

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

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

**Monday, August 21, 2017**

**CALL TO ORDER**

President of Council Karen Wintrow called the meeting to order at 6:02pm.

**ROLL CALL**

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

Employee Training Specialist Brenda Kraner of Wright State University's Department of Leadership Studies and "Learn Grow Lead" LLC was present in the Executive Session.

**EXECUTIVE SESSION**

At 6:03pm, MacQueen MOVED and Simms SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Evaluation of a Public Employee. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 7:03pm, Simms MOVED and Housh SECONDED A MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

Johnnie Burns, Water and Electric Supervisor, and Brad Ault, Water and Wastewater Treatment Supervisor, Manager Bates and Assistant Manager/Finance Director Dodd as well as Solicitor Conard joined the meeting at 7:04pm, following the Executive Session.

**ANNOUNCEMENTS**

Wintrow announced that the James A. McKee Group will sponsor a free session on restorative justice at Antioch Midwest on August 23<sup>rd</sup>.

Housh announced a Complete Streets workshop on Thursday, August 24<sup>th</sup> at the Bryan Center, which is open to the public.

Housh announced an ice cream social to be held at the Presbyterian Church on August 27<sup>th</sup> to introduce Home, Inc.'s newest homeowners.

Housh noted that the next meeting of Council will occur on a Tuesday, September 5<sup>th</sup>, due to the Labor Day holiday.

Staff addressed a recent brown water event, with Bates reading a prepared memo, and Burns and Ault explaining some of the processes they are undertaking to complete the transition to a new water plant (uni-directional flushing, exercising of valves) and explaining the source of the discoloration and sediment.

Burns noted that the Village is working with the Ohio EPA to prepare the new plant to come on line and assure safety of the water.

Burns explained why various homes have severe discoloration and others have none (position of the tap in on the main line).

Bates noted that an improved system of notification is being implemented, but noted that a fire event or a main break will cause brown water immediately, and notification ahead of the event is by nature impossible.

Ault noted that the final push to complete the plant will disturb the water periodically. He noted that the new plant is about 45 days ahead of schedule.

Bates noted that the next flushing will occur at 9pm on a Friday to minimize impact upon the Village, and stated that notifications will go out during the day on that Friday.

Wintrow announced that the Tecumseh Land Trust (TLT) annual Harvest Auction will take place on September 15<sup>th</sup> and that the Village is one of the event sponsors.

Simms announced the recent passing of a longtime Village employee, Harold “Dunie” Hamilton, who served the Village for thirty years as a member of the Public Works crew.

## **CONSENT AGENDA**

### **1. Minutes of July 19, 2017 Regular Meeting**

MacQueen MOVED and Simms SECONDED a MOTION TO APPROVE the Consent Agenda, and the MOTION PASSED 4-0 ON A VOICE VOTE, with Hempfling abstaining due to absence from the meeting in question.

## **REVIEW OF AGENDA**

The PND discussion was moved to the first item in Old Business.

## **PETITIONS/COMMUNICATIONS**

Housh reviewed communications received as follows:

Carmen Milano and Bronwyn Reese re: Lodging Tax  
Sample Letter to State Reps re: Legislation Proposed re: TIF Financing  
Iveta Jusova re: Gaunt Park Pool Noise  
Krista Magaw re: Jacoby Creek Priority Areas and Letter to Council  
Greene County Health Department re: West Nile Virus  
Treasurer’s Report

Council gave Wintrow approval to send a letter supporting continued TIF financing options for municipalities to Representative Turner. (MacQueen MOVED and Housh SECONDED a MOTION TO APPROVE that Wintrow sign and send said letter. The MOTION PASSED 5-0 on a voice vote.)

## **PUBLIC HEARINGS/LEGISLATION**

Reading of Resolution 2017-39 Accepting the Annexation of 1.713 Acres of Land More or Less from Miami Township, Greene County, Ohio to the Village of Yellow Springs, Ohio. Simms MOVED and Housh SECONDED a MOTION to APPROVE.

Swinger explained that at its last meeting, Planning Commission did make a recommendation to rezone this parcel of land to R-B and makes the recommendation to Council that the property be rezoned to R-B pending Council’s approval of the annexation.

Swinger explained that she had reviewed Chapter 1280.02 (b) Zoning Map Amendment or Rezoning for the property and believes that the rezoning is consistent with the goals, policies and future land use map of the Comprehensive Land Use Plan and Vision: Yellow Springs and Miami Township because this annexation will not expand the Village’s border as it is currently in the township but completely surrounded by the Village. Annexation of the property will allow for infill development. The owner intends to build only one single family dwelling with a mother-in-law suite on the property. Staff coordinated a meeting with the superintendents of electric, water and sanitary sewer and they gave their approval of the project. Staff also pointed out that any property annexed into the Village of Yellow Springs is zoned Residential A as the default. This would create spot zoning of the property once it enters the Village and, therefore, recommends that it be rezoned to Residential B to be the same as the other properties that surround it and are within the Village limits.

Wintrow noted that the Greene County Board of Commissioners has approved the annexation of the property in question.

Hempfling brought up the matter of default zoning, and asked Council to consider changing the default zoning based on goals related to density/infill.

Wintrow asked that the question go to Swinger for her recommendation.

Hempfling asked the default to be R-B.

Housh asked for further information.

Wintrow commented that a better method might be to have the default conform with neighboring properties.

There being no further comment, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a voice vote.

Reading of Resolution 2017-40 Approving an Engineering Contract with Heintz Engineering. Simms MOVED and Hempfling SECONDED a MOTION to APPROVE.

Bates made clear that while Cresco Labs will be paying for the infrastructure, because the Village will need to obtain EPA permits for water and sewer, among other things, the Village must pay for the engineering studies needed to build the road.

Bates cited Heintz's familiarity with the CBE area in noting his qualification for the project. She stated that the fee exceeds her approval limit, hence the need for Council approval.

Wintrow noted a productive meeting with Cresco, its selected architect and builder, and members of Village staff last week during which plans for moving forward to assure optimal readiness to begin as soon as a licensing decision is made were discussed.

Wintrow noted that while the state's decision deadline has now been moved back, the date by which selected facilities must be operational currently remains September of 2018, which makes readiness a necessity. Construction will not begin until licensing is awarded, Wintrow noted, but the design and permitting work can be in place at that time.

MacQueen questioned whether the Village was preparing to spend \$48,000.00 when it is uncertain as to whether or not Cresco will receive licensing from the state.

Bates stated that the design is similar to the prior design, but will more specifically incorporate the Cresco facility.

Hempfling noted that the Village will receive the \$20,000.00 option fee if Cresco does NOT receive licensing and does not, therefore, purchase the land, and that amount would significantly offset the expense incurred for engineering.

Bates clarified that Heintz will design the road and utility specs to Village standards, and the infrastructure would then be built by Cresco's contractor.

There was some discussion as to the utility of the road and its impact on the further use of the property.

Bates stated that the property would be replatted once the sale of the property is finalized.

Chrissy Cruz spoke to the matter, stating her belief that the resolution "goes against the referendum on paying for the infrastructure on CBE property." Cruz stated that her impression had been that Cresco "intended to pay for everything themselves."

Cruz argued that since the cost benefits only Cresco, it should have to pay for the whole thing. She characterized the resolution as "an end run around the referendum."

Hempfling commented that the Village has to have independent engineering to protect the Village, and noted again the \$20,000.00 option that could be used to offset the cost.

Wintrow noted that if the sale is completed, a good deal more than that amount can be used to offset the engineering costs.

Bates reiterated that the infrastructure has to accommodate the entirety of the CBE area once it is developed, and designing the road and infrastructure needs for that use is the responsibility of the Village. She noted again that Cresco will build the infrastructure at its cost.

Wintrow commented that there are few other means to get the road built.

Bates noted again the need for the Village to hold the EPA permits.

Dan Reyes asked why the entire site is being engineered and/or built and not just a "driveway to their site". He expressed concern that the roadway will "lock in" one potential plan and advocated a minimal specific plan to serve Cresco only, characterizing the move as an over-commitment. Reyes commented further that he would assume that if the state is late in assigning licensure, it would likely postpone the production date.

Bates responded, commenting that the two entrances were a Village requirement in order to maintain smooth traffic flow. She noted that the Village had met with Greene County Regional Planning Commission's Executive Director, Ken LeBlanc, in laying out the current roadways to maximize the use of the entire site.

Bates pointed out that Cresco is paying for the entirety of the roadway at the CBE, not just for a section leading to its property. Why would we not want to take advantage of Cresco's willingness to pay for the infrastructure to the entire site, Bates asked.

Hempfling reiterated that Cresco will pay for all of the infrastructure required for its facility.

Housh noted the importance of assuring that the design is to Village standards.

Wintrow commented that while she is confident that Cresco will obtain licensing, she would not consider the plans for the infrastructure a wasted effort in any case.

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

Wintrow RECUSED herself from the discussion and vote on Ordinance 2017-14, but stated that she would retain her right to speak as a citizen. She then left Council table and joined the audience.

MacQueen RECUSED herself in the same manner and left Council table and joined the audience.

Housh assumed Chairmanship of the meeting.

First Reading of Ordinance 2017-14 Enacting New Chapter 882 Entitled “Lodging Excise Tax” of the Codified Ordinances of the Village Of Yellow Springs, Ohio Effective January 1, 2018. Hempfling MOVED and Simms SECONDED a MOTION to APPROVE.

Housh noted that a lodging tax is one of the few ways in which a municipality can raise funds. He noted that post 2001, this tax can be applied to establishments that have one or more rooms, rather than the previous lower limit of five.

Housh noted that because Yellow Springs is a destination town, this puts greater pressure on infrastructure and services than might otherwise be the case, and he commented that the proceeds from a lodging tax are an appropriate way to address this need.

Housh noted that over 80% of the municipalities in Ohio do have a lodging tax.

Conard explained the process and the legislation itself as follows:

Lodging excise tax is extensively utilized throughout the state. In preparing the ordinance before Council today, Conard stated that he had worked with Village staff and reviewed the Ohio Revised Code and local ordinances from Fairborn, Beavercreek and Cleveland as well as Fulton, Ottawa and Hocking Counties. The proposed ordinances were also extensively reviewed before being placed in the packet for discussion.

There was effort made to anticipate and address concerns of all stakeholders within the Village: Operators, Citizens, Village staff, Village Council and those who visit the Village to design a process that was fair and user friendly.

As an example of this effort, Conard cited the requirement of a line item invoice reflecting the amount of lodging tax, which may not be possible on an Airbnb invoice. Conard stated that he will be looking into how to address that issue in the code likely by inserting limiting language.

Conard pointed out that Section 882.17 authorizes the Finance Director to promulgate or issue additional written rules and regulations to assist in the administration and enforcement of the code.

Conard noted that anticipated concerns and potential changes to the code in response are why the tax, if passed, will not take effect until January 1, 2018. During this process, staff will be preparing FAQs and will meet with operators to address their concerns. The goal is to implement the code as seamlessly as possible.

Conard noted that “transient guest lodging” applies only to stays of fewer than 30 days. He noted potential impact upon the zoning code, stating that currently the definition in the code for “short term rental” creates confusion.

Conard noted that this means a definition of “transient guest lodging” would need to be inserted into the zoning code, and it would need to define “transient” as fewer than 30 days.

Conard stated that the goal with regard to the zoning code was not to make substantive changes. He noted that he has worked through the necessary code language with staff, and opined that while the code amendments would go to the Planning Commission for consideration, he thought Council should consider them as a part of its process in reviewing Ordinance 2017-14. He stated that those would be available prior to the next reading of the ordinance.

Conard stated that in the current code, “short term rental” is a conditional use. The recommendation is to make “transient guest lodging” a conditional use as well, with the need, then, to set the conditions for that use within the zoning code.

Conard further explained the Airbnb issue, stating that that service will not include any local taxes in its billing of guests. Conard noted that a change might need to be made to the current procedures to accommodate this anomaly.

Jim Hammond, proprietor of the Mills Park Hotel, asked why the Springs Motel was not mentioned as an entity that does not have a local lodging tax given its proximity to the Village. He asked further why the Village is not pursuing information regarding the return of funds from Greene County if the Village chooses not to impose its own lodging tax.

Dodd addressed the latter question, stating that Greene County had recently passed a resolution to return .5% of the 3% lodging tax that it receives from Yellow Springs to the Village. The first payment would be in early 2018 for taxes collected in 2017.

Karen Wintrow, speaking as a citizen, asked for more clarity on the Airbnb situation, and asked for assurance that the intention is that all Airbnbs be assessed the lodging tax.

Both Bates and Hempfling assured Wintrow that the lodging tax will cover Airbnb establishments.

Speaking as a citizen, MacQueen expressed support for the lodging tax. She expressed concern that the Airbnb issue had not been fully explored. She related her experience of paying local lodging tax for a room recently, noting that she was not surprised at the additional charge, seeing it as typical and normal.

Housh commented that the Airbnb issue is a process issue and not a legal issue in response to the question of whether municipal lodging tax can be assessed on Airbnb rentals, citing Ottawa County as an example of one municipality in Ohio that is currently collecting a lodging tax on Airbnbs.

Hempfling commented that this is part of the reason that the ordinance will not go into effect until January, so that any process issues can be addressed prior to that time.

Housh commented that best practices will be employed in setting up and administering the lodging tax, and that it would be implemented fairly.

Housh CALLED THE VOTE, and the MOTION PASSED 3-0 ON A ROLL CALL VOTE.

## **CITIZEN CONCERNS**

Christine Johnson voiced concern regarding the volume and speed of truck traffic down Dayton Street. This was discussed at length with Council. Johnson also expressed concern regarding motorcycle traffic and the state of the Dayton Street sidewalks.

Chief Carlson made arrangements to observe traffic flow at the times noted by Johnson as problematic.

Maya Thornton Hodge, Jessica Thomas and Ri Molnar spoke to Council regarding the Union School House, which is currently for sale. They asked that the Village purchase the property and restore it as affordable artist housing, citing a decline of local artists and an increase in tourists. Thornton Hodge stated that the group has been in contact with Home, Inc. on the proposed project.

Molnar commented that the group had made contact with “potential investors” who were unfortunately not interested in starting a business. She urged Council to consider the project to “support the community that it profits from.” Molnar argued that “the ageing community needs us” as a tax and cultural base.

Wintrow made note of the upcoming Housing Needs Assessment, which will address the arts community as an important resource.

MacQueen agreed that the Union School House needs to be saved, but that it is on the market for over a half million dollars. She noted that there are covenants on the property, and that it is in poor condition. Restoration of the building in addition to the purchase price would be well over a million dollars, she stated.

MacQueen expressed that Council might appropriately be involved on some level, but commented that taking a lead role would be inappropriate. The HNA, she commented, will provide information regarding where the focus of the Village should be in providing affordable housing. She noted that the Village already owns the Glass Farm, and opined that that property makes more sense as a development possibility.

Housh agreed with MacQueen's comments, highlighting that the Village would likely be open to helping to facilitate an artist live-work space use, and emphasized the significant expense necessary to rehabilitate the building.

Hempfling suggested the group speak with Jim Hammond and suggested they seek historic preservation funding and other resources.

Wintrow noted that the HNA will provide hard data for developers and will be of use. She stated that "you are hearing strongly that this is not a project that the Village can support."

Krista Magaw, Director of Tecumseh Land Trust (TLT), thanked the Village for its supportive role in the Arnovitz land auction, noting that 75% of that land was conserved.

Magaw stated that she is currently pursuing a five-year federal grant to address watershed and wetland areas. The Jacoby Creek areas west of town are priority areas for the Village's wellhead protection goals, as are the well head area east of the Village, she commented. The deadline for this grant submission, she stated, is September 7<sup>th</sup>.

Magaw asked for a letter stating partner contribution on the grant proposal that commits Green Space Funds of \$200,000.00. She noted that this amount would leverage about \$3.6 million dollars in state and federal funds towards the purchase of easements, permanent conservation and implementation of conservation practices. This would be \$1.8 million from the state of Ohio and \$1.8 million from various other resource sources, Magaw stated.

Magaw stated that the proposal is, thus far, very well received by the State.

Magaw reassured Council that the process for requesting funds for any purchase would be the same as it normally is.

Dodd reported that there is nearly \$176,000.00 currently in the Green Space Fund, with no further 2017 commitments.

Dodd noted that a check for the sale of Sutton Farm has been received by the Village in the amount of \$204,580.00, which went into the General Fund.

Hempfling asked whether the commitment can be made without putting the funds into the Green Space Fund.

There was brief discussion regarding how the money should be moved to accomplish the goal.

Council decided that a letter of support and correct fund balances will be prepared for the September 5<sup>th</sup> meeting.

Wintrow CALLED A FIVE MINUTE BREAK.

## **SPECIAL REPORTS**

There were no Special Reports.

## **OLD BUSINESS**

**Proposed Addition of Pocket Neighborhood Developments to the Zoning Code.** Swinger explained the PND proposal for the zoning code as follows:

The Planning Commission held a public hearing on August 14<sup>th</sup> to review questions raised by Council after the staff presentation on Pocket Neighborhood Developments at Council's July 17<sup>th</sup> meeting. The purpose of this new conditional use will be to give the Village of Yellow Springs another option for infill development of properties. The Pocket Neighborhood Development is a type of planned community that consists of a clustering of smaller residences or dwelling units that are individually owned around a courtyard or common open space area on a single lot under the control of a Homeowner's Association (HOA).

By design, the intention is to promote a sense of community and neighborliness through an increased level of contact. PNDs also provide a density of housing on parcels too small for traditional neighborhoods. PNDs have both private and common open space areas, and parking areas are often next to or within close proximity to the dwelling units with pedestrian pathways connecting the residents and guests from the parking areas to homes.

Swinger noted several aspects of the PND proposal, noting that the lot coverage will follow the same guidelines as those in place for each of the three residential districts. She noted that setbacks will be set to the perimeter of the property, with frontage on a residential street.

One of the principles of land stewardship in the Vision Plan of 2010 “put a priority on intensification of infill development,” and the Zoning Code Update of 2013 calls for “infill development” in our residential districts, especially in R-A and R-B. The Pocket Neighborhood Development (PND) provides another option to meet this need and follows specific requirements uniform to each residential district. The Pocket Neighborhood Development zoning would allow the developer to take a small plot of land (less than five acres) and, through a level B site plan review process, create a small community of homes (minimum of four).

Through the Planning Commission’s conditional use hearing process, the site plan review can take place in one or two meetings, giving a developer an incentive to invest, knowing that rezoning the property will not be required and that this use is permitted as long as the conditions set forth in Chapter 1262.08 are adhered to. Additionally, the site plan will be reviewed by a Village contracted engineer, who will also make recommendations to the contractor regarding the storm water management plan, a level B site plan review requirement. The PND will follow residential district requirements for setbacks and density. Any deviations to this will apply equally in all residential districts.

Swinger stated that to design a PND under the existing code, the property would need to be rezoned as a planned unit development (PUD). Property owners seeking rezoning to PUD need a minimum of five acres of land. They can build on a smaller property, but approval from Council is required and is based on certain criteria that ensures the site will advance the purposes of the PUD District. The PUD process requires preliminary approvals by both the Planning Commission and Council, and then final approval from the Planning Commission. Each PUD is uniquely different in that restrictions for its development differ from PUD to PUD, which requires consistently accurate recordkeeping so that future zoning officials adhere to the restrictions approved by the Planning Commission at the onset of development.

Swinger noted that Accessory Dwelling Units and garages will not be permitted except as common entities under the control of the Homeowner’s Association (HOA).

Adopting Pocket Neighborhood Developments as a conditional use will have an effect on nine sections of the Village of Yellow Springs zoning code, Swinger noted, which means a total of nine ordinances to update.

Wintrow asked that some of the ordinances be placed on the consent agenda for a first reading.

Conard stated that he would figure that out for the September meeting.

Hempfling expressed support for the PND legislation but commented that the Planning Commission should “be more flexible” in working with developers in general.

MacQueen commented that the “density is the same as the surrounding residential area” and asked why, then, ADUs are not permitted.

Swinger attempted to explain the nature of a PND.

MacQueen then asked about accessory storage units and was informed that these are permissible as a part of the common area.

MacQueen asked why an existing duplex is counted as a single unit.

Simms explained that this is because a duplex is not permissible in R-A, and that to count a duplex as a single dwelling allows for greater infill.

Wintrow asked what entity would assure that the HOA is active.

Swinger stated that a draft HOA plan is required as a part of the initial site plan.

Wintrow stressed the importance of the HOA to the success of the PND.

Hempfling commented that in her travels, it seems to her that high and low densities are well incorporated into neighborhoods, and that tying density to that of the residential neighborhood does not make sense. She cited the need for more apartments and greater density.

Swinger cited the need for some conformity within the zoning code moving forward, and noted that greater density is possible through a PUD.

**Draft Housing Needs Assessment RFP.** MacQueen introduced the proposal for the RFP, noting that she and Bates had gathered a number of sample RFPs from other communities.

Bates commented that she had added the Village’s consultant questionnaire, which she had filled out, pointing out that the deadline for the completed product is not named, and she suggested a finished report be presented either December 4<sup>th</sup> or 18<sup>th</sup>.

Hempfling stated a number of items for inclusion, and it was determined that all of these were included in the proposal submitted by MacQueen and Bates.

Hempfling asked that single parents be differentiated from couples due to income differences. This was noted.

Dan Reyes asked where the HNA RFP would be advertised, and suggested an academic organization as a possibility.

Emily Seibel suggested that one of the criteria should be willingness to work with volunteers in collecting data, noting this as key in engaging the community. She suggested mapping demographic changes in the community over time.

Seibel commented that phase one should be concentrated on qualitative and quantitative data collection, but that phase two should leave room for direction from the community as to desired results.

Ri Molnar asked whether the proposal would look at whether there is a “rental monopoly” and whether this impacts affordable housing in town.

Wintrow noted that she and Bates have made a presentation to the YS Community Foundation in seeking funding for the HNA.

MacQueen noted Xylem has already donated \$1,000.00 to the effort.

Bates noted that the changes she is making to the RFP are to add single parent households; add willingness to work with and direct volunteers in the community for data collection, and add mapped and graphed changes to housing in the Village over time.

**Housing Task Force Proposal.** MacQueen introduced the topic, stating that her intention in making the proposal is to involve the community in a way that permits moving forward. She recommended a Housing Advisory Committee connected to the Village Manager, which would reach out to community groups and individuals and engage those groups.

MacQueen stated that she had written the proposal with Bates.

Hempfling stated that she is opposed to the proposal, stating that Village Council needs to be “in the lead and at the center” around what she described as “a crisis in affordable housing”. Hempfling reiterated the state of crisis, stating that a committee is premature, and Council needs to discuss its work plan for affordable housing first.

Hempfling stated that a committee “is not going to represent the needs of the Village” and that it is elected officials who represent the needs of the Village. If a committee is needed, Hempfling stated, the Human Relations Commission (HRC) should do the work.

The political nature of affordable housing necessitates that Council take the lead, Hempfling said, in a timely manner. Hempfling stated several times her belief that committees take too long to get underway and organized.

Hempfling stated that she had spoken with “strong advocates for affordable housing” and stated to them her concerns with placing authority in a committee “appointed by staff”, but did not express what those individuals’ opinions had been.

Hempfling read from a prepared list of suggested steps as follows:

1. That Council make affordable housing the central focus of our work for 2017-2019.
2. Have monthly discussions at Council meetings, which would lead to decision making re: affordable housing.
3. Finalize HNA RFP.
4. Complete work by end of 2017.
5. Council hold a discussion regarding next steps.
6. Council develop a master plan for the Glass Farm.
7. Ongoing discussion.
8. Council decide on a framework and time frame for deciding issues of affordable housing and create a committee at that point if needed.



Hempfling reiterated that Council should be at the center of the process.

MacQueen responded that yes, committees can take time to get underway, which was why she had suggested a small committee that is vetted by Council and directed by the Village Manager.

MacQueen pointed out that the committee would be directed by Bates, who is directed by Council, which offers a direct line of accountability. She stressed that gathering the data and reaching out to the community, and then working on how to develop a housing policy, represents a great deal of work, and offered that Council is unlikely to be able to commit to that level of work.

MacQueen noted that the committee would be an advisory board, not a decision making board.

Simms expressed support for MacQueen's desire for a committee as a concept, but commented that he could understand Hempfling's concern regarding timely action, given the example of the Justice System Task Force.

Housh suggested "exploring a hybrid", stating his desire that Council be actively involved in the HNA process. He commented that the RFP had seemed light on reporting back to Council, but noted that he did not want to hold up that process.

Housh commented upon the importance of control over the consulting process. He cited the example of the Fiber Advisory Board process, referencing Council not receiving information until the end of that process, commenting that perhaps if Council members had had more information sooner, they could have had more of a directing role leading to better outcomes.

Bates commented that a decision by Council should be made promptly, since the committee was envisioned as having a guiding role. She suggested as well that regular reports to Council could be made a requirement.

Wintrow commented that Council's response is resting on the results of the HNA. She commented that the process cannot be held up because information is not being readily provided to the consultant. Wintrow stated that the completion of the HNA "with the best utilization of resources possible" is critical.

Wintrow stated her disagreement with using the HRC as a committee, citing the need for expertise in a number of areas on the part of any potential committee. She cited the Visioning committee as a good example of this kind of work. She acknowledged that the Fiber process was imperfect, agreeing with Housh that Council involvement needs to be strong.

Hempfling stated that Council would have to hire technical support. She reiterated that affordable housing has to be central to any committee formed. Development of a master plan for the Glass Farm, she stated, is central to this effort.

Wintrow noted that Council has asked for an HNA that addresses housing needs in the Village overall, without any particular focus.

Hempfling stated that "the role that Council should be taking once we have that (HNA) information is to address the crisis... which is affordable housing."

MacQueen asked Hempfling whether she believed that a small group of citizens working with Council and the Village Manager would not understand this issue.

Hempfling stated her concern that "it's not related to us: it's Patti's subcommittee, and it's them making recommendations to us, rather than us directing them in what we know needs to be done."

Wintrow asked how Council knows what needs to be done until the HNA is completed.

Hempfling opined that having a Manager's Advisory Committee "puts us in a passive role."

MacQueen asked Hempfling if she was willing to work with the concept or not.

MacQueen stated that it would have been helpful had Hempfling put her concerns into writing and made them available for the Council packet.

Simms commented that the HNA is due to be completed by December, and stated that he cannot know how to proceed until he has that information.

MacQueen noted that there is another piece, contained in her Advisory Committee proposal, which is to enlist support in the engagement of the community to gather information, and that piece would come along with the HNA process.

Wintrow explained further that she sees that group as facilitating contacts and outreach for the contracted entity, who would actually then collect and process the data.

Wintrow asked that a facilitation group be formed, and “what it morphs into is the next step.”

Housh suggested that the consultants should have ideas about this as well, and that the RFP should go out, but that Council should discuss this matter again.

Housh suggested that the fact that “a key criteria” is community engagement be put forward in the RFP.

MacQueen noted the terminology of “steering committee” and “community advisory group” and suggested that this be cleared up.

Hempfling stated that the group should be reporting out to Council.

Housh noted that the RFP states that “final answers will be posted on September 7<sup>th</sup>” and stated that if Council has worked out a more coherent form for the committee, that information can be posted at that time.

Housh stated that he was not ready for a final decision, noting that he likes the points advocating for a concise timeline, community engagement and active involvement of Council.

Wintrow commented that community engagement and the consultant’s response to that need would be key in selecting the consultant.

Bates stated that she would remove language regarding presentation of initial data to the steering committee and engagement with a community advisory group from the RFP. She added that community engagement is key, and that there will be benchmark presentations to Council.

In response to a comment from Hempfling, Wintrow noted a number of stakeholders to whom Council could reach out.

John Hempfling commented that the HNA would engender technical questions as well as political questions, and stated that Council should take the lead on the political questions.

Becky Campbell asked that the HNA be done “for the community, not just for Home, Inc.”

**Review of Council’s 2017 Goals.** Council agreed that the goals are in process and well documented, and need no further attention at this time.

**Smoking Limitation Policy.** Council agreed to move the Smoking Limitation Policy to its September 5<sup>th</sup> Agenda.

**Complete Streets.** Housh commented that September 7<sup>th</sup> has been suggested as a community forum for the Complete Streets process. This was discussed and Housh stated that he would return with an alternative date.

## **NEW BUSINESS**

There was no New Business.

## **MANAGER’S REPORT**

Bates reported the following:

Construction on the Glass Farm solar array has been moving along. All racking is in and the first panels arrive this week. Most of the underground conduit is in and construction is moving quickly. Construction should be done by the end of September.

Majors Enterprises has returned to the Dayton-Yellow Springs Road construction project and should be done by the end of September.

The Miami Township Fire/EMS training burn of the Sutton Farmhouse has been scheduled for Saturday, October 7<sup>th</sup>.

Dumping of yard waste in alleyways and on adjacent properties has become an issue in the Village and creates aesthetic and, potentially, health and safety issues. Yard waste should not be dumped in alleyways, as they are lanes of travel, nor should it be dumped on neighboring properties. Property owners who do this will be receiving a notice asking them to clean up and discontinue the practice.

#### **ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT**

Dodd noted that at the last Council meeting she was asked to look into the requirements for presenting financial statements to Council. It was requested that they possibly be presented less frequently and with some brief discussion instead of in the consent agenda on a monthly basis.

Dodd reported that she learned that she can present these on a quarterly basis and fulfill the state requirements. Therefore, financials will be presented quarterly at the second meeting of the month during the following months: January, April, July and October. The first quarterly financial report and presentation will be at the October 16<sup>th</sup> meeting.

#### **CHIEF'S REPORT**

Chief Carlson reported the following:

As an innovative solution to the needs of the department, the Police Department intends to add two Corporal positions to the ranks. There are a number of reasons to consider such an innovation, the most critical as follows:

1. A more balanced staff and structure for the department.
2. Incentive and growth potential in the department, which positively impacts employee retention.
3. Supervisors on all shifts.
4. Increased knowledge and experience of officers who are promoted.
5. Providing Sergeants relief from some patrol functions to allow them to better focus on and complete administrative duties.

Promotion of an officer into the rank of Corporal would cost the department at most \$2317.12 each.

The increase in cost to move two officers into the rank of Corporal would be about \$4634.24 per year.

Promotion of an Officer into the rank of Sergeant would cost the department \$4634.24 per individual.

Carlson stated that he had discussed these changes and their advantages with the Village Manager.

Carlson stated that he is adding an additional phase to the 9-12 week State mandated Field Training Officer program. This additional phase will consist of time on patrol with the Chief to discuss and understand the Guidelines for Village Policing.

Carlson read from a citizen letter in which the officer on duty was thanked for “treating her like a human being” during a traffic stop. Carlson reiterated that it is this one-at-a-time approach that will begin to change overall perception of the Department.

#### **CLERK'S REPORT**

The Clerk reported that the Planning Commission has been working diligently with Denise Swinger to address areas of the zoning code that need to be amended, and some of the result of that work will come to the Council meeting on September 5<sup>th</sup>.

We ask a lot of our volunteers, and Planning Commission members certainly exemplify that dedication to the Village and willingness to serve. That said, PC now has an open seat, which will be advertised in the Yellow Springs News.

#### **BOARD AND COMMISSION REPORTS**

Simms noted the opening on Planning Commission and attempted to nominate the alternate to the full time position. Hempfling noted that this individual had not been interviewed according to Council's process for appointing commission members and asked that this nomination be postponed until after an interview is conducted.

This was discussed briefly, with the Clerk pointing out that the BZA and the Planning Commission are commissions mandated by Ohio Revised Code and that the reasoning behind the creation of an alternate position was to prepare that individual to step in if needed to a full time position.

Simms agreed to interview the Alternate with Hempfling.

Housh announced that the Arts and Culture Commission is working with the Yellow Springs Arts Council to bring its permanent collection to the Bryan Center Community Gallery, and that Nancy Mellon would like to address the matter to Council at an upcoming meeting.

Housh stated that the Economic Sustainability Commission should be ready to present a proposal for the Revolving Loan Fund to Council by September 18<sup>th</sup>.

Hempfling stated that the Energy Board is planning a meeting with the YS Tree Committee to discuss a joint fall tree planting.

Hempfling noted that the Justice System Task Force is working on an end-of-year report for late September.

MacQueen stated that while she was not present for the Village Mediation meeting, the Chief as well as several others had made a presentation on restorative justice and there will be a workshop on that topic in September. The VMP is also planning for its 30<sup>th</sup> anniversary, the celebration to be held on September 14<sup>th</sup>.

MacQueen stated that she has met with School Board Liaison Sean Creighton, who stressed that the Board has no plans at present for any new school buildings, but is continuing to gather input on the matter from the community before taking any action.

MacQueen reported that the Human Relations Commission had heard from two citizens presenting information on grant proposals.

The Environmental Commission, MacQueen stated, discussed the difficulty in working on a Climate Action Plan and getting other groups to assist in doing this work. The EC is discussing its approach at this point as to how to approach the CAP.

The Beaver Management Task Force will hold a honeysuckle removal event with Enoch's doing the removal and the BMTF painting stumps. The group is also working on signs and benches for the trail area.

Wintrow stated that Greene County Regional Planning met and discussed the fact that Miami Township is passing an Agro-Tourism measure. Wintrow noted that Xenia Township has overridden objection to rezoning the Kil-Kare Speedway area to Business.

Wintrow commented that the last Business After Hours at the Herndon Gallery was a great success. September 21 will see a Business Insurance meeting with Reichley Agency at the Bryan Center.

## **AGENDA PLANNING**

Sept. 5: Second Reading and Public Hearing of Ordinance 2017-14 Enacting New Chapter 882 Entitled "Lodging Excise Tax" of the Codified Ordinances of the Village Of Yellow Springs, Ohio Effective January 1, 2018  
Reading of Ordinance 2017-15 Approving Supplemental Appropriations for the Fourth Quarter of 2017 and Declaring an Emergency  
Reading of Ordinance 2017-16 Consenting to the Rezoning of Gustafson Property and Declaring an Emergency  
First Reading of Ordinance 2017-17 Repealing Section 1262.08 "Specific Requirements" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1262.08 "Specific Requirements"  
First Reading of Ordinance 2017-18 Repealing Section 1226.06 "Design Standards" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.06 "Design Standards"  
First Reading of Ordinance 2017-19 Repealing Section 1264.02 "General Requirements" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1264.02 "General Requirements"  
First Reading of Ordinance 2017-20 Repealing Section 1284.07 "Definitions: O-P-Q" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.07 "Definitions: O-P-Q"  
First Reading of Ordinance 2017-21 Repealing Section 1284.05 "Definitions: H-I-J-K" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.05 "Definitions: H-I-J-K"

First Reading of Ordinance 2017-22 Repealing Section 1248.02 “Schedule of Uses” of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Section 1248.02 “Schedule of Uses”  
 First Reading of Ordinance 2017-23 Repealing Section 1260.04 “Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1260.04 “Uses”  
 First Reading of Ordinance 2017-24 Repealing Section 1284.03 “Definitions: C-D” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.03 “Definitions: C-D”  
 First Reading of Ordinance 2017-25 Repealing Section 242.01 “Composition; Classification” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 242.01 “Composition; Classification”  
 Reading of Resolution 2017-41 Accepting Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor  
 Reading of Resolution 2017-42 Preliminary Legislation/LPA Federal ODOT-Let Project Agreement  
 Reading of Resolution 2017-43 Authorizing a Total of at Least \$200,000 to the Green Space Fund Partnering with Tecumseh Land Trust for Land Conservation  
 Reading of Resolution 2017-44 Recognizing Village Mediation for 30 Years of Service  
 Tap Fee Increase Discussion  
 Housing Task Force Proposal  
 General Fund Budget  
 Moving Arts Council Permanent Collection to Bryan Center: Proposal  
 Sept. 18: General Fund Budget  
 Tap Fee Increase Discussion  
 Revolving Loan Fund Discussion  
 Second Reading and Public Hearing of Ordinance 2017-17 Repealing Section 1262.08 “Specific Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1262.08 “Specific Requirements”  
 Second Reading and Public Hearing of Ordinance 2017-18 Repealing Section 1226.06 “Design Standards” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.06 “Design Standards” (Adding Pocket Neighborhood Developments as a Conditional Use to the Village Zoning Code)  
 Second Reading and Public Hearing of Ordinance 2017-19 Repealing Section 1264.02 “General Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1264.02 “General Requirements”  
 Second Reading and Public Hearing of Ordinance 2017-20 Repealing Section 1284.07 “Definitions: O-P-Q” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.07 “Definitions: O-P-Q”  
 Second Reading and Public Hearing of Ordinance 2017-21 Repealing Section 1284.05 “Definitions: H-I-J-K” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.05 “Definitions: H-I-J-K”  
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 Second Reading and Public Hearing of Ordinance 2017-24 Repealing Section 1284.03 “Definitions: C-D” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.03 “Definitions: C-D”  
 Second Reading and Public Hearing of Ordinance 2017-25 Repealing Section 242.01 “Composition; Classification” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 242.01 “Composition; Classification” (Adding two positions in the rank of Corporal to the Police Department)  
 Resolution Establishing an Endowment with the Community Foundation for the Ongoing Maintenance of the Yellow Springs Creek Conservation Area  
 Oct. 2: Enterprise & Special Revenue Funds & Capital Budgets  
 Ordinance 2017-xx Increasing Tap Fees  
 Ordinance 2017-xx Enacting a Smoking Ban on Village Owned Property  
 Oct. 16: Budget Workshop (collective budget with revisions)  
 Quarterly Financials

Nov. 6: 2018 Budget  
Nov. 20 : First Reading of 2018 Budget Ordinance as an Emergency  
Dec. 4: Second Reading and Public Hearing of 2018 Budget Ordinance as an  
Emergency

**ADJOURNMENT**

At 10:42pm, Simms 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](http://www.yso.com).*

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Karen Wintrow, President

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Attest: Judy Kintner, Clerk of Council