 percent used hookah or waterpipes, and 8.6 percent reported smoking cigars.^v
- While cigarette smoking may be on the decline, both electronic cigarette and hookah or waterpipe use appear to be on the rise among youth.^{vi}
- Among young adults aged 18-20 in 2014, 24 percent report smoking cigarettes and 10.5 percent smoking cigars in the last month.^{vii}
- It is important that any effort to address youth initiation include all tobacco products.

A Solution - Tobacco 21

Recommendations to be Included in Any Legislation to Raise the Minimum Age of Sale to 21:

- *Covers all tobacco products, including electronic cigarettes.*
- *Provides public education, training, and technical assistance to retailers.*
- *Implements measures for active enforcement, such as retailer licensing and penalties, including license suspension and revocation.*
- *Does not create new categories of products, which would exempt them from other tobacco control laws.*
- *Does not penalize youth.*
- *Does not preempt other jurisdictions from passing strong tobacco control laws.*

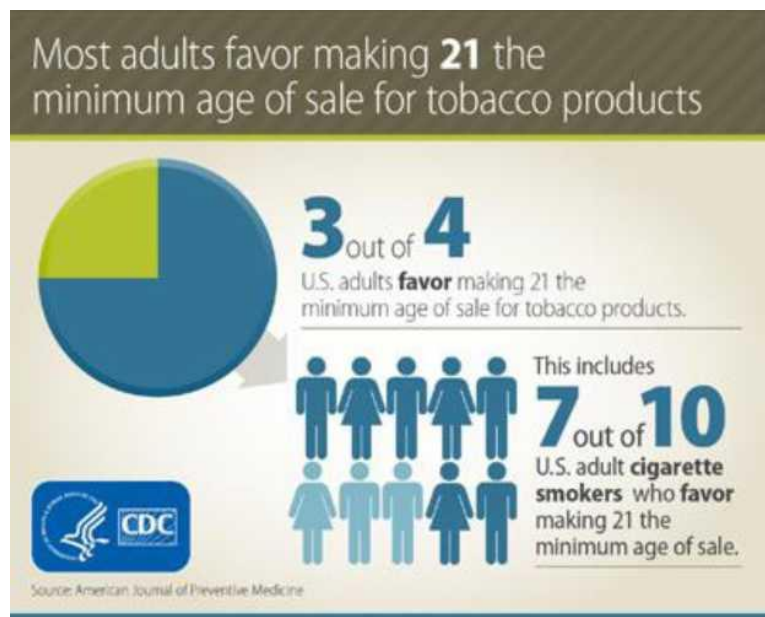
Raising the minimum age for sale of all tobacco products to 21 with strong retailer compliance and active enforcement can be one part of a comprehensive strategy to reduce youth initiation.

Why Tobacco 21? A Case for Support

According to a 2015 study by researchers from CDC and collaborators, 75% of U.S. adults, including 70% of smokers, support raising the minimum age of sales of tobacco products to 21 years of age.^{viii}

It is important to evaluate each proposal as the tobacco industry has specifically used minimum age of sale laws to weaken restrictions on sales to youth, penalize youth, create carve outs for certain products, and to interfere with other effective tobacco control policies. As such, we support legislation that will best protect youth, and not benefit the tobacco industry, when raising the minimum age of sale to the age of 21.

In its March 2015 report, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, the National Academy of Sciences (NAS) used two models to predict the impact of raising the minimum age of sale to 19, 21, and 25 nationally. The report found that raising the national minimum age of sale to 21 would have a substantially higher impact than raising the age to 19. Further, the two models estimated that raising the minimum age would reduce initiation, tobacco-related morbidity and mortality across the lifespan, and ultimately save lives. Specifically, the report's modelings predicted that smoking prevalence would decline by 12 percent if the national minimum age of sale was raised to 21. It also predicted that raising the national minimum age of sale to 21 would result in approximately 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for those individuals born between 2000 and 2019.



The NAS report concluded that active enforcement of minimum age of sale laws can reduce underage sales, and additional measures, such as targeted retail education, community education and mobilization, and mass media campaigns can improve retailer compliance.

ⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Ohio. (2016, June 20). Retrieved August 3, 2016, from https://www.tobaccofreekids.org/facts_issues/toll_us/ohio

ⁱⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Ohio. (2016, June 20). Retrieved August 3, 2016, from https://www.tobaccofreekids.org/facts_issues/toll_us/ohio

ⁱⁱⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Ohio. (2016, June 20). Retrieved August 3, 2016, from https://www.tobaccofreekids.org/facts_issues/toll_us/ohio

^{iv} United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22. <http://doi.org/10.3886/ICPSR36361.v1>; see also Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, Washington, DC: The National Academies Press, 2015, <http://iom.nationalacademies.org/Reports/2015/TobaccoMinimumAgeReport.aspx>. Retrieved August 3, 2016 from <https://www.tobaccofreekids.org/research/factsheets/pdf/0376.pdf>

^v Centers for Disease Control and Prevention. Tobacco Use Among Middle and High School Students – United States, 2011–2015. *MMWR*, 2016; 65(14):361–367.

^{vi} Centers for Disease Control and Prevention. Tobacco Use Among Middle and High School Students – United States, 2011–2015. *MMWR*, 2016; 65(14):361–367.

^{vii} Center for Behavioral Health Statistics and Quality. (2015). 2014 National Survey on Drug Use and Health: Detailed Tables. Substance Abuse and Mental Health Services Administration, Rockville, MD.

^{viii} King, B. A. (2015, October). Attitudes Toward Raising the Minimum Age of Sale for Tobacco Among U.S. Adults. *American Journal of Preventative Medicine*, 49(4), 583–588.



Tobacco 21 Enforcement in Ohio

Raising the minimum legal age of sale of tobacco products to 21 (Tobacco 21) is an important, emerging policy strategy to reduce tobacco use that complements and builds on proven approaches including funding and implementing tobacco prevention and cessation programs, higher tobacco taxes and smoke-free air laws. Raising the tobacco sale age to 21 is predicted to have a substantial positive impact on public health and save lives.

Under federal law, and the law of every state, it is illegal for a retailer to sell tobacco products to persons younger than 18 years of age; a few states have set the minimum age at 19. In recent years, at least 180 localities in thirteen states have enacted ordinances or issued regulations raising the minimum age for tobacco sales to 21. In 2015, Hawaii became the first state to enact such a law, and recently California followed suit.

The momentum for Tobacco 21 was strengthened in 2015 with the release of an Institute of Medicine report predicting that raising the tobacco sale age to 21 nationally would, over time, reduce the smoking rate by about 12 percent and smoking-related deaths by 10 percent, which translates into 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer and 4.2 million fewer years of life lost.

Why enforcement is important

To be effective, youth access laws must be rigorously enforced. Unfortunately, they are often poorly enforced.

- The national "Monitoring the Future" survey reports that two thirds of 10th grade students found cigarette access to be "fairly easy or very easy."ⁱ
- The most recent retailer compliance rate survey found that one in ten retailers sell to kids aged 14-17.ⁱⁱ
- Too few retailers are fined or suffer license suspension or revocation. Because adolescents readily identify those retailers who will sell to them, an effective law must substantially reduce these levels of retailer non-compliance. It is critical that age of sale laws are strictly enforced to ensure a high rate of compliance.

In part, these recommendations are drawn from ordinances that already have been adopted. They are also drawn from

Recommendations for Enforcement

- *Designate an enforcement agency*
- *Identify a dedicated funding source for enforcement*
- *Require a specified number of compliance checks*
- *License tobacco retailers or, where there is an existing licensing system, use threat of license suspension or revocation as an enforcement sanction*
- *Provide for citizen complaints of violations*
- *Require appropriate signage at retail stores*
- *Provide for retailer education*

lessons learned from setting the sale age at 18. Jurisdictions considering raising the sale age should review their current laws to identify weaknesses that can be addressed in new minimum age legislation. We can provide alternatives because each locality is unique and the best way to include language may vary from jurisdiction to jurisdiction. Nevertheless, these suggestions are based on common principles that apply to all situations and each suggested provision should be considered by any city in crafting language to raise the tobacco sale age.

The most effective way to ensure compliance is to take enforcement into account in drafting an ordinance or regulation, rather than considering it only after a proposal is adopted.

ⁱ Monitoring the Future Survey, 2015. Survey Research Center, Institute for Social Research, University of Michigan, Ann Arbor, Michigan.

ⁱⁱ Tobacco sales to youth. Annual Synar Reports FFY 2013. Substance Abuse and Mental health services administration.

<http://www.samhsa.gov/sites/default/files/synar-annual-report-2013.pdf>.



FULL TESTIMONY SUBMITTED TO YELLOW SPRINGS VILLAGE COUNCIL

Tobacco 21 Ordinance May 21, 2018

Good evening. I am Dr. Larry Prochaska, Emeritus Professor and Vice Chair of Biochemistry and Molecular Biology at Wright State University Boonshoft School of Medicine, immediate past President of the American Heart Association's Dayton Metro Board of Trustees, and a member of the American Heart Association's Ohio Advocacy Committee. I apologize for being unable to attend tonight's meeting, but I appreciate the opportunity to address the Yellow Springs Village Council in this letter.

I urge you to adopt the local ordinance that raises the legal minimum age for sale of all tobacco and nicotine products to age 21 in Yellow Springs. Tobacco use continues to be a significant public health concern and a leading cause of preventable death in the U.S. The sad reality is that tobacco use is currently projected to claim the lives of 5.6 million youth in our nation, according to the U.S. Surgeon General. Though we have made some great strides, over 15% of Ohio high school students still report smoking, compared to 11% nationally. Additionally, over 7,000 children in Ohio under the age of 18 become new daily smokers each year. Because of the addictive nature of nicotine, experimentation or initiation of tobacco use among youth and young adults is particularly troubling. This is a critical period for growth and development, one during which the brain may be especially susceptible and sensitive to the effects of nicotine.

Tobacco use has deadly consequences for our youth. Early signs of heart disease and stroke are found in young people who smoke. Out of every 3 young smokers, one will eventually die of a smoking-related illness or disease. Furthermore, on average, smokers die more than 10 years earlier than nonsmokers.

Increasing the age of tobacco sales helps delay smoking initiation among youth. This leads to lower smoking prevalence rates, saving millions of dollars in health care costs as well as significantly increasing not just the length, but the quality of life, across populations. But to be successful, youth access laws must be rigorously enforced. The most effective way to ensure compliance is to take enforcement into account in drafting an ordinance, rather than considering it only after a proposal has been adopted.

In closing, I would like to thank you for the opportunity to address you and urge you to vote in favor of the Tobacco 21 ordinance.

YSCAMBER

YELLOW SPRINGS CHAMBER OF COMMERCE

enterprising ideas + meaningful support

Esteemed Members of Yellow Springs Village Council,

There has recently plenty of discussion about event costs in Yellow Springs. As someone who not only plans the Yellow Springs Street Fair but works closely with other events in town including Yellow Springs PRIDE, SpringsFest, Cyclops Fest and more, I'm writing in hopes that I may share a little bit of my personal perspective in order to shed some light on the value of events in this town. Street Fair is, as I'm sure you've guessed, my area of expertise, so I will comment mainly on that particular event.

As you know, the Yellow Springs Street Fair is a fundraiser for the Yellow Springs Chamber of Commerce. Proceeds from the festival go towards the day-to-day operation of the Chamber and upkeep of its many services, which include myriad member benefits, a copy-print service, visitor information, community beautification and improvement projects, informational meetings, advertisement, and so much more.

In 2017, the Chamber invested nearly \$234,000 to support its mission, its members, and the Yellow Springs Community. Some of these funds went towards projects such as the YS Chamber Scholarship for graduating YS seniors; donations to multiple nonprofits including the Yellow Springs Police Department Kid's Coat fund, Yellow Springs Food Bank, and Greene Memorial Foundation Circle of Victory; Sponsorship of events, organizations, and projects such as the Miami Township Fire & Rescue 9-11 Memorial Stair Climb, Community Solutions' Economics of Happiness Conference & Restorative Justice Symposium, The YSAC Art of Distinction Award and Wheeling Gaunt Sculpture Project, Roads To Recovery Autism Support Group, and much more. The YS Chamber also spent funds and staff time to support events such as the Gingerbread Festival at Mills Lawn (a Mills Lawn PTO fundraiser), Yellow Springs PRIDE, SpringsFest, and YS Open Studios.

The YS Chamber also hosts a community Shred-it day in April with the intent to not only support environmental sustainability but also as a service to community members who are concerned about their privacy and recycling paper and electronics. I have also seen our Executive Director, Karen Wintrow, and several of our board members, go above and beyond on numerous occasions to be a part of efforts to strengthen our community and to help those in need. I personally truly believe in and support the mission and the work of the YS Chamber, and I feel honored to be able to be a part of this work.

On top of the numerous benefits that the YS Chamber provides to its members and to the community that it simply could not provide to the same extent without Street Fair, the festival itself benefits the downtown merchants, restaurants and bars through increased traffic and sales on the day of the event, as well as new and/or potential customers who will come back to their locations for years to come. For both festivals in 2017, there were numerous downtown businesses who remarked to me that they had their best Street Fair ever!

Street Fair also benefits numerous local non-profits other than the YS Chamber, including, but not limited to: Tecumseh Land Trust, Yellow Springs Historical Society, Chamber Music in Yellow Springs, Greene County Children's Services, Greene County Libraries, Community Solutions, The Tenth Life, Yellow Springs Heritage, Yellow Springs Tree Committee, Roads To Recovery Autism Support Group,



YSCAMBER

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Project Warmth, Little Miami Conservancy, and the Ohio Sexual Violence Helpline, through booths at the festival. Antioch College, Glen Helen, WYSO, Antioch University Midwest, and Yellow Springs Schools also benefit from fundraising opportunities through booths at the festival. This past Street Fair (October 2017), students from Yellow Springs Schools used a booth at the center of the festival to help raise funds for Glen Helen.

There are also always multiple nonprofits present at the Street Fair Music and Beer Fest that may vary from festival to festival, but these nonprofits receive the tips from the beer garden on top of a stipend from the YS Chamber. This past October, the nonprofits who staffed the Beer Garden were: Yellow Springs Home, Inc., Yellow Springs Alumni Association, Glen Helen, John Bryan Youth Center, and NAMI.

Several local nonprofits also benefit from Street Fair by staffing parking lots for donations during the festival. Street Fair parking is the biggest fundraiser of the year for the Mills Lawn PTO, who partner with our local Boy Scout Troop and share profits with the local Cub Scouts. Other groups that benefit from Street Fair Parking include YS Kids Playhouse and Antioch College.

On top of these organizations that benefit from Street Fair, we of course can't forget the artisans, both local and from all over the United States, and local businesses who do not have a downtown location, who have a chance to sell their wares and make long-lasting connections with local businesses, new friends, and customers, and maybe even their future home. Last, but most certainly not least, there are the musicians who play on both of our stages who are paid for their time and make tips, and the street performers throughout town who make plenty of tips and who are often recognized for their talent, and of course the twenty to twenty-five thousand visitors who come to Yellow Springs that day to have a wonderful time in Everyone's Favorite Place.

I was the Student Event Coordinator for much of my time at Antioch College, and I've also helped facilitate events at Glen Helen since being in Yellow Springs. One of my absolute favorite things about event coordination has always been seeing the smiling faces of the people around you – seeing people dancing, singing, enjoying themselves – and knowing that has something to do with you. However, after three years of planning the Yellow Springs Street Fair, I come to realize that, though that is always an amazing feeling, it honestly goes so much deeper. One event can really strengthen the lifeblood of an entire community. I am so proud to be a part of something that I know is making a difference in our community, and it is my sincerest wish that Village Council will see the value of Street Fair and other events, and continue to support them for the greater good of the Yellow Springs Community.

Thank you so much for your time and for your hard work in supporting and strengthening Yellow Springs. Your presence and expertise are greatly appreciated.

Sincerely,
Alexandra Elizabeth Scott
Special Events Coordinator
Yellow Springs Chamber of Commerce



YS CHAMBER COMMUNITY INVESTMENT +

In 2017, the Yellow Springs Chamber of Commerce invested over \$220,000 to support our members and promote Yellow Springs as a place to live, work and play. We have attracted tens of thousands of visitors this year alone, who in turn have spent significant dollars to support local businesses and organizations.

A portion of that investment includes providing paid advertising, visitor's guides, printed materials and social media initiatives to attract even more customers to the Yellow Springs area. We have also invested in initiatives to benefit the community at large:

- **Yellow Springs Graduating Senior Scholarship \$2000**
- **Yellow Springs Arts Council Art of Distinction Award \$150**
- **Earth Day Shred-It \$800**
- **Greene Medical Foundation Circle of Victory \$750**
- **Yellow Springs Station Fix-It Station & Landscaping \$1800**
- **Donations to YSPD Coat Fund \$850**
- **Donations to other local & Greene County Non-profits \$850**
- **9-11 Memorial Stair Climb Sponsor \$1000**
- **Mills Lawn PTO Gingerbread Fest Sponsor \$1600**
- **Yellow Springs Food Bank**

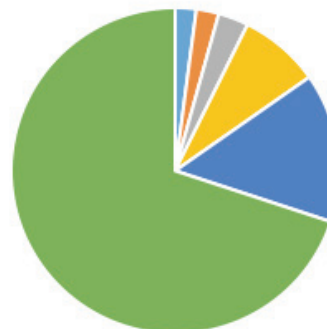


YS STREET FAIR +

The Yellow Springs Street Fair is a hugely successful, twice yearly event that brings tens of thousands of people to the Village. Street Fair continues to be executed flawlessly thanks to the support of village staff, Miami Township Fire & Rescue, Yellow Springs Schools, our sponsors and dozens of volunteers, all working in collaboration with the YS Chamber Board and Staff. Street Fair is a critical element to the success of many local businesses and organizations. Here are just some of the highlights of how Street Fair benefits the community:

- **Creates the most profitable days for downtown businesses and supplements slow winter months. Per a local business owner "During Street Fair, we process nearly four months of sales in one afternoon."**
- **Brings in over \$20,000 in revenue to local non-profits for various activities.**
- **Provides opportunities for local businesses and non-profits to outreach to tens of thousands of customers and donors.**
- **Chamber investment of over \$16,000 with local business, artists and non-profits**
- **Supports local artists of all types as vendors, paid performers and buskers.**
- **Supports the work of the Chamber year round as our primary revenue source**

YS CHAMBER INCOME 2017 +



■ Meeting Fees	■ GCCVB Grant	■ Miscellaneous
■ Marketing Plan	■ Membership	■ Street Fair

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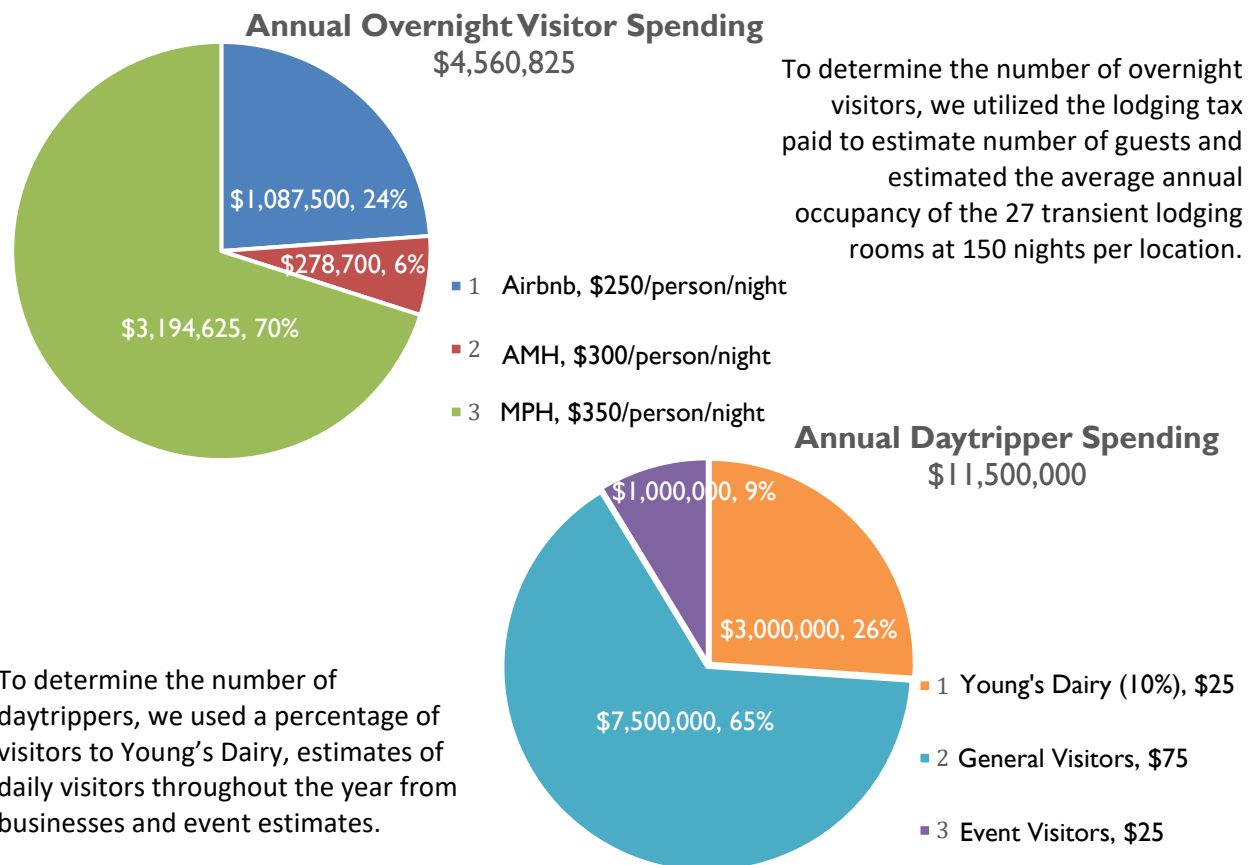
May 10, 2018

Financial Impact of a Vibrant Downtown on the Yellow Springs Economy

The YS Chamber, other local non-profits including Glen Helen, YS Arts Council, and Little Art Theatre, to name a few, and dozens of downtown businesses, have been working collaboratively for several years to provide shopping, dining, entertainment, educational, recreational, and cultural amenities for villagers and visitors alike. Together, and with the support of the Village, we've created a welcoming community that supports the diversity we treasure along with a strong economy that provides diverse employment, a stable tax base and supports the values of the community.

To assist Village Council in the decision about investing tax dollars on community events, we thought it would be helpful to quantify the financial impact of our vibrant downtown entertainment area that supports villagers and visitors alike. Our analysis has determined the following:

The total financial impact of the Yellow Springs Destination economy is estimated to be \$16,060,825.



Data from Tourism Ohio estimates the average spending per person per day for a day trip is \$111 and overnight is \$365 but to better reflect the varied profile of visitors to Yellow Springs, we reduced the daily spending average from Tourism Ohio significantly.



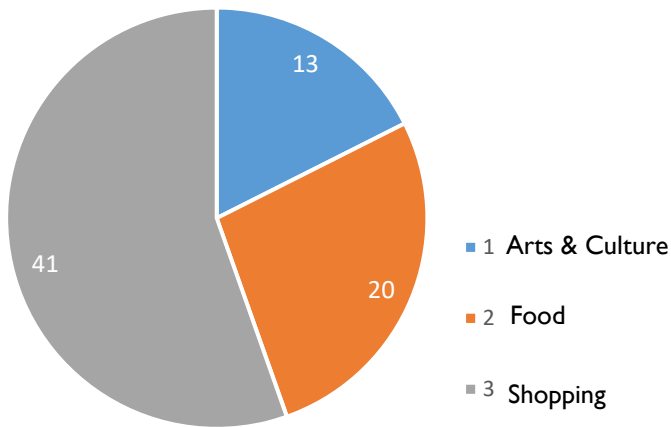
YSCAMBER

YELLOW SPRINGS CHAMBER OF COMMERCE

enterprising ideas + meaningful support

Another important factor to consider of the impact on the downtown business district to the local economy is the employment of our citizens which also provides income tax revenue to the Village. From the YS Chamber member list and Redbook, we determined that there are 74 shops, restaurants and organizations impacted by villager and visitor entertainment dollars as indicated in this chart.

Businesses Impacted by Entertainment Spending



Using employment numbers from YS Chamber membership records and estimates from non-chamber members, we determined that approximately 475 people are employed by these businesses on both a full and part-time basis. The following averages were used to reflect the diversity of employee numbers, days open, work hours and wages.

- full-time equivalents = 210 employees
- business days/year = 312 (6 days/wk)
- hours/day worked = 8
- wages/hour = \$9

Annual wages paid to workers in the downtown services businesses is estimated to be \$4,717,440.
Local income tax withheld based upon those wages would be \$70,761.

Not included in these numbers is the local income tax paid on net profits from business owners.

A primary task for the YS Chamber is to provide marketing, logistical and collaborative support to promote the businesses, attractions and events in Yellow Springs. We do that in many ways including distributing over 25,000 Visitor's Guides annually, hosting two robust websites and two Facebook pages which combined have over 52,000 likes, and sending a weekly newsletter with information about what's happening in Yellow Springs that week. We are also co-coordinators on several events in addition to our major focus on the twice annual Street Fair. In addition, we provide mentoring; access to resources on management, marketing and finance; connections to governmental agencies that can provide assistance; and discount programs all that contribute to the success of all of our members.

The Yellow Springs Experience is the entire package of activities, destinations, events, shopping and dining in Yellow Springs. Our report clearly quantifies the significant economic impact of our vibrant downtown and the many cultural and recreational amenities. Just as important is the strong role these amenities have in attracting not only visitors but residents and new businesses to Yellow Springs.

Yellow Springs has a vibe and energy that people are attracted to but it takes the entire package to make it work so effectively. Other communities recognize the importance of a destination economy and do all they can to support the businesses, organizations and individuals responsible for attracting visitors, residents and businesses. The Village has shown the same support to great results for decades and we hope the collaboration will continue.



Why Cities Should Invest in Festivals

"There is a cheaper, more equitable path toward creating culturally vibrant cities, one that requires less public funding and much less steel and glass,"

Wynn wrote in a recent opinion piece promoting investments in festivals over museums in the *Des Moines Register*.



Image: WaterFire Providence/Flickr

Summer weekends around the U.S. are replete with music festivals. But dig a little deeper and you'll find plenty more unique events to attend – including festivals that celebrate Shakespeare, kites, film and art, Halloween, food trucks, agriculture, beer and more.

Cities are investing in festivals, for good reason.

When done right, festivals promote a city's brand, increase tourism, foster the arts and community involvement and increase revenues for the municipality and local businesses. They can even revitalize a city and spur sponsorships.

Branding and Tourism

According to the National Research Center, Loveland, Colo., uses its annual Fire and Ice Festival to grow the brand of "America's Sweetheart City." The event, featuring a downtown snow sculpture and fireworks, coincides with Valentine's Day and attracted 24,000 people in 2016, making it one of the largest events on its kind in the nation.

Each September, Loveland also puts on "Pastels on 5th," a sidewalk chalk-art festival that highlights Loveland's internationally renowned arts community.

Both events raise Loveland's profile "in the most beneficial ways possible," City Manager Bill Cahill said in an interview with the [National Research Council, Inc.](#)

Community Involvement

Chandler, Ariz., hosts a variety of events: There's an Ostrich Festival, a Cinco de Mayo Celebration with Chihuahua races, a Tumbleweed Festival, jazz and Greek festivals and more.

These events, according to [Chandler's website](#), "showcase our people, our heritage, and our values ... and strengthen community bonds."

Even the small town of Forest City, Iowa, is getting into the festivals game.

The inaugural [Tree Town Music Festival](#) took place Memorial Day Weekend in 2014 after six years of planning by a private group. This festival bills itself as the “Midwest’s premiere country music destination festival,” and offers camping and glamping.

While some festivals provide a financial bump for local businesses, others help to drive the economies of the region in which they are located.

The Sundance Film Festival generated almost \$63 million in 2015, according to a [study from the University of Utah](#). An estimated 46,100 filmgoers spent on car rental, lodging, dining, transportation and retail, according to the study.

In Providence, R.I., [WaterFire](#) is the big fish.

The unique festival features around a hundred metal, flaming braziers set into the middle of a downtown river that fire tenders, dressed in black, fill with wood and keep alight from small boats. Attendees stroll, take gondola rides or dine al fresco at restaurants that border the river while listening to instrumental music coming from speakers hidden along the tributary.

The non-profit [WaterFire](#) is credited with helping to pull Providence out of its economic decline, which began in the 1930s.

The immensely popular festival, founded in 1994, has been called the “crown jewel of the Providence renaissance.” Hotels and high-end condos, which have since been built around the rerouted river, use WaterFire images for promotion. Rooms and tables with a view are reserved months in advance.

WaterFire attracts 1.1 million people to downtown Providence each season, has an annual impact of \$114.3 million from visitor spending and creates 1,294 jobs, [according to the organization](#).

There are 13 Waterfire events scheduled for 2016, each with a different national sponsor, such as Bank of America, National Grid, Waste Management and CVS.

In fact, sponsorship of festivals is up around the country.

According to a recent study from [IEG Sponsorship Report](#), sponsorship spending on fairs, festivals and annual events is expected to total \$878 million in 2016, a 2.1 percent increase from 2015.

Public Private Partnerships

Many festivals employ the use of existing public space and don’t require new construction to run. This makes them nimble and able to “switch venues and change up programming if necessary,” according to Jonathan Wynn, associate professor of sociology at the University of Massachusetts Amherst,

In his research, Wynn found that the most successful U.S. festivals are created organically through public-private partnerships.

“Festivals are really successful when they are generated by a subcultural infrastructure of alt-weekly magazines and music venues, then winning support of [convention and visitors bureaus], chambers and city halls,” he said.

[#cultural development](#) [#festivals](#) [#music festivals](#) [#public private partnership](#) [#tourism](#)



305 N. Walnut Street, Suite B • Yellow Springs, OH 45387
937-767-0222

5/15/18

Dear Village Council Members,

I am writing on behalf of Yellow Springs Brewery in order to express support for the Village of Yellow Springs to give assistance to local events without a fee. We believe a new fee structure would negatively impact local businesses and non-profit event planners.

It feels to be in the best interest of the Village to provide support for all events that are held in town. Whatever the size, these events allow many newcomers and locals alike opportunities to explore Yellow Springs and financially support local businesses while in town.

Street Fair especially, the main fundraiser for Yellow Springs Chamber of Commerce, has significant positive impact on our business. The sheer number of people that have the opportunity to be introduced to our product during the event is astounding. Few breweries located in a town of our size can make this statement. As a production facility with distribution in the Miami Valley and Columbus, we rely on all local events to expand the awareness of our brand into those communities. And as an employer of many local folks, these sales help us support our employee's quality of life.

We urge you to please consider the larger picture for residents and businesses when making your decision regarding event fees.

Sincerely,
Lisa Wolters
Co-Owner
Yellow Springs Brewery



Behavioral Health

Phone: 937-376-8700

Fax: 937-376-8792

Visit us on the web: www.tcn.org

TCN BEHAVIORAL HEALTH WALK-IN CLINICS

DUAL ASSESSMENTS (SUBSTANCE USE AND MENTAL HEALTH)

XENIA OFFICE:	FAIRBORN OFFICE:	KETTERING OFFICE: OPENING SEPTEMBER 11, 2017
452 WEST MARKET ST. XENIA, OH 45385	600 E. DAYTON-YELLOW SPRINGS RD. FAIRBORN, OH 45324	3085 WOODMAN DR. SUITE 300 KETTERING, OH 45420
MONDAY	TUESDAY	MONDAY
Check-in at 8:30am Plan to stay until 12Noon 100% receive financials 8 are seen for assessments The remainder will be scheduled for the next available appointment or clinic	Check-in at 8:30am Plan to stay until 12Noon 100% receive financials 8-10 are seen for assessments The remainder will be scheduled for the next available appointment or clinic	Check-in at 8:30am Plan to stay until 12Noon 100% receive financials 8-10 are seen for assessments The remainder will be scheduled for the next available appointment or clinic
TUESDAY	THURSDAY	WEDNESDAY
Check-in at 9:00am Plan to stay until 1:15pm 100% receive financials 5-7 are seen for assessments The remainder will be scheduled for the next available appointment or clinic	Check-in at 8:30am Plan to stay until 12Noon 100% receive financials 6-8 are seen for assessments The remainder will be scheduled for the next available appointment or clinic	Check-in at 8:30am Plan to stay until 12Noon 100% receive financials 8-10 are seen for assessments The remainder will be scheduled for the next available appointment or clinic
WEDNESDAY	SATURDAY	
Check-in at 8:30am Plan to stay until 1:15 100% receive financials 8 are seen for assessments The remainder will be scheduled for the next available appointment or clinic	Check-in at 8:30am Plan to stay until 12Noon 100% receive financials 6-8 are seen for assessments The remainder will be scheduled for the next available appointment or clinic	
THURSDAY		
Check-in at 9:00am Plan to stay until 1:15pm 100% receive financials 5-7 are seen for assessments The remainder will be scheduled for the next available appointment or clinic		

ASSESSMENTS ARE ON A FIRST COME, FIRST SERVICE BASIS.

APPOINTMENTS MAY ALSO BE SCHEDULED.

A FINANCIAL ASSESSMENT WILL BE COMPLETED DURING YOUR VISIT



QPR

Gatekeeper Training

A Free Evidence-Based Suicide Prevention Training

“Ask a question, save a life”

Like CPR, QPR is a simple process that anyone can be trained to use, to help save the life of a person in crisis.

Trainer: Adriane Miller,
Mental Health & Recovery
Board of Clark, Greene &
Madison Counties

Date: June 18, 2018

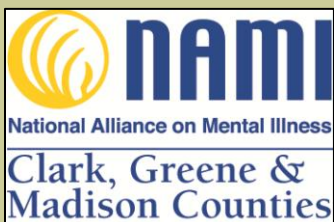
Location:

First Presbyterian Church,
Westminster Hall
314 Xenia Ave.,
Yellow Springs 45387

Time: 7 – 8:30 p.m.

Reserve your free seat at:

<https://www.eventbrite.com/e/qpr-training-tickets-46116062384>



Question...

Persuade...

Refer...

Gatekeepers can be anyone, but include parents, friends, neighbors, teachers, ministers, doctors, nurses, office supervisors, squad leaders, foreman, police officers, advisors, caseworkers, firefighters, and many others who are strategically positioned to recognize and refer someone at risk of suicide.

KEY COMPONENTS COVERED IN TRAINING:

- How to Question, Persuade and Refer someone who may be suicidal
- How to get help for yourself or learn more about prevention suicide
- The common causes of suicidal behavior
- The warning signs of suicide
- How to get help for someone in crisis

Please call 937-322-5600 for more information.



BELOVED COMMUNITY PROJECT
of Yellow Springs



From: Jackie Ashworth [<mailto:jashworth@antiochcollege.edu>]
Sent: Wednesday, May 09, 2018 4:38 PM
To: Patti Bates, YSO Village Manager <PBates@vil.yellowsprings.oh.us>
Cc: Kevin Stokes <kstokes@antiochcollege.edu>; Tom Manley <tmanley@antiochcollege.edu>
Subject: Main Water Line leak on campus

Patti,

Yesterday we noticed what appeared to be a potential water main break behind the old Fine Arts Building. I notified Johnnie, who sent a crew to check.

Well it turns out it was a leak from the main system, at an old curb stop. Your crews have been here for the last couple of hours and finally found the issue and it is repaired.

Wanted to let you know we appreciate the quick and efficient service of your water crew, and supervisor Johnnie Burns.

Jackie Ashworth
Director - Physical Plant

**Village of Yellow Springs
Treasurer's Report for 1st Quarter 2018**

Submitted May 15, 2018

Last year we realized significant earnings (over \$36,000) from investments for the first time in many years. We are on track to exceed that amount this year.

As mentioned in my previous quarterly report, I recommend we consider moving any funds accounts that are not needed for immediate expenses and reserves from our US Bank Checking to Star Plus. I set up a meeting with Patti Bates and Melissa Dodd (the other two members of the Investment Committee) to discuss this issue and come up with a recommendation on re-allocating the investments between US Bank, Star Ohio, Star Plus and Huntington. However, due to conflicts on Melissa's part, and now her departure, this meeting never happened. Now that we have a new Finance Director on board, I have requested a meeting of the finance committee for as soon as possible (will likely be after June after 4th when Colleen starts full time.)

The earnings credits from our Checking Accounts at US Bank exceed the fees. We can earn more by moving cash not needed for regular operations to a StarPlus account. Funds in StarPlus are FDIC insured and are very liquid.

If I can be of service to Council in any other way, please let me know.

Respectfully Submitted,

*Rachel McKinley
Treasurer, Village of Yellow Springs
RMcKinley@vil.yellowsprings.oh.us
Cell: 937-347-7165*

INVESTMENT SUMMARY
Village of Yellow Springs

March 2018- YTD

	Total Investments		Huntington (Investment Only)		Star Ohio/Star Plus (Investment Only)		US Bank CKG Accts
	Balance	Earnings	Balance	Earnings plus Acct Int	Balance	Earnings	Balance
Beginning Balance	\$ 7,980,887.24		\$ 2,159,377.34		\$ 1,622,266.98		\$ 4,199,242.92
JANUARY	\$ 7,665,478.26	\$ 4,212.57	\$ 2,161,623.67	\$ 2,246.33	\$ 1,624,233.22	\$ 1,966.24	\$ 3,879,621.37
FEBRUARY	\$ 7,846,086.92	\$ 3,775.37	\$ 2,163,551.73	\$ 1,928.06	\$ 1,626,080.53	\$ 1,847.31	\$ 4,056,454.66
MARCH	\$ 8,963,282.99	\$ 2,596.75	\$ 2,163,923.55	\$ 371.82	\$ 1,628,305.46	\$ 2,224.93	\$ 5,171,053.98
	Change in Bank Balance	Total Earnings all accounts	Change in Bank Balance	Earnings including Accrued Interest	Change in Bank Balance	Total Earned YTD	Change in Bank Balance
2018	\$ 982,395.75	\$ 10,584.69	\$ 4,546.21	\$ 4,546.21	\$ 6,038.48	\$ 6,038.48	\$ 971,811.06
2017	\$ 1,140,868.42	\$ 36,014.09	\$ 769,019.17	\$ 18,805.36	\$ 17,208.73	\$ 17,208.73	\$ 354,640.52
2016	\$ 77,760.74	\$ 7,095.05	\$ 1,390,358.14	\$ (241.86)	\$ 7,336.91	\$ 7,336.91	\$ (1,319,934.37)
2015	\$ (141,423.21)	\$ 3,215.66	N/A	N/A	\$ 3,215.66	\$ 3,215.66	\$ (470,882.40)
2014	\$ (580,132.22)	\$ 3,182.64	N/A	N/A	\$ 3,182.64	\$ 3,182.64	\$ (882,386.29)
2013	\$ 49,167.29	\$ 1,266.64	N/A	N/A	\$ 1,266.64	\$ 1,266.64	\$ (203,120.33)
2012	\$ (645,429.13)	\$ 1,210.97	N/A	N/A	\$ 1,210.97	\$ 1,210.97	\$ (812,766.95)
2011	\$ 1,189,387.77	\$ 892.04	N/A	N/A	\$ 892.04	\$ 892.04	\$ 878,728.48
	Average Balance	Earnings % *	Average Balance	Earnings % *	Average Balance	Earnings % *	Average Balance
AVERAGE 2018	\$ 8,158,282.72	0.1297%	\$ 2,163,032.98	0.2102%	\$ 1,626,206.40	0.3713%	\$ 4,369,043.34
AVERAGE 2017	\$ 7,515,099.31	0.4792%	\$ 2,150,222.26	0.8746%	\$ 1,613,540.59	1.0665%	\$ 3,751,336.46
AVERAGE 2016	\$ 6,835,390.93	0.1038%	\$ 106,950.63	-0.2261%	\$ 1,600,842.65	0.4583%	\$ 5,127,597.65
AVERAGE 2015	\$ 6,847,844.07	0.0470%	N/A	N/A	\$ 1,596,228.93	0.2015%	\$ 1,691,724.06
AVERAGE 2014	\$ 7,493,945.11	0.0425%	N/A	N/A	\$ 1,592,907.51	0.1998%	\$ 2,676,291.89
AVERAGE 2013	\$ 7,538,572.25	0.0168%	N/A	N/A	\$ 1,590,571.46	0.0796%	\$ 2,667,872.67
AVERAGE 2012	\$ 8,066,996.11	0.0150%	N/A	N/A	\$ 1,589,408.92	0.0762%	\$ 3,720,224.68
AVERAGE 2011	\$ 7,609,741.01	0.0117%	N/A	N/A	\$ 1,588,570.14	0.0562%	\$ 3,492,685.34

* Not annualized for partial year

US Bank Earnings Credits & Service Charges

Village of Yellow Springs

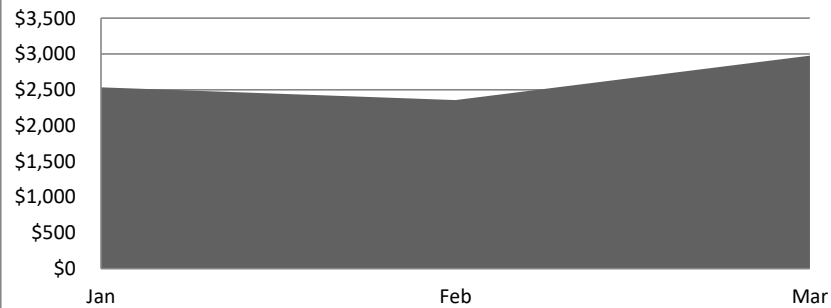
2018

First Quarter (YTD)

	AVERAGE	EARNINGS	EARNINGS	INTEREST PAID	BANK	NET
MONTH	BALANCE	CREDIT RATE	CREDIT	ON BALANCE	SERVICE CHARGE	SERVICE CHARGE
JAN	3,977,968	0.75%	\$2,534	0	2,742	208
FEB	4,094,710	0.75%	\$2,356	0	2,649	293
MAR	4,674,319	0.75%	\$2,977	0	2,752	(225)
TOTAL YTD			\$7,867	\$0	\$8,143	\$276
Monthly Average	\$4,248,999		\$2,622	\$0	\$2,714	\$92

Earnings Credit

■ Dollars



Net Service Charge

■ Dollars

