

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

**In Council Chambers @ 6:30 P.M.**

**Monday, June 1, 2015**

**CALL TO ORDER**

President of Council Karen Wintrow called the meeting to order at 6:33pm.

**ROLL CALL**

Present were President Karen Wintrow, Vice President Lori Askeland, Gerry Simms, Brian Housh and Marianne MacQueen. Village Manager Patti Bates was present, as were Assistant Village Manager John Yung and Village Solicitor Chris Conard.

**EXECUTIVE SESSION**

At 6:34pm Simms MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of Potential and Pending Litigation. The Village Solicitor was present.

At 6:56. Housh MOVED and Simms SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The Motion PASSED 5-0 on a VOICE VOTE.

**CONSENT AGENDA**

1. Minutes of May 4, 2015, Regular Council Meeting
2. Minutes of May 18, 2015, Special Council Meeting
3. Minutes of May 18, 2015, Work Session
4. Financials for April 2015

Wintrow pointed out several changes needed to the minutes for the Special Council Meeting of May 18<sup>th</sup>. Those minutes were moved to the regular agenda.

Simms MOVED and Housh SECONDED a MOTION TO APPROVE ALL REMAINING ITEMS ON THE CONSENT AGENDA. The MOTION PASSED 5-0 ON A VOICE VOTE.

**REVIEW OF MINUTES**

Minutes of May 18, 2015, Special Council Meeting. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE the Minutes as amended. The Motion Passed 5-0 on a Voice Vote.

**ANNOUNCEMENTS**

Housh announced that Village residents were welcoming and helpful during the Village's Southeast Asian Fellows Exchange program.

June 13 is Street Fair.

Askeland noted that some citizens believe themselves to be signed up for Hyper-reach, but are in fact not properly registered with the service. She noted the link on the website for that purpose, and determined that the Police Dispatcher can register citizens if they do not have access to a computer.

**PUBLIC HEARINGS AND LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2015-10** Second Quarter Supplemental Appropriations and Declaring an Emergency. Simms MOVED and MacQueen SECONDED a MOTION to APPROVE.

Finance Director Vanzant explained that the Supplemental is routine, and covers several expenditures that Council has previously been made aware. She then went through each of the expenditures.

Wintrow OPENED THE PUBLIC HEARING. There were no questions or comments from those present. Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

## COMMENDATION

Presentation of Exceptional Service Award to Officer David Meister. Chief Hale noted that on May 1, Officer Meister had been first on the scene for a 911 call ultimately involving two elderly persons having fallen into a pond. Officer Meister leapt into the water and pulled both to safety. Meister acknowledged the speed and professionalism of the Miami Township Fire Department, who took over lifesaving duties, and of his fellow officers, whom he referred to as a great department.

**Reading of Resolution 2015-19** Authorizing Deduction from RITA Distributions the Costs for Subpoena Program. Simms MOVED and Housh SECONDED A MOTION TO APPROVE.

Vanzant explained that the Village has three options with RITA (Regional Income Tax Authority), and is required to select a preference regarding what kind of follow up, if any, the agency can take to address non-filers. Vanzant explained that the subpoena option assures that a RITA representative will be on hand locally to address citizen concerns and questions, and noted that in 2014 the “letter only” option had been used, and had resulted in a great deal of confusion.

Vanzant noted that the number of non-filers on RITA’s list is high—currently 1,388 persons.

Askeland noted that many of the non-filers do not owe money and have simply moved.

Wintrow asked whether it would be an option to not participate in the subpoena program, but to have letters sent and ask RITA to send representatives to meet with citizens who have questions.

Council and Bates discussed potential options for outreach and for informing citizens. Wintrow asked for more information regarding how RITA follows up with citizens, and how long non-filers stay on the non-filing list if they don’t contact RITA with updated information.

Conard opined that the language in the resolution simply gives Vanzant the authority to enact the subpoena program if she deems it the best option. Council discussed forming a committee to review information and make a decision, since a decision would need to be made prior to the next Council meeting.

Sam Young commented that the number is very high and that “something is wrong”. He stated that he would ask RITA how many applications they had received.

Several of those present commented that family members had received the letters after the family members had moved away.

MacQueen commented that she would be comfortable having staff and one or two Council members make a decision on the matter.

New resident Jordan Gray asked whether the Village could cull through the data to determine if it is cumulative, or whether limited to several years.

Chrissy Cruz asked if it would be cheaper to pay staff to answer citizens’ questions regarding the subpoenas rather than pay RITA.

Wintrow explained that the cost is that of the legal instrument of the subpoena, not for the in-person service.

Tim Barhorst asked if there was a penalty for not filing, and Simms responded that the penalty was added to the amount owed.

Conard confirmed that the purpose of the subpoena is to make a legal notification, and that the cost associated would be the cost of the legal instrument. He noted that the subpoena likely triggers a next step.

Bates commented that Village staff members do not have access to RITA records, and would not be able to answer citizen questions.

Bates commented that the list covers more than just residents, noting vendors and contractors.

Wintrow received confirmation that Council is considering passage with the condition that a subgroup will report back at the following meeting regarding a decision.

Housh noted that there is work to be done and issues to be figured out, and that the opportunity will be presented again in 2016.

Wintrow CALLED THE VOTE, and the MOTION FAILED 1-4, with MacQueen the affirming vote.

Council instructed Vanzant to proceed with the letter program with RITA, but to forgo the subpoena program for 2015.

### **CITIZEN CONCERNS**

AJ Warren thanked Council for its support in making the Phase 1 YS Skate Park renovations a reality, and noted that work to continue to raise money is underway so that the Master Plan for the Park can be completed in the future. Warren noted the positive response to the improvements so far. He invited the public to the opening of the renovated Park set for June 13<sup>th</sup> from noon to 5pm.

### **REVIEW OF AGENDA**

#### **PETITIONS & COMMUNICATIONS**

Askeland reviewed the communications received.

The Clerk will receive and file:  
MVRPC re: Website  
Ryan Ireland re: June Library Programs  
AJ Warren re: Sk8 Park Opening

#### **SPECIAL REPORTS**

**Charter Review Report (Charter Review Committee).** Sheila Miller, Chair of the CRC presented the report on behalf of the Committee. Miller noted that the eleven-member Committee was charged to:

- Identify existing problems with the Charter
- Identify solutions to those problems
- Draft language to substitute plain language for “legalese”
- Approve the language
- Submit the language to Council for review
- Recommend the changes to voters, and
- Support the changes to voters during the election process

The CRC met a total of nine times over a four-month period, and the Charter was reviewed section by section.

Miller stressed that the report identifies three categories of concern:

- Typographical/Language Clarifications
- Conformance Changes
- Substantive Changes

Miller provided a draft document, which identifies proposed changes according to the above matrix. She stressed that the latter category was one in which the CRC was recommending that Council consider the implications of a change in policy. The CRC did make several substantive change recommendations, most of these to reflect the actual current operation of the Village. Substantive changes of that nature were suggested for sections 14, 16, 18, 22, 30, and 39.

Miller pointed out one of the substantive changes as not requiring, but simply permitting, one member of Planning Commission to reside outside of the Village. Publication of Ordinances was suggested as by topic only, rather than the current “in-full” format. Another was to permit the Solicitor to swear in Council so that there is another option if the Mayor is out of town.

In addition to those changes, Miller pointed out a final list entitled “Additional Topics for Discussion”. She noted that these were items that the Committee had flagged as potential issues for Council to consider, which had been generally discussed by the Committee and deemed outside of its recommended scope.

Wintrow pointed out the changes, asking for Council’s input.

One of these additional topics is that the current Charter allows for a merger of the Clerk of Council and Treasurer positions.

Another topic is whether a regular Charter Review should be established, as is the practice in other municipalities, since there is currently no provision in the Village Charter that requires this process.

Finally, Miller noted that the Village Solicitor had brought the topic of the Office of the Mayor to the Committee. Conard highlighted that it is highly unusual for a mayor serving in a weak-mayor form of government, which is what we have in the Village of Yellow Springs, to be a separately elected official. Conard indicated that a more common structure is to have the President of Council fulfill the Office of the Mayor.

The CRC also discussed the issue of whether the Village Manager should be able to sign off on the Personnel Policy Manual or make changes to it without going to Council for approval. No change is recommended, Miller said, because the current VM does not see this as necessary.

Simms praised the collaborative and effective functioning of the group.

Housh commented that the group had done a great job of wading through the Charter and with all of the accompanying edits. He thanked the Village Solicitor and his Assistant.

Conard advised that Council can separate Charter amendments into as many different ballot issues as it deems appropriate.

Conard explained that swearing in must officially occur no later than January first, but that a ceremonial swearing in can occur at the first Council meeting of the year. He noted that the change suggested will allow the Solicitor to swear in Council members in addition to the Mayor, which will add some flexibility.

Wintrow presented the substantive changes to Council and heard discussion on each change.

Miller explained the proposed change to residency requirements for the Village Manager as following Ohio law, which states that an individual cannot be required to live in the municipality, noting that a contract allows more latitude for this caveat.

Council agreed that the 10-day waiting period before enactment of the annual budget should be changed to become effective immediately.

The change to membership of the Planning Commission to permit, but not require, one member to live outside the Village was generally approved.

Wintrow referenced the Initiative, Referendum and Recall processes, which are all changed to refer directly to ORC language for clarity.

Housh expressed concern regarding potentially controversial items such as the proposed changes related to residency requirement for the Village Manager and the one non-resident seat for Planning Commission.

Wintrow asked Conard to address these concerns in his write-up.

Conard stated that he will present a draft to Council so that members can determine how they would like the proposed Charter amendments presented on the ballot.

Council discussed the recommendations further, and decided not to add language mandating a regular Charter Review based upon the Solicitor's recommendation that this was unnecessary, and could be costly, for our Village.

Conard presented information related to the sections about Initiative, Referendum and Recall, stating that there is clear state law relevant to these sections, opining that it is easier for citizens to follow one set of standards rather than trying to integrate the Village Charter with ORC. He noted that Boards of Election are more familiar with ORC processes.

Conard stated that the reasoning behind the proposed change was that if citizens wish to enact initiative, referendum or recall, those efforts should not fail due to procedural obstacles, but should reflect the will of the people.

Wintrow asked for the addition of a sentence to follow any items particular to the Village Charter with “or per Ohio Revised Code.”

Regarding the Personnel Policy Manual, Miller noted that after lengthy discussion, there had not been agreement among Committee members to suggest changes.

Bates stated that the issue of whether the Personnel Policy Manual should be considered policy or procedure was raised, and that her perspective is that it is a policy adopted by Council and that she has no problem with the current Charter language.

Regarding the discussion about probationary period, Bates stated that she disagrees with the central argument and has no issue with the current Charter language.

Conard commented that deference must be given to the opinion of the Village Manager, and that the changes would be substantial in nature and his recommendation would be not to include them in the ballot language.

Miller presented information regarding the CRC’s discussion of the Office of the Mayor. She stated that the impetus for the discussion was at the suggestion of the Solicitor, perhaps by way of Council, that the CRC review that section of the Charter. Miller noted that the discussion was lengthy, and that the Mayor attended that discussion.

Bates explained the discussion, stating that at no time was Mayor’s Court ever considered for changes. She emphasized that the discussion had nothing to do with Mayor’s Court.

Wintrow stated that a discussion of this issue was likely to be lengthy, and asked that the topic be moved to a following meeting.

Miller stated that, having delivered the report of the CRC, the responsibility for proceeding with a ballot measure was handed to Council.

Conard asked for clarification on Council’s request regarding the initiative petition language, and was told that Council would like that language to conform to the ORC.

Dan Reyes commented that the issue of “the Mayor” would come as a surprise to people, and referenced that it was addressed at the Council Retreat and should be put in context for citizens.

Simms responded that the CRC did not make any recommendations for changes to the section of the Charter dealing with the Mayor. The CRC, he stated, has nothing to report to the community on the matter, because it made no recommendation about it.

Reyes asked whether a Charter change measure had to come from the CRC and was told it did not.

**Climate Action Recommendations.** Duard Headley presented recommendations to Council, primarily that Council move forward with formal climate action planning.

Headley noted that the first step in creating a formal Climate Action Plan (CAP) is to join an organization capable of providing assistance in the process. He recommended the Village join ICLEI for that purpose, and suggested that funding this by the HRC might be appropriate, given the heaviest impact of climate change upon economically disadvantaged populations. The ICLEI membership is \$600 and includes many tools related to improving equity and affordability.

The second step, he stated, is to establish goals for the community, and the third is to develop a plan for reaching those goals. The final part is to implement the plan.

The CAP would come from the Environmental Commission, with input from the Energy Board, knowledgeable Villagers and the support of ICLEI.

Headley noted the existence of the YS Resilience Network, stating that the group had reviewed the Environmental Commission’s recommendations and approved of them.

Wintrow stated her concern that the undertaking would create a need for funding. Headley responded that that can occur, but that he is not concerned about that eventuality for the Village.

Headley listed additional recommendations as follows: any affordable renewable energy is a good thing and should be supported; energy conservation should be supported, and a program should be created for that reason; climate action considerations should be built in to all Village contracts; there will be activities available in the economic arena before the CAP is in place, and those should be encouraged.

In response to a question from MacQueen, Headley stated that the next steps would be to task the Environmental Commission and the Energy Board with moving forward on the CAP, and joining ICLEI.

Askeland stated that she would like to know more about the suggestion that funding for joining ICLEI come from the HRC budget.

Bates addressed the funding issue, stating that the funds could appropriately be taken from the Green Space Fund.

Council asked for more information regarding ICLEI, whose membership includes six Ohio communities.

MacQueen suggested that she return with more information on ICLEI, the communities who are members, and the benefits of membership.

**Fiber Forum Report Back (Springs-Net).** Tim Barhorst, member of Springs-Net and the Community Access Panel, reported on the Forum.

Barhorst noted connections made with the City Council President of Sandy, OR, which is an up and coming community internet provider. Barhorst projected that the infrastructure investment would remain functional 40 years into the future.

Barhorst stated that Springs-Net is still analyzing the needs of the community, and plans to save monies by accessing local experts. Springs-Net should have a pilot project to present to Council in the near future.

Barhorst noted strengths of the Village as having MVECA in place and having existing electrical infrastructure, and the greatest weakness as the high cost of the program.

Barhorst stressed economic development as the greatest projected benefit of the program, and noted that 92% of citizens surveyed stated approval for municipal internet infrastructure.

## **OLD BUSINESS**

**Policing Policy Discussion Process.** MacQueen stated that the values desired by the community in a Police Department and strategies to attaining those values would be the focus of such a discussion, and stressed that the discussion would not be a critique of the current department or its policies.

MacQueen stated that because of events affecting policing at a national level, the discussion needs to occur. This is set for the second July meeting, which is a Council Work Session. She indicated that this would constitute an initial discussion.

Housh commented that a public discussion of the values and goals had been recommended at the prior policing forum, and that there had been consistent requests for addressing the ACE Task Force as it relates to the budget.

Wintrow asked for a way to pare down some of the values provided from the last policing forum rather than a general list, and it was indicated that the HRC could help with this.

## **NEW BUSINESS**

**Budget Schedule for 2015.** Vanzant stated that the timeline is the same as that for 2014.

Wintrow asked whether there would not be proposed cuts, and wondered if the schedule allows for those discussions.

Bates stated that while she is not asking her staff for across the board cuts, she is asking that a conservative and careful approach be taken.

Vanzant stated that 2016 is likely to be manageable in terms of the General Fund because transfers out will be more closely controlled, given some buffer in Streets and Parks operating funds. Rate increases should help the Enterprise Funds stay in the black.

Bates noted that she and Vanzant have discussed several strategies for increasing funds, and several of those will be brought before Council for consideration.

Wintrow asked that proposals to increase revenue and levy renewal discussion be kept separate from the budget discussion.

MacQueen asked that a rationale be given for either cuts or no cuts so that Council can work strategically with staff to reduce the operating budget.

Bates stated that staff would rather cut strategically from their own budgets than work with an across the boards cut.

Wintrow suggested a scientific citizen survey to determine community priorities with regard to services.

Vanzant suggested that Council consider the Tax Budget, slated for July 6<sup>th</sup>, as a first budget document. She commented that it is a first look at revenues and expenditures, and could serve as an opening for discussion.

Wintrow suggested that the August 17<sup>th</sup> meeting take a focus on finance.

**Solid Waste RFP.** Bates noted that the RFP is a result of collaboration between herself, Tom Dietrich, Tom Clevenger and Dana Stortz from Greene County Solid Waste. Bates commented that she will be revising the Street Fair section of the contract since the Village does not always pay for trash collection for special events, such as Street Fair or New Year's Eve.

Wintrow asked that Friday always be a pickup day for the downtown area.

Council reviewed the RFP, making several other suggestions, including that the current pickup schedule be maintained.

Bates noted that the number of tiers have been pared down for easier billing. Housh wondered if there was a way to incentivize waste reduction.

Wintrow commented that the hope is that some of the bidders will present workable solutions.

Askeland expressed confidence in the RFP.

Bates will return with a final RFP at the next meeting.

## **MANAGER'S REPORT**

Bates reported on recent activities as follows:

Construction on the Loop Completion Project has started. GM Pipeline will be working in town for approximately 2 more weeks, as progress is ahead of schedule. The Herman Street section is complete and active, and restoration is now complete. 100 block of Corry Street is complete; however, the blacktop patch was not accepted by Village staff and will be redone. Livermore Street is complete and awaiting restoration. The North College section is about 50% complete and should be done next week, leaving only the Corry Street section from campus to Glen Street.

The Streetscape bid has been issued and bids will be opened on June 8<sup>th</sup>. The project is expected to start around July 20<sup>th</sup>.

Installation of the new library roof is beginning.

The pool is open and ready for use! Softball leagues are underway and everyone seems to be having a great time.

Bates stated that she has been asked to serve on the YS Senior Center Support Services Advisory Committee and has accepted.

The Village recently needed to issue a boil advisory for the southern part of the Village due to a loss in pressure in the pipes. The Hyper-reach system, the Village website and the YS News online were used to inform community members. During that incident, it became evident that many people who thought they were signed up for Hyper-reach were, in fact, not on the call list. This may be due to the change in systems several years ago, or to changes in phone contact numbers. Bates would like to encourage everyone to make sure they are registered to receive these alerts via telephone for things such as boil advisories, severe weather alerts, etc. Please contact the Yellow Springs Police Department at 767-7206 to make sure that you are registered to receive alerts.

Bates stated that, as of June, reinstatement of utility service will no longer be provided on weekends or after hours, given the high cost to the Village of after-hours call-outs. Bates stated that this will be a return to the standard set by ordinance. She noted that no notices are sent on Fridays, allowing Friday for reinstatement.

Bates thanked Joe Bates, Water and Waste Water Supervisor, who will be taking a position with the City of Xenia as Water Plant Supervisor. A farewell is planned for Friday at 2pm in Rooms A&B.

Bates noted a highlighted report regarding YSPD activities over the past month showing a great deal of positive community involvement.

**ASSISTANT VILLAGE MANAGER’S REPORT**

There was no formal AVM Report. Yung reminded those present of upcoming Planning Commission (Monday) and BZA (Wednesday) meetings.

**CLERK REPORT**

The Clerk reported that the Village Website is approaching the beta test phase, and may be operational as soon as July.

**FUTURE AGENDA ITEMS**

- June 15: WORK SESSION: 1. Sidewalks 2. Discussion of Office of Mayor 3. Charter Review Draft Ordinance
- Executive Session re: Village Manager Annual Review (7-6-15)
- 2016 Tax Budget (7-6-15)
- Bi-Annual Goal Review (7-6-15)
- ICLEI Information from Environmental Commission (7-6-15)
- Draft Ordinance on Boards and Commissions (7-6-15)
- Ordinance 2015-08 Accepting Planning Commission’s Recommendation to Vacate East North College Street Between Livermore and Corry Streets. (7-6-15)
- WORK SESSION (7-20-15) Policing Policy
- NO MEETING AUGUST 3
- REGULAR MEETING 8-17-15
- Levy Timeline
- Direction for Economic Sustainability

**ADJOURNMENT**

At 10:00pm, Simms MOVED and MacQueen 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 minutes is available for viewing in the Clerk of Council’s office between 9am and 3pm Monday through Friday.*

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Karen Wintrow, President

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Attest: Judy Kintner, Clerk