

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

**In Council Chambers @ 6:00 P.M.**

**Monday, August 24, 2015**

**CALL TO ORDER**

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

**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. Finance Director Vanzant joined the meeting at 7pm.

**EXECUTIVE SESSION**

At 6:01pm, Housh MOVED and Simms SECONDED a MOTION TO ENTER EXECUTIVE SESSION For the Purpose of Discussion of the Village Manager's Annual Review Process and Discussion of the Potential Sale of Real Estate. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 6:52pm, Simms MOVED and MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

**ANNOUNCEMENTS**

Housh reminded those present that the PAC is still accepting nominations for the Fall VIDA award.

Housh announced Manager Bates's "Walk For A Cure Quarter Auction" fundraiser associated with her 3-day, 60-mile walk to end breast cancer, which will take place in the Bryan Center Gym on October 3<sup>rd</sup> from 1-4pm.

Housh spoke to a letter written to the editor of the Yellow Springs News, which he found disturbing in its characterization of police interactions during a recent incident as aggressive and disrespectful. Housh announced that dashcam records are public if there is no ongoing investigation, and he had viewed them and found that in his opinion police interactions had been mischaracterized as "extremely aggressive" which he did not observe to be the case. Housh urged citizens to avail themselves of the dashcam evidence in forming their opinions.

Housh went on to state that he had viewed not only the video of this incident, but had viewed video from several other interactions, which had been called out as being indicative of unprofessional police behavior, and had found quite the opposite to be the case. Housh stated that if the community is to move forward positively, all sides need to bring objectivity when looking at citizen/police interactions. Housh reiterated the usefulness of video to this goal.

**CONSENT AGENDA**

1. Minutes of July 6, Regular Council Meeting
2. Minutes of July 20, 2015, Work Session
3. Minutes of July 20, Special Council Meeting
5. Financials for July 2015

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

**REVIEW OF AGENDA**

Wintrow made note of some amended legislation at the table, stating that it would be read with those minor changes.

MacQueen asked that Council hear a request from the Environmental Commission to apply for a grant, and that the request go under New Business.

**PETITIONS/COMMUNICATIONS (7:10)**

- Askeland reviewed the communications received.
- The Clerk will receive and file:
- Paul Abendroth re: Sewer Grate
- Jason Paoletti re: Sight Obstruction
- Ryan Ireland re: September Library Programming
- Greene Co. Dept. of Development Re: Newsletter
- Environmental Commission re: Memo to Council re: Grant Funding

**PUBLIC HEARINGS AND LEGISLATION**

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

Yung explained that in April, 2015, this matter was brought before Planning Commission (PC). Antioch College has requested that the Village vacate the right-of-way of an eastern portion of North College Street. The portion is located between Livermore and Corry Streets. It is sixty-six (66) feet in width and is one thousand thirty-six (1036) feet in length. The street has been closed from automobile traffic, but is a fire access for the existing buildings located along the street. It is located in E-1.

Yung noted that PC had some concern regarding utility easements at the time, and pointed out these areas on the map. He noted that there will be some buildings constructed along the ROW, but that the Village utility departments had worked through their concerns with the College during the PC hearing process.

Yung stated that the cement walkway would be replaced with brick pavers, and that PC had stipulated that these be of sufficient quality to bear emergency equipment. It was also agreed that sufficient height clearance would be maintained for emergency equipment.

Yung outlined further stipulations to the approval as follows:

Maintain access to the existing utility lines, and provide clarity on how the area is repaired when utility line maintenance is required. Currently, the Village utility departments only replace with compact gravel for lines outside of paved Village right-of-way. The utility departments have stated that they cannot replace the brick if the walkway is converted. During the April 13, 2015 meeting, Planning Commission expressed concern regarding access for emergency vehicles along the proposed bricked pathway. The applicant agreed at that meeting to install the pathway to allow fire rescue vehicles to utilize it in case of emergency and maintain height clearances for those vehicles.

Bates asked about use of the area for parking and was assured that this is not a part of Antioch College’s future plans.

Yung read the following conditions necessary for approval:

- Maintain the easement for utility and public access.
- Reach an agreement on utility repair and maintenance.
- Maintain access for fire and emergency vehicles
- Strengthen access path to support emergency vehicles and maintain the height clearance.

Wintrow received assurance that any materials used to replace damaged pavers would be of sufficient strength and quality.

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

**First Reading 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. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Yung introduced the ordinance, stating that Antioch College has requested that the Village vacate the right-of-way of an eastern portion of Herman Street. The portion is located between the turn around on Herman east of Livermore and Corry Street. It is twenty-five (25) feet in width and is One thousand twenty-two (1022) feet in length. The street is a paper street. The proposal was first heard on December 8, 2014, and returned to PC several times. The street is located in an E-1 Educational Institution zoning district.

The college owns all property adjacent to this right-of-way. For all three meetings concerning this application, staff mailed notices to property owners beyond the required scope of the regulations to include all properties along Herman to the intersection of Herman and Livermore.

Staff met with Reggie Stratton, an agent of the applicant, and Street and Sewer Supervisor Jason Hamby on site to discuss the concerns raised at the meeting and to work on ways to reach consensus regarding the application on Monday, June 8. The results of that meeting were presented to Planning Commission on that same day. Planning Commission voted to recommend approval of the vacation with the following conditions:

- A sixteen (16) foot wide access easement will be provided on level ground for vacuum truck access.
- A sixteen (16) foot wide gate will be permitted to be installed along the easement that will remain unlocked for utility access. (Simms reiterated this point at the roll call.)
- No farm use shall be permitted within ten (10) feet of the existing sewer manholes along the easement.
- Public Works will work with the College to determine the location of the access gates.

There being no questions or comments from citizens, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2015-28** Approving a Two-Year Lease with Stony Creek Garden Center. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates noted that Steve and Karen Reed had asked for a two-year option in order to more effectively plan their acquisition of stock for the Garden Center going forward.

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

**Reading of Resolution 2015-29** Authorizing the Village Manager to Enter into a Loan Agreement with Ohio Water Development Authority for Bottleneck Elimination. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates reminded Council that the Village has a signed contract with GM Pipeline to complete the Bottleneck Elimination project, and stated that this resolution enables the Village to apply for a loan from OWDA to cover the project.

Wintrow noted that the project is critical to improving fire flow to the south end of town.

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

**Reading of Resolution 2015-30** Approving a Contract for the Position of Assistant Village Manager with Melissa Vanzant. Simms MOVED and Askeland SECONDED a MOTION TO APPROVE.

Wintrow commented that while it is unfortunate to lose John Yung, Vanzant will be an asset to the Village.

Bates reviewed Vanzant's credentials and spoke to her dedication and exceptional competence.

MacQueen asked how Vanzant would juggle both positions, and Bates described that Vanzant would work with a number of Boards and Commissions as well as with Safe Routes to Schools. Vanzant will continue to gain competence and increased responsibility in the Planning and Zoning areas.

Bates noted that Denise Swinger will move into the Planning, Zoning and Economic Development areas. She noted that the combination of job shifts will save the Village about \$12,000 yearly in benefits.

Swinger will begin on August 31, and Vanzant will be sworn in on September 8.

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

#### **CITIZEN CONCERNS**

Athena Fannin spoke of a recent incident that occurred while she was driving in which she strongly believes that the car tailgating her aggressively was driven by Sargent Penrod and that these incidents had occurred previously but that the heavy tint of the windows had prevented identification. She asked that tint laws be enforced for Sargent Penrod's personal vehicle.

MacQueen asked whether Fannin had brought her concern to Chief Hale, and Fannin responded that she had lacked the trust to do so, but planned to do so now that her concern is public.

Paul Abendroth complained of ongoing runoff issues, and asked that Council review its policy regarding Village responses to stormwater mitigation issues.

Wintrow noted that the issue is prevalent across the country, and that many communities are treating stormwater as a utility, with concomitant fees.

Bates noted that the issue is frequent around the Village, and that she and Supervisor Hamby are attempting to first address situations that affect multiple properties as a more efficient way to address the problem.

Bates made note of several projects that the Village is engaged in and which are under consideration, noting that a great deal of time and money will be needed to address this issue.

Bates noted that some of the fixes will have to be engineered and will in some cases require a contractor.

Wintrow commented that these are problems that have been years in the making.

Alyce Earl Jenkins asked whether there might be Federal or State funds for stormwater mitigation. Bates responded that the Ohio Public Works Administration is the vehicle for these low interest loans, but that the funds are limited to one project per year.

Earl Jenkins asked that the Village consider addressing issues on Omar Circle.

Bates stated that she and Hamby will add Omar Circle to their list.

## **SPECIAL REPORTS**

Discussion of Approaches to Economic Sustainability (Assistant Village Manager John Yung). Yung presented his findings, gathered during his seven months with the Village.

Responding to Yung's comment that "The central belief in my approach to economic development is that the Village should work to create a regulatory environment that both allows for the type of growth it anticipates and encourages and incentivizes the right kinds of growth," MacQueen asked for specifics regarding the type of regulatory environment Yung had envisioned.

Yung explained the principles behind the form-based code he helped to develop for his previous community of Bellevue. He described an urban transect that was developed specifically for Bellevue. Yung commented that there is great opportunity to develop a zoning code based upon "what Yellow Springs is".

Yung spoke to the following identified areas:

- Identification of state/federal/other grants & financing programs
- Creation of property profiles for high value properties
- Expansion of retail opportunities
- Expansion of housing opportunities
- Simplification of zoning code processes

Yung commented that a form-based code would, in his opinion, address many of these areas effectively.

Wintrow noted that a form-based code was discarded by the Technical Review Committee during the zoning code re-write process as too proscriptive. She noted that the intent of the current code was to do the things Yung is suggesting, and that perhaps there is work to be done to improve it, but that it should not be re-written at present.

Wintrow identified lack of viable space as the prevalent problem for the Village. She noted having spoken with three interested businesses in the last several weeks, stating that space was a significant issue in each case.

Wintrow asked Council for next steps.

Housh brought up information regarding the Economic Sustainability Commission and the Vision Board, noting that the makeup of the ESC as first conceived was a good step towards merging these goals.

Bates suggested Housh, Wintrow and Vanzant work together to clearly delineate a path for use of the RLF funds.

Housh stated that he is interested in restarting the ESC, and believes the time is right to do so. Council responded favorably to this initiative, suggesting that the previously seated board be polled to determine whether they are still interested in membership.

Yung concluded by saying that the Village's uniqueness is its greatest strength, and commented that Economic Development should play to those strengths.

Housh asked Council whether they would like to move forward with re-forming the Economic Sustainability Commission and moving forward with visioning strategies laid out in the Vision Plan.

Wintrow commented that she would like to perform the inventory of properties, and asked Bates to look into cost for this effort.

Wintrow asked about the Revolving Loan Fund (RLF), noting that there are still funds available, but that it needs to be inventoried and a more effective means of using the funds for development needs to be developed.

Vanzant commented that \$138,000 is currently available in the RLF.

Askeland suggested that the re-formed ESC look at rewriting the RLF terms.

Bates suggested that some of the funds could be used to pay for a property inventory.

Bates suggested that Housh, Vanzant and Wintrow work together on the project to repurpose the RLF.

Council agreed that Housh should move forward in re-forming the ESC. Simms stated that the past members should be asked whether they wish to rejoin.

## **OLD BUSINESS**

**Report Regarding Advisability of Joining ICLEI** (Duard Headley). Headley presented on behalf of the Environmental Commission (EC), stating that the recommendation of the EC is that the Village move forward in the area of addressing climate change in a leadership role.

Headley commented that access to the expertise available from ICLEI is key in this effort.

MacQueen commented that the Green Space Fund would be an appropriate source of the \$600.00 annual fee. She opined that positive approaches to climate change will be a positive in attracting potential residents and businesses.

Wintrow asked whether the Resilience Network is truly able to write the grant application for a limited amount of funds, given that Oberlin spent about \$25,000 writing their grant application.

Headley responded that the tools available now were not available to Oberlin at the time, and that representatives from Oberlin have commented that had they been available they would have been able to create their proposal using those supports alone.

Headley responded to a question from Housh, stating that ICLEI has resources in a number of areas, including equity, which he believes will be of significant benefit.

Wintrow and Askeland suggested that funding derive from the General Fund rather than from the Green Space Fund, and there was general agreement with this suggestion.

MacQueen MOVED to APPROVE THAT VILLAGE GOVERNMENT JOIN ICLEI. Askeland SECONDED, and the MOTION PASSED 5-0 on a VOICE VOTE.

**Policing Policy Discussion Follow Up.** MacQueen introduced the topic, noting that information gleaned from several forums and a Council discussion were used to develop a draft vision statement, in collaboration with HRC, staff and the Chief of Police.

Housh noted that the vision statement was meant to be concrete, and to tie in with some of the mission, values and approaches being implemented now by Chief Hale.

MacQueen noted that the primary thrust of the statement is the promotion of safety. She commented that the perception is generally that the Village is a safe place because of the people here, and not necessarily because of police presence.

MacQueen commented that the group has identified four areas of action, as follows: Safety; citizen comfortability and familiarity with police persons; police interactions when a citizen does break the law (respect for diversity); Individual Officer engagement with the community and how to increase this.

MacQueen stated that there is a need for more relationship-building. She stated that the document asks for equal treatment of all citizens, and that officers need to be trained and informed regarding diversity.

MacQueen commented that officers used to be primarily local residents, and that while that may not be possible now, that the officers be made more a part of the community.

Bates commented that she has discussed with the Chief how some of these goals can be achieved, noting that any such effort will take time. She lauded a suggestion made by Chrissy Cruz, and stated that she has moved forward with it—Coffee with a Cop, which is now set up with three coffee shops in town.

Wintrow asked that the four concepts be refined into a brief vision statement.

MacQueen acknowledged the effort on the part of the Chief and the Police Department, but commented that there is inherent racism here as everywhere that affects Yellow Springs as it does every community.

Askeland commented on Fannin's earlier comments, noting that Council cannot engage in discussion, but that the concern was heard.

Chrissy Cruz commented that she had suggested a potluck with the PD and their families, and that Kate Hamilton had suggested Coffee with a Cop.

Yolanda Simpson commented that she felt Housh had demeaned and belittled her experience.

Rose Pelzl asked why the police budget was not in the online packet. She asked whether Council was planning on voting on ACE Task Force involvement during the budget process or whether Council is moving this back.

She questioned the concept of safety to which Housh asked for Pelzl's concrete suggestions to improve the clarity of this concept in the Vision statement.

John Hempfling commented that an easy way Council could affect policing policy is to prioritize enforcement policies.

Alyce Earl Jenkins commented that it would be best if officers were in the community rather than at coffee shops—perhaps a coffee gathering at a home in the community.

Earl Jenkins shared a concern that it is not unusual to see foreclosed properties with overgrown grass and shrubs, which negatively impacts neighboring properties.

Bates responded that she has contacted the bank on a property in Earl Jenkins' neighborhood to remediate the situation.

Housh responded to Pelzl, stating that Ace Task Force will be a separate agenda item at a Council meeting during the next several months.

Simms mentioned the number of remaining block parties, but noted that many African American families have already had their block parties, and suggested that further outreach take place.

Chrissy Cruz commented that there is a downtown block party scheduled for all community members who wish to attend on September 6<sup>th</sup>.

## **NEW BUSINESS**

**Finance Primer on Revenue Sources and Budget Planning.** Wintrow framed the discussion, stating that Council had asked her to prepare Council and citizens for the budget discussion process and for the upcoming levy vote by holding a “back to basics” look at the budget.

Vanzant presented a PowerPoint on the topic, which is a preparation for upcoming budget discussions. Vanzant described the nature of the General Fund, noting that 70% of this fund is made up of local tax income, with the remainder brought in from rentals, Mayor's Court, Cable Franchise fees, Kilowatt hour tax, etc.

Vanzant detailed the effect of the loss of Estate Taxes and Local Government Funds on the General Fund.

Vanzant noted a steady decline in Mayor's Court income (from \$75,000 to \$30,000) over an eight-year period.

Vanzant noted several methods of increasing General Fund (GF) revenues, basically either adjusting income tax (by reducing the reciprocal or increasing the Village rate). Vanzant noted that the Village now gives a 100% reciprocation. The Village tax rate is 1.5% and provides about 48% of Village revenue.

Vanzant noted that the income tax rate can be adjusted only through a ballot initiative but that the rate of reciprocation can be adjusted by Council.

Vanzant discussed property tax options, noting that rates can be changed when a levy is added to increase the amount received by a municipality.

Vanzant noted the importance of the levy to Village efforts towards infrastructure improvements. She then compared effects of raising the tax rate vs. changing the reciprocal, noting that the effect is more immediate in the latter case.

Vanzant stated that to match the amount provided by the levy, the Village would need to increase the rate to 2%, and reduce the reciprocal to 50%.

Wintrow stated that many communities are looking at adjusting their reciprocal rates, although this is fairly recent.

Wintrow commented that the effect on economic development must be taken into consideration in the equation.

Vanzant responded to a concern from Conard, stating that the revision of the tax ordinance due to House Bill 5 will not affect the Village budget in any significant way.

Vanzant described the nature of Enterprise Funds, noting that regular rate increases help keep the funds healthy and reduce “sticker shock”. She explained that Wayne Cannon will address this information in detail during his September 21<sup>st</sup> presentation.

Vanzant noted that with minimizing transfers and increasing rates, the deficit for 2015 is projected to be about \$148,000 in Enterprise Funds. She commented generally that 2015 was difficult in terms of budget because of large transfers needed into the Water Fund due to major infrastructure projects, but that this should be alleviated for 2016.

**Levy Timeline.** Vanzant provided a timeline for Council to consider, noting that she has checked the dates with the Board of Elections.

Wintrow stated that Council will need to hear the three levy resolutions on December 21<sup>st</sup>.

**Clean Ohio Grant Presentation.** Tom Deitrich, Environmental Commission member, described the grant, noting that the proposal is similar to that presented to Council earlier in the year, with the following features:

Dietrich noted that the proposal encompasses about 7.4 acres of the eastern portion of the Glass Farm, and includes plans for removal of invasives, implementing the beaver management plan, providing access from King St. and some restoration work.

Deitrich commented that the proposal is due on October 31, and noted that there is a required 25% match. The total project is estimated to cost \$75,000. Deitrich stated that the EC is currently working with a local potential donor and with volunteers who can help to provide the in-kind match.

Deitrich stated that the EC has been working in collaboration with the Tecumseh Land Trust to obtain an easement to the beaver dam/wetland area.

Responding to a question from Simms, Bates stated that the drainage pipe has increased the retention area somewhat since it is working efficiently. The aforementioned donor has agreed to work with Hamby and the EC to restore the original design suggested by John Eastman.

ASKELAND MOVED and Housh SECONDED that the Village Manager bring a resolution of support for the grant to the next meeting, and the MOTION PASSED 5-0.

## **MANAGER’S REPORT**

Bates pointed out her initiative to reinstitute the Utility Dispute Resolution Board, stating that the Board is required by the Charter, but has been inactive for some time.

Bates stated that she was contacted by the Chamber of Commerce, which has offered to take care of the tree beds on the east side of Xenia Avenue, but that the Village would need to fund the west side.

Askeland stated that she would prefer tree grates as having more open area for water flow.

Bates stated that tree grates are about \$700.00 per grate, and permeable pavers are about half that cost. The grates would have to be cut back periodically.

Council discussed the merits of each, and agreed to the permeable pavers.

A resident requested repainting of the “no bikes” signs on the sidewalks, and asked that Council consider the matter for their next meeting.

## **ASSISTANT VILLAGE MANAGER’S REPORT**

Yung commented that his last day is the fourth of September, and noted that Denise Swinger will be training in the position starting Monday of next week.

**CLERK REPORT**

**FUTURE AGENDA ITEMS**

- September 21 Work Session (6pm): Wayne Cannon: Presentation of RCAP Utility Rate Study  
Village Manager Review Schedule
- October 5 General Fund budget presented to Council
- October 19 Enterprise & Special Revenue Funds & Capital budgets presented
- November 2 Budget workshop – collective budget with any revisions from prior meetings
- November 16 2016 Budget
- December 7 2016 Budget 1st read – as an emergency
- December 21 2016 Budget 2nd read – as an emergency  
Special Meeting of Council for Presentation from Finalists for Water Plant Design/Build Firms (Nov.17 @6pm)  
Levy Resolutions

Askeland received the okay from the rest of Council regarding her letter to the Cleveland City Council in support of the inclusion of transgender persons, and the decision was made to send it as a letter from Council as a whole.

**ADJOURNMENT**

At 10:07pm, 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

Attest: Judy Kintner, Clerk