

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

In Council Chambers @ 7:00 P.M.

Tuesday, September 8, 2015

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 7:04 pm.

ROLL CALL

Present were President Karen Wintrow, Gerry Simms, Brian Housh and Marianne MacQueen. Village Manager Patti Bates was present, as were Assistant Village Manager Melissa Vanzant and Village Solicitor Chris Conard, who arrived after roll call. Council person Askeland joined the meeting at 7:35 pm.

SWEARING-IN

Melissa Vanzant, Finance Director, was Sworn in as Assistant Village Manager.

ANNOUNCEMENTS (7:10)

Representative Rick Perales. Representative Perales presented a PowerPoint and offered information regarding current House Bills, budget items at the state level, and his position on each. Council questioned Perales further regarding upcoming ballot issues, particularly issue #3.

Council engaged Perales in various exchanges, with Wintrow questioning Perales regarding House Bill 5, emphasizing the negative impact on municipalities.

Housh questioned Perales about access to Public Safety Enhancement funds for equipment and training.

MacQueen questioned Perales regarding Estate Taxes and about a recent decision made by the Secretary of State that Boards of Election not assist petitioners for office. Perales stated that he would look into the matter.

CONSENT AGENDA

1. Minutes of August 24, Special Council Meeting. Wintrow asked that the minutes be moved from the Consent Agenda so that she could add missing information.
2. Financials for August, 2015.

Simms MOVED and Housh SECONDED a MOTION TO APPROVE THE AUGUST FINANCIALS ON THE CONSENT AGENDA. The MOTION PASSED 4-0 ON A VOICE VOTE.

MINUTES

Minutes of August 24, Special Council Meeting. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE THE MINUTES AS AMENDED. The MOTION PASSED 4-0 ON A VOICE VOTE.

REVIEW OF AGENDA

Resolution 2015-35 was added to Legislation. The topic of “drones” was added to New Business.

PETITIONS/COMMUNICATIONS (7:10)

Housh reviewed the communications received.

The Clerk will receive and file:

- Council re: Letter to City of Cleveland
- Marcia Wallgren re: EPA Information and Glass Farm Resolution (2 docs)
- MHRB re: Dispatcher Peterson
- Greene Co. Parks and Trails re: Levy (3 docs)
- Local Government Allocations
- Brianne Hetzel re: Bicycle Destinations
- Athena Fannin re: Complaint
- MVRPC re: Photo Contest
- Mayor’s Monthly Report

PUBLIC HEARINGS AND LEGISLATION

Second Reading and Public Hearing of Ordinance 2015-08 Accepting Planning Commission's Recommendation to Vacate East North College Street Between Livermore and Corry Streets. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates stated that Planning Commission recommends passage of the ordinance.

Simms noted the conditions attached, in particular that of permitting fire access (both structural support and height requirements), and that of permitting full access to the Village water lines with the College responsible for replacing pavers as needed.

Reggie Stratton, Physical Plant Director for Antioch College, assured Council that the College fully intends to comply with all conditions.

Wintrow OPENED THE PUBLIC HEARING.

Due to lack of response, Wintrow CLOSED THE PUBLIC HEARING.

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

Second Reading and Public Hearing of Ordinance 2015-11 Accepting Planning Commission's Recommendation to Vacate the East Herman Street Right-of-Way Which is Situated Between the Developed Portion of East Herman Street and Corry Street. Housh MOVED and Simms SECONDED a MOTION TO APPROVE.

Bates made note of the attached conditions, stating that the Village would be granted full access to its utility lines by way of an unlocked gate. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Stratton reiterated the College's willingness to comply with any and all attached conditions.

Wintrow OPENED THE PUBLIC HEARING.

Due to lack of response, Wintrow CLOSED THE PUBLIC HEARING.

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

Reading of Resolution 2015-32 Supporting Environmental Commission's Application for a Grant from Clean Ohio to Support the Glass Farm Area. MOVED and SECONDED a MOTION TO APPROVE.

Bates explained a letter from Wallgren, in which she alleges the presence of toxic contamination in the Glass Farm creek stemming from the spill at Vernay. She stated that the Village is willing to run tests for VOCs on the creek water. Bates opined that the matter should be monitored, but should not hold up the process of application.

In response to a question from Simms, Bates stated that the retention pond now in existence will be considered part of the easement, but will continue to function the same way it has until this point.

In response to a question from Wintrow, MacQueen stated that the easement must be approved prior to work beginning on the site, but not prior to application. The easement would be written to allow the Village access to the pond to maintain it as needed.

MacQueen explained that the grant would be applied for in conjunction with Tecumseh Land Trust. She noted that no information regarding contamination has been presented to Environmental Commission as of yet.

Simms asked about the number of parking spaces planned, wondering if the spaces would be limited. Bates concurred that space is limited.

Wintrow invited comment.

Marcia Wallgren identified herself as part of a group of citizens authorized to oversee the Vernay property clean up. She noted that the property is under a corrective action through EPA Region 5. There is

not a final cleanup solution approved at present, she stated, and the EPA has stated that there is a possibility of exposure through contact with water “in the stream”.

Wallgren stated her objection to “attracting small animals” who would unwittingly filter the water, but said her primary concern was for children and pets.

Wallgren showed Council the plumes of contamination, contending that water from the sewer outfall is spreading the contamination. This source of contamination is not addressed through use of monitoring wells, Wallgren said, characterizing it as a high priority site.

In response to a question from MacQueen, Wallgren stated that a 2004 study is the most current evaluation of the extent of the contamination.

MacQueen noted that the Village is able to test the creek water.

Wallgren reiterated that she is concerned about attracting people, animals and pets to an area they should not enter.

Bates confirmed that Vernay is unaware of the proposed project.

Tom Dietrich, Environmental Commission member, addressed the issue raised by Wallgren that the wetland is acting as a defacto treatment for the pollution. Dietrich stated that as an Environmental Consultant, his position is that the Village is not responsible for the pollution and is not responsible for its cleanup. The intent of the wetland is merely habitat and flood mitigation, he said, and animals and plants are not being encouraged to go to that area. People, however, can be encouraged or not, and that may pose a concern. Dietrich commented that there is no incentive or encouragement to enter the water in the retention pond. He stated that he supports moving ahead with the grant proposal and with remediation.

Wintrow asked whether the grant request can be approved while the investigation is occurring, and be pulled later if needed.

Bates commented that the grant is not due until the end of October, and opined that the Village could gather test data during September. She advised against submitting an application and then pulling it.

Simms expressed concern that contamination has spread beyond where he had thought it existed.

Wintrow asked whether the EPA, Vernay, or neighbors have been informed of the project, and suggested some discussion with the EPA, Vernay and legal counsel.

Housh reminded Council that the grant positively impacts the site in a number of ways, and that while he is concerned, he urged Council not to lose sight of that point.

Council generally expressed concern for nearby residents, and asked that Bates seek further information.

Wallgren stated that she would like the Village to take a more active role in the cleanup oversight.

Dietrich noted that there are interim measures, such as lining the storm sewers.

Askeland MOVED TO TABLE THE RESOLUTION. Housh SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Reading of Resolution 2015-33 Endorsing the Objectives of the Greene County Countywide Comprehensive Natural Hazard Mitigation Plan. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates explained that the plan covers every imaginable natural disaster, and it helps pay for overtime, outside assistance, etc.

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

Reading of Resolution 2015-34 Declaring September 25, 2015 Wilberforce Day in the Village of Yellow Springs. Simms MOVED and ASKELAND SECONDED A MOTION TO APPROVE.

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

Reading of Resolution 2015-35 Amending the Bylaws of the Regional Planning and Coordinating Commission of Greene County, Ohio. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained that the rates are being adjusted on a per capita basis, and with a simpler calculation method. The rates will increase from \$445.29 to \$871.75 for the Village.

Wintrow pointed out that RPCC had initially discussed lowering rates for municipalities as an incentive, and she finds the increase disappointing, given that the Village is not a direct recipient of RPCC's services.

Bates noted that the rate for cities with over 20,000 persons is \$.10 per capita, while for those municipalities with fewer than 20,000 the rate is \$.25.

Simms, Askeland and Wintrow expressed concern regarding the comparatively bigger hit that small municipalities are taking.

Bates offered to communicate with RPCC on the matter, the action point being that the Village does not wish to pay more than the rate that larger municipalities are paying.

Wintrow commented that she believes participation in RPCC is critical at this time, but that the disproportionate rate is troubling.

Wintrow MOVED TO TABLE THE RESOLUTION SO THAT FURTHER INQUIRIES CAN BE MADE. Simms SECONDED, and the motion passed 5-0 ON A VOICE VOTE.

CITIZEN CONCERNS

Henry Myers commented on Economic Development, specifically any support of downtown establishments. Myers argued that the Chamber of Commerce and downtown shops should be able to succeed based on the high level of foot traffic. He argued that independent local entrepreneurs should receive some incentives, arguing that they are the most viable sources of success, and should be encouraged to expand within the Village.

Talis Gage commented that the Black Lives Matter sign had been removed from outside the Emporium. He commented that he had not seen the video of the incident regarding the Confederate flag and did not need to do so because he had been present at the time. Gage related a number of complaints regarding his treatment by police in general, and by Yellow Springs police more recently.

SPECIAL REPORTS

There were no Special Reports.

OLD BUSINESS

ACE Task Force Decision Process. MacQueen suggested that a special meeting for reviewing the advantages and disadvantages of Task Force participation be scheduled. She clarified that direct benefits and concerns or potential negative consequences should all be considered.

MacQueen suggested that Chief Hale and the head of the Task Force speak to the advantages. She suggested Ellis Jacobs as a possible speaker to address potential consequences. MacQueen suggested a drug counselor to address consequences of drug use and options for dealing with drug use outside of legal means.

Housh commented that the topic is appropriate for a Work Session, with a decision at a regular meeting to follow.

Simms questioned why a drug counselor would be involved, stating that the Task Force is not set up as a treatment model, and that the drug counseling issue muddies the water.

Bates noted that the Task Force deals with a number of issues, not just the issue of illegal drugs.

After discussion, Council agreed to hold the number of presenters to four, and to look at October 26th or 22nd for the Forum.

In response to a question from Wintrow, Chief Hale stated that the Village can pull its officer off of the Task Force at any time, so a decision can be made at any point.

Policing Vision Statement. Council discussed the wording of the statement, particularly the phrasing around inclusion of groups of Villagers. Askeland offered to write this section for further consideration.

Simms urged Askeland to reach out broadly when soliciting opinion from the African American community in the Village.

Work Session Review. Council briefly discussed the efficacy of the Work Session model, concluding that it is a valuable tool.

Council considered the option of holding those sessions in rooms A&B, agreeing that while that venue is less than ideal, it would be useful to try the room again with a different set up.

Askeland brought up the issue of calling special meetings prior to the Work Session. After discussion, Askeland suggested that any topic likely to generate public interest not occur at a 6pm special meeting, but take place at 7, when the public is accustomed to expecting the meeting to take place.

Council agreed as a body to continue the Work Session format.

Charter Review Educational Statement. Conard presented information regarding the educational piece, which will accompany the Charter Amendment mailing.

Council found difficulties with the formatting, colors used in the document and with the degree of explanation in the piece.

Wintrow asked for more specific information accompanying all of the substantive changes.

The Clerk will hold the printing for a clean proof. Housh will go back over the educational piece with Conard to include more information regarding the substantive changes, and the Clerk will present the new version to Council for review as soon as possible.

NEW BUSINESS (8:10)

Public Art Policy Review. Housh explained that the policy has been streamlined to make the process easier for artists to follow, and unnecessary commentary has been removed. Housh stressed that there are no substantive changes to the document. Housh noted that PAC is recommending using the newer streamlined version.

Council decided to bring a resolution on the matter as a formal placeholder. Askeland MOVED TO ACCEPT THE POLICY ON THE USE OF VILLAGE PROPERTY FOR VARIOUS TYPES OF ART. MacQueen SECONDED, and the MOTION PASSED 4-1 ON A VOICE VOTE, with Simms voting against.

Village Manager Evaluation Process. Housh and Askeland provided a schedule for obtaining feedback.

Wintrow questioned how the information could be maintained as confidential.

Askeland responded that the information from staff could be kept in sealed envelopes, but that information obtained from citizens would be subject to public records request.

Wintrow noted that citizens may choose to simply orally communicate comments or concerns to Council members rather than putting their comments in writing.

Forms will be provided by October 28th, the Executive Session to discuss the information will take place on November 2nd, and the evaluation will take place in public meeting on December 7th.

Concern re: Drones. MacQueen brought up a citizen concern regarding a possible drone over their neighborhood. Bates commented that it is very likely several local youth who own such a drone-like radio controlled device and have been known to fly it around town.

Wintrow noted that the issue is complex, since there are many lawful uses for drones, and suggested that the Village Solicitor weigh in on these in a further discussion at a later point.

Conard commented that the FAA controls all aspects of drone use at present. Conard noted that this is an evolving area of the law, but worth a discussion at some point as a potentially invasive technology.

MANAGER’S REPORT

Bates explained that Assistant Village Manager Vanzant will eventually move into a supervisory capacity over the Village Planner but that, at present, Swinger will continue to report directly to the Village Manager.

Bates wished Councilman Simms a happy upcoming birthday on September 12th.

Vanzant noted that Wayne Cannon will be presenting some rate increase suggestions at his upcoming presentation, and asked that Council prepare to consider these.

CLERK REPORT

The Clerk noted that Denise Swinger is picking up her duties as Village Planner smoothly. She noted that there is a Clerk training scheduled for Yellow Springs all day on November 20th.

FUTURE AGENDA ITEMS

- Sept. 21 (6pm) Special Meeting of Council to Consider Legislation
- Sept. 21 (6:30) Work Session: Wayne Cannon: Presentation of RCAP Utility Rate Study
- Oct. 5 General Fund Budget
 - Approval of Ordinances Standardizing Language for Certain Boards and Commissions (Consent Agenda)
 - Policing Vision Resolution
- Oct. 19 Work Session: Enterprise, Special Revenue Funds and Capital Budgets
- Oct. 22 ACE Task Force Discussion
- Nov. 2 2016 Budget Workshop – collective budget with revisions
 - Follow Up on ACE Task Force Discussion
- Nov. 16 Work Session: 2016 Budget, First Reading
- Nov.17 (6pm) Special Meeting of Council for Presentation from Finalists for Water Plant Design/Build Finalists
- Dec.7 2016 Budget, Second Reading
- Dec. 21 Work Session
- Dec. 21(6pm) Levy Resolutions
 - Ordinance re: Municipal Tax Collection in Response to House Bill 5

ADJOURNMENT

At 9:55pm, 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.

Karen Wintrow, President

Attest: Judy Kintner, Clerk