

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

In Council Chambers @ 6:00 P.M.

Monday, May 15, 2017

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 6:00pm.

ROLL CALL

Present were Wintrow, Vice President Brian Housh, Gerry Simms, Judith Hempfling and Marianne MacQueen.

EXECUTIVE SESSION

At 6:00pm, Hempfling MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION For the Purpose of the Evaluation of a Public Employee and the Potential Sale of Real Estate. Bates was present. Conard joined the session at 6:15pm, and Dodd entered the session at 6:50pm.

At 7:00pm, Housh MOVED and MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION.

ANNOUNCEMENTS (7:05pm)

Housh announced the following: May is Mental Health Month and NAMI is holding its annual meeting at the Vernon Center on May 18th; May 30th is the Open Forum for Police Chief Candidates at the Bryan Center at 7pm, and free child care will be provided at the Bryan Youth Center; Gaunt Park Pool opens May 27th; Black Pug will be hosting a fundraiser for Bike Miami Valley at the Yellow Springs Brewery at noon on Saturday.

Wintrow announced a Business After Hours to be held at DMS, Ink on Thursday.

MacQueen announced that Community Solutions will hold a charrette regarding the land purchased at the Arnovitz Auction. This will take place May 20th.

Hempfling announced the Swimming for All program available through the Village to persons and families with lower income levels.

SWEARING-IN OF BOARD AND COMMISSION MEMBERS

The following Board and Commission members were sworn in:

Justice System Task Force: Cyndi Pauwels
Energy Board: Alan Brunsman
Economic Sustainability Commission: Sammy Saber

CONSENT AGENDA

1. Minutes of April 17, 2017 Regular Meeting
2. Minutes of April 24, 2017 Council Retreat
3. Minutes of May 1, 2017 Regular Meeting
4. Financials for April

Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE the Consent Agenda, and the MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

Wintrow added a discussion regarding a new business opportunity to New Business. Hempfling asked that Staff Reports be moved to just after Legislation. Hempfling added two recommendations from the Energy Board to New Business, and an MOU from the JSTF to Old Business.

MacQueen asked that Council move ahead in setting up a meeting with the Yellow Springs Schools and other stakeholders potentially involved in the Housing Needs Assessment. This was added under New Business.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

GCPHD re: Seatbelt Challenge (online only)

GCPHD re: Allstate Grant (online only)
GCPHD re: Resource Fair (online only)
NAMI re: Membership Meeting and Newsletter (online only)
Ohio Dept. of Health re: Mosquito/Tick Season (online only)
Sharon Mohler re: Officer Meister
Dorothee Bouquet re: Personnel Records
Steve and Molli Diebold re: Chief Carlson

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2017-11 Granting a Permanent Conservation Easement on a Portion of the Glass Farm. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates noted that this has been in the works for some time, and that finally the easement language is agreed upon so that potential road access or screening or parking can be accommodated.

Krista Magaw, of Tecumseh Land Trust, stated her support for the easement.

Housh expressed some hesitation regarding some of the boilerplate language, and Magaw agreed to the insertion of the phrase, "Except as Allowed in Section 6(b)" to clarify.

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

Reading of Resolution 2017-22 Adding to the Ohio Enterprise Zone Agreement by and between the Board of Greene County Commissioners and the Village of Yellow Springs and DMS, Ink. Simms MOVED and MacQueen SECONDED a MOTION to APPROVE.

Paul Newman, Jr., Director of the Greene County Department of Development, explained that the only change being made is to the addendum to the original Enterprise Zone Agreement entered into two years ago with DMS, Ink. At that time, the Village, along with the Yellow Springs School District, agreed to this tax abatement applicable only to new construction at the DMS, Ink site at 888 Dayton Street. The abatement does not apply to the current building and/or equipment.

As part of the original agreement, DMS, Ink was to begin compliance activities (such as the new construction) within a specified period of time. However, its construction has been delayed and the company has asked for an extension of the time period to begin those activities. This addendum grants a 1-year extension to the commencement of those activities. It does not in any way change any other conditions of the future abatement.

Newman commented that DMS, Ink has more than met "has in fact significantly exceeded--all other conditions of the Ohio Enterprise Zone Agreement.

Newman responded to a question, stating that DMS, Ink expects to begin the construction that has delayed fulfillment of the agreement in mid-2017.

Newman further explained that passage of the resolution updates the Enterprise Zone Agreement, but that DMS, Ink is still expecting completion of the structure by the end of 2017.

Wintrow commented that the tax abatement applies only to new construction, not to the existing structures.

Bates stated that she had spoken with YS Schools Superintendent Mario Basora, and he has no issues with the extension.

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

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

HRC End of Year Report. The report was moved to the following meeting to allow more time for preparation.

Environmental Commission End of Year Report. MacQueen presented the end of year report. She noted attention in 2016 to the Source Water Protection Plan, and noted that the plan for 2017 is to complete the education portion of the plan.

MacQueen noted work on the Glass Farm Conservation, and detailed aspects of this work. Work was also done regarding pesticide reduction. MacQueen noted work with the Yellow Springs Resilience Network in six focus areas.

MANAGER'S REPORT

Bates reported that:

There are now three applicants for the Chief of Police position: Brian Carlson, Dave Meister and Tim Spradlin. Council is scheduled to interview all candidates on May 16th in executive session. The public forum and meet-and-greet are scheduled for May 30 at 7:00pm.

The water quality report was revised and posted online in April. The original report was missing two results from 2014, for Barium (0.143 mg/l) and Fluoride (0.22 mg/l), neither of which was a violation. It was also missing results from the source water assessment plan, which is a voluntary assessment plan that was conducted in 2015 by the OEPA. There was a notice posted on each utility bill from April with a link to the new report, which has also been posted in public places and a notice placed in YS newspaper. Upon revising the report and resubmitting to the OEPA, there will be no violation committed.

The current water plant sand filter underdrain system had a major failure due to age and condition. The failure of this filter was resulting in higher than normal Iron results in the treated water, causing brown water. No results were over the secondary standard of Iron (0.3 mg/l) and once this failure was recognized, the filter was immediately taken out of service. The plant is still able to run normally and meet water demands with only two filters online and will continue to run in this manner until the new WTP is in operation. The Ohio EPA was notified of the issue and is scheduled to conduct its annual assessment on 5/23/17.

Bates noted an extensive log of activity from the Planning and Zoning Administrator.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR'S REPORT

Dodd reported the following:

With warmer weather arriving, Dodd stated that she would like to propose a few changes in the summer sewer ordinance. The first is a change in how credit is calculated, since the ordinance still refers to the quarterly billing process and the Village is now billing monthly. The second proposal would be to identify a maximum allowable credit in the ordinance. Dodd explained that she has seen extremely large credits be given that could be attributed to leaks, pool fills and other non-permitted uses. Applying a credit cap would allow the Village to minimize any potential misuse of the ordinance. Dodd stated that her department is agreed that a maximum of 6,000 gallons over the course of the three summer months is a reasonable amount of water to attribute to summer watering.

Dodd proposed adding a provision regarding apartment complexes and multi-unit dwellings. This change would require the property owner to apply for the summer yard and gardening credit (as opposed to having individual tenants apply) for any outdoor areas that may need watering care. Dodd stated that her staff has seen a number of individual tenants apply and believes that these should be limited to one credit per unit.

In response to a question from MacQueen, Dodd stated that summer water credit for apartments should be based upon which unit houses the outdoor access spigot, rather than given to any inquiring unit.

Council directed Dodd to bring an ordinance with the changes to the June 5th meeting.

The utility billing software conversion is still in process, Dodd stated. The first training on the new software will be for three days at the beginning of June. Dodd stated that she anticipates that the first parallel billing will be in June, with the ability to go live on the new system for the July billing cycle.

Dodd noted that she is registered for training at the end of June for the new finance software that her department will be implementing through the state auditor's office.

In response to a query from MacQueen, Dodd indicated that she should be ready to work with MacQueen on her proposal for Utility Round Up in early Fall.

INTERIM CHIEF REPORT

Chief Carlson reported the following:

The police department held its first implicit bias training session on May 11th with Bias Recognition Diversity Specialist Mr. Keane Toney. Pat Dewees and Dave Turner from the JSTF sat in on the session as well. It was an informative and interesting presentation focusing on how to be mindful of the implicit bias we all carry in our subconscious minds.

Mr. Toney also spoke of how each individual encounter we have as officers is either a deposit or withdrawal into the bank of respect from the community we serve. Carlson noted that he liked this comparison, agreeing that every officer does earn or lose respect one encounter at a time.

The department has its second session with Mr. Bill Parsons scheduled for June 2nd in continuation of the de-escalation and effective community policing segment of the training.

CLERK'S REPORT

The Clerk urged citizens to take advantage of the free child care available for the Police Chief Candidate Forum.

OLD BUSINESS

Chief of Police Selection Process Update. Wintrow noted that Council is meeting on Tuesday to interview all three candidates. She stated that the decision before Council is regarding the format of the forum scheduled for May 30th.

After discussion, Wintrow **MOVED** and Simms **SECONDED** a **MOTION TO HOLD THE FORUM IN COUNCIL CHAMBERS, WITH OVERFLOW SEATING IN ROOMS A&B.**

Council discussed the matter at some length, finally agreeing to hold the forum in Chambers with overflow seating available in Rooms A&B, on a 5-0 **VOTE ON THE MOTION.**

Dan Reyes opined that there are many factors that could affect participation in the event, among them a clear sense as to what input citizens are able to provide to Council and the Village Manager.

Pat Siemer commented that the Gym is a poor location for the forum, stating that it is quite difficult to hear. She commented that overflow seating is not a bad alternative and would provide adequate access.

There was discussion as to what questions should be asked on the comment cards, with Hempfling opining that the comments should be just that, not a ÷voteö.

JSTF Process Discussion. MacQueen noted that there is a ÷leadership teamö on the JSTF made up on herself, Pat Dewees, Ellis Jacobs and Hempfling, and that that group had met to write up suggestions.

MacQueen went through the group's recommendations as follows: that only one proposal from the JSTF be brought to Council per meeting; that the item appear on the agenda early to assure good participation; that one Council person and one JSTF member be responsible for shepherding each proposal through the process from start to finish; that a ÷living documentö be created, which is managed by one person and that includes all recommendations as they come through Council. This document would be updated as the proposal moves through steps in the process. MacQueen suggested the Clerk be the person responsible for managing the living document. MacQueen suggested that at the point when the JSTF has completed the proposal process, there be a summation of all proposals and perhaps a re-evaluation of each before institutionalizing them.

Hempfling commented that as the process is occurring, formal policy changes can happen concomitantly.

Hempfling commented that the six pillars of justice model will be the format used, with a seventh pillar added to include the Mayor's Court.

JSTF MOU Proposal

John Hempfling was present to advocate for funding to hire a statistician/analyst to create a baseline to show ÷which groups bear the highest burden of police interaction.ö

Hempfling asked for \$224.00 to pay Mike Bottomly of Wright State University's Statistical Consulting Center to coalesce data Hempfling has gathered from the Yellow Springs Police Department. The data covers all misdemeanor and minor misdemeanor citations between April 2010 and December 2016. Hempfling would like the data separated out by race, age and gender and analyzed. This, he stated, will show who the YSPD is citing and whether the citations follow the census or show disparities.

Hempfling stated that there is no intention to place blame upon the YSPD, but will provide a starting point for development of policy regarding what approach to take to address any disparities.

In response to a question from Wintrow, Hempfling stated that he received the data from the YSPD and has redacted all personal information.

In response to a further question from Wintrow, Hempfling stated that the analysis will provide good information in providing a baseline understanding of any disparities.

Bates asked whether a staff person could perform the analysis.

Judith Hempfling asked that the information be presented to the Chief and to Melissa Dodd and that a decision be reached among them as to who should perform the analysis.

John Hempfling commented that Pat Dewees felt strongly that the analysis should not be performed in-house to make clear that a disinterested third party would be presenting the analysis.

MacQueen MOVED to APPROVE THE FUNDS for the analysis by Mike Bottomly. Housh SECONDED and the MOTION PASSED 5-0 on a voice vote.

Housh asked that a description of the data be provided when John Hempfling provides the result.

Housing Needs Assessment Follow Up. MacQueen stated that she had come up with several goals that can be used to drive the process. She stated those objectives as follows:

- Ensure community members have adequate, safe, affordable housing
- Spread the burden of taxes and utilities to provide greater affordability
- Endeavor to meet the housing needs of existing and future Village residents with focus on:
 - Family housing to encourage an increased and sustained critical mass of public school students
 - Workforce housing so that people who work here can also live here
 - Senior and accessible housing for those wishing to downsize and improve functionality

In response to a question from Hempfling, MacQueen stated that part of the purpose of the assessment would be to determine any need for apartment complexes or the like.

Wintrow noted that this would also involve the Village Planner, Denise Swinger, and that the results of the assessment would inform Council as to whether there is any need to change the zoning code to accommodate such a need.

Housh expressed approval at the comprehensive nature of the approach.

Wintrow commented that there is a stakeholders meeting on the topic set for June 1, to which all Village stakeholders will be invited.

NEW BUSINESS

Energy Board Recommendations. Dan Rudolf presented information from the Energy Board (EB), noting a report provided by Bob Brecha that shows trends in Village electric energy usage. This shows an overall drop in carbon emissions because of the use of renewables for the Village electric grid.

Rudolf noted a gap in the information due to the lack of information on gas consumption. Rudolf noted that gas companies do not permit individuals or institutions to access energy use data. They must, however, release the information to other gas and electric utilities, which has prompted the recommendation from the EB that the Village invest in Empower as a replacement to Efficiency Smart. The EB asked that any replacing entity focus primarily on the residential sector.

Rudolf noted the following as the EB's rationale for recommending Empower:

- 1) Because Empower is a Gas and Electric Company (even though it doesn't sell either), it can access residential gas usage data, which makes its web-based energy modeling work correctly. In the past, while working with the University of Dayton, not having this information made modeling much less accurate.
- 1) There is no cost to the Village other than the rebates that go directly to the customer.
- 2) Empower uses certified contractors and does random post install audits to assure quality.
- 3) Empower offsets its costs through additions to the price of services.
- 4) Empower will provide advertising to get people to sign up.

Rudolf noted the methods employed by Empower, particularly its online assessment tool. He noted that the organization does offer financing in the amount of the savings per month enacted by the energy upgrade.

Rudolf brought up that Empower had suggested billing for the improvements by placing the cost for those on the Village bill.

Housh asked for more information regarding offset cost.

Rudolf noted suggestions made by the EB regarding a general dollar amount per consumer.

Wintrow commented that she does not want the Village to become involved in expenditures that directly benefit homeowners.

Rudolf noted that the online tool is a good filter, letting Empower and the homeowner both know whether an energy upgrade will create savings, and to what extent. He noted that this could be used as incentive for landlords to make improvements, since savings would follow the tenants' bill and the tenant would also be making the payments. This would incentivize a landlord who does not pay utilities.

Wintrow asked Bates to follow up on gathering more information on Empower.

Rudolf asked that the Village start working with Empower to see whether there is ongoing interest from citizens.

Hempfling stated that Burns had suggested approaching Greene Metropolitan Housing officials to see whether there is interest in this possibility.

Bates will bring more information on the possibility in her Manager's Report on June 5th.

Rudolf then presented a proposal from the EB that the Village install two Tesla charging stations. He noted two types of chargers, one a super charger (typically located along a highway) and the other a destination charger (typically located in a destination location). Rudolf noted that the charging stations would be listed on the on-board locators of the vehicles, thus drawing business to the Village.

Rudolf noted that there would be no cost for the installation, as these costs are covered by the manufacturer.

Bates stated that Burns is in favor of the proposal, and has suggested locating them alongside the current charging stations.

Requirements for receiving the funding for installation are minimal, including an electrical drawing for the proposed charging stations.

MacQueen noted that the purpose of the chargers is to support visitors and not residents, and stated that she has some difficulty with the concept of Villagers using the charging stations.

Bates commented that two residents were parking their vehicles at the charging stations currently located at the Bryan Center and leaving them to charge overnight. This use is being actively discouraged, and is not the purpose of the charging station, she said.

Housh MOVED to APPROVE the installation of two Tesla charging stations as proposed. Simms SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Bates responded to a question from Hempfling as to why the Village is not charging for the electricity, noting that if the set-up is not abused, it is less expensive to offer the service for free than to meter it.

A donation box was suggested as an alternative.

Rudolf noted that one condition of Tesla's offer is that the charging station must be free of charge.

Housh commented that the donation box could be located next to the standard chargers.

Regular Meetings for School Board, Township and Village Officials. Council discussed the need for such meetings, given all that is transpiring for all three groups and the effects of each entity's decisions on the others.

Wintrow noted that she and Housh have been attending meetings held by the School Board, and opined that while a joint meeting is needed, the School Board has not yet presented a firm proposal regarding a new K-12 facility. She commented that it is critical for a Housing Needs Assessment that the Village know what kind of capacity the Board is intending to build for.

Wintrow suggested that she could craft a letter to the two entities and suggest some possible dates for a future meeting.

Hempfling asked that the letter come back before Council.

Proposed Smoking Ban for Village Property. Bates introduced the topic, noting that several weeks ago, Shernaz Reporter from the Greene County Combined Health District made a presentation before Council asking consideration of an ordinance to prohibit smoking and the use of tobacco products on all park grounds within the Village.

Several governmental entities in Ohio have passed restrictions on tobacco use in public greenspaces. These include, but are not limited to: Oakwood, Marysville, Athens, Columbus, Oberlin and Champaign County Parks. Each of them incorporates different levels of restriction. For instance, Oberlin restricts use in only certain areas (bleachers, pavilions), while Oakwood prohibits the use entirely. Some include vapor cigarettes in their ordinances while others do not. The level of fines varies greatly. Some first offenses are \$10.00 (increasing with each subsequent offense), while others are up to \$200.00 for each offense.

Wintrow asked Bates to put together a proposal and bring it back to Council. She asked that any proposal be sensitive to staff who are smokers.

Hempfling asked that there be a restricted area for persons to smoke. MacQueen agreed, and asked that there be availability of a place to dispose of cigarette butts.

Housh asked that such a place be as hidden as possible from view given the issues highlighted about the impacts on youth when they see adults smoking.

Briefing of Requirements for Becoming a “Tree City”. Bates informed Council of these requirements as follows: to become a Tree City, the Village must meet four standards. Those include having a Tree Board or Department. This standard could easily be met by Council establishing a new Tree Board, which would likely incorporate the existing Tree Committee.

The second standard involves enacting a tree care ordinance.

The third standard is to establish a forestry program with at least \$2.00 per capita budgeted for tree installation and maintenance. While the Village would have to formalize this budget in annual required reports to the Arbor Day Foundation, the Village currently exceeds this standard in its annual tree care costs.

The final standard is to hold an annual Arbor Day observance and proclamation. There are a number of ways that this could be accomplished, for instance, the Tree Committee’s annual tree giveaway could be formalized and expanded to include a program at Mills Lawn with a speaker and the distribution of a seedling to each student.

MacQueen expressed that this appears to be an additional layer of bureaucracy and not necessary.

Bates stated that the Tree Committee is supportive.

Bates stated that she will submit an application.

Medical Cannabis Facility Proposal. Wintrow stated that on Friday she received two inquiries for potential medical cannabis cultivation and production facilities on the former CBE site. Wintrow noted that one of the companies, Cresco, had a far more developed proposal, and that she, Housh, Conard, Vanzant and Bates had participated in a conference call and then received a presentation from Cresco during the day on Monday.

Cresco has three facilities in Illinois currently. Wintrow noted that things are moving rapidly because of the way that the State of Ohio is releasing its licensing information and setting application deadlines.

Wintrow noted that the process is very controlled, and the facilities are extremely controlled in terms of security.

This is an opportunity that the Village should explore, Wintrow said.

Wintrow noted that staff have been asked to explore the concept further, noting the possibility for jobs and opportunity. She noted that there does need to be demonstrated support from the community for the application to the State to be well received. Wintrow noted that there will be a great deal of outreach to stakeholders in the Village.

BOARD AND COMMISSION REPORTS

Simms noted that Planning Commission had tabled a Conditional Use hearing, and that some noise issues regarding local businesses were sent back to the Planner for action.

Housh noted that Arts and Culture Commission is seeking new members, and noted that the ðKind Nessö banners will return after Street Fair. A new VIDA (Village Inspiration & Design Award) winner will be announced soon.

The Economic Sustainability Commission has been talking about the second Community Conversation regarding the CBE, and is looking at the end of June. The group plans a report on the last meeting, and plans to primarily address the issue of the covenants to the land on the former CBE. Housh asked Dodd if she might be able to run some scenarios given types of businesses, and what the financial impact of those businesses might look like for our community.

Council expressed agreement with June 28th as a date. Housh expressed a preference for Rooms A&B.

Hempfling reported that the JSTF is working on a proposals process, and is starting to look at the Mayorø Court. Conard will be in attendance for its July meeting to further discuss Mayorø Court.

MacQueen reported that the HRC had discussed creation of a welcome packet for new Greene Met residents, and had discussed trying to get Police Department unclaimed bikes for school children, especially for the eighth grade bike trip.

The Environmental Commission, MacQueen stated, had discussed using risk assessment as the basis for developing its goals.

Wintrow commented that she had met with Kevin Magruder, who is working on a diversity brochure for residents that realtors could use. She suggested that he could approach the HRC for potential funding.

MacQueen noted receipt of invasive plants brochures for distribution.

Wintrow reported that Greene County Regional Planning has offered the information that new housing developments must use group mailboxes.

Regarding the Miami Valley Planning Commission, Wintrow commented that the Village is involved regarding Complete Streets and Bike Trails. Housh noted a workshop upcoming regarding Complete Streets.

Wintrow noted Business After Hours at DMS, Ink this Thursday.

Wintrow noted a bicycle ðfix itö station now available at the Yellow Springs Station, purchased by the Chamber.

AGENDA PLANNING

- May 16: 5pm. Interviews for Chief Position: EXECUTIVE SESSION
- May 30: Public Forum with Chief Candidates: 7pm
- June 5: Lodging Tax Discussion
HRC End of Year Report
Fiber Advisory Board Report
Housing Needs Assessment Follow-up Report
Second Reading and Public Hearing of Ordinance 2017-10 Granting a Permanent Conservation Easement on a Portion of the Glass Farm
Ordinance Designating Yellow Springs as a Tree City, U.S.A
Ordinance Adjusting Summer Sewer Rates and Declaring an Emergency
Resolution Appointing Permanent Chief
- June 19: Resolution Approving the Finance Directorø 2018 Tax Budget for the Village of Yellow Springs
Resolution 2017-23 Adopting Guidelines for Policing for the Village of Yellow Springs

ADJOURNMENT

At 9:49pm, Hempfling MOVED and Housh 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: www.yso.com.

Attest: Judy Kintner, Clerk of Council