

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

IN COUNCIL CHAMBERS @ 6:00 P.M.

Monday, July 2, 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 (6:00)

ROLL CALL

EXECUTIVE SESSION

For the Purpose of the Discussion of Ongoing and Potential Litigation.

REGULAR SESSION (7:00)

ANNOUNCEMENTS

CONSENT AGENDA (7:10)

1. Minutes of June 18, 2018 Regular Meeting
2. Resolution 2018-26 Approving Check Signing Privileges for US Bank/General Checking and Guaranteed Deposits

REVIEW OF AGENDA (7:15)

I. PETITIONS/COMMUNICATIONS (7:20)

The Clerk will receive and file:

Patti Dallas re: Affordable Housing
Liz Porter re: Corporal Meister
Jessica Thomas re: Corporal Meister
Dan and Libby Rudolf re: Corporal Meister
Judith Hempfling re: JSTF Recommendation Process
Village Manager re: Brief on Recent Article
Ohio EPA re: Notification

II. PUBLIC HEARINGS/LEGISLATION (7:25)

Second Reading and Public Hearing of Ordinance 2018-25 Small Cell Towers

First Reading of Ordinance 2018-27 Annual Late Fee Utility Forgiveness Upon Customer Request

Reading of Resolution 2018-24 Approving the Finance Director's 2019 Tax Budget for the Village of Yellow Springs

Reading of Resolution 2018-25 Authorizing the Village Manager to Submit a Grant to the Ohio Public Works Commission

III. CITIZEN CONCERNS (7:55)

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 (8:00)

Utility Affordability Discussion (Kreeger: 5 min.)
Housing Advisory Board Update (MacQueen: 10 min.)
Review of Village Council Goals (Housh: 45 min.)

VI. NEW BUSINESS (9:00)

Tecumseh Land Trust Request for Donation
Glass Farm Management Committee Alternate Liaison
Village Manager Search Process (Housh 10 min.)

VII. MANAGER'S REPORT (9:15)

VIII. SOLICITOR'S REPORT (9:20)

IX. CLERK'S REPORT (9:25)

X. FUTURE AGENDA ITEMS (9:30)*

July 16: Resolution re: Rumpke Contract Renewal
Ordinance re: Quarterly Supplemental
Proposed Purpose/Structure/Bylaws for Designated CIC
RV Parking Regulation Recommendation from PC
Staff Quarterly Reports
Village Investment Strategy
Landlord Utility Responsibility Discussion
Tree City USA Discussion
Aug. 20: Resolution Approving Designated CIC Bylaws
Housing Advisory Board Update – Patrick Bowen
Vote 16/Local Gun Control Proposals
Village Commitment to Transparency Discussion
Sept. 4:
Sept. 17: Biennial Review of JSTF Commission Status

*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, July 16, 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, June 18, 2018

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 7:00pm.

ROLL CALL

Present were President Housh, Vice President Marianne MacQueen and Council members Judith Hempfling, Kevin Stokes and Lisa Kreeger. Also present were Village Manager Patti Bates, acting as Deputy Clerk, and Village Solicitor Chris Conard.

SWEARING IN OF BOARD/COMMISSION MEMBERS

Richard Zopf was sworn in by Council President as an alternate member of the Board of Zoning Appeals, and as a Library Commission full member.

ANNOUNCEMENTS

Hempfling announced that there is a gathering for those protesting taking children from immigrants seeking asylum tentatively planned in Springfield on Saturday.

Housh noted that the annual Gay Pride parade and events will take place from 9-12 on June 30.

Stokes noted the next ongoing in the series of Blacks in Yellow Springs tours starting from the First Baptist Church at 1pm on Saturday.

Housh announced the Bicycle Friendly Community event at Yellow Springs Station from 6-7 on June 27th, and at 7pm the unveiling of the draft Active Transportation Plan. This event is geared to gather input from citizens as to their priorities regarding bicycle routes in the Village.

Bates announced the July 4th fireworks set for 10pm on that date. The Fourth of July parade will start at am that day.

Housh announced that Stoney Creek Botanicals will host the Chamber of Commerce After Hours on Thursday from 5-7pm.

Housh noted a visit from Michael Schuman, who specializes in local investment, slated for June 26 through 28. Schuman will offer a summary of his visit and his impressions from 8:30-11:30 Thursday in Council Chambers.

CONSENT AGENDA (7:10)

1. Minutes of May 21, 2018 Regular Meeting
2. Minutes of the June 4, 2018 Regular Meeting

MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE. Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a voice vote.

REVIEW OF AGENDA

Hempfling added a recommendation regarding continuation of the JSTF as a Council Commission through the end of the year to Old Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Linda Hoetger re: September as Prostate Cancer Awareness Month
Henry Myers re: DCIC Land Sales

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2018-25 Small Cell Towers. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Conard explained the legislation as follows:

HB 478 is the product of months of negotiations and compromise between local governments and the wireless industry regarding the installation and operation of small cell wireless technology.

Small cells are low-powered antennas that attach to streetlights and poles in the public right-of-way to help upgrade the existing wireless network to support 5G data speeds.

The legislation creates a regulatory framework for the installation of small cells regarding municipal public way usage law. Specifically, HB 478 includes the following guidelines regarding small cell technology:

- Uniform fees to attach to municipal-owned poles and a uniform process for obtaining permits; and
- Tools for local governments to retain control regarding location, construction, and design for small cells.

Proponents of the Bill contend that HB 478 strives to modernize Ohio's wireless infrastructure. However, with that modernization, the Village of Yellow Springs needs to be prepared with codified standards to retain certain control over their public right of ways.

As part of the Village's efforts to retain that control, Council voted and approved Emergency Ordinance 2018-13 in April. The purpose of that Ordinance was to ensure that the Village timely designated underground areas in compliance with HB 478 which required that underground areas be designated three months prior to application.

Since that time, HB 478 has now officially passed both the Ohio House of Representatives and the Senate, and has been signed into law by the Governor. It will go into effect August 1, 2018.

Accordingly, the Village now needs to implement and approve legislation that complies with the remaining requirements of HB 478 in regard to the permit process for small cell facilities, application fees, and design requirements. The ordinance was written in collaboration with the Village Manager, Zoning Administrator and Public Works Superintendent.

Conard noted that the above staff and he are working through the zoning and planning code to assure that there are "no unintended consequences" and that all needs have been addressed.

MacQueen asked about the footprint of the devices, and Conard stated that he will obtain images for this purpose.

Bates noted that municipalities no longer have to permit cell companies to attach to municipal poles, but that the Village will have to permit companies to erect their own poles.

Housh received confirmation that the ordinance does not limit the Village's ability to negotiate future possible attachment agreements with those entities.

Housh wondered why some of the decisions made regarding ordinances have not come before Council or commissions for their input. He asked specifically why the Village Manager or designee have the sole authority to issue permission, rather than involving either Council or the Planning Commission in that process.

Bates noted that she had sought input from Johnnie Burns and from Conard on the matter and felt confident in the process as described, but had not had time to fully vet the language.

Housh commented that he would like to look at the initial ordinance language.

Bates received confirmation from Housh that he would like a Council review on any request for a small cell tower.

Conard responded to a question from Stokes, stating that every effort was made to tailor the code to the Village specifically.

Bates suggested making the use a conditional use so that Planning Commission is brought into the process.

Housh commented that this seemed to him to be a policy change. He asked that Council come prepared to address the question as to whether they are comfortable abdicating the decision on small cell towers to the Village Manager.

Conard stressed that he is working to tailor the legislation to the existing code.

Bates cautioned that there should be a cautious approach so that Council does not step into Planning Commission's purview.

Housh commented that what is removed from the current legislation shows a great deal of attention to the matter from the time of the initial legislation.

Housh noted that the legislation seems to be a policy change. He asked that Council come to the next meeting prepared to discuss which body should be charged with a final decision regarding placement of small cell towers.

Conard agreed to provide further information for the next meeting.

Conard took a list of Council concerns, noting issues as: whether different rates can be negotiated and where should a review process exist, and what entities should be contemplated with regard to that process, and finally, what impact might occur if the Village decides to move forward with a municipal broadband process.

Housh declined to call a vote.

First Reading of Ordinance 2018-26 Forgiveness of First Utility Late Fee Annually. Hempfling MOVED and Stokes SECONDED a MOTION TO APPROVE.

Kreeger introduced the legislation and offered her rationale for supporting the measure.

Bates noted that all three utilities are on a single bill, and noted that two more ordinances will be required.

Housh asked why rate #2 also has the ability to request a waiver.

Conard noted that this is in error, and that only residential customers will be permitted to make the request.

Kreeger noted that this ordinance is a first step in addressing utility concerns in the Village.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

Reading of Resolution 2018-22 Approving a Request for Proposals to Replace Electric Poles. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Bates explained that the resolution addresses the need for an outside entity to replace 90 electric poles. She noted that it is possible to receive a lower bid on a larger project, which is why the entire project is here addressed.

Stokes wondered if consideration regarding access to the poles for future use (such as broadband) is here addressed.

Bates responded that as long as the pole is of sufficient height, an additional attachment should be possible.

Stokes asked that future uses be considered.

Hempfling asked what is being done about alleyways.

Housh noted that municipal broadband should be facilitated where possible.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a VOICE VOTE.

Reading of Resolution 2018-23 Celebrating Yellow Springs, Ohio as a Bike-Friendly Community. Hempfling MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a VOICE VOTE.

CITIZEN CONCERNS

There were no Citizen Concerns

SPECIAL REPORTS

There were no Special Reports

OLD BUSINESS

Housing Advisory Board Report – Process Discussion. MacQueen gave an extensive introduction to the concept of gentrification, based upon a workshop on the matter she had attended with

Swinger.

MacQueen commented that Section 8 is a very good way to provide affordable housing, and asked that any encouragement in this direction would be a positive.

MacQueen reported the following information related to the Housing Advisory Board:

MacQueen discussed terminology, noting definitions arrived upon by the HAB for use in discussing affordable housing. She went into detail regarding the impact of these definitions.

Hempfling referenced a document she had provided regarding wage ranges in this area. She noted the 30% guideline for cost of housing does include utilities, and addressed comment to the notion of gentrification.

Hempfling commented in favor of the Home, Inc model.

Hempfling made note of the number of available rentals and the median housing cost for the Village, commenting that housing prices in the Village are very inflated.

HAB has been working on a glossary of housing terms. The group also discussed the *Gentrification* workshop.

HAB has begun preliminary discussions on what will be needed to set Village housing goals and will be talking with Patrick Bowen regarding that before the discussion comes to Council. HAB has begun preliminary conversations about how to proceed with housing on the Glass Farm and who might assist in that planning.

HAB will be reviewing what resource persons might be able to assist in that planning. Other topics of conversation have included possible changes to the zoning code such as clarifying what is already allowed, allowing flag lots and making the PUD and Site Review process more streamlined for desired developments.

MacQueen provided a draft Housing Initiative, and went over the draft in detail, noting the following steps.

1. Gather information and identify the issues
2. Assess resources
3. Develop a Vision and Policy Statement (MacQueen read the statement and sought feedback: Council discussed the language with regard to overarching Council Goals). Council agreed generally that the statement should include housing goals, rather than population goals.
4. Create Housing Targets
5. Develop Strategies to meet the Targeted Goals
6. Create the Housing Initiative Plan
7. Begin Implementation

Stokes received confirmation that MacQueen will be bringing the issue of short term lodging as a discussion topic later in the process.

Draft RFP for Utilities Conservation Education. Bates explained that the initiative is coming from the Energy Board. She noted that the education would include all utilities. Bates noted her concern that the Energy Board has not yet come up with a list of deliverables for inclusion in the RFP.

Bates responded to MacQueen's concern that such educational outreaches often attract persons least in need of assistance, noting that this is meant to provide hand-on information as well as outreach. She commented that high school students would also be trained in some areas and would be empowered to go out into the community to provide assistance.

Kreeger suggested "desired outcome" statements as a means to gather more targeted proposals.

Hempfling agreed to take the document back to Energy Board for additions.

Karen Wintrow asked whether American Municipal Power is still working with Energy Smart. She commented that the administrative piece is the missing link, noting that other communities are utilizing their for-profit providers as resources. She suggested exploring AMP as a resource.

The document will return to Council at a later date.

Kreeger commented that it might be useful to apply for a Miller Fellow to assist with some of the round up program goals.

Housh cautioned that the Miller Fellow would need to be properly supervised or that the effort and expenditure would be lost.

The matter will be discussed at the next meeting.

Justice System Task Force Update. Hempfling asked that the JSTF be given through the end of 2018 to complete its work. She stated that she will be bringing a proposal to Council that the JSTF be made a permanent commission, and asked that the discussion be moved to September.

Housh clarified that there are two matters at hand—the suggestion that the JSTF be given the remainder of the year to complete business and the discussion regarding the JSTF status.

Hempfling stated that the proposal for a permanent commission “will not be coming from the JSTF, but from me.”

Hempfling asked that JSTF have input into a draft proposal for status as a permanent commission.

Stokes asked that the review be slated for October, and that the review be thorough and options be considered.

The discussion item was moved to September.

NEW BUSINESS

Considerations for Purpose of Designated Community Improvement Corporation.

Kreeger introduced the topic, noting the importance of economic development to affordability. She noted the need for inclusive representation and incentives consistent with Council goals.

Kreeger noted that the proposed mission of a DCIC established in Yellow Springs would be to serve as a coordinating and planning entity providing funding and oversight for projects that ensure the economic and cultural vitality of the Village of Yellow Springs for businesses, non-profits, residential and infrastructure development. The goal of increasing the tax base as a major reason to create a DCIC. The DCIC should be inclusive of the entire community and *support the Village Values and annual goals* established by the Village of Yellow Springs.

Kreeger noted that “not less than two-fifths of the governing board of a DCIC must be elected officials representing the participating political subdivisions.” She stated that the entity would operate under the Open Meetings act.

Kreeger noted the following makeup of the membership, not to exceed 11:

- “ Up to four persons representing the Village of Yellow Springs, appointed by the Village;
- “ One representative of the Miami Township Trustees appointed by the MTT;
- “ One representative of the Yellow Springs Exempted School District appointed by the

YSESD board;

- “ Five to seven at-large members from business and non-profit organizations that support economic and community development and bring skills or expertise to bear on the success of the corporation.

Kreeger noted a number of areas in which a DCIC would be valuable:

1. Administer the Revolving Loan Fund and other grant programs
2. Collect and distribute net profits taxes anticipated from the Cresco operation
3. Market the CBE and promote Yellow Springs as a business location
4. Fund infrastructure projects including the fiber network
Provide technical assistance to local businesses including development of an incubator/coworking space
5. Fund residential and commercial development
Function as a land bank to facilitate the transition of foreclosed and/or abandoned properties into viable, marketable properties

Kreeger noted that Council would no longer be making direct decisions regarding some of the above, and that parameters for decisions should be thoughtfully addressed in the formation of a DCIC.

Housh noted the ability of a DCIC to obtain grant funding.

In response to a question from Hempfling, Housh commented that the staffing for a DCIC is still in the discussion process.

MacQueen stressed the heavy work load currently carried by staff and urged that this be addressed.

Kreeger noted that there is some interest in a land bank among members of the Economic Sustainability Commission.

Housh urged some caution in determining what aspects a DCIC would address.

Hempfling argued that a DCIC might limit citizen power to influence decision making in a way that decisions coming through Council would not. She asked that Cresco funds going to the DCIC should be limited—that not all of those funds should funnel through a DCIC.

Housh commented that Council has the ability to decide what will go to the DCIC.

Hempfling then observed that the DCIC would have two Council representatives.

Kreeger noted that that the ESC feels strongly that there should be a means for citizen input into the DCIC process.

Housh noted that Michael Schuman will be in town soon and will be able to provide some insight.

Council weighed in on the specific suggestions above (1-5).

Stokes commented specifically on suggestion #2, asking that not all Cresco funds

MANAGER’S REPORT

Bates reported on the following:

Implicit Bias Training proposals. A contract was signed with Tiffany Taylor Smith and training dates have been set. All employees will be required to attend 2 sessions, one on August 8th (Session 1) and one on August 15th (Session 2).

Crew quarters should be done by July 1.

The first phase of electric pole replacement will begin Monday. Hi-Tech Electric will be working 7 days a week for 3 weeks. Some work in Keith’s Alley will be done at night. The Village will make every attempt to notify the businesses and residents in Keith’s Alley of the night work.

Tree trimming bids have been posted and bid packets are available at the Administrative Offices.

Crews have begun marking the valves for exercise in preparation of starting unidirectional flushing.

PLANNING AND ZONING

Bates presented Planning and Zoning Inspector Denise Swinger’s report regarding the parking of recreational and other large vehicles on the street. The Planning Commission recommends to Council that the regulation of these parking issues be added under the General Offenses Code for enforcement by the Police Department, which already enforces other parking regulations. This provides consistency in the enforcement of related ordinances.

Council agreed to add this as a future agenda item.

Housh asked that all staff reports be provided monthly.

CHIEF’S REPORT

There was no verbal report.

SOLICITOR’S REPORT

There was no additional report.

BOARD AND COMMISSION REPORTS

MacQueen commented that the Environmental Commission has been discussing the Vernay pollution. She noted that the EPA is slated to review the situation this year.

MacQueen stated that the EC is looking to focus upon remediation of groundwater pollution issues, and that they will be keeping an eye on the Vernay situation.

Hempfling stated that the JSTF will bring back their recommendation regarding Mayor’s Court at a later date. They will also be providing a “notice and comment” in the YS News regarding Police Surveillance to be followed by a recommendation.

The JSTF will also be submitting a recommendation regarding a Police Advisory Board.

Bates responded to a question regarding the Library Commission response to paving their parking lot and some HVAC work stating that this was not based upon a request from the LC, but as a matter of ongoing Village maintenance. The LC is discussing some changes regarding the restroom structure.

Housh suggested a survey monkey approach to participation in JSTF queries.

Kreeger noted that a new show will be coming to the JBC Gallery, with a reception on July 6th.

AGENDA PLANNING

- July 2: Utility Affordability Proposal
 Village Manager Search Process
 Review of Village Goals
 OPWC Grant Resolution
 Housing Initiative Discussion
 2019 Tax Budget
 Utility Affordability Policy Statement
- July 16: Proposed Purpose/Structure/Bylaws for Designated CIC
 Staff Quarterly Reports
 Ordinance Quarterly Supplemental
 Biennial Review of JSTF Commission Status
 Village Investment Strategy
 Landlord Utility Responsibility Discussion
 Tree City USA Discussion
- Aug. 20: Resolution Approving Designated CIC Bylaws
 Housing Advisory Board Update – Patrick Bowen
 Vote 16/Local Gun Control Proposals
 Village Commitment to Transparency Discussion

EXECUTIVE SESSION

At 9:51pm, MacQueen MOVED and Hempfling SECONDED a MOTION to ENTER EXECUTIVE SESSION for the Discussion of Potential Litigation. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

At 10:20 pm, MacQueen MOVED to EXIT EXECUTIVE SESSION. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

ADJOURNMENT

At 10:21pm, Stokes MOVED and Hempfling SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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

Brian Housh, Council President

Attest: Patti Bates, Deputy Clerk of Council

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2018-26**

**Approving Check Signing Privileges for US Bank/General Checking & Guaranteed
Deposits**

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

Section 1. The funds of the Village of Yellow Springs be deposited in its name with the **USBANK N.A., General Checking Account** (two (2) signers required), **Payroll Account** (one (1) signer required) and **Guaranteed Deposits Account** (two (2) signers required), and that the same be subject to withdrawal by checks, drafts, bills of exchange, acceptances, promissory notes and other orders for the payment of money made, signed, drawn, accepted or endorsed in the Village name and signed by Rachel McKinley, Colleen Harris, Johnnie Burns, Patti Bates and/or Judy Kintner, including those drawn to the individual order of any such officer and/or other person signing the same, without further inquiry or regard to the authority of said checks, drafts, bills of exchange, acceptances, promissory notes or the proceeds thereof.

Section 2. Only by specific resolution adopted by the Village Council; Rachel McKinley, Treasurer; Colleen Harris, Finance Director, Johnnie Burns, Public Works Director, Patti Bates, Village Manager and Judy Kintner, Clerk of Council are authorized to apply for and receive letters of credit from said bank, and sign all necessary documents for that purpose, and to discount with said bank any notes or bills receivable held by the Village, and to borrow from time to time, on behalf of the Village, from said bank, such sums of money for such times and upon such terms as may to them or any of them be advisable, and to execute in the name of the Village notes, drafts of agreements for repayment of any sum so borrowed, and to hypothecate and deliver as security to said bank any bonds, stocks, commercial paper, bills receivable and other property belonging to the Village, including those drawn to the individual order of any such officer and/or other person signing the same, without further inquiry or regard to the authority of said officer or the use of said notes, drafts or agreements or the proceeds thereof.

Section 3. This Resolution shall remain in full force and effect until revoked in writing by the Village.

Section 4. The President of Council is authorized and directed to execute the certificates of Corporate Resolution certifying the adoption of this resolution.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL: Brian Housh____ Marianne MacQueen____ Judith Hempfling____
Kevin Stokes____ Lisa Kreeger____



Legislation Brief

Submitted by Patti Bates

July 2, 2018

Resolution 2018-25

In packets for this meeting is Resolution 2018-25, a resolution authorizing the Village Manager to apply in Round 33 of the Ohio Public Works Commission grant cycle for a grant to purchase and install remote-read water meters for every water/sewer account with the Village. The total cost of the project is \$818,480.79. We would be applying for a grant to cover 84% of the cost, with the Village match equaling \$130,957, half coming from each the water and sewer enterprise funds.

The installation of these remote-read water meters will be beneficial in several ways. First and foremost, it will allow the more timely detection of water leaks across the board. The software will notify staff on a daily basis of high usage at a particular address. The software will also allow the account holder to access their reads via a smartphone application, allowing them to track personal usage and also detect leaks in a timelier manner.

Grant applications are due by July 27th, with awards announced late this year. If we receive the grant, the funding would become available July 1, 2019, so this project would be part of next year's capital budget.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-25**

**REPEALING CHAPTER 876 “WIRELESS SERVICES” OF THE CODIFIED ORDINANCES OF
YELLOW SPRINGS, OHIO AND ENACTING NEW CHAPTER 876 “SMALL CELL
FACILITIES & WIRELESS SUPPORT STRUCTURES” AND DECLARING AN EMERGENCY**

Whereas, the Codified Ordinances for the Village of Yellow Springs, Ohio establish general procedures and standards for wireless facilities and support structures;

Whereas, Ohio House Bill 478 of the 132nd General Assembly (“HB 478”) has been enacted and will become effective August 1, 2018;

Whereas, HB 478 affects the Codified Ordinances for the Village of Yellow Springs, Ohio as it relates to wireless facilities and support structures; and

Whereas, Village Council seeks to comply with HB 478, and codify general procedures and standards for the siting, construction, placement, collocation, modification, operation, and removal of small cell facilities and/or wireless support structures within the Village of Yellow Springs.

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

Section 1. Chapter 876 entitled “Wireless Services” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed in its entirety including all sections therein.

Section 2. A new Chapter 876 entitled “Small Cell Facilities & Wireless Support Structures” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A, which is attached hereto and incorporated herein with new language underlined and **bolded** and deleted language in ~~striketrough~~:

Section 3. This Ordinance is hereby declared to be an emergency measure authorized under the Village’s home rule powers necessary for the benefit of the health, safety and welfare of the Village and for the reason that HB 478 takes effect July 31, 2018 and in order to protect the home rule rights and interest of the Village, this Ordinance must take effect prior to that date. This Ordinance shall take effect immediately upon approval by Village Council.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____

Kevin Stokes _____ Lisa Kreeger _____

EXHIBIT A

CHAPTER 876 **SMALL CELL FACILITIES & WIRELESS SUPPORT STRUCTURES**

876.01 PURPOSE.

The purpose of this chapter is to:

- (a) Provide requirements for the use and leasing of public land for personal wireless service facilities; and
- (b) Establish an application procedure that ensures action within a reasonable period of time for requests to use and lease public land for personal wireless service facilities.

876.01 PURPOSE AND INTENT.

The purpose of this chapter, is to establish general procedures and standards for the siting, construction, placement, collocation, modification, operation, and removal of small cell facilities and/or wireless support structures within the Village of Yellow Springs.

The goals of this chapter are to:

- (a) **Provide standards for the siting, construction, placement, collocation, modification, operation, and removal of small cell facilities and wireless support structures within the Village of Yellow Springs.**
- (b) **Establish criteria for making application to promote fair and efficient processing of applications.**
- (c) **Ensure that small cell facilities and wireless support structures conform to all applicable health and safety regulations.**
- (d) **Preserve the character of the Municipality's residential, business, and historic districts by limiting the overall number of facilities within the Municipality's Right of Way.**
- (e) **Reduce visual clutter and preserve and enhance the aesthetic environment of the Village of Yellow Springs.**
- (f) **Ensure the safety of motorists, pedestrians, and other users of the Municipality's Rights of Way by limiting the placement and overall number of facilities within close proximity to roadways, sidewalks, or other such ways of travel.**

- (g) Establish a fair and reasonable method to recover costs incurred in administering this chapter.

876.02 COMPLIANCE REQUIRED.

~~No person shall be granted a lease to use public land for a personal wireless service facility unless such person conforms to the requirements set forth in such lease and in this chapter.~~

876.02 DEFINITIONS

Within this chapter words with specific defined meanings are as follows:

- (a) “Abandoned” means any small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the operator otherwise notifying the Municipality and receiving the Municipality's approval.
- (b) “Agent” means a person that provides the Municipality written authorization to work on behalf of a public utility.
- (c) “Antenna” means Communications equipment that transmits or receives radio frequency signals in the provision of wireless service.
- (d) “Applicant: means any person that submits an application to the Municipality to site, construct, place, collocate, modify, operate, and/or remove a small cell facility or wireless support structure in the Village of Yellow Springs.
- (e) “Collocation” or “collocate” means to install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure or utility pole.
- (f) “Cable operator,” “cable service,” or “franchise” have the same meanings as in the "Cable Communications Policy Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 522.
- (g) “Decorative pole” means a pole, arch, or structure other than a street light pole placed in the Right of Way specifically designed and placed for aesthetic purposes and on which no appurtenances or attachments have been placed except for any of the following:

 - (1) Electric lighting;
 - (2) Specially designed informational or directional signage;

- (3) Temporary holiday or special event attachments.**
- (h) “Enclosure” means a cabinet for equipment intended to conceal its contents, prevent electrical shock to users, and protect the contents from the environment.**
- (i) “Equipment” means electrical and/or mechanical devices or components.**
- (i) “Historic District” means a building, property, or site, or group of buildings, properties, or sites that are either of the following:**
- (1) Listed in the national register of historic places or formally determined eligible for listing by the keeper of the national register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the national register, in accordance with section VI.D.1.a.i-v of the nationwide programmatic agreement codified at 47 C.F.R. part 1, Appendix C;**
- (2) A registered historic district as defined in Section 149.311 of the Ohio Revised Code.**
- (k) “Municipal Electric Utility” has the same meaning as in section 4928.01 of the Ohio Revised Code.**
- (l) “Ohio Manual of Uniform Traffic Control Devices” or “OMUTCD” means the uniform system of traffic control devices promulgated by the department of transportation pursuant to Section 4511.09 of the Ohio Revised Code.**
- (m) “Occupy” or “Use” means with respect to a Right of Way, to place a tangible thing in a Right of Way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities necessary for the delivery of public utility services or any services provided by a cable operator.**
- (n) “Permittee” means a person issued a permit.**
- (o) “Person” means any natural person, corporation, or partnership and also includes any governmental entity.**
- (p) “Public Utility” means a wireless service provider as defined in division (A)(20) of section 4927.01 of the Ohio Revised Code or any company described in section 4905.03 of the Ohio Revised Code except in divisions (B) and (I) of that section,**

which company also is a public utility as defined in section 4905.02 of the Ohio Revised Code; and includes any electric supplier as defined in section 4933.81 of the Ohio Revised Code.

- (q) “Public Way Fee” means a fee levied to recover the costs incurred by the Municipality and associated with the occupancy or use of a Right of Way.
- (r) “Right of Way” or “Public Way” means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, public easement, and any other land dedicated or otherwise designated for a compatible public use, which, on or after July 2, 2002, is owned or controlled by a municipal corporation. “Right of Way” excludes a private easement.
- (s) “Small Cell Facility” means a wireless facility that meets both of the following requirements:

 - (1) Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than 6 cubic feet in volume.
 - (2) All other wireless equipment associated with the facility is cumulatively not more than 28 cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (t) “Small Cell Facility Operator” or “Operator” means a wireless service provider, or its designated agent, or cable operator, or its designated agent, that operates a small cell facility and provides wireless service as defined in division (T) of section 4939.01 of the Ohio Revised Code. For the purpose of this chapter, “operator” includes a wireless service provider or cable operator that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C.153(20), and services that are fixed in nature or use unlicensed spectrum.
- (u) “Substantial Change” or “Substantial change” means the same as defined by the FCC in 47 C.F.R. § 1.40001 (b)(7), as may be amended, and as applicable to

facilities in the public right of way, which defines that term as a collocation or modification that:

- (1) increases the overall height more than 10% or 10 feet (whichever is greater);
- (2) increases the width more than 6 feet from the edge of the wireless support structure;
- (3) involves the placement of any new enclosures on the ground when there are no existing ground-mounted enclosures;
- (4) involves the placement of any new ground-mounted enclosures that are ten percent (10%) larger in height or volume than any existing ground-mounted enclosures;
- (5) involves excavation or deployment of equipment outside the area in proximity to the installation and other wireless communications equipment already deployed on the ground;
- (6) would defeat the existing concealment elements of the wireless support structure as determined by the Village Manager or designee; or
- (7) violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, enclosures or excavation that is inconsistent with the thresholds for a substantial change.

Note: For clarity, the definition in this chapter includes only the definition of a substantial change as it applies to installations in the public right of way. The thresholds for a substantial change outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted wireless support structure without regard to any increases in size due to wireless facilities not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012.

- (v) “Utility Easement” means an easement dedicated for the use of a Public Utilities Commission of Ohio regulated utility.
- (w) “Utility pole” means a structure that is designed for, or used for the purpose of, carrying lines, cables, or wires for electric distribution or telecommunications service. The term excludes street signs and decorative poles.

(x) “Wireless Facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:

(1) Equipment associated with wireless communications;

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

(3) The term includes small cell facilities.

(4) The term does not include any of the following:

A. The structure or improvements on, under, or within which the equipment is collocated;

B. Coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

(y) “Wireless Service” means any services using licensed or unlicensed wireless spectrum, whether at a fixed location or mobile, provided to the public using wireless facilities.

(z) “Wireless Service Provider” means a person who provides wireless service as defined in division (A)(20) of section 4927.01 of the Ohio Revised Code.

(aa) “Wireless Support Structure” means a pole, such as a monopole, either guyed or self-supporting, street light pole, traffic signal pole, a 15’ or taller sign pole, or utility pole capable of supporting wireless small cell facilities. As used in section 4939.031 of the Ohio Revised Code this chapter, “wireless support structure” excludes all of the following:

(1) A utility pole or other facility owned or operated by a municipal electric utility;

(2) A utility pole or other facility used to supply traction power to public transit systems, including railways, trams, streetcars, and trolleybuses.

(bb) “Work permit” or “work permit” means a permit issued by the Municipality that must be obtained in order to perform any work in, on, above, within, over,

below, under, or through any part of the Right of Way, including, but not limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, or installing, as well as the act of opening and cutting into the surface of any paved or improved surface that is part of the Right of Way. Also, a permit issued by the Municipality that must be obtained in order to occupy the Municipality's Right of Way.

876.03 OBJECTIVES.

- ~~—(a) The policy of the Village with regard to the use of public land for personal wireless service facilities shall be to:~~
 - ~~—(1) Locate facilities so as to provide adequate coverage and adequate capacity with the least number of towers and antennas that is technically and economically feasible;~~
 - ~~—(2) Protect public safety and public property and adjacent land uses from potential adverse impacts of said facilities;~~
 - ~~—(3) Ensure adequate public compensation for private use of public land and the regulation thereof;~~
 - ~~—(4) Establish the following priority for the use of public land for wireless telecommunications services, provided, however, that the Village Manager may alter this priority when the Village Manager reasonably determines a deviation therefrom to be in the public interest:~~
 - ~~—A. The Village of Yellow Springs;~~
 - ~~—B. Public safety agencies, including law enforcement and emergency response agencies which are not part of the Village, and private entities with a public safety agreement with the Village;~~
 - ~~—C. Other governmental agencies for uses not related to public safety; and~~
 - ~~—D. Commercial wireless telecommunications services.~~
 - ~~—(5) Cooperate with surrounding jurisdictions on land use planning regarding personal wireless service facilities; and~~
 - ~~—(6) Encourage co-location.~~
- ~~—(b) The Village Manager is hereby granted the authority and duty of enforcing the provisions of this chapter.~~

876.03 APPLICABILITY

No small cell facility operator may collocate or remove a small cell facility or construct, maintain, modify, operate, replace, or remove wireless support structures in, along, across, upon, and/or under the Right of Way except in conformance with all provisions of this chapter and any other applicable requirements of the Village of Yellow Springs.

876.04 APPLICATION PROCEDURE.

- ~~—(a) Any person requesting approval to use public land for a personal wireless service facility shall file an application with the Village Manager, which application shall include,~~

at a minimum, the following information:

~~— (1) All information required in Section 1262.08 of these Codified Ordinances;~~

~~— (2) A description and depiction of the land area to be leased in the greatest detail possible;~~

~~— (3) A demonstration of need to site the facility in accordance with Section 1262.08 of these Codified Ordinances; and~~

~~— (4) Any other information required by the Village Manager.~~

~~— (b) The Village Manager shall review the application and determine if the application is complete and in order. Within thirty days of determining that the application is complete and in order, the Village Manager shall forward the application to Council along with a recommendation to approve or disapprove the application, in accordance with the criteria established herein.~~

~~— (c) Council shall review the application and hold a public hearing on the proposed application, after which Council shall render a determination to approve or not to approve the application, along with any conditions Council deems appropriate.~~

~~— (d) Upon approval of an application, the Village Manager shall develop a lease agreement, which shall include, at a minimum, the terms of this chapter and any additional conditions established by Council. The Village Manager shall return the lease agreement to Council for final approval.~~

~~— (e) The applicant/operator must obtain all necessary land use approvals.~~

876.04 PROCEDURES

876.04.1 - Permit Required

Unless otherwise exempted, it shall be unlawful for any person to collocate or remove a small cell facility or construct, maintain, modify, operate, replace, or remove wireless support structures in, along, across, upon, and/or under the Right of Way unless a permit has been issued by the Village Manager or designee.

876.04.2 – Application Requirements

This section specifies the necessary requirements for a complete permit application. A complete application shall consist of the following:

(a) Application Fee - The applicant must provide the applicable permit application fee in the amount of \$250.00 per location.

(b) RF Compliance Affidavit - Applicants must submit a sworn affidavit prepared and signed by an RF engineer with knowledge about the proposed project that affirms the proposed project will be compliant with all applicable governmental regulations

in connection with human exposure to radiofrequency emissions. The affidavit must include:

- (1) All frequencies on which the equipment will operate;
- (2) how many channels will be used on each frequency;
- (3) the effective radiated power ("ERP")
- (4) output level in measured watts; and
- (5) the height above ground for the lowest point on the lowest transmitter.

The required disclosures above must be included for all transmitters on the support structure, which includes without limitation existing collocated antennas and antennas used for wireless backhaul (such as microwave dish antenna or U/E relay).

(c) Regulatory Authorization - To the extent that the applicant claims any regulatory authorization or other right to use the public right of way, the applicant must provide a true and correct copy of the certificate, license, notice to proceed or other regulatory authorization that supports the applicant's claim.

(d) Owner's Authorization - Applicants must submit evidence sufficient to show that either:

- (1) the applicant owns the proposed support structure or
- (2) the applicant has obtained the owner's authorization to file the application.

(e) Site Plans and Structural Calculations. The applicant must submit fully dimensioned site plans, elevation drawings and structural calculations prepared, sealed, stamped and signed by a Professional Engineer licensed and registered by the State of Ohio. Drawings must depict any existing wireless facilities with all existing wireless communications equipment and other improvements, the proposed facility with all proposed wireless communications equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed facility and any associated access or utility easements.

(f) Equipment and Enclosure Specifications. The applicant shall provide dimensioned elevations, cut sheets, material samples or other construction documents necessary to evaluate for compliance with this chapter.

(g) Statement of Intent. The applicant shall provide a statement of a wireless support structure's intended purpose.

876.04.3 Application Type

(a) Each application to collocate or remove a small cell facility or construct, maintain, modify, operate, replace, or remove wireless support structures in, along, across, upon, and/or under the Right of Way shall be classified as one of three types. The three types of applications are:

(1) Small Cell Minor – An application that:

A. Involves removal or replacement of small cell facilities and any associated equipment on an existing wireless support structure; and such removal or replacement does not constitute a substantial change; or

B. Involves the routine maintenance of a small cell facility.

(2) Small Cell Substantial – An application that:

A. Involves the installation of a new small cell facility on a wireless support structure; or

B. Involves the removal or replacement of a small cell facility on an existing wireless support structure and such removal or replacement constitutes a substantial change.

(3) Wireless Support Structure – An application for a proposal to construct, modify or replace a wireless support structure in the Right of Way.

(b) Applications seeking to collocate a small cell facility to a wireless support structure owned by the Municipality and located within the Municipality Right of Way shall also be required to obtain an Attachment Certificate and shall be subject to an annual attachment fee in the amount of \$200.00 per small cell facility.

876.04.4 Decisions

(a) The Village Manager or designee shall review the application for conformance with the standards of this chapter and shall either:

(1) Approve, approve with conditions, or deny a Small Cell Minor application;
or

(2) Grant or deny consent for Small Cell Substantial and Wireless Structure applications.

(b) If a request is denied, the reasons for denial shall be provided in writing to the applicant.

(c) The Municipality reserves the right to deny an application if any one of the following conditions exist:

(1) The application does not comply with a provision of this chapter or a provision of the Village of Yellow Springs Codified Ordinances;

(2) The applicant is not authorized to conduct business in the State of Ohio;

(3) The applicant is not current in its obligation to pay to the Municipality fees or taxes imposed by this Chapter or any other authorized tax or fee prescribed in the Codified Ordinances of Yellow Springs;

(4) The design or location is deemed unsafe or non-compliant in regards to transportation and engineering standards for construction within the Right of Way;

(5) The design is counter to the health, safety, and welfare of the Municipality;

(6) The design or location is in conflict with current or proposed accessibility standards;

(7) The design does not meet standards related to electrical, structural, safety or construction best practices; and

(8) The proposed design is in conflict with existing infrastructure, facilities, and/or utilities.

(d) Except as allowed in subsection (C) below, applications shall be reviewed and a decision rendered according to 876.04.4.A – Decisions, within the following time periods:

(1) Small Cell Minor – Small Cell Minor applications shall be rendered within 60 days of the date of filing.

(2) Small Cell Substantial – Small Cell Substantial applications shall be rendered within 90 days of the date of filing.

(3) Wireless Support Structure – Wireless Support Structure applications shall be rendered within 120 days of the date of filing.

(e) The time period required in subsection (B) above may be tolled only:

(1) By mutual agreement between the applicant and the Municipality;

(2) If the application is determined to be incomplete; or

(3) The number of applications exceeds the Municipality's capacity to process them in a timely manner. If such number of applications exceeds capacity then the following tolling time periods may be instituted:

A. The time period may initially be tolled for up to 15 days when the number of applications received within any consecutive 30 day period exceeds 25 applications;

B. For every additional 15 applications that the Municipality receives above the 25 applications stated in (a) the time period may be tolled an additional 15 days; and

C. For every additional 30 applications that the Municipality receives above the 25 applications stated in (a) the time period may be tolled an additional 15 days.

D. However, in no instance shall the time tolled exceed 90 consecutive days.

(f) To toll the time period for incompleteness, the Municipality shall provide the applicant notice within 30 days of the date of filing. Such notice shall include a listing of the missing documents and/or information. The time period resumes once

the applicant submits a response. If an application is still incomplete, the Municipality shall notify the applicant within 10 days of the response.

(g) If multiple applications are received by the Municipality to install two or more wireless support structures that would violate the spacing requirements of 876.05.2 (B)2 – Design & Siting Requirements, or to collocate two or more small cell facilities on the same wireless support structure, the Municipality shall process and render a decision in the order they are received.

(h) In the event that an application is received by the Municipality to install a wireless support structure or small cell facility in a location in common with another application for a facility in the ROW, preference shall be granted in the following order of service provided:

(1) Municipal Infrastructure

(2) Water

(3) Electricity

(4) Gas

(5) Landline Telephone

(6) Wireless Service

876.04.5 Amendments

Amendments to an application in process which are not part of a response to a notice of incompleteness or a correction notice shall be treated as a new application.

876.04.6 Issuance of Permit and Certificates

(a) When an application is approved or granted consent, a permit shall be issued to the applicant authorizing the following:

(1) Small Cell Work Permit – A permit to perform the approved action, removal, replacement, or maintenance work, subject to any conditions;

(2) Small Cell Collocation Consent – Consent to perform the approved removal, replacement, or installation, and grant occupancy within the Municipality Right of Way, subject to any permits or conditions;

(3) Wireless Support Structure – Consent to construct, modify or replace a wireless support structure in the Right of Way, subject to any permits or conditions.

(b) An applicant seeking collocation of a small cell facility to a wireless support structure owned by the Municipality and located within the Municipality Right of Way shall be issued an Attachment Certificate authorizing such attachment, subject to any conditions.

876.04.7 Scope of Approval

(a) No permit or certificate authorized by this chapter shall be transferrable.

(b) No permit or certificate authorized by this chapter shall convey title, equitable or legal, in the Right of Way.

876.04.8 Duration of Approval

(a) The work authorized by the permit issued must be completed within 180 days from the date of issuance, unless otherwise conditioned as part of the approval.

(b) An Attachment Certificate is valid for 10 years from the date of issuance and may be renewed by the applicant in successive 5 year terms. Any request for renewal is subject to approval by the Village Manager or designee and may be denied for cause.

(c) In the event that any court of competent jurisdiction invalidates any portion of federal law which mandates approval of any permit, such permit shall automatically expire 1 year from the date of the judicial order.

(d) In the event that any court of competent jurisdiction invalidates any portion of state law which mandates approval of any permit shall automatically expire 60 days from the date of the judicial order.

876.04.9 Revocation

The following are grounds for revocation or denial of approval:

(a) The intentional provision of materially misleading information by the applicant (the provision of information is considered “intentional” where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence);

(b) The failure to comply with any condition of approval, order, or other applicable law, rule, or regulation;

(c) The site, structure or operation is otherwise not in compliance with any other provision(s) of applicable law;

(d) The subject site or use is otherwise not in compliance due to incomplete work or projects, or is not in compliance due to unperformed or slow to perform work as part of an open permit.

876.04.10 Appeals

The Village Council shall hear and decide upon appeals where it is alleged there is an error in any written decision made by the Village Manager or designee in the enforcement of this Code.

(a) A complete written appeal shall be filed by the appellant within 10 days of the written decision of the Village Manager or designee or the appeal shall become void. The appeal shall be filed with the Clerk of Council. The written appeal shall:

(1) Cite specific provisions of this chapter that are alleged to have been interpreted in error or the specific action being appealed and the grounds on which the appeal is being made;

(2) Include any required application fee in an amount set by the Village's Fee Schedule.

(3) Include such other information as may be required to render a reasonable decision;

(4) A statement as to why the appellant has standing as an aggrieved party to pursue the appeal.

(b) The Village Council shall then review the matter and after affording the Applicant an opportunity to be heard, either in writing or in person at its next regularly scheduled meeting after receiving the appeal, render its decision. Except to the extent otherwise appealable by law, the City Council's decision shall be final.

876.05 CRITERIA FOR GRANTING APPROVAL:

~~—(a) Applications to use public property for personal wireless service facilities shall only be approved when Council is fully satisfied that the following criteria have been met:~~

~~—(1) The application is complete and in order;~~

~~—(2) The applicant/operator has demonstrated a need to site the facility as per Section 1262.08 of these Codified Ordinances;~~

~~—(3) The applicant/operator is a proper person to enter into a lease agreement with the Village and has agreed to abide by the terms of this chapter and any other applicable laws and regulations and other conditions established by Council;~~
~~—(4) No user with a higher priority is reasonably anticipated to need the site and the applicant/operator's facility is not reasonably anticipated to cause interference with users of a higher priority;~~
~~—(5) The granting of approval will be consistent with the policy of the Village as set forth herein; and~~
~~—(6) The approval shall contribute to the public health, safety or welfare.~~
~~—(b) Notwithstanding the above, Council reserves the right to deny, for any reason, the use of any and all Village owned land by any one or all applicants/operators.~~

876.05 STANDARDS

876.05.1 General

The Village of Yellow Springs desires to promote orderly small cell facility and wireless support structure installations using the smallest and least intrusive means available to provide services to the community. All such installations in the public right of way shall comply with all applicable provisions in this section. All applications shall be subject to the following conditions:

- (a) Compliance with all Applicable Laws – Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinances, or other rules.
- (b) Right to Inspect – The Municipality or its designee may inspect a small cell facility or wireless support structure within the Right of Way upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The Municipality reserves the right to support, repair, disable, or remove any elements of the small cell facility or wireless support structure in emergencies or when the small cell facility or wireless support structure threatens imminent harm to persons or property.
- (c) Contact information – Permittee shall at all times maintain accurate contact information for all parties responsible for the small cell facility or wireless support structure, which shall include a phone number, street mailing address, and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Public Works Department.

(d) Indemnities – The permittee and, if applicable, the non-government owner of a small cell facility or wireless support structure shall defend, indemnify, and hold harmless the Municipality and its agents, officers, officials, and employees from:

- (1) Any and all damages, liabilities, injuries, losses, costs, and expenses arising out of any claims, demands, lawsuits, writs of mandamus, or other actions or proceedings brought against the Municipality to challenge, attack, seek to modify, set aside, void, or annul the Municipality's approval of the applicable permit or certificate; and**
 - (2) Any and all damages, liabilities, injuries, losses, costs, and expenses and any claims, demands, lawsuits, or other actions or proceedings of any kind, whether for personal injury, death, or property damage, arising out of or in connection with the activities or performance of the permittee or its agents, employees, licensees, contractors, subcontractors, or independent contractors.**
 - (3) In the event the Municipality becomes aware of any such actions or claims, the Municipality shall promptly notify the permittee and shall reasonably cooperate in the defense. It is expressly agreed that the Municipality shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the Municipality's defense, and the permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the Municipality in the course of the defense.**
- (e) Interference with City Communication Services – In the event that the Municipality has reason to believe that permittee's operations are causing interference with the Municipality's radio communications operations, then the permittee shall, at its cost, immediately cooperate with the Municipality to either rule out permittee as the interference source or eliminate the interference. Cooperation with the Municipality may include, but shall not be limited to, temporarily switching the equipment on and off for testing.**
- (f) Adverse Impact – Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification, or removal of the small cell facility or wireless support structure.**

- (g) Maintenance – The site and the small cell facility or wireless support structure, including but not limited to all landscaping, fencing, and related equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.**
- (h) Good Condition – Small cell facilities and wireless support structures shall at all times employ best practices and maintain in use only the best available technology and methods for preventing failures and accidents so that the same shall not menace or endanger the life or property of any person.**
- (i) Graffiti and Vandalism – Permittee shall remove any graffiti at permittee's sole expense.**
- (j) Exposure to RF Radiation – All small cell facilities must comply with all standards and regulations of the FCC and any other state or federal government agency with the authority to regulate RF exposure standards.**
- (k) Utility Lines – Service lines must be undergrounded whenever feasible to avoid additional overhead lines.**
- (l) Relocation for Public Improvements – Permittee shall remove and relocate the permitted small cell facility and/or wireless support structure at permittee's sole expense to accommodate construction of a public improvement project by the Municipality.**
- (m) Removal if Discontinued – In the event that the use of a small cell facility is discontinued, the owner shall provide written notice to the Municipality of its intent to discontinue use and the date when the use shall be discontinued. If a small cell facility is not removed within 90 days of discontinued use, the Municipality may remove it at the owner's expense irrespective of the notice requirement under this section.**
- (n) Abandoned – In the event that the use of a small cell facility is abandoned, the Municipality may remove it at the owner's expense. Further, if the Municipality believes a small cell facility is abandoned, it may require that the Operator provide written notice within a reasonable time evidencing that the pole has not been abandoned.**
- (o) Site Restoration**

- (1) Upon completion of the new work, the contractor shall restore the street and/or alley pavement as required;**
 - (2) Upon completion of the new work, the contractor shall restore all concrete walks, driveway aprons, and other concrete as required;**
 - (3) Upon completion of the new work, the contractor shall restore all tree lawns and/or sod strips with topsoil and sod.**
- (p) General Construction – All work and designs shall comply with the following general standards for construction in the Municipality’s Right of Way:**
- (1) Village of Yellow Springs Codified Ordinances;**
 - (2) Ohio Department of Transportation (ODOT) Location and Design Manual;**
 - (3) ODOT Standard Drawings;**
 - (4) ODOT Construction and Material Specifications;**
 - (5) Ohio Manual of Traffic Control Devices;**
 - (6) American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets;**
 - (7) AASHTO Roadside Design Guide;**
 - (8) AASHTO Guide for the Planning, Design, and Operation of Pedestrian Facilities;**
 - (9) AASHTO Guide for Development of Bicycle Facilities;**
 - (10) United States Access Board (USAB) Proposed Guidelines for Pedestrians in the Public Right-of-Way;**
 - (11) USAB American with Disabilities Act Accessibility Guidelines;**
 - (12) National Fire Protection Association 70 National Electric Code; and**
 - (13) All other applicable local, state, and federal codes and regulations.**

- (q) Taxes and assessments – To the extent taxes or other assessments are imposed by taxing authorities on the use of City property as a result of an applicant's use or occupation of the right of way, the applicant shall be responsible for payment of such taxes, payable annually unless otherwise required by the taxing authority.
- (r) Interference – Small cell wireless and wireless support structures shall be constructed and maintained in such a manner that will not interfere with the use of other property.
- (s) Financial Condition - All owners must have liability insurance, which names the Municipality as an additional insured, in effect in such amounts and for such liability as the regulations require.
- (t) Setbacks for Visibility and Access - Any new small cell facility or wireless support structure and other improvements associated with a new small cell facility or wireless support structure or an existing small cell facility or wireless support structure must be setback from intersections, alleys and driveways and placed in locations where it will not obstruct motorists' sightlines or pedestrian access.
- (u) Obstructions - Any new small cell facility or wireless support structure and other improvements associated with a new small cell facility or wireless support structure or an existing small cell facility or wireless support structure shall not obstruct any:
- (1) Worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
 - (2) Access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop (including, without limitation, bus stops, streetcar stops, and bike share stations);
 - (3) Worker access to above ground or underground infrastructure owned or operated by any public or private utility agency;
 - (4) Fire hydrant access;
 - (5) Access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right of way; or

(6) Access to any fire escape.

(v) Historic or Architecturally Significant Structures - Any new utility installation and other improvements associated with a new utility installation or an existing utility installation may not be placed directly in front of any historic or architecturally significant structures in prominent or highly visible locations.

(w) No placement of any small cell facility or wireless support structure shall necessitate tree trimming, cause removal of, or otherwise damage any tree located within the Municipality's Right of Way or a designated utility easement. Such small cell facility or wireless support structure shall not be located within the eventual mature dripline or tree crown of any existing tree located within the Municipality's Right of Way or a designated utility easement.

876.05.2 Design and Siting Requirements

(a) General Requirements

(1) Wireless support structures shall align with other poles to achieve a uniform inline appearance.

(2) Wireless support structures shall be setback from the edge of pavement according to applicable safety and construction standards as set forth in 876.05.1.O - General.

(3) All small cell facilities and wireless support structures and any related items shall be installed and maintained plumb and level and shall maintain an orderly and neat appearance.

(4) All equipment and enclosures shall be attached, anchored and/or strapped tightly to poles using corrosion resistant steel hardware.

(5) Wireless support structures shall support no more than two small cell facilities.

(6) Ambient noise suppression measures or placement of the equipment in locations less likely to impact adjacent properties shall be required to ensure compliance with all applicable noise regulations.

(7) Unless otherwise required for compliance with FAA or FCC regulations, the small cell facility or wireless support structure shall not include any permanently installed lights. Any lights associated with the equipment shall be appropriately shielded from public view. This shall not be interpreted to prohibit streetlights or the placement of luminaires by the Municipality.

(b) Location

(1) In accordance with ORC 4939.0314(D), Authority of a Municipal Corporation the Municipality shall reserve the right to propose an alternate location to the proposed location of a new wireless support structure, provided the alternate location is within 100' or a distance equal to the width of the Right of Way in or on which the new wireless support structure is proposed, whichever is greater. The Village of Yellow Springs also finds that certain locations and collocation configurations are preferred. A preferred location and collocation configuration shall be utilized whenever possible and should only be surpassed if in the determination of the Village Manager or designee, clear and convincing evidence supports such a decision. Cost alone should not be grounds for such a determination. The order of preference is as follows:

- A. First, small cell facilities should be collocated on an existing pole or wireless support structure within an alley. If no such pole or wireless support structure is available then proceed to the next preference;
- B. Second small cell facilities should be collocated on an existing pole or wireless support structure within a utility easement. If no such pole or wireless support structure is available then proceed to the next preference;
- C. Third, small cell facilities should be collocated on a new wireless support structure within an alley. If no such location is available then proceed to the next preference;
- D. Fourth, small cell facilities should be collocated on a new wireless support structure within a utility easement. If no such location is available then proceed to the next preference;

E. Fifth, small cell facilities should be collocated on a wireless support structure currently supporting a small cell facility located within the Municipality Right of Way. If no such wireless support structure is available then proceed to the next preference;

F. Sixth, small cell facilities should be collocated on an existing pole located within the Municipality Right of Way. If no such existing pole is available then proceed to the next preference;

G. Seventh, small cell facilities should be collocated on a new wireless support structure located within the Municipality Right of Way.

(2) Any new wireless support structure shall be located at least 1230' from any existing small cell facility.

(3) Public utilities, cable operators, and operators shall comply with the undergrounding requirements set forth in Chapter 1021.041.

(c) Wireless Facilities Design

(1) Wireless support structures shall be subject to the following design standards:

A. New wireless support structures shall be limited to 40 feet in height;

B. Wireless support structures shall be capable of supporting at least two small cell facility operators;

C. As determined by the Village Manager or designee, wireless support structures design shall be consistent with the design features of nearby poles, including but not limited to consistent style, material, color, and the design features of the existing or proposed streetscape, district, or site and in furtherance of the maintaining the historical context of a district or specific site understanding that in some instances, there is a desire to camouflage or conceal the pole from view.

(2) Small cell facilities shall be subject to the following design standards:

A. The Municipality reserves the right to require the following:

1. Antenna and all associated equipment shall be concealed to the extent deemed necessary by the Village Manager or designee in response to the aesthetic context of the small cell facility. Some possible configurations include but shall not be limited to the following:
 - i. Antenna(s) associated with the first fitting on a wireless support structure shall be top-mounted and concealed within a radome that also conceals the cable connections, antenna mount and other hardware. The Village Manager or designee may approve a side-mounted antenna with the initial fitting if, in the Village Manager or designee's discretion, the side-mounted antenna would be a better match to the aesthetics and character of the immediate area and would promote the purposes of this chapter.
 - ii. GPS antennas be placed within the radome or directly above the radome not to exceed six inches.
- B. Each Antenna and all associated equipment shall not exceed 6 cubic feet in volume.
- C. All portions of a Small Cell Facility other than an antenna and as identified by the ORC 4939.01 (P)2, shall not exceed 28 cubic feet in volume per facility.
- D. Small cell facilities mounted to a wireless support structure shall be completely concealed within a common enclosure capable of containing at least two small sell facilities. Such common enclosures shall:
 1. Not exceed 21 cubic feet in volume;
 2. Not exceed 90 inches in height, 20 inches in width, or 20 inches in depth;
 3. Not extend more than 24 inches away from the pole on which it is mounted;

4. Shall be centered on the vertical axis of the pole to which it is mounted;
5. Be mounted at a distance of at least 10 feet measured from grade to the bottom of the enclosure; and
6. Be mounted on the side of the pole facing away from nearest traffic lane's direction of travel.

E. Such common enclosures shall have the following design elements:

1. Material – The enclosure material shall be metal, a composite, or an equivalent material as determined by the Village Manager or designee.
2. Color – The enclosure shall match the color of the pole on which it is mounted.
3. Style – The enclosure shall match the style of the pole on which it is mounted.
4. Coordinated Design Elements – Common enclosures shall match the material, color, and style of nearby existing common enclosures when:
 - i. Such enclosures are located within 5000' of an existing common enclosure; and
 - ii. Such enclosures are mounted on wireless support structures of a similar or matching design.
5. Exception – If the aesthetics and character of the immediate area would be better matched by an enclosure a different material, color, style, or by deviating from the design of a nearby existing common enclosure as determined by the Village Manager or designee, then such design elements may be substituted with an alternate design element. Such determination shall be based on the following factors:

- i. The design features of nearby poles serving in a similar capacity;
- ii. The design features of the existing or proposed streetscape, district, or site;
- iii. The historical context of a district or specific site; and
- iv. A desire to camouflage or conceal the enclosure from view.

F. All ground mounted equipment shall be placed in an underground vault. No above grade ground mounted equipment in service of a small cell facility is permitted unless the following conditions can be satisfied as determined by the Village Manager or designee:

1. The applicant has submitted clear and convincing evidence that the equipment cannot feasibly be pole-mounted, placed in an underground vault, or hidden within or integrated into an existing streetscape element (i.e. - bus stop shelter). Increased costs alone shall not be a consideration. If a ground mounted enclosure is approved, the Village Manager or designee shall reserve the right to require any of the following conditions:

- i. Concealed Enclosure – All equipment shall be completely concealed within a metal, composite, or equivalent material enclosure as determined by the Village Manager or designee.
- ii. Smallest Size – The enclosure shall be no larger than necessary based on the smallest available size of the proposed equipment as determined by the Village Manager or designee.
- iii. Camouflage – Camouflaging elements may be required. Such elements may include, but shall not be limited to, public art displayed on the enclosure, strategic placement in less visible or obtrusive locations,

placement within an existing streetscape element, landscape screening, and strategic painting or coating to camouflage such enclosure or equipment.

2. The maximum height of any such enclosure shall be 30”.

876.05.3 Reservation of Right of Way

The Municipality reserves the right to Reserve space for future public safety or transportation uses in the Right of Way or on a wireless support structure or pole owned or operated by the Municipality in a documented and approved plan in place at the time an application is filed. A reservation of space shall not preclude placement of a pole or collocation of a small cell facility. If replacement of the Municipality’s pole or wireless support structure is necessary to accommodate the collocation of the small cell facility and the future use, the small cell facility operator shall pay for the replacement of the pole or wireless support structure, and the replaced pole or wireless support structure must accommodate the future use.

876.06 GENERAL PROVISIONS.

~~—(a) No component of any personal wireless service facility may interfere with the purpose for which the Village-owned property is intended.~~

~~—(b) Any adverse impacts on surrounding public or private property shall be considered during the development of a lease agreement.~~

~~—(c) No component of the facility shall interfere with other users who have a higher priority, as outlined in Section 876.03.~~

~~—(d) All facilities shall, at a minimum, comply with all Village adopted standards and regulations for personal wireless service facilities, including, but not limited to, Section 1262.08 of these Codified Ordinances, provided, however, that the Village Manager may waive requirements relating to landscaping, color, fencing, lighting, height and the burial of personal wireless service support facilities when the Village Manager reasonably determines a deviation therefrom to be in the public interest.~~

~~—(e) A report of the results of radiation emissions monitoring undertaken to comply with any other State, Federal or local requirement may be submitted to comply with the monitoring requirements of these Codified Ordinances, as long as such monitoring complies, at a minimum, with the requirements of such chapter.~~

~~—(f) The applicant/operator shall comply with the Village's objective to promote co-locations.~~

~~—(g) The applicant/operator shall allow the Village, without charge, to utilize the facilities for any public communications purpose.~~

~~—(h) The applicant/operator shall furnish all necessary utilities for the operation of its personal wireless service facility and shall be solely liable for said services. These services shall be separately metered and the applicant/operator shall be responsible for all costs~~

~~associated with the use of said services, including, but not limited to, initial installation costs;~~

~~—(i) The applicant/operator, its agents, employees and invitees shall not permit the presence, handling, storage or transportation of hazardous or toxic materials in or about the premises. The applicant/operator shall be responsible for any and all damage, losses and expenses and will indemnify the Village against and from any discovery by any person of such hazardous wastes generated, stored or disposed of as a result of the applicant/operator's equipment and use of the premises;~~

~~—(j) Personal wireless service facilities over 199 feet shall utilize the best available technology to minimize the likelihood of bird kills. The applicant/operator of the facility shall evaluate the effectiveness of the methods utilized to minimize bird kills at least every two years;~~

876.06 Nonconformity

A nonconforming small cell facility and/or wireless support structure shall immediately lose its nonconforming designation and must be brought into compliance with all of the provisions of this chapter, and all other applicable City laws and ordinances or be removed if any of the following conditions are present:

- (a) The nonconforming small cell facility and/or wireless support structure or a part of the nonconforming small cell facility and/or wireless support structure is altered, modified, relocated, replaced, or changed in any manner whatsoever;
- (b) The nonconforming small cell facility and/or wireless support structure is damaged or deteriorated and requires any process of reconstruction, repair, maintenance, or restoration, and the cost of said reconstruction, repair, maintenance, or restoration exceeds fifty percent of the small cell facility and/or wireless support structure's replacement cost; and
- (c) The nonconforming small cell facility and/or wireless support structure is abandoned.

876.07 SPECIAL REQUIREMENTS RE VILLAGE WATER SYSTEM.

~~—The Village's water towers and well fields represent a large public investment in water pressure stabilization and peak capacity reserves. The protection of the quality of the Village's water supply is of prime importance. As access to the Village's water storage system increases, so too increases the potential for contamination of the public water supply. For these reasons, the placement of wireless telecommunications facilities on water production or storage sites will be allowed only when the Village is fully satisfied that the following requirements are met:~~

~~—(a) The applicant/operator's access to the facility will not increase the risks of~~

contamination to the Village's water supply;

—(b) There is sufficient room on the structure and/or the ground to accommodate the applicant/operator's facility;

—(c) The presence of the facility will not increase maintenance costs to the Village; and

—(d) The presence of the facility will not be harmful to the health of the workers maintaining the Village site.

876.07 Conflict with other Provisions

In the event that any other applicable law or code requires any more restrictive requirements, the most restrictive requirement shall control.

876.08 FINANCIAL RESPONSIBILITY OF APPLICANT/OPERATOR.

—(a) The applicant/operator shall reimburse the Village for any costs it may incur due to the presence of the applicant/operator's facility.

—(b) The applicant/operator shall commit to a lease agreement that includes equitable compensation for the use of public land and other necessary provisions and safeguards. The fee shall be established by the Village after considering comparable rates in other municipalities, potential expenses, risks to the Village and other appropriate factors.

—(c) The applicant/operator shall be responsible for paying any and all property taxes or assessments separately levied against its improvements on the property. The applicant/operator shall reimburse the Village, as additional rent, for any increase in real estate taxes levied against the property which are directly attributable to the improvements constructed by the applicant/operator and are not separately levied or assessed against the applicant/operator's improvements by the taxing authority.

—(d) The applicant/operator shall have and continue to have liability insurance which names the Village as an additional insured, and shall provide a certificate of insurance to the Village on an annual basis.

—(e) The applicant/operator shall assume, release and agree to indemnify, defend, protect and hold the Village harmless from any claim, loss or damage arising in any way from the applicant/operator's use and occupancy of the property, including, but not limited to, the installation, use, maintenance, repair or removal of the applicant/operator's equipment, or out of acts or omissions to act of the applicant/operator, its employees, agents and invitees, unless such loss and/or damage arises in whole or in part from the negligence or willful misconduct of the Village, its employees, agents or invitees.

—(f) The Village shall not be liable to an applicant/operator for any loss, theft, disappearance, damage or destruction of any personal property stored or placed by the applicant/operator in or on the subject property, regardless of cause.

—(g) The applicant/operator shall be responsible for all costs related to removal of a facility and remediation of the landscape. Upon approval, the applicant/operator shall submit a demolition and site remediation bond.

—(h) At a time when a specific agreement is being executed, Council will determine and

designate the appropriate Village fund where the revenues from the lease agreement will be deposited.

876.08 Severability

The provisions of any part of this chapter are severable. If any provision or subsection, or the application of any provision or subsection to any person or circumstances, is held invalid, the remaining provisions, subsection, and applications of such ordinance to other persons or circumstances shall not be made invalid as well. It is declared to be the intent of this section that the remaining provisions would have been adopted had such invalid provisions not been included in this chapter when originally adopted by Council.

876.09 TERMINATION OF LEASE AGREEMENTS.

—(a) The Village may terminate any lease agreement if it determines that any one of the following conditions exists:

—(1) A user's frequency unreasonably interferes with other users of a higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis performed for approval; and

—(2) A user violates any of the standards in this chapter or any of the conditions attached to the Village's approval for use of the land.

—(b) Before taking action to terminate an agreement, the Village shall give the applicant/operator thirty days prior written notice of the Village's intent to terminate the agreement, stating the reasons for such action. If the applicant/operator cures the stated reason within the thirty-day notice period, or if the applicant/operator initiates efforts satisfactory to the Village to remedy the stated violation, the Village shall not terminate the agreement. If the applicant/operator does not cure the stated violation or undertake efforts satisfactory to the Village to remedy the stated violation, then after granting the applicant/operator an opportunity to be heard in person or in writing, the Village may terminate the agreement. This procedure need not be followed in emergency situations.

—(c) Upon termination of an agreement, the applicant/operator shall, within six months, remove its personal property and fixtures and restore the property to its original condition, reasonable wear and tear excepted.

—(d) If an applicant/operator chooses to terminate an agreement, notification of such requested action shall be presented to the Village by written notice at least six months prior to the date of the desired termination. The applicant/operator shall offer the Village the first option to purchase the wireless communications facilities and certain remaining improvements at such time as the termination occurs.

876.09 Penalties

- (a) Any person in violation of any of the terms of this chapter, or who, being the owner or agent of the owner of any lot, tract, or parcel of land, shall suffer or permit another to erect, construct, reconstruct, alter, repair, convert, attach, or maintain any such facility, shall be deemed to have violated the provisions hereof and commits a civil forfeiture, payable to the Municipality, in the amount of fifty dollars (\$50.00) each day during the period such violation continues.
- (b) If any utility installation is erected, constructed, reconstructed, altered, repaired, converted, attached, or maintained in violation of this chapter or of any regulations made pursuant hereto, the proper officer of the Municipality, in addition to other remedies, may institute in the name of the Municipality any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, attachment, or use, to restrain, correct, or abate such violation, to prevent the use of such utility installation, and/or to prevent any illegal act, conduct, business, or use in or about such utility installation.
- (c) The Public Works is authorized to make requests and to issue orders regarding utility installations in the right of way for the purpose of public safety and compliance with this chapter of the Codified Ordinances of Yellow Springs. The Public Works Department is also authorized to conduct visual and external inspections of utility installations in the right of way at any time and shall make efforts to coordinate with the provider responsible for a utility installation for any internal inspection of the relevant equipment.

876.10 CONFLICTS OF LAWS.

~~Where the provisions of this chapter conflict with the provisions of any other law, code, statute, ordinance or regulation, the provision that is more restrictive or that imposes higher standards or requirements shall apply.~~

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-27**

**AMENDING SECTION 1040.03: ANNUAL LATE FEE UTILITY FORGIVENESS UPON
CUSTOMER REQUEST**

Whereas, The Village of Yellow Springs provides utility services for electric, water, sewer and solid waste (collectively “Village Utility Services”) 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; and

Whereas, it is recognized that a delayed Village Utility Services payment may be due to an oversight or other factors; and

Whereas, the Village is committed to providing affordable Village Utility Services in furtherance of the Village’s goal to create and sustain affordable housing; and

Whereas, the Village Council has determined that it is a reasonable exercise of its home rule powers to authorize a one-time each calendar year forgiveness of the five (5) percent late fee for the consolidate Village bill for electric, water, sewer and solid waste for residential users only.

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

Section 1. A modification to **Section 1040.03 NonPayment of Utility Charges; Delinquent Status Charges** of the Codified Ordinances of Yellow Springs, Ohio is hereby amended to read as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. 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 _____

EXHIBIT A

1040.03 NONPAYMENT OF UTILITY CHARGES; DELINQUENT STATUS.

Each utility service account provided pursuant to this chapter and the rate schedules of these Codified Ordinances, as they now exist or are hereafter amended, is due and payable upon issuance of the utility bill by the Village. If the utility bill for service is not paid in full within 30 days after the utility bill is issued, the customer's account shall be classified as delinquent. If the customer's account is delinquent at the time of the issuance of the next regular utility bill, then such utility bill shall be stamped with a delinquent notation. The customer's bill shall continue to be delinquent notation until such time as the customer's account shall be paid in full and made current. **Upon request by a residential customer, no more than once per calendar year, the residential customer shall be entitled to a one-time forgiveness of the five percent late fee. Only residential customers are eligible for the late fee forgiveness.**

VILLAGE OF YELLOW SPRINGS, OHIO

RESOLUTION 2018-24

Approving the Finance Director's 2019 Tax Budget for the Village of Yellow Springs

WHEREAS, the Village of Yellow Springs must annually demonstrate the need to assess property taxes, and;

WHEREAS, that justification must take the form of a tax budget which must be submitted to the Greene County Auditor for review, and;

WHEREAS, The Finance Director has prepared such an instrument for the 2019 tax year,

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

Section 1. The Finance Director is hereby authorized to submit the 2019 tax budget to the Greene County Auditor for approval.

Section 2. The approved 2019 tax budget will be brought to Council for final approval upon receipt from the Greene County Auditor.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____

Kevin Stokes _____ Lisa Kreeger _____

VILLAGE OF YELLOW SPRINGS - TAX BUDGET 2019

GENERAL FUND
GOVERNMENTAL - GENERAL

EXHIBIT 1

DESCRIPTION	2016 Actual	2017 Actual	Current Year Estimated for 2018	Budget Year Estimated for 2019
REVENUES				
Local Taxes				
General Property Tax Real Estate	910,393	897,282	1,006,000	1,006,000
Tangible Personal Property Tax	4,135	7,355	5,000	4,000
Municipal Income Tax	1,568,481	1,836,719	1,900,000	1,900,000
Other Local Taxes (KWH) & (Lodging)	154,106	127,437	160,000	160,000
Total Local Taxes	2,637,115	2,868,793	3,071,000	3,070,000
Intergovernmental Revenues				
State Shared Taxes and Permits				
Local Government	96,986	97,299	98,465	98,465
Estate Tax				
Cigarette Tax	223	186	175	200
License Tax				
Liquor and Beer Permits	11,713	9,752	6,000	7,000
Gasoline Tax				
Library and Local Government Support Fund				
Property Tax Allocation				
Other State Shared Taxes and Permits	142,821	136,363	131,175	136,400
Total State Shared Taxes and Permits	251,743	243,600	235,815	242,065
Federal Grants or Aid			-	-
State Grants or Aid				
Other Grants or Aid			-	
Total Intergovernmental Revenues		-	-	-
Charges for Service/Miscellaneous				
Special Assessments				
Charges for Services				
Fines, Licenses and Permits	21,556	21,981	19,850	21,350
Miscellaneous	184,454	379,803	287,753	140,300
Total Charges for Service/Miscellaneous	206,010	401,784	307,603	161,650
Other Financing Sources:				
Proceeds from Sale of Debt				
Transfers				-
Advances			288,063	
Other Sources				
Total Other Sources	-	-	288,063	-
TOTAL REVENUES	3,094,868	3,514,177	3,902,481	3,473,715

VILLAGE OF YELLOW SPRINGS - TAX BUDGET 2019

GENERAL FUND
GOVERNMENTAL - GENERAL

EXHIBIT 1

DESCRIPTION		2016 Actual	2017 Actual	Current Year Estimated for 2018	Budget Year Estimated for 2019
EXPENDITURES					
Security of Persons and Property					
	Personal Services	1,111,067	1,093,197	1,228,989	1,262,164
	Travel Transportation	6,081	10,481	12,537	12,000
	Contractual Services	126,850	125,947	173,841	175,000
	Supplies and Materials (mostly fuel)	37,935	30,628	51,588	40,000
	Capital Outlay	36,562	38,248	550	-
	Total Security of Persons and Property	1,318,495	1,298,501	1,467,505	1,489,164
Public Health Services					
	Personal Services				
	Travel Transportation				
	Contractual Services				
	Supplies and Materials				
	Capital Outlay				
	Total Public Health Services				
Leisure Time Activities					
	Personal Services				
	Travel Transportation				
	Contractual Services				
	Supplies and Materials				
	Capital Outlay				
	Total Leisure Time Activities				
Community Environment					
	Personal Services				
	Travel Transportation				
	Contractual Services				
	Supplies and Materials				
	Capital Outlay				
	Total Community Environment				
Basic Utility Services					
	Personal Services				
	Travel Transportation				
	Contractual Services				
	Supplies and Materials				
	Capital Outlay				
	Total Basic Utility Services				

VILLAGE OF YELLOW SPRINGS - TAX BUDGET 2019

GENERAL FUND
GOVERNMENTAL - GENERAL

EXHIBIT 1

DESCRIPTION	2016 Actual	2017 Actual	Current Year Estimated for 2018	Budget Year Estimated for 2019
EXPENDITURES				
Transportation				
Personal Services				
Travel Transportation				
Contractual Services				
Supplies and Materials				
Capital Outlay				
Total Transportation				
General Government				
Personal Services	382,026	416,053	458,885	472,011
Travel Transportation	6,100	18,499	24,651	28,500
Contractual Services	394,150	430,369	513,906	485,000
Supplies and Materials	20,881	21,575	41,447	36,900
Capital Outlay	-	-		15,000
Total General Government	803,157	886,496	1,038,889	1,037,411
Debt Service				
Redemption of Principal				
Interest				
Other Debt Service				
Total Debt Service				
Other Uses of Funds				
Transfers	1,277,267	1,104,121	940,932	960,000
Advances	69,094	-		
Contingencies				
Other Uses of Funds	2,142	300	400	1,400
Total Other Uses of Funds	1,348,503	1,104,421	941,332	961,400
TOTAL EXPENDITURES	3,470,155	3,289,418	3,447,726	3,487,975
Revenues over/(under) Expenditures	(375,287)	224,759	454,755	(14,260)
Beginning Cash Balance	1,710,589	1,335,284	1,560,043	2,014,798
Ending Cash Fund Balance	1,335,302	1,560,043	2,014,798	2,000,538
Estimated Encumbrances (outstanding at year end)	(121,936)	(162,237)	(160,000)	(160,000)
Estimated Ending Fund Balance with Encumbrances	1,213,366	1,397,806	1,854,798	1,840,538

2019 Transfers	
Police Pension	\$ 85,000.00
Parks	\$ 25,000.00
Street	\$ 400,000.00
Econ Dev	
Green space	\$ 50,000.00
Parks Improv.	\$ 350,000.00
Facilities Improv.	\$ 25,000.00
Capital Equip.	\$ 25,000.00
C.p. - Cable	\$ -
Widows	
	<u>\$ 960,000.00</u>
	\$ 1,104,121.00

VILLAGE OF YELLOW SPRINGS - TAX BUDGET 2019

POLICE PENSION FUND SPECIAL REVENUE

EXHIBIT II

DESCRIPTION			2016 Actual	2017 Actual	Current Year Estimated for 2018	Budget Year Estimated for 2019
REVENUE						
	LOCAL TAXES		26,946	26,675	30,200	30,200
	STATE SHARED TAXES		4,009	4,011	4,000	4,000
	PU ELECTRIC TAX				-	
	OTHER REVENUE (Refunds)					
	TRANSFER		77,310	85,300	81,250	85,000
	TOTAL REVENUE		108,265	115,986	115,450	119,200
EXPENDITURES						
	PERSONAL SERVICES		113,974	98,619	115,000	115,000
	CONTRACTUAL SERVICES		212	181	450	450
	TOTAL EXPENDITURES		114,186	98,800	115,450	115,450
	Revenues Over/(Under) Expenditures		(5,921)	17,186	-	3,750
	Beginning Unencumbered Fund Balance		5,959	38	17,224	17,224
	Ending Cash Fund Balance		38	17,224	17,224	20,974
	Estimated Encumbrances (outstanding at end of year)		-	-	-	-
	Estimated Ending Unencumbered Fund Balance		<u>38</u>	<u>17,224</u>	<u>17,224</u>	<u>20,974</u>

VILLAGE OF YELLOW SPRINGS - TAX BUDGET 2019

FUND	Estimated Unencumbered Fund Balance 1/1/2019	Budget Year Estimated Receipt 2019	Total Available for Expenditures	Budget Year (2019) Expenditures and Encumbrances			Estimated Unencumbered Balance 12/31/2019
				Personal Services	Other	Total	
GOVERNMENTAL							
SPECIAL REVENUE							
202 Street Maintenance	152,722	530,500	683,222	219,329	305,845	525,174	158,048
203 State Highway	49,895	9,650	59,545	-	-	-	59,545
204 Parks & Recreation	64,494	418,000	482,494	214,000	218,627	432,627	49,867
205 Economic Development	121,550	-	121,550	-	-	-	121,550
207 Green Space	205,990	50,000	255,990	-	50,000	50,000	205,990
208 MV - Permissive	157,380	25,200	182,580	-	-	-	182,580
210 Mayor's Court Computer	537	1,500	2,037	-	2,000	2,000	37
212 Law Enforcement & Education	11,200	50	11,250	-	-	-	11,250
213 Coats & Supplies	12,496	3,000	15,496	-	3,000	3,000	12,496
215 Federal Forfeited Assets	122	-	122	-	-	-	122
216 State Law Enforcement Trust	54,007	2,731	56,738	-	10,000	10,000	46,738
903 Police Pension Fund	17,223	119,200	136,423	115,000	450	115,450	20,973
			-				-
TOTAL SPECIAL REVENUE FUNDS	847,616	1,159,831	2,007,447	548,329	589,922	1,138,251	869,196
			-		-		
DEBT SERVICE FUNDS							
401 Bond Retirement	15,686	-	15,686	-	-	-	15,686
			-				
TOTAL DEBT SERVICE FUNDS	15,686	-	15,686	-	-	-	15,686
			-				
CAPITAL PROJECT FUNDS							
302 Cable TV - Capital	-	-	-	-		-	-
303 Water System - Capital	82,195	50,000	132,195	-	-	-	132,195
304 Sewer Improvement	77,000	50,000	127,000	-	-	-	127,000
305 Electric Improvement	269,533	50,000	319,533	-	75,000	75,000	244,533
306 Parks & Rec. Improvement	288,082	25,000	313,082	-	500	500	312,582
307 Facilities Improvement	163,258	25,000	188,258	-	40,000	40,000	148,258
308 Capital Equipment	99,614	25,000	124,614	-	-	-	124,614
351 USACE Grant - CBE	21,167	-	21,167	-	-	-	21,167
			-	-			-
			-			-	-
			-			-	-
			-			-	-
TOTAL CAPITAL PROJECT FUNDS	1,000,849	225,000	1,225,849	-	115,500	115,500	1,110,349

VILLAGE OF YELLOW SPRINGS - TAX BUDGET 2019

FUND	Estimated Unencumbered Fund Balance 1/1/2019	Budget Year Estimated Receipt 2019	Total Available for Expenditures	Budget Year (2019) Expenditures and Encumbrances			Estimated Unencumbered Balance 12/31/2019
				Personal Services	Other	Total	
GOVERNMENTAL							
SPECIAL REVENUE							
202 Street Maintenance	152,722	530,500	683,222	219,329	305,845	525,174	158,048
203 State Highway	49,895	9,650	59,545	-	-	-	59,545
204 Parks & Recreation	64,494	418,000	482,494	214,000	218,627	432,627	49,867
205 Economic Development	121,550	-	121,550	-	-	-	121,550
207 Green Space	205,990	50,000	255,990	-	50,000	50,000	205,990
208 MV - Permissive	157,380	25,200	182,580	-	-	-	182,580
210 Mayor's Court Computer	537	1,500	2,037	-	2,000	2,000	37
212 Law Enforcement & Education	11,200	50	11,250	-	-	-	11,250
213 Coats & Supplies	12,496	3,000	15,496	-	3,000	3,000	12,496
215 Federal Forfeited Assets	122	-	122	-	-	-	122
216 State Law Enforcement Trust	54,007	2,731	56,738	-	10,000	10,000	46,738
903 Police Pension Fund	17,223	119,200	136,423	115,000	450	115,450	20,973
			-				-
TOTAL SPECIAL REVENUE FUNDS	847,616	1,159,831	2,007,447	548,329	589,922	1,138,251	869,196
			-		-		
DEBT SERVICE FUNDS							
401 Bond Retirement	15,686	-	15,686	-	-	-	15,686
			-				
TOTAL DEBT SERVICE FUNDS	15,686	-	15,686	-	-	-	15,686
			-				
CAPITAL PROJECT FUNDS							
302 Cable TV - Capital	-	-	-	-	-	-	-
303 Water System - Capital	82,195	50,000	132,195	-	-	-	132,195
304 Sewer Improvement	77,000	50,000	127,000	-	-	-	127,000
305 Electric Improvement	269,533	50,000	319,533	-	75,000	75,000	244,533
306 Parks & Rec. Improvement	288,082	25,000	313,082	-	500	500	312,582
307 Facilities Improvement	163,258	25,000	188,258	-	40,000	40,000	148,258
308 Capital Equipment	99,614	25,000	124,614	-	-	-	124,614
351 USACE Grant - CBE	21,167	-	21,167	-	-	-	21,167
			-	-			-
			-			-	-
			-				-
TOTAL CAPITAL PROJECT FUNDS	1,000,849	225,000	1,225,849	-	115,500	115,500	1,110,349

VILLAGE OF YELLOW SPRINGS - TAX BUDGET 2019

FUND		Estimated Unencumbered Fund Balance 1/1/2019	Budget Year Estimated Receipt 2019	Total Available for Expenditures	Budget Year (2019) Expenditures and Encumbrances			Estimated Unencumbered Balance 12/31/2019
					Personal Services	Other	Total	
PROPRIETARY:								
ENTERPRISE FUNDS								
601	Electric	2,348,342	3,828,000	6,176,342	486,345	3,158,000	3,644,345	2,531,997
610	Water	792,512	952,000	1,744,512	427,710	431,524	859,234	885,278
620	Sewer	782,415	992,000	1,774,415	396,560	584,327	980,887	793,528
630	Solid Waste	61,803	282,500	344,303	-	295,300	295,300	49,003
				-			-	
TOTAL ENTERPRISE FUNDS		3,985,072	6,054,500	10,039,572	1,310,615	4,469,151	5,779,766	4,259,806
				-			-	-
INTERNAL SERVICE FUNDS								
901	Payroll	3,368	-	3,368	-	-	-	3,368
				-			-	-
TOTAL INTERNAL SERVICE FUNDS		3,368	-	3,368	-	-	-	3,368
				-			-	-
FIDUCIARY								
TRUST & AGENCY FUNDS								
902	Widow	2,044	-	2,044	-	-	-	2,044
904	Guaranteed Deposits	500		500	-	-	-	500
905	Petty Cash	400		400	-	-	-	400
906	Mayor's Court	-		-	-	-	-	-
907	Flexible Spending Plan	500		500			-	500
	Unclaimed Monies	8,411		8,411			-	8,411
				-			-	-
TOTAL TRUST & AGENCY FUNDS		11,855	-	11,855	-	-	-	11,855
				-			-	-
TOTAL FOR MEMORANDUM ONLY		7,279,476	9,315,103	15,155,207	3,699,482	5,174,573	7,033,517	8,121,690

SCHEDULE OF PERMANENT IMPROVEMENTS					
FUND		DESCRIPTION	Estimated Cost PERMANENT IMPROVEMENT	TO BE COMPLETED 2019	
GENERAL FUND:	101				
		4 new mobile data terminals	\$ 15,000	\$	15,000
Total General Fund			\$ 15,000	\$	15,000
STREET FUND:	202				
Total Street Fund			\$ -	\$	-
SEWER CAPITAL IMPROVEMENT FUND:	304				
Total Sewer Capital Improvement Fund			\$ -	\$	-
ELECTRIC CAPITAL IMPROVEMENT FUND:	305				
		Pole Replacement	\$ 75,000	\$	75,000
Total Electric Capital Improvement Fund			\$ 75,000	\$	75,000
FACILITIES CAPITAL IMPROVEMENT FUND:	307				
Total Facilities Capital Improvement Fund					
CAPITAL EQUIPMENT FUND	308				
Total Capital Equipment Fund					
ELECTRIC FUND	601				
Total Electric Fund					
SEWER FUND	620				
Total Sewer Fund					
TOTAL ALL PROJECTS			\$ 90,000	\$	90,000

City or
 Village of Yellow Springs

Greene County, Ohio

(Date) _____ Year

This Budget must be adopted by the Council or other legislative body on or before July 15th, and two copies must be submitted to the County Auditor on or before July 20th. FAILURE TO COMPLY WITH SEC. 5705.28 R. C. SHALL RESULT IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.

To the Auditor of said County:

The following Budget year beginning January 1, 2019, has been adopted by Council and is herewith submitted for consideration of the County Budget Commission.

Signed _____

Title _____

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED RATES

For Municipal Use		For Budget Commission Use		For County Auditor Use	
FUND (Include only those funds which are requesting general property tax revenue)	Budget Year Amount Requested of Budget Commission Inside/ Outside	Budget Year Amount Approved by Budget Commission Inside 10 Mill Limitation	Budget Year Amount to be Derived From Levies Outside 10 Mill Limitation	County Auditor's estimate of Tax Rate to be Levied	
				Inside 10 Mill Limit Budget Year	Outside 10 Mill Limit Budget Year
	Column 1	Column 2	Column 3	Column 4	Column 5
GOVERNMENT FUNDS	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX
GENERAL FUND	\$1,006,000	\$228,000	\$778,000	2.30	8.40
Police Pension	\$30,000	\$30,000		0.30	
PROPRIETARY FUNDS	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX
FIDUCIARY FUNDS	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXX
TOTAL ALL FUNDS	\$1,036,000	\$258,000	\$778,000	2.60	8.40

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	Maximum Rate Authorized to be Levied	Tax Year County Auditor's Estimate of Yield of Levy (Carry to Schedule A, Column 3)
GENERAL FUND:		
Current Expense Levy authorized by voters on 03 / 15 / 2016 not to exceed five years. Authorized under Sect. , R.C. Tax Years 2016-2020	8.40	\$778,000
Current Expense Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Current Expense Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Current Expense Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Current Expense Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Current Expense Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Current Expense Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Current Expense Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
TOTAL GENERAL FUND OUTSIDE 10 MILL LIMITATION	8.40	\$778,000
SPECIAL LEVY FUNDS:		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
Fund, Levy authorized by voters on / / not to exceed years. Authorized under Sect. , R.C.		
TOTAL SPECIAL LEVY FUNDS:		

COUNTY AUDITOR'S ESTIMATE

Tax Levies and Rates for 2018, in Yellow Springs City/Village
Year

Estimated Tax Valuation \$ 111,429,670

	Amount Approved By Budget Commission	County Auditor's Estimate of Rate in Mills
LEVIES WITHIN 10 MILL LIMITATION	XXXXXXXXXXXXXX	XXXXXXXXXXXXXX
County		
Township		
School		
Village		
City		
TOTAL		
LEVIES OUTSIDE OF 10 MILL LIMITATION		
County		
Township		
School		
Village		
City		
State		
TOTAL		
TOTAL LEVY FOR ALL PURPOSES		

BUDGET OF

COUNTY

City/Village

FOR FISCAL YEAR
BEGINNING JANUARY 1, Year

Year

County Auditor

Deputy Auditor

Village of Yellow Springs, Ohio

RESOLUTION 2018-25

Authorizing the Village Manager to Submit an Application to
the Ohio Public Works Commission for the Remote-Read Water Meter Replacement Project

WHEREAS, the Ohio Public Works Commission (OPWC) annually solicits applications for grants for public infrastructure projects; and

WHEREAS, the Village of Yellow Springs staff is recommending submission of a Remote-Read Water Meter Replacement Project for Round 33 of the OPWC grant cycle, to wit: the purchase and installation of remote-read water meters to replace the existing, aged and obsolete water meters; and

WHEREAS, the Village has obtained an estimate for the purchase and installation of said remote-read water meters in the amount of \$818,480.79; and

NOW, THEREFORE, be it resolved by the Council of the Village of Yellow Springs, Ohio that:

Section 1. The Village Manager is authorized to submit an application to District 11 of the Ohio Public Works Commission for the above-described project.

Section 2. This Resolution shall go into effect at the earliest period allowed by law.

Brian Housh, Council President

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

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

Utility Affordability Update Round Up Program

A draft set of guidelines and implementation steps is proposed for the Utility 'RoundUp Program'. This is coming to Council for discussion and input.

Contributors:

- Patti Bates
- Tim Baum
- Colleen Harris
- Lisa Kreeger
- Kevin Stokes
- Kat Walter

The Program is an 'opt in' program. Citizens can select to 'round up' to the nearest dollar (maximum of \$0.99) and also have the option to write in an additional amount towards the program should they wish.

Applications are submitted to the YS Utility Office by 21st of each month

- in person with proof of identity
- once per year

Qualification is determined by a non-profit partner – not by the Village office

To qualify:

1. Household at risk of shut off
2. 80% of Area Median Income (based on most current Greene County data) OR hardship circumstances

Greene County 2017 Annual Household Gross Area Median Income

		1 Person	2 People	3 People	4 People
Moderate	120% AMI	\$53,402 (\$25.67/hr)	\$61,050	\$68,700	\$76,350
Area Median	100% AMI	\$44,502 (\$21.40/hr)	\$50,875	\$57,250	\$63,625
<Low, >moderate	80% AMI	\$35,650 (\$17.14/hr)	\$40,700	\$45,800	\$50,900
Very Low	50% AMI	\$22,281 (\$10.71/hr)	\$25,437	\$28,625	\$31,813
Extremely low	30% AMI	\$13,351 (\$6.42/hr)	\$15,263	\$17,175	\$19,088

Other requirements:

1. Round up covers the amount, not to exceed \$200.00, required to prevent shut off
2. Requirement to also go on a payment program to reduce risk of month over month snowballing
3. The Village will provide information about other assistance programs and will assist citizens as they figure out how to navigate other services

Next steps to launch the Round Up Program:

Category	Actions	Status	Who?	Other notes
Accounting & System	Determine accounting practices	open	Patti / Colleen	Target to determine these by end of July
	Establish new accounts	open		
	Modify bill set up	open		
	Confirm system set up	open		
Capacity Building	Apply for a Miller Fellow	open	Patti	See Village Manager report
Nonprofit partner	Identify a nonprofit partner	open	Patti	Several local nonprofits have been contacted. The nonprofit would need to meet on the 22 or 23 of each month to evaluate applications before cut off.
Guidelines	Develop specific guidelines	In draft	All	Presenting to Council in draft on 7/2/2018 for feedback
Application	Mock-up Application	open	Kevin	
Communication plan	Develop fact sheet	open	Tim	
	Decide on a program name	open	All	Consider ideas between now and the next meeting
	Other communication TBD	open	open	A variety of communication mechanisms will be identified (e.g. News, social media, information in the bill)

The Round Up Program is only one action to promote utility affordability and address some of the root causes of high utility bills. A next phase is under discussion that is focused on energy use and efficiency. Current Ideas include:

- Education program
- Taking actions.....‘actual doing’ – changing toilets, insulations, etc.
- PBL in the schools

Yellow Springs has a housing stock that enables a diverse community to live and work here.

The Yellow Springs Village Government, with community members, is committed to being a welcoming community which is environmentally and economically sustainable. People are drawn to Yellow Springs for a variety of reasons. This requires housing that enables people of diverse ages, races, ethnicities, incomes, skills and life styles to be able to afford to live here. We aim for a balance of housing stock to meet the needs of our population across the age spectrum, valuing seniors as well as children and those in between; families with school age children as well as single people. We understand that each villager contributes to the wholeness and health of the community and are particularly committed to those struggling to remain in Yellow Springs because of affordability challenges. We also welcome newcomers wishing to move to our community. We encourage housing and workplaces that allow Villagers of all income levels to live and work here. We recognize that, while homeownership is a goal for many, there are many others for whom renting is the best option and we seek a balance of both. Mixed income housing and increased density in all new housing development will be essential to reach our goals of promoting affordability and healthy neighborhoods.

Commented [LK1]: This seems like a sentence that could be cut – but wanted to respond to the recommendation. I don't recall who asked for this particular change.



May 30, 2018

TO: Yellow Springs Village Council

FROM: the Village Manager's Housing Advisory Board (HAB)

RE: Recommended Housing Initiative Process

Developing a housing plan will be a complex process. We have broken it down into stages which are listed consecutively. They may occur simultaneously as well. We may loop back to previous stages as we work our way through the process. Below is the suggested step-by-step Housing Initiative process:

1. Gather information and identify the issues
2. Assess resources
3. Develop a Vision and Policy Statement
4. Create Housing Targets
5. Develop Strategies to meet the Targeted Goals
6. Create the Housing Initiative Plan
7. Begin Implementation

Step 1. Gather Information and Identify Issues: We have just completed the first stage of gathering information through the Housing Needs Assessment – which included citizen surveys – and the recent Community Conversations on Housing. Issues such as rental and homeownership housing for seniors of all income levels and for lower and middle-income families have risen to the top of community members' concerns.

Step 2: Identify and assess and potential resources

This is an ongoing cross-cutting step. We have already contacted a number of resource groups and individuals. The HAB will begin to develop a list of individuals, groups and organizations including their contact information and type of expertise and services offered. We will need to decide if there are critical stages for which we will need paid and/or unpaid consultants. There are communities such as Burlington VT and other smaller communities that we can contact. We can certainly take advantage of people we've already contacted such as Josh Abrams and Patrick Bowen. Josh indicated he would be willing to come to Yellow Springs as a one-time pro bono consultant as part of a visit to family in Cincinnati. Patrick is also willing to come back to talk with Council one more time.

Step 3. Develop a simple Vision and Policy Statement: The Housing Advisory Board recommends that Council develop a simple Vision and Policy Statement – a statement of what we want and how we envision housing in the Village to support the community. It can be the touchstone, a first step on this journey (see example below). This step will put Council on record as making a commitment to housing development that meets the needs of the community. HAB recommends that Council be efficient in creating a statement and not get bogged down in wordsmithing. We can always continue working on this as we move through the other stages and/or come back to it.



Yellow Springs has a housing stock that enables a diverse community to live and work here.

The Yellow Springs Village Government, with community members, is committed to being a welcoming community which is environmentally and economically sustainable. People are drawn to Yellow Springs for a variety of reasons. This requires housing that enables people of diverse ages, races, ethnicities, incomes, skills and life styles to be able to afford to live here. We aim for a balanced balance of housing stock to meet the needs of our population across the age spectrum, valuing seniors as well as children and those in between; families with school age children as well as single people as well as families. We understand that each villager contributes to the wholeness and health of the community and are particularly committed to those struggling to remain in Yellow Springs because of affordability challenges. We also welcome newcomers wishing to move to our community. We encourage housing and workplaces that allow Villagers of all income levels to live and work here. We recognize that, while homeownership is a goal for many, there are many others for whom renting is the best option and we seek a balance of both. Mixed income housing and increased density in all new housing development will be essential to reach our goals of promoting affordability and healthy neighborhoods.

Commented [LK1]: This seems like a sentence that could be cut – but wanted to respond to the recommendation. I don't recall who asked for this particular change.

Step 4. Set 5 – 10 Year Goals: The forth step is developing our specific housing targets. We need to grapple with the amount and types of housing we want over a particular period of time. While we have only partial control over this, we are more likely to get what we want if we have done the difficult work of deciding what that is. We will need to consider the impact of additional housing on various factors including infrastructure, services, schools, sense of community, implications of becoming a city, potential new employers / economic development, etc. Adding a significant amount of housing in a short time would have a significant impact on the community. We need to consider the costs and the benefits, the opportunities and the risks. Having determined our goals can help us work with developers. Developers who are interested in building the types of units we want will be more likely to come to us.

Commented [LK2]: Will they? How will they learn about us?

HAB suggests that Council develop specific housing unit targets using the trend projections from the HNA balanced with priorities expressed by the community and affirmed by Council. Council may use resource people to assist in establishing realistic and doable goals. These target goals should include the approximate number of units desired, including the number of rental and homeownership, low-income, middle and upper income, and various housing types. This should include rehab, reuse and in-fill projections. The goals should be based on what Council determines to be a balanced population across various constituency groups. The targeted goals are not cut in stone, but rather will serve as benchmarks. We can assess our current housing stock in general to develop goals but the demand is the best measure of need. Emily Seibel can assist in assessing demand for workforce and lower income housing targets.

Or does this mean that if our goals are clearly articulated it will be more likely that developers who are interested will come to us?

Step 5. Develop Strategies based on the Targeted Goals:

Council will make the ultimate decisions on best strategies. The strategies will have impacts on staff time, as well as financial and other resource considerations. Council should utilize the HAB, staff, Planning Commission, local stakeholders such as realtors, developers and landowners. We may want at least one consultant to help us decide the strategies best suited for Yellow Springs. Probably it makes



sense to have an outside resource person help develop a framework for the Glass Farm development and other Village-owned land.

Below is a list of potential general strategies:

- Use public land. We will need to develop strategies and a framework for developing mixed-income housing on Village-owned land. Clearly the Glass Farm is the biggest and prime property for housing. However, there are smaller parcels that might be considered as well.
 - We may consider purchasing property for housing development as well.
- Reach out to and collaborate with developers and landowners of large parcels to determine what type of support and incentives the Village could provide that would be effective for encouraging mixed-income developments on private land within the village.
- Promote recent zoning changes and consider new zoning incentives to encourage in-fill development by individual property owners (such as lot splits, pocket neighborhoods, flag lots and Accessory Dwelling Units).
- Work with for-profit and non-profit developers to seek funding sources for developments that the market alone can't provide such as Low Income Tax Credit Housing.
- Create a local revenue source, such as a Housing Trust Fund and/or the Yellow Springs DCIC, to support moderate and low-income housing development.
- Develop mechanisms to provide direct financial and technical assistance to individual buyers, renters, and homeowners for new builds and/or rehab/reuse in the form of direct grants or low-interest loans.
- Utilize Home, Inc. as our local non-profit housing developer and consultant.
- Develop support for the use of Section 8 vouchers in the Village.
- Support and promote alternative housing options ranging from mobile homes, to co-housing, to home sharing strategies.
- Consider extending our borders if and when compelling opportunities arise.

Step 6: Develop a Housing Initiative Plan: The Housing Plan will be a living document that will help guide Planning Commission and future Councils. It will be a basis to assist developers in planning developments and the Village in negotiating with developers. It would include the Vision and Policy Statements, the 5-10 Year Goals, and the Strategies to meet those goals. It would be monitored on an ongoing basis by Council, staff and Planning Commission and updated as needed, probably every 5 years. We may consider using outside assistance to develop and write the plan. What will be the role of the Housing Advisory Board? Will Council want to create a different body or mechanisms to move the Plan forward? These and other questions will need to be addressed.

Step 7. Begin implementing Strategies: We do not have to have a fully developed and documented plan to take advantage of opportunities as they arise. For example, we can start engaging with Antioch College now to encourage the inclusion of low and moderate income units in the Antioch College Village housing development. The Housing Initiative Process will have many moving parts. While we want to be prudent and careful in considering how we move forward, we also want to act as quickly as possible to 1) take advantage of the momentum we've already started, and 2) demonstrate to the community that



we are serious about the creation of housing (especially low and moderate income units) that allows those who want to live here (especially our current citizens) do so. HAB foresees the major push occurring after we have decided on the strategies best suited to Yellow Springs and when we have developed a plan for the Glass Farm.

DRAFT

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

Value #2 - Be a model employer actively practicing diversity hiring and a provider of services within a responsible and sustainable fiscal framework.

Value #3 - Be a welcoming community of opportunity for all persons regardless of race, age, sexual orientation, gender identity, ethnicity, economic status, ability or religious affiliation.

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

Value #5 - Seek, in all decisions and actions, to reduce the community's carbon footprint, encourage sound ecological practices and provide careful, creative & cooperative stewardship of land resources.

Value #6 - Intentionally promote anti-racism, inclusion, equity and accessibility through all policies, procedures and processes.

Yellow Springs Village Council 2018 Strategic Goals

Values	Goal	2018 Actions	Future/Ongoing Activities	Responsible	Resources
3, 4, 6	Provide an affordable community with a high quality of life that encourages a diverse resident base in terms of race, age, economic status, sexual orientation, gender identity, ethnicity, ability and religious affiliation.	<ul style="list-style-type: none"> Analyze financial models and policies to evaluate utility rates and financial implications for Villagers & Village Implement utility assistance program (e.g. Utility Round-Up) Establish Finance Committee to identify opportunities to increase returns on Village investments, realize cost savings and pursue other fiscally responsible actions Explore developing a more intentionally collaborative relationship with School Board & Township Trustees to jointly seek ways to promote affordability goals 	<ul style="list-style-type: none"> Promote 'energy efficiency' & other education programs and incentivize improvements to properties that can translate to cost savings for residents Design and implement strategies to preserve low and moderate income housing (also see housing goal) Identify other programs and strategies that could be implemented to help residents manage utility costs 	<ul style="list-style-type: none"> P. Bates Council J. Burns Finance Advisory Committee Housing Advisory Board 	<ul style="list-style-type: none"> Human Relations Commission Environmental Commission Planning Commission Energy Board Citizens Local nonprofits School Board Miami Township Trustees
1, 2, 3, 4, 5, 6	Promote retention, rehabilitation and development of diverse types of rental and home-ownership housing to meet current and future needs with focus on low-income, workforce, and senior households to result in mixed-income, environmentally sustainable neighborhoods.	<ul style="list-style-type: none"> Develop housing vision, policy and plans that enable and promote retention and development of housing needed for a diverse, vibrant and resilient community Create actionable goals and strategies in line with the housing vision and policy Determine mix of housing types and number of units needed for the Village Begin to develop concept plan for mixed-income rental and home-ownership housing on the Glass Farm to meet the greatest housing needs with a development that is suited to that site Seek ways to collaborate with stakeholders to support inclusive housing on privately-owned properties Engage the community in a robust public conversation about meeting current and desired future housing needs Determine additional human, financial and technical resources needed to meet the housing goals 	<ul style="list-style-type: none"> Develop housing plans for the Glass Farm as a mixed-use and mixed-income development that provides for recreation, education, environmental and green energy needs Identify one or more developers to build housing on Glass Farm Identify other potential housing development opportunities Work with owners of large parcels and developers to encourage housing development in line with approved vision, goals, strategies and agreed upon incentives Promote opportunities available for individual homeowners to add rental units and create lot splits Utilize strategies developed to encourage housing not met by the market, specifically low-income rental, work force home-ownership and accessible units 	<ul style="list-style-type: none"> Council P. Bates D. Swinger Village Staff Planning Commission Housing Advisory Board 	<ul style="list-style-type: none"> Planning Commission Home, Inc. For profit and non-profit housing developers Private and public funders Other consultants Citizens

5	Complete protection of key properties in Jacoby Greenbelt, protecting additional 1000 acres in sub-watersheds; encourage conservation practices that protect soil & water, preserving the agricultural nature of the Greenbelt and protecting water resources surrounding the Village.	<ul style="list-style-type: none"> Review and confirm Yellow Springs Urban Service Boundary and Jacoby Greenbelt properties (April) With Tecumseh Land Trust, agree on and prioritize Greenbelt targeted properties (May-June) 	<ul style="list-style-type: none"> Support TLT educational events and opportunities Authorize financial matches for targeted properties as needs arise 	<ul style="list-style-type: none"> P. Bates Council Planning Commission TLT 	<ul style="list-style-type: none"> TLT Partners Greenspace Fund Environmental Commission Citizens
2, 3, 4, 5	Engage in continuous infrastructure development that promotes Dig Once, Complete Streets and other economic and strategic best practices to facilitate a more robust and resident/business friendly community.	<ul style="list-style-type: none"> Agree upon model (e.g. Public-Private Partnership) to deliver improved and more affordable broadband Internet services to residents and businesses Approve and adopt Source Water Protection & Climate Action plans and outreach materials Adopt Updated Comprehensive Land Use Plan 	<ul style="list-style-type: none"> Study, assess and develop plans to improve water distribution, electric distribution, sewer and storm water and systems Continue to monitor source water protection area, especially properties of potential high risk 	<ul style="list-style-type: none"> J. Burns P. Bates B. Ault Council Planning Commission 	<ul style="list-style-type: none"> Springs-Net MVECA Energy Board Env. Commission OEPA Citizens CAP
1, 2, 3, 4, 6	Embody a Village culture that is welcoming to all, anti-racist and proactive about maintaining a diverse community.	<ul style="list-style-type: none"> Conduct implicit bias and cultural awareness training for entire Village Team Review and update Village recruitment and retention policies/processes to ensure that communities of color are included in outreach and diversity is prioritized in hiring and retention Support inclusive/diverse arts & cultural events 	<ul style="list-style-type: none"> Ongoing review and implementation of best practices 	<ul style="list-style-type: none"> Council YSPD Village Team 	<ul style="list-style-type: none"> JSTF 365 Project HRC ACC Ohio Attorney General Diversity Liaison
2, 3, 4	Execute an economic sustainability strategy to support existing businesses and entrepreneurs and attract new opportunities that support the values of the community.	<ul style="list-style-type: none"> Formalize Village Incentive Policy Make decision on designated CIC Execute Economic Development Revolving Loan Fund, initial focus on micro loans Develop economic development strategy focused on “localism” & “entrepreneurship”; initiate 1-3 local collaborations Update Comprehensive Land Use Plan DYS/Enon site Marketing Plan 	<ul style="list-style-type: none"> Update and develop ED tools, e.g. property inventory, web presence Plan for business expansion needs Develop DYS/Enon site business plan to attract <i>good fit</i> businesses Actively promote opportunities to developers and businesses Explore development of business incubator/entrepreneurship center 	<ul style="list-style-type: none"> D. Swinger Council P. Bates Economic Sustainability Commission Planning Commission 	<ul style="list-style-type: none"> Vision YSMT Business Retention/Expansion Survey Smart Growth Task Force Report Citizens AC/AUM Local Nonprofits
1, 2, 3, 6	Establish a model Village Justice System that supports a just, safe and welcoming community across race, age, economic status, sexual orientation, gender identity, ethnicity, ability and religion; the entire Village Team will work in concert to be proactively anti-racist.	<ul style="list-style-type: none"> Maximize utilization of Mayors court Recommend policy to address disparate impacts of justice system on economically disadvantaged Support Police Chief commitment to training, promoting safety through de-escalation, crisis intervention training & cultural competence Work with HRC to host community conversation re: Village justice system Finalize Village taser policy Decide whether JSTF should be commission 	<ul style="list-style-type: none"> Continue research/data collection to evaluate progress and develop best Village Policing practices Update YSPD policy to reflect Village Values & address impacts on economically disadvantaged Increase public understanding of YSPD policy & practice Implement alt. municipal policing approaches to drug addiction 	<ul style="list-style-type: none"> Council Mayor Conine Chief Carlson and YS Police Team HRC Village Solicitor JSTF P. Bates 	<ul style="list-style-type: none"> 365 Project Village Mediation US Department of Justice Initiatives in Other Communities TCN NAMI
1, 2, 3, 4, 5, 6	Develop high quality integrated surface transportation infrastructure system that contributes to improved quality of life by promoting safety, recreation, env. sustainability, health, equity/inclusion & economic development.	<ul style="list-style-type: none"> Complete Active Transportation Plan Develop a solid strategy for sidewalk improvements Initiate a new SRTS application Create plan for further addressing high priority areas, e.g. W.S. College & Dayton Streets 	<ul style="list-style-type: none"> Design strategies based on Bike Friendly Community results Evaluate & address bike-ped amenities and signage needs Educational activities – collaborate with YS Schools 	<ul style="list-style-type: none"> Council Plan. Comm. P. Bates D. Swinger AT Advisory Team 	<ul style="list-style-type: none"> SRTS study/plan Sidewalk research YS Active Trans Committee MVRPC

2018 Council Goals - Action Items and Timeline

Goal	Action Item	Staff Responsible	Estimated Timeline
AFFORDABILITY	Implement a utility assistance program (e.g. Utility Round-Up)	Patti and Chris	9/1/2018
	Establish Finance Committee to identify opportunities to increase returns on Village investments, realize cost savings and pursue other fiscally responsible actions	Patti	Open
HOUSING	Conduct a robust public process to fully engage all relevant constituents in master planning	Denise, Patti, PC	Through 2020
	Develop a plan for the Glass Farm as a multi-use area that serves Village housing needs & provides for recreation, education, green energy & environmental needs	Patti, Denise, Johnnie, Council	Through 2020
	Explore Inclusionary Zoning to determine if it is a good fit	Denise and Patti	9/1/2018
	Explore development of an Affordable Housing Trust Fund	Melissa, Patti and Chris	Open
INFRASTRUCTURE	Agree upon model (e.g. Public-Private Partnership) to deliver improved and more affordable broadband Internet services to residents and businesses	Kevin, Brian H., Patti, SpringsNet	Open
	Adopt Climate Action Plan	Denise, Patti, Johnnie and Brad	Open
DIVERSITY	Conduct implicit bias & cultural awareness training for entire Village Team	Patti and Brian	9/1/2018
	Review and update Village recruitment & retention policies/processes to ensure that communities of color are included in outreach and diversity is prioritized in hiring & retention	Ruthe Ann, Patti	Ongoing

ECONOMIC DEVELOPMENT	Formalize Incentive Policy	ESC, Denise	Ongoing
	Develop economic development strategy focused on “localism” and “entrepreneurship”; initiate 1-3 local collaborations	ESC, Denise, and Patti	Ongoing
	Execute ED Revolving Loan Fund, initial focus on micro loans	Chris and ESC	9/1/2018
	Update Comp Land Use Plan	Denise, Judy and PC	1/1/2019
	Make decision on designated CIC	Patti and Chris	6/1/2018
	DYS/Enon site Marketing Plan	Denise	Open
VILLAGE JUSTICE SYSTEM	Maximize utilization of Mayor's Court, incorporating restorative justice principles	Council?	
	Improve public trust in YSPD across race, age & income	Brian, Patti	Ongoing
	Implement training that addresses implicit bias and other issues	Patti and Brian	
	Finalize Village taser policy	Chris	3/19/2018
	Develop specific hiring & evaluation standards that reflect Guidelines for Village Policing	Brian, Ruthe Ann, Patti	
	Decide on establishing JSTF as permanent Council commission	Council	

TRANSPORTATION	Complete Active Transportation (infrastructure) Plan	Denise, Brian	10/1/2018
	Develop a solid strategy for sidewalk improvements	Johnnie, Patti and Denise	Council TBD
	Initiate a new SRTS application	Denise and Johnnie	2019
	Create plan for further addressing high priority areas, e.g. W.S. College & Dayton Streets	Patti, Johnnie and Denise	12/31/2018
GREENBELT	Review targeted greenbelt areas	Council	
	Promote educational events for landowners & farmers on easement funding opportunities & conservation practices via Jacoby Creek Partnership	Environmental Commission	
	Engage with funders in property specific projects that arise	Environmental Commission	

REVIEW PROCESS

STEP 1: PROPOSAL SUBMITTED TO VILLAGE MANAGER

DATE SUBMITTED TO THE VILLAGE MANAGER: 6-12-2018

REVIEWED BY VILLAGE MANAGER: 6-12-18

STEP 2: REVIEW AND DECISION BY COUNCIL

DATE OF HEARING BEFORE VILLAGE COUNCIL: ~~6-18-18~~ 7-2-18

COUNCIL DECISION - TIMING PER COUNCIL

PROPOSAL
FOR PROJECT-SPECIFIC FUNDING

Name of Project: TLT Harvest Auction Date: 9-14-2018

Start date of project: 9-14-2018 Date: 9-14-2018

Name of 501(c)(3) Organization: Tecumseh Land Trust

Name and Contact Information of the Non-Profit representative:

Krista Magaw 767-9490 krista@tecumsehlandtrust.org

Provide a description the project (including attachments as needed):

TLT's Annual Harvest Auction is our biggest fundraiser of the year. Proceeds go directly to funding operations and the preservation of farmland and natural areas.

How does this project fulfill stated Village values and/or Council goals? (See reverse)
Tecumseh Land Trust protects local farmland, water and natural areas forever. The land trust's work relates directly to Council's goal this year to participate in a partnership to protect key properties in the Jacoby Greenbelt.

AMOUNT OF REQUEST: \$ **\$250.00** NEEDED: July 1, 2018

Please submit the Project-specific funding request and attachments to the Village Manager's Office when complete.

Village Values

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

Value 2: Be a model employer actively working to achieve diversity in hiring and employee retention and a provider of services within a responsible and sustainable fiscal framework.

Value 3: Create a welcoming community of opportunity for all persons regardless of race, age, sexual orientation, gender identity, ethnicity, economic status, ability or religious affiliation.

Value 4: Pursue a strong economy that provides diverse employment, creates a stable tax base and supports community values, particularly affordability.

Value 5: Seek, in all decisions and actions, to reduce the community's carbon footprint, encourage sound ecological practices and provide careful, creative and cooperative stewardship of land resources.

Value 6: Intentionally promote anti-racism, inclusion, equity and accessibility through all policies, procedures and processes.



Manager's Report, July 2, 2018

Implicit Bias Training

Implicit Bias training is set for August 8th (Session 1) and August 15th (Session 2). Each day, the session will be held twice, once from 8:30-11:30 AM and again from 4:00-7:00 PM. Each person must attend one Session 1 and one Session 2. This is mandatory training for all employees. Council members also need to let me know which sessions they plan to attend.

Rumpke Contract

The contract with Rumpke Waste Removal expires August 31st and is eligible for 2 more one-year renewals under the current contract. Staff recommends renewal of the contract and, if Council agrees, I will be bringing legislation to that effect to the next meeting, along with a contract addendum re same. Under the current contract, the increase is 3%, resulting in an increase on individual bills of \$.34 for Tier 1, \$.37 for Tier 2 and \$.40 for Tier 3.

Fourth of July Parade and Fireworks

The annual 4th of July Parade will start from Friends Care at 3:00 (line up at 2:00), proceeding up Xenia Avenue, across Corry and up Dayton Street to the Bryan Center. The fireworks will be at Gaunt Park, starting after dark. There is no rain date. Thank you to the I.O.O.F. for their hard work on this wonderful community event!

Vacation

I am on vacation the week of July 9th-13th. Public Works Director Johnnie Burns will be overseeing Village operations during my absence.

PUBLIC WORKS UPDATE

Crew quarters should be done by the first week of July. We have some new pictures on the screen.

Hi-Tech Electric is about a third of the way done with the electric pole replacement contract. They will be working 7 days a week. Some work in Keith's Alley will be done at night. We will make every attempt to notify the businesses and residents in Keith's Alley of the night work.

Tree trimming bids have been posted and bid packets are available at the Administrative Offices.

Crews have begun marking the valves for exercise in preparation of starting unidirectional flushing.

Staff continues to prepare for the infrastructure work session.

Crews will be working on the sink hole on Dayton Street shortly after the 4th of July.

A contract crew will be replacing a section of storm sewer along Kingsfield Court in the near future. This line presented significant major problems during the spring rain events, with water backing up to a depth of approximately 7' behind the homes.

Miller Pipeline is working for Vectren Energy on a gas line replacement project in the Village, starting this week. Areas involved include: N. Stafford between Pleasant and Dayton; N. High between Pleasant and Dayton; N. Winter between Pleasant and Dayton; Lincoln Court, Union Street; Pleasant Street from Stafford to High.

PLANNING AND ZONING

In tonight's packet, you will find a memo from Planning and Zoning Inspector Denise Swinger regarding the parking of recreational and other large vehicles on the street. The Planning Commission recommends to Council that the regulation of these parking issues be added under the General Offenses Code for enforcement by the Police Department, which already enforces other parking regulations. This provides consistency in the enforcement of related ordinances.

Zoning continues to work on the high grass complaints, which seem to be quite numerous this year. We have also had complaints of property owners not maintaining alley rights-of-way.

FINANCE

Colleen is getting up and running and is here tonight to present the Tax Budget.

POLICE DEPARTMENT

The Police Department continues to work on pending cases and to develop further Community Outreach programs.

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

Prepared for July 2, 2018 Council Meeting

COS Apr - Jun Referrals

Service	Apr	May	Jun	Total
Domestic Violence or Abuse	-	1	-	1
Child Welfare	-	1	-	1
Drug and Alcohol	1	1	1	3
Food Nutrition	2	-	-	2
Housing/Shelter	1	2	1	4
Mental Health Care/Welfare	1	2	1	4
Mental Health Destress	1	1	1	3
Rent/Deposits	1	-	-	1
Transportation	1	1	-	2
Utilities	2	-	-	2
Wellness Check	1	1	-	2
	-	-	-	-
	-	-	-	-
Total Contacts	10	7	3	20

COS Apr - Jun Resources

Resource	Apr	May	Jun	Total
Anonymous	1	1	-	2
Local Church	1	1	-	2
TCN	4	5	2	11
YSSCenter	2	1	-	3
FamViolence Prevention	-	1	-	1
The Woods at Parkway	-	1	-	1
The Tree House	-	-	1	1
The Hope Spot	-	1	-	1
The Food Bank	1	1	1	3
Daybreak	-	-	1	1
St Vincent De Paul	-	-	1	1
	-	-	-	-
	-	-	-	-
Total Contacts	3	5	4	12

April activities included CPR, Rape Culture, Suicide Prevention QPR, CPR, CIT Training.

May activities include Drug Free Coalition participation, YSHS Seatbelt Challenge, research for YSH SRO, speaking at JAMA Community Conversation and an interview with Adriane Miller for an article in the Mental Health Board Newsletter.

June activities included Mental Health First Aid resertification, Ripple Effect suicide file discussion panel, Restorative Justice Training and speaking at Antioch College Community Council Talk and creating an ongoing plan for a program of interacting with the students and community members.

Submitted by Florence Randolph, YSPD Community Outreach Specialist

SOLICITOR/PLANNING COMMISSION REPORT:
SMALL CELL FACILITIES & WIRELESS SUPPORT STRUCTURES LEGISLATION

June 28, 2018

At the last council meeting, Ordinance 2018-25: “An Ordinance Repealing Chapter 876 ‘Wireless Services’ of the Codified Ordinance of Yellow Springs, Ohio and Enacting New Chapter 876 ‘Small Cell Facilities & Wireless Support Structures’” was introduced for a first reading. There were a number of questions regarding this legislation which we would like to address as well as general concepts about its required implementation in light of Ohio House Bill 478 (“HB 478”) being signed into law and becoming effective on July 31, 2018.

As background on small cell facility deployment in Ohio, in 2016, Senate Bill 331 (“SB 331”) was signed into law affecting Ohio Municipalities’ rights to control the installation of small cell facilities. SB 331 allowed wireless service providers right to attach small cell facilities to traffic lights, utility poles, street signs and structures in public rights-of-way without any approval from local government. As a result of SB 331, a number of cities and villages contested its legality in a series of appeals and months of litigation. After extended negotiations, revisions, and concessions on both sides, House Bill 478 was born and ultimately signed into law.

Some of the purposes of HB 478 are to:

- (1) Promote the rapid deployment of small cell facility infrastructure and related capital investment in Ohio by ensuring the municipal corporations grant or deny consent to install, operate, modify, or replace wireless facilities in a timely manner;
- (2) Promote the availability of a wide range of utility communication, and other services of Ohio; and
- (3) Protect the integrity of the residential and historic locations and ensure that access to and occupancy or use of public ways in such districts is technologically and aesthetically appropriate.

These purposes are important in understanding the effect and implementation of small cell facilities. HB 478 further outlines what Municipalities can and cannot do in regard to regulation. The overarching goal of the Bill is to allow small cell operators to install small cell facilities in public rights-of-way, while also allowing Municipalities the ability to adopt design and placement guidelines and permitting procedures. Accordingly, the Village will be limited in when they can deny applications, but in crafting our Ordinance, we have incorporated certain design and placement protections including in Section 876.05.2:

- (2) Any new wireless support structure shall be located at least 1230’ from any existing small cell facility.

(c) Wireless Facilities Design

(1) Wireless support structures shall be subject to the following design standards:

- A. New wireless support structures shall be limited to 40 feet in height;
- B. Wireless support structures shall be capable of supporting at least two small cell facility operators;
- C. As determined by the Village Manager or designee, wireless support structures design shall be consistent with the design features of nearby poles serving in a similar capacity, including but not limited to consistent style, material, color, and the design features of the existing or proposed streetscape, district, or site and in furtherance of the maintaining the historical context of a district or specific site understanding that in some instances, there is a desire to camouflage or conceal the pole from view.

These provisions are designed to protect the integrity of the current aesthetic principles of the Village. Further, our Ordinance also designates the alleyways as the primary and preferred spot for small cell facilities.¹ Pre-existing poles in alleyways may be of interest to small cell operators as they will be able to attach to current poles as opposed to installing their own. Note, however, there is no guarantee that small cells will operate solely in alleyways as HB 478 allows latitude to operators in instances of technological infeasibility. (See footnote 1 below).

After our last meeting, staff and I discussed your specific questions regarding the fees and appeal process. In turn, we have adjusted and increased to the maximum allowable the attachment fee (now \$200 per year) and the application fee (\$250). As to the appeal process, after additional discussion, we feel the current procedure in the Ordinance is both the most effective, and in line with what other communities are implementing. Specifically, Kettering and Dublin (major proponents during the litigation surrounding SB 331 and responsible for the negotiation of HB 478) are implementing identical or substantially similar procedures. As small cell facilities operate outside the zoning purview, there is limited option for review other than to Council.

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¹ See Ordinance 2018-25 Section 876.05.2(b) for the Village's location preferences. Note, we can request an alternate location if it is within 100 feet of a potential small cell facility. If the operator can use the alternate location and the alternate location does not impose technical limits or additional costs to the provider, then they must use the alternate location. If technical limits or additional costs exist, however, the operator is not required to use the alternate location.

7-2-2018

To: Council

From: Judy Kintner

Re: Clerk's Report

Things are as usual in the Clerk's office. Public records requests continue to come in at regular intervals. Some of these are relatively simple to fulfill, and others require involved retrieval and/or redaction processes and take more time and personnel to fulfill.

Thank you to Patti and all the Village staff who filled in for me in my absence, and thanks to Council for their patience and kindness as we all figured things out.

--Judy Kintner



Clarifications of Police Department Procedures

Submitted by Patti Bates

July 2, 2018

Recently, a few concerns have been raised regarding procedures in the Police Department, specifically regarding reimbursement for training hours through the Ohio Attorney General's Office (OAG) and payroll procedures for salaried employees. While there is no evidence of fraud, I recognize that some are unclear about state and local procedures and would like to take this opportunity to clarify them.

Police Officer Training and Certifications

Every officer in the Department is required to have specific Continuing Professional Training (CPT) hours to maintain his/her certifications, as prescribed by the OAG. Those specific hours are obtained through the OAG. Officers can attend trainings in person or, in many instances, obtain the hours through E-OPOTA, online webinars offered by the OAG. In order to obtain those hours, officers log onto the system with very specific personal identifiers and complete the training. Officers may or may not choose to print a certificate of completion for their files, but there is a record of all training that can be accessed via the OAG. The OAG then reimburses the Village a set amount for the officer's training, based on whether the officer is listed as full-time or part-time. We were reimbursed \$400 for each full-time officer and \$220 for each part-time officer in 2017 for the State-required CPT training. This amount changes annually. For the year 2018, there are no CPT hours required by the OAG.

Some of our police officers hold commissions with other police departments and may receive the training through those departments. This means that, while they have a commission with the Village Police Department, they may not have necessarily received the required training through our Department, but through the other police departments with which they hold a commission. Officers who hold positions with multiple departments must be listed with one department as a primary affiliation. If an officer completes training hours through the Village of Yellow Springs PD, the Village can submit for reimbursement from the OAG for that training. Officers are permitted to complete webinar training while on a regular duty shift, as long as that officer stays available to answer calls, as needed.

Officers who hold a commission with the Village are listed on the OAG roster, whether or not that officer receives the training through our department or another department. This ensures that the OAG can (1) document that every officer holding a commission as a peace officer has the required training and (2) confirm through the cross-check of their records what department is to be reimbursed for a particular officer's training.

Additionally, in line with our Guidelines for Village Policing that are safety-centered, resolution-oriented, demonstrably inclusive and locally-minded, every officer with the Yellow Springs Police Department receives 40 hours of Crisis Intervention Team (CIT) training. Currently, the only officers who do not have CIT training are Officers Neel and Raffoul, both of whom recently joined the Department. We are also completing Village-wide Implicit Bias Training in August, and Chief Carlson is working toward his stated goal of helping all officers to understand, through personal interaction, how to perform their daily duties to meet the expectations of community members embodied in the Guidelines for Village Policing. This entails helping each officer navigate the fine line between not being overly punitive in enforcement while at the same time ensuring the safety of our citizens.

Salaried Staff Payroll

Another question raised concerns the tracking of hours for salaried staff. All salaried staff with the Village are on a single, official time sheet. Each time payroll is due, salaried staff complete the appropriate section of that time sheet by their name. Once all other salaried staff have completed the appropriate sections, the time sheet is returned to the Village Manager for review and approval. Once approved, that sheet is the official sheet from which all salaried staff are paid. There was a specific question about Sgt. Watson signing off on Chief Carlson's timesheet. This was record that Chief Carlson kept for personal documentation, not for payroll purposes, and Sgt. Watson was attesting only that the hours were totaled correctly.

Other Payroll

There was also a question of whether particular officers have been underpaid or overpaid at various times throughout the year. While there has been no evidence provided of any attempt or theft, this matter is being addressed and, if needed, will be corrected by payroll.

6/28/18

Regarding Proposal for a Justice System Commission

I had promised to share with you the process I will be using to develop this proposal. As you know, I have been working on a draft proposal for the creation of a Justice System Commission. One of Village Council Goals for 2018 is to “Establish a model Village Justice System that supports a just, safe and welcoming community across race, age, economic status, sexual orientation, gender identity, ethnicity, ability and religion”, and a 2018 action to meet this goal is to make a decision on whether to create a Justice System Commission. As you know, I am an advocate for creating such a body. This new Commission would be an ongoing body continuing the work of the Justice System Task Force to improve the Village Justice System. The challenges are great as are the opportunities.

There are many ways Council members develop proposals for consideration. I will be developing this proposal with the following steps:

1. Prepare a draft proposal and receive input from JSTF Alternate Liaison, Lisa Kreeger before presenting a draft to JSTF for input at our July meeting.
2. Meet with Chief of Police, Village Manager and Mayor and request input from Council members and community members.
3. Present updated draft to Village Council and Citizens for discussion, 2nd Village Council Meeting in September, the 17th.
4. Finalize proposal for decision by Village Council with the hope of making a decision no later than early November.

Thank you,

Judith Hempfling

Judy Kintner, YSO Village Clerk

From: Patricia Dallas <pattidallas22@sbcglobal.net>
Sent: Saturday, June 23, 2018 6:22 PM
To: Judy Kintner, YSO Village Clerk
Subject: Building on the Glass Farm
Attachments: Building on the Glass Farm.doc

**Patti Dallas
PO Box 644
Yellow Springs, OH 45387**

June 23, 2018

To The Village Council Housing Advisory Board,

In order to increase the number of affordable houses in the Village, the idea of building on the Glass Farm has been put forth. These homes might include large houses for families with children, medium-size homes, and perhaps a pocket neighborhood with small houses - but instead of being sold, they could be rented out by something like a Housing Commission. In this way, the Village would maintain ownership, control affordability, and establish an ongoing source of income.

Sincerely,
Patti Dallas

Libby and Dan Rudolf
3590 Grinnell Rd
Yellow Springs, OH
45387

June 28, 2018

To:
Village Manager Patti Bates
Chief Brian Carlson
Town Counsel

We have had only positive experiences with Dave Meister and find him to be very knowledgeable, considerate, interested in in engaging with the public a good officer and a kind person. We hope that the difficulties and discipline actions that he is currently undergoing will be analyzed thoroughly and thoughtfully. He is exactly the kind of officer that we think fits our police force and our community.

He lives here with his family and has made significant contributions to our towns' well being. He is an exemplary member of the session at First Presbyterian. He trained to be an EMT to be even better equipped in an emergency/policing and serves in the Miami Township Fire Dept. He takes his kids to help with Habitat for Humanity. He helps out wherever and whenever he can do so.

Libby and Dan Rudolf
937-767-1068

From: [liz porter](#)

Sent: Tuesday, June 19, 2018 4:36 PM

To: bcarlson@vil.yellowsprings.oh.us

Subject: Dave Meister

Dear Chief Carlson,

I have been meaning to write a letter of commendation regarding Dave Meister since February, and am only now getting around to it because I understand there is some trouble regarding his standing in your department. As a retired Hospice RN I understand how important positive feedback is from citizens/patients/families to those who serve, and yet I also know how rarely we get around to putting words on paper (or email...).

I met Officer Meister when we both participated in the Non-Violent Communication course which was held in January-February of this year at the Presbyterian Church. I didn't know who he was at the time, but really appreciated his insightful comments during our classes. Toward the end of our six week course, I sat with him at one of The Beloved Community lunches which followed our sessions. I asked him if he was a social worker. He smiled and said that he was a Village police officer—then I recognized him. How perfect that he has such a social worker 'vibe' to him and that he was dedicated enough to take this class! I was touched and reassured that he was on our Village police force.

Then, sometime in February on a pitch black night, I was awakened by a man screaming repeatedly in what sounded like fury or anguish right outside my house at about 2 AM. The sounds seemed to be right under my window at first and stayed close by. I called dispatch who calmed me and instructed me to stay inside. A minute or two later lights of a police cruiser lit the street in front of my house and an officer got out and calmly spoke to two men who were sitting in the street. I heard him ask if they had been yelling and then he engaged them in quiet conversation. I saw that the officer encouraged them to get up and proceed home and he stayed to assure that they did so. I reflected at the time how brave all of you are to go into the night responding to unknown situations, and how admirable it is for you to bring a de-escalating demeanor to these situations yet to also be prepared for danger. This situation was handled extremely skillfully and I went back to a comforted sleep. I later ascertained that it was Officer Meister who responded that night.

I obviously have no standing to have an opinion on a personnel matter—my only source right now is FB which is so unreliable and toxic that I rarely look at it—but for what it is worth, I believe that Officer Meister is exactly the sort of person who should be supported, encouraged and highly valued in his position. I have been reassured by your leadership and how the relationship between the police and the Village has improved with your presence and guidance. I met you at one of the Black History tours last summer, and as I was with Dave Meister, was so impressed with you and your obvious commitment to this community and to humanitarian values.

Thank you for all that you do. My deep hope is that this problem may be resolved in such a way that the healing which has begun in our village may continue to grow.

Sincerely,

Elizabeth (Liz) Porter

315 So. Stafford St. YSO

June 24, 2018

Dear Village Council members,

For a number of months I have been a proponent of Dave Meister to be promoted to Village Police Chief. I wrote a letter to the Y.S. Editor some time ago that was printed in the News, but a different chief was appointed. Now, with the move to "furlough" Meiser and move him out of the police force entirely, I must stand up and express myself once again.

From my letter written months ago, I have had occasion to call the police department and ask for assistance, both in a 9-1-1 capacity for a health emergency of my own, and for information of other sorts for friends. When it turned out Dave Meister was assigned to help me, I was very pleased, since by now I have set up a friendship, and appreciate his quick response, his compassion, and his forthright addressing of the "problem".

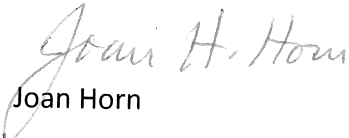
I know he and his family enjoy Yellow Springs, and that alone would suit him to continue to work here. I can scarcely understand what prompted the rumor about his being removed. I think that would be almost a tragedy for the village. In my view, and within my experience, he seems to epitomize the banner(s) that have been flown across Route 68 about "Kindness". Yes, there is a time for the police officers to react with firmness, force, and solve problems in a manner that eliminates the "problems" –permanently, the residents hope.

In reacting to my strong impressions of Meister, I urge the Council to take up his continued employment as a matter of appropriateness, of strength to continue to employ such a dedicated and capable fellow. He knows the village, having worked here for some years, understands the values and desire of many villagers for humane solutions whenever possible. I can think of other occasions when someone has been hired who is totally unfamiliar with the village appreciation of thoughtful and appropriate responses to problems and who is so inappropriate to working here that they are eventually let go.

In my own response to Meister, I sincerely hope you will listen to the portion of the population that has found Meister to be well suited to continuing. Keep him.

Thanks for your rapid response to one strong segment of the townspeople who would like to think Meister will be available to help THEM for a long time to come.

Sincerely,


Joan Horn

June 23, 2018

Dear Council Members,

I am writing in support of officer Dave Meister. He came several times in support of the EMT squad when my sister Joan Horn was having medical problems. He was very empathetic, knowledgeable of her condition, very patient and helpful. These are the only interactions I've had with officer Meister but based on what I know and have experienced firsthand, this is the type of officer we value, respect and should try to retain. I hope you'll support Dave Meister, too,

Sincerely,
David Hergesheimer

CATALPA LANE POTTERY

David and Keiko Hergesheimer

1210 Xenia Avenue

Yellow Springs, OH 45387

Judy Kintner, YSO Village Clerk

From: Jessica Thomas <jessicathomasraska@gmail.com>
Sent: Saturday, June 23, 2018 7:57 AM
To: Patti Bates, YSO Village Manager; Judy Kintner, YSO Village Clerk; Kevin Stokes; Brian Housh; Marianne Macqueen, Village Council; Judith Hempfling
Cc: Human Relations Commission
Subject: Officer M

To whom it may concern:

Hello, my name is Jessica Thomas and I am writing you to implore that you do not remove Officer Meister from his position on YSPD. In fact, I am asking you to remove Sgt. Pernod/ Watson from her role and give Meister her position.

As a young person in the village who is appalled with the police in general, I believe that if we must have a police force we should fill it with officers such as Meister. In my experience, Meister is a kind, compassionate person who uses his role to actually help people rather than enforce laws in a way that breaks people down. Furthermore, Meister has shown his dedication to our community by volunteering his time as an EMT to help fulfill the shortage in our area. From the outside, the discipline he is receiving seems to be nothing more than bullying from a commanding officer on a power trip.

That said, I believe that Penrod/ Watson has done nothing short of exemplifying the opposite values that we hold as a village. In my own experience with her (at the Bryan Center), she along with Knapp racially profiled me, accusing me of doing some graffiti at the Bryan Center, citing that they had on camera "a light black girl with dark hair".

I hoped to keep this short, as I am on my honeymoon, but it felt morally wrong to ignore the plight of an officer who I trust and believe does the best he can for the community. I hope that you all will take a real look at the pattern and practice of discipline within the YSPD and make sure that it follows the village values.

Sincerely,

Jessica Thomas

Sent from my iPhone

PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for and has begun to consider whether to issue or deny, a Clean Water Act Section 401 water quality certification for a project to quarry limestone and clay to continue to produce cement. The application was submitted by Fairborn Cement Co. The project is located at 3250 Linebaugh Road, Xenia. The Huntington District Corps of Engineers Public Notice Number for this project is LRH-2010-1015-LMR. The Ohio EPA ID Number for this project is 185819.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of nine unnamed tributaries to Ludlow Creek and one associated wetland, and one unnamed tributary to Conner Branch and one associated wetland. Ohio EPA will review the application, and decide whether to grant or deny the certification, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting 6/12/2018, copies of the application and technical support information may be inspected on Ohio EPA-DSW website:

<http://www.epa.ohio.gov/dsw/401/permitting.aspx>

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written comments for Ohio EPA's consideration in reviewing the application should do so by email to epa.dswcomments@epa.ohio.gov or writing to Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 within thirty days of the date of this public notice.