

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

In Council Chambers @ 7:00 P.M.

Monday, July 17, 2017

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 7:00pm.

ROLL CALL

Present were Wintrow, Vice President Brian Housh, Gerry Simms and Marianne MacQueen. Johnnie Burns, Water and Electric Supervisor, and Jason Hamby, Streets and Water Collection, were also present. Manager Bates and Assistant Manager/Finance Director Dodd were present. Judith Hempfling was absent.

ANNOUNCEMENTS

Wintrow announced a Chamber Chat re: Cyber Security Thursday, July 20th at the Senior Center.

Housh announced the following: August 9th is the deadline for Council and Mayoral petitions; Julius Caesar is running this coming weekend at Mills Lawn School; a Walking Tour highlighting notable Yellow Springs African American citizens leaves from the Mills Park Hotel at 1pm on July 22; the next VIDA (Village Inspiration & Design Award) will go to the ðHouse of AUMö. There will be a reception for this on July 26th 6-8pm.

MacQueen announced an open forum to be held in the John Bryan Center Gym on July 28th to discuss issues of mental illness and addiction.

Bates announced that the Rural Communities Assistance Program (RCAP) will hold a training in the Village on July 20th. This will consist of a training field day, and will involve some road closures.

Bates announced Peak Shaving days for Wednesday through Friday of this week.

Bates announced that on July 24th, the water main at the water plant is being replaced. She asked for patience with potential brown water as well as conservation of water during that day.

CONSENT AGENDA

1. Minutes of July 3, 2017 Regular Meeting
2. Financials for June 2017

MacQueen expressed discomfort with approval of financials that she may not fully understand because they are so extensive.

Wintrow received confirmation that the financials do in fact need to be approved on a regular basis. She then asked whether financials could be presented quarterly, but could be explained by Dodd at that time.

Dodd stated that she would ask the Auditor whether this approach would be permissible.

Simms commented that if there is any issue of concern, Dodd communicates this to him.

Housh asked for highlighting of trends if possible.

Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE the Consent Agenda, and the MOTION PASSED 4-0 ON A VOICE VOTE.

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

Bruce Bradtmiller re: Lodging Tax
John Gudgel re: 365 Project Support of Policing Guidelines
GCPHD re: Ticks and Crash Data for Greene Co.

PUBLIC HEARINGS/LEGISLATION

Resolution 2017-37 Amending the C-Street Building Agreement with Home, Inc. to Remove

Language Requiring Construction of a Berm. MacQueen MOVED and Simms SECONDED a MOTION TO APPROVE.

Bates explained that the Cemetery Street Development Agreement between YS Home, Inc. and the Village requires that a berm be installed to the east of the development, to shield the homes from a planned parking lot. However, the Development Agreement language is ambiguous as to who is responsible for the berm. The Agreement notes that the exact location and nature of the berm will be established once the development is complete.

Home, Inc. has requested waiver of this provision of the Agreement. In discussions with staff, the need for the berm is dependent upon the planned future use of the remaining property owned by the Village.

If Council were to waive the requirement at this time, a berm could be installed by the Village at a later date, if needed, once a further discussion as to the use of the property occurs.

Bates noted that Home, Inc. has removed construction debris.

Hamby responded to a question from Wintrow, stating that visitors to town do use the undeveloped area for parking on busy weekends.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 on a voice vote.

Resolution 2017-38 Awarding a Contract for Electric Utility Line Clearing and Tree-Trimming. MacQueen MOVED and Simms SECONDED a MOTION TO APPROVE.

Bates explained that this Resolution is the annual line-clearing legislation and that, as in past years, Arbor Care was the low bid and will receive the contract.

In answer to a question from Housh, Bates stated that this line clearing is for "secondary and above" and does not clear the ground level access.

Wintrow received assurance that citizens will be fully communicated with regarding the line clearing.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 on a voice vote.

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

Fiber Advisory Board Report. Tim Barhorst of the Village Manager's Fiber Advisory Board read from the Board's report. Specific points are noted below:

Barhorst commented on some of the concerns raised in the Design Nine report, including the potential for failure, cost of service and potential higher housing costs.

Barhorst commented that he and Scott Fife had toured the alleys with Hamby several weeks ago and found them to be, in many cases, severely blocked. He noted several other projects the Village is undertaking, commenting that these are using funds, thus affecting the potential for investment in municipal fiber.

Barhorst asked that the Village look into a revenue bond as an option for financing the project.

The "Other Costs" noted in the consultant's report include tree trimming and a particularly large amount for project management. Both of these are worthy of further discussion. As mentioned previously, the \$900K for tree trimming could be distributed among multiple Village projects. The \$427K+ project management figure not only seems remarkably high, but could possibly be avoided depending on the chosen vendor. Project management could also be handled by local resources.

Another item worth reviewing, Barhorst opined, is the \$113K projected for office expenses. If the service is managed as a contracted service, this would not make sense, he stated. The staff salary item is also more than anticipated, and would seem to imply Village operation without contracted support.

The Board believes that Design Nine has overlooked a number of critical advantages that Yellow Springs holds over most municipalities considering such a project, including:

The relatively small, compact and static Village footprint, which is easier to plan and will require less fiber optic cable to implement.

The significant value added by the presence and mission of MVECA and its datacenter within the Village.

The history of the Village as a public utility provider and the Village's ownership of its electric utility.

The report noted outreach to a number of professional organizations and individuals and, based on that research as well as their own interpretation of the Design Nine information, concluded that exploration of the concept as a non-profit cooperative entity would be the most effective path to municipal fiber.

Barhorst summed up that the nonprofit would have minimal staff and would organize and leverage volunteers and existing programs. It would facilitate networking and provide a neutral and trusted place to get broadband and technology assistance. The entity would also make a commitment to having a reduced subscription/connection rate for low income households (including people that live in Home, Inc. houses and at Green Met). The federal broadband "Lifeline" program could provide part of the subsidy (approximately \$10/month).

Barhorst commented that continued work on strategic planning for our Village is vitally important. Having conducted significant research into building and operating a municipal FTTP network as members of the Springs-Net group, the goals of the project, outlined to Council in February, 2016, remain achievable, vital to the Village's economic future, and consistent with Village's character as a progressive community.

Barhorst relayed that the goal of Springs-Net is to create a network that is inclusive, affordable for all, and one that encourages the kind of business growth and development that is in alignment with the values of Yellow Springs. If appropriate sources of funding can be obtained, he commented, the group believes this network can contribute greatly to the affordability solution instead of being part of the problem. Barhorst noted that the Board is currently leaning towards a public/private cooperative model.

Barhorst responded to a question from MacQueen, stating that the Cedarville cooperative approach is being spearheaded by the business community there.

Barhorst noted that strategic planning had been recommended as a best practice.

Barhorst noted that Federal funding could be available if the fiber network served disadvantaged citizens.

Wintrow noted that the library will be creating "hot spots" available to users, acknowledging the need for fiber accessibility.

Barhorst confirmed that Springs-Net will be in communication with the Economic Sustainability Commission.

Council and Barhorst discussed other communities that have invested in municipal fiber successfully.

In response to a question from Simms, Barhorst noted that a non-profit approach would need support and funding from the Village, and gave several examples of this approach.

Barhorst stated that Springs-Net will be ready to return with a more specific recommendation within 90 days.

OLD BUSINESS

2017 Council Goals Review. Wintrow introduced the updated document she had created, and Council determined to examine it in detail at its September 5th meeting.

Housing Needs Assessment Update: Elisabeth Voigt, Housing Consultant. Voight noted that her background is in housing, and specifically in fair housing issues. She made several recommendations regarding the HNA process, stressing in particular that the process should be meaningful and implementable, rather than a "paper exercise".

Voight recommended that data analysis be directly connected to goals, and read out a list of suggested areas of exploration. She urged that the HNA look at trends over time, rather than taking a snapshot of available housing stock. Ideally, Voight stated, about forty years would be examined. This would help to explain the current situation in more depth.

Voight suggested that the HNA look at the region, rather than only at the Village.

There are obligations to examine fair housing practices on the more regional level such that county-level data would contain that information.

Voight suggested the "Assessment of Fair Housing" document, which would be held at the county level.

Voight commented that the data needs to be centered in the community, and towards that end suggested that the HNA actively engage across a broad spectrum of community members for input. She

encouraged creativity in the types of outreach efforts employed as well as a multi-step process. Voight suggested that members of local community organizations work with the consultant in this effort.

Voight suggested that the assessment could help set decision-making policy moving forward.

Voight gave examples of a number of outcomes and ways to address those strategically and in a holistic manner. She specifically suggested that Council consider legislation protecting Section Eight voucher holders.

Voight concluded by noting several contacts who might provide support.

In answer to a question from MacQueen, Voight responded that the more information provided in the RFP with regard to Village character, goals and culture, the better.

Voight commented upon several potential consultants for the process, noting their levels of experience. She noted that local expertise should not be ignored in the process.

Wintrow asked whether the process would promote interest on the part of developers.

Voight responded that developers want to see a roadmap and that a good HNA provides a start for the Village to create clarity around what kind of development is desired.

Complete Streets Workshop Proposal. Housh noted that the Technical Assistance grant the Village had applied for to develop an active transportation plan for Yellow Springs has been approved, which will mean that the Village will have access to an Ohio Department of Transportation consultant to assist in planning. The consultant is shared among the seven municipalities that were successful in their grant applications. Housh indicated that the proposed Complete Streets workshop being conducted by the Miami Valley Regional Planning Commission, at no charge to the Village given its membership with MVRPC, will help to tee-up the active transportation planning process.

Housh asked that relevant staff members and all members of Council, as well as any other stakeholders (YS Active Transportation Committee, YS Schools, YS Senior Center, business owners, etc.) convene for a half-day workshop to lay the foundation for a Village of Yellow Springs Complete Streets policy. He stated that he would like to follow this with a community information-gathering forum in mid-September.

Housh stated that he would subsequently like to form a policy working group to develop a draft of the Complete Streets policy, noting that such a group would add direction to the process and aid in a possible completion of the policy in 2017.

Housh suggested August 24, 8:30am-1pm as the workshop date, and this was added to Council's calendar. The workshop will include a walking audit, breaking the workshop attendees into three sections to audit three separate areas of town. This proposal received agreement from Council.

HRC Annual Report. Former HRC Secretary Steve McQueen gave a report, highlighting the 14 events that HRC sponsored or assisted in sponsoring in 2017. McQueen is now Treasurer and stated that he will submit a budget proposal forthwith.

NEW BUSINESS

Tap-In Fee Discussion. Bates introduced the topic as follows:

The Village's current water tap fee does not cover the cost of materials, Bates stated, nor does it include labor for installation. Additionally, the Village provides and installs electric meters at no charge. Sewer installations are slightly different in that the charge is for inspection of the connection and capacity in the system.

Bates noted that with sewer, there is no equipment provided to the customer. If the customer does not have a separate sewer meter (as with major users), sewer bills are calculated based on water usage.

Burns explained the work done by his crew and the equipment involved, noting that the cost of the equipment alone exceeds the amount of the fee.

In response to a comment from Housh, Burns commented that there could be an additional cost if a standard meter pit size was adopted.

Regarding electric, Burns noted that if the line to the home is buried, the customer pays cost from the house to the pole. If the line is overhead, the Village supplies the line to the home and, in either case, installs the meter.

Hamby reported that his crew inspects the tap into the main, while Greene County inspects the line from the home to the main. Materials are not provided.

Wintrow asked whether language in the ordinance could be more generic regarding materials to allow for industry standard changes.

Bates stated that she would work on this with Hamby.

Wintrow commented that the Village's rates are high currently.

The matter of tap fee rate comparison was discussed, as each community showed very different rates.

Housh asked what the rationale was for not charging for electric service tap fees.

Bates responded that that approach did not make sense to her.

Wintrow asked for more information from AMP communities.

Housh commented that he wanted to better understand what factors are considered among the different examples, which reflect significant variability in rates across communities.

Hamby confirmed that the sewer pipe sizes should be limited to four inches and greater, since the smaller sizes are no longer relevant.

Housh agreed with a comment made by MacQueen in offering no argument to the suggestion that the real cost of material and labor be reflected in Village tap fees.

In answer to a question from Housh, Burns described other communities who put their tap fees directly into capital improvement funds rather than back into the enterprise operating funds.

Wintrow noted that the increase in fees will raise questions from consumers.

Bates commented that if the Village has to run a main for a new development, it may wish to charge an increased amount.

Wintrow cautioned that increasing fees tends to have a chilling effect, and urged staff to keep the fees reasonable. She noted that she will be working on incentive policies to address this.

Wintrow urged the gathering of further information, noting that she will be following up regarding the use of utility tap fee waivers as economic development.

Simms reiterated that rate increases should be a separate issue from incentives, and urged moving forward.

Housh and Wintrow expressed that they would like further information prior to an ordinance being presented and asked for one more discussion.

Burns explained what the electric increase would cover.

Pocket Neighborhood Development Concept. Denise Swinger presented information and a PowerPoint explaining the concept and its possible value as an option in the zoning code.

Council had questions regarding the proposed version of the PND regarding the recommendation that 50% of the dwellings could be rentals. There was concern raised that these could be used as Airbnbs to the detriment of the neighborhood.

Swinger stated that she would relay that concern to the Planning Commission (PC).

Council agreed to consider the proposal as an ordinance at its August 21 meeting.

In response to a question from MacQueen, Swinger stated that the PC did not impose any size restrictions over and above what is already in the zoning code.

Dan Reyes asked whether examples could be supplied that are specific to the Village, rather than abstract. He asked for a sampling of applicable lots.

Bates commented that these suggestions are part of what will be addressed in the proposed Housing Needs Assessment.

Wintrow noted that the PNDs will occur on private property making predictions as to those properties difficult. She commented that the Glen properties proposed by Home, Inc. might be a useful example.

MANAGER’S REPORT

Manager Bates reported on the following:

The Rumpke contract has been extended until August 31, 2018.

AEP and Dovetail Solar have started construction of the fence around the future solar array. The fence is about 50% done and the excavation for underground conduits has begun. The Manger and Burns cautioned citizens against walking in that area due to truck traffic and excavations.

Majors Enterprises is finishing up a previous job and should return to the Dayton-Yellow Springs Road worksite the week of July 24th.

The Village continues work on possible reconfiguration of the Bryan Center parking lot.

The Miami Township Fire/EMS training burn of the Sutton Farmhouse has been postponed until September due to an issue with the permit from the State.

A utility power needs analysis has been completed and the project is moving along ahead of schedule. The final permit for the Bryan Center generator from Greene County is expected by the first of August.

All utilities crews will be in training all day on Thursday, July 20th. The Village will host approximately 100 people from different municipalities for this training as well as a large contingent from the Ohio EPA Dayton office. There will be some temporary road closures and detours for the field demonstrations, which the public is welcome to attend, related to the training.

Bates noted that she has posted a position for Public Works Director as an internal posting in order to gauge interest and gather information. She noted that no decision will be made with regard to that position until the budget discussions this fall.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT

There was no AVM/FD Report.

CHIEF’S REPORT

Chief Carlson reported the following:

The PD assisted Miami Township Fire & Rescue with one overdose.

The PD has started a òpark and walkö routine, and Chief Carlson suggested that citizens join officers when possible.

The Chief stated that he is working on several outreach projects, including youth basketball with officers and movie nights to be held in the Bryan Center Gym this fall and winter.

The Chief thanked Housh for assisting with a plan to get unclaimed bikes to Village youth.

The Chief asked for permission to remove the yew trees from the parking lot area as they tend to obscure visibility. This was enthusiastically granted by Council.

CLERK’S REPORT

The Clerk relayed a busy several weeks with public record requests and a Records Commission meeting. She relayed information regarding coverage during her vacation period.

BOARD AND COMMISSION REPORTS

MacQueen reported that Environmental Commission continues work on the climate action plan. Wetlands project work at the Glass Farm continues as well.

Simms reported that the Planning Commission is continuing to discuss its review of the Comprehensive Land Use Plan, which it plans to begin to address in August.

Housh reported that the ESC is planning to bring a recommendation to Council to reestablish the revolving Loan Fund, and is working on formalizing a Village Incentive Policy. The ESC is planning to bring recommendations to Council regarding these initiatives in early fall.

Regarding the Arts and Culture Commission, a YS Arts Council representative attended the July meeting, and there are plans to bring a recommendation to Council that the YSAC Permanent Collection be housed in the Bryan Center Community Gallery. Housh noted the need to address details.

Wintrow noted no MVRPC meeting in July.

Greene County Regional Planning will meet Tuesday. Cluster mailboxes will be discussed.

AGENDA PLANNING

- Aug. 21: Financials for July 2017
Tap Fee Increase Discussion
Housing Needs Assessment RFP
Proposed Smoking Limitation Policy for Village-owned Property
Reading of Resolution 2017-39 Accepting Annexation of 1.713 Acres of Land More or Less from Miami Township, Greene, County, Ohio to the Village of Yellow Springs, Ohio
First Reading of Ordinance 2017-14 Approving the Addition of Pocket Neighborhood Developments as a Conditional Use to Chapter 1262.08 of the Zoning Code
First Reading of Ordinance 2017-15 Imposing a 3% Lodging Tax for Transient Guests
Executive Session

Wintrow here asked Solicitor Conard to explain the Lodging Tax process, which he did as follows:

Conard noted that Council will still need to weigh in on the details, but that there are three general areas of focus. The first is the definition of “transient guests” who are the persons renting from the establishment. The Village zoning code currently defines “short term rental” as a conditional use. Council will need to determine, he commented, whether an establishment of one or more rooms that rents to “transient guests” will be considered as a conditional use or a permitted use. In either case, Conard said, there should be considered the possibility of some sort of registration process for proprietors of these establishments and, thereby, a means to track who would need to provide the lodging tax to the Village. Conard stated the need for a coherent process for collecting and tracking this process, which would permit collection of the tax. The burden of conveying the funds to the Village would be the responsibility of the proprietor, while the burden of payment of the tax is that of the guest.

Conard anticipated an ordinance that would lay out the 3% tax, would define “transient guest”, and would identify which establishments the tax would affect. Additionally, a plan for the registration process would be presented.

MacQueen received confirmation that those renting out apartments, homes or bedrooms to transient guests would be affected.

MacQueen asked whether a Council person who managed such a business would be required to recuse.

Conard opined that she or he would not need to do so, but stated that he would request an opinion from the Ohio Ethics Commission.

MacQueen asked for Council approval for her to work with Wintrow and Bates on the Housing Needs Assessment RFP without it having to come to Council for approval. She stated that she would like to bring a proposal for a Housing Task Force to the next meeting.

Bates commented that there is time for Council to review the RFP on the 21st without delaying the process.

Council agreed to review the RFP on August 21st, and to review the HNA process on September 5th.

- Sept. 5: Review of Council 2017 Goals
Ordinance Increasing Tap Fees
Housing Task Force Proposal
- Sept. 18: General Fund budget presented to Council
- Oct. 2: Enterprise & Special Revenue Funds & Capital budgets presented
- Oct. 16: Budget workshop ó collective budget with any revisions from prior meetings
- Nov. 6: 2018 Budget
- Nov. 20: 1st read of 2018 Budget ó as an emergency
- Dec. 4: 2nd read of 2018 Budget ó as an emergency

EXECUTIVE SESSION

At 9:45pm, Simms MOVED and MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION For the Purpose of the Discussion of Potential Litigation. The MOTION PASSED 4-0 on a ROLL CALL vote. Present in the session were Village Solicitor Chris Conard, Village Manager Bates and Assistant Village Manager Melissa Dodd.

At 10:15pm, Simms MOVED and Housh SECONDED a MOTION TO EXIT EXECUTIVE SESSION.

ADJOURNMENT

At 10:16pm, Simms MOVED and Housh SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 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.

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council