

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

In Council Chambers @ 5:30 P.M.

Monday, September 18, 2017

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 5:31pm.

ROLL CALL

Present were Wintrow, Vice President Brian Housh, Gerald Simms and Marianne MacQueen. Village Manager Patti Bates was also present. Councilperson Hempfling was absent. Finance Director/AVM Melissa Dodd and Village Solicitor Chris Conard joined the session at 6:40pm.

EXECUTIVE SESSION

At 5:32pm, MacQueen MOVED and Simms SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Evaluation of a Public Employee and for the Discussion of Potential Litigation. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

At 6:57pm, MacQueen MOVED and Housh SECONDED A MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 4-0 ON A VOICE VOTE.

ANNOUNCEMENTS

MacQueen announced a three-day restorative justice workshop on October 27-29, and encouraged staff and commission members to take advantage of this training.

Housh announced the latest in the Little Art Theater's "Homecoming" series, which will be vocalist Martin Bakari on September 29.

Housh announced that on October 2, Council will devote 30 minutes to an MVRPC Complete Streets informational session.

Wintrow announced the Chamber Chat for September will occur on the 21st and will address business insurance.

Dodd announced that on September 19, the Village will be flushing the new water line to the CBE and will keep citizens abreast of possible brown water issues due to that activity.

Simms voiced his appreciation for Majors Enterprises, which, he stated, has worked long hard hours to keep the utility infrastructure project on schedule.

CONSENT AGENDA

1. Minutes of September 5, 2017 Regular Meeting

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

Housh asked that the matter of the recent defacing of Whiteman Street signs be addressed. Wintrow asked that defacing of street signs in general be addressed, and this was added to New Business.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

The Clerk will receive and file:

Greene Co. Health Dept. re: FASD Awareness Month and Community Health Assessment

Mayors Monthly Report

Family of Harold Hamilton re: Thank you

PUBLIC HEARINGS/LEGISLATION

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". Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger introduced the legislation, noting that section 1262.08 is central to the PND addition to the zoning code, since it lets the developer know the particulars for PNDs, such as what setbacks are required.

Swinger noted that PND will be a conditional use and is meant for any property of under five acres. The use allows for frontage off of a private road, enabling owners of large properties to develop those lots should they choose. Swinger noted that the use will increase density, and noted the densities per zoning district.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

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". Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Swinger noted that ADA compliant sidewalks were added to this section upon the request of Councilperson Housh.

Swinger noted that Planning Commission will address Appendix "B" to the section, updating the section pertaining to street trees.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

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". Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger commented that this ordinance simply adds PND to the parking section, at 1.5 spaces per dwelling. This represents a decrease from the standard two.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

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". Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

This section adds "PND" to the "Definitions" section.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

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". MacQueen MOVED and Simms SECONDED a MOTION TO APPROVE.

This section adds "Homeowners Association" to the "Definitions" section.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing 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". Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

This section adds "PND" to the residential sections of the zoning code.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing 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". Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

This section adds "PND" to principle use per lot, and removes required criteria from the section, allowing decisions to be based upon the Comprehensive Land Use Plan and Visioning.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

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". Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

This section adds "Common Open Space" and removes "Cluster Housing" from the "Definitions" section.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

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). Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates explained that the Police Department has determined that providing the opportunity for advancement within the ranks and adding two road-supervisors is a positive move.

Bates stated that the change will result in no overall budgetary increase.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2017-26 Repealing and Replacing Ordinance 2017-15 Supplemental Appropriations for the Fourth Quarter of 2017 and Declaring an Emergency. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Dodd explained that the reduction shown in the supplemental appropriation passed on September 5th was in error. Its inclusion in the ordinance created a reduction in expenditures. Correction of this error shows that the supplemental results in an increase of \$16,205.00 for the fourth quarter.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Reading of Resolution 2017-45 Authorizing the Village Manager to Enter into a Contract for Services for a Housing Needs Assessment Provider. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates noted that the Village issued a Request for Proposals for a Housing Needs Assessment, with responses due Monday, September 11th. Three submittals were received, one each from Community Planning Insights (Dayton, Ohio, cost \$33,670), Measurement Resources Company (Columbus, Ohio, cost \$28,960) and Bowen National Research (Pickerington, Ohio, cost \$24,900).

Subsequently, the Housing Needs Assessment Working Group met to review and evaluate the proposals.

Bates noted that particular attention was paid to the scope of the proposal, community engagement activities and the inclusion of all housing needs in the final assessment report. After review of all items included in the proposals, the Working Group recommends to Council that the Village contract with Bowen National Research to conduct the Housing Needs Assessment.

MacQueen noted that the Working Group will be meeting with Bowen this week. The goal remains to complete the study by the end of the year, and from that point to move towards policy and plan creation.

MacQueen highlighted that Bowen has a wealth of experience with community engagement, which played a key role in their selection.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

There were no Special Reports.

OLD BUSINESS

Tap Fee Increase Discussion

At the last Council meeting, additional information was requested regarding justification for the increase in sewer tap fees.

Bates stated that each sewer tap requires three (3) visits from staff: one to locate the main, one to inspect the dig while open, and a final inspection.

Capacity limits at the sewer plant, while normally sufficient, can be exceeded during moderate or heavy rain events. This is because of the excessive inflow and infiltration of our aging infrastructure, which allows rain water into the sanitary system. The Village is initiating a program of sewer relining, and additional revenues could assist with the costs.

Several years ago, the EPA mandated that storm water from homes and businesses not go into the sanitary sewer system, primarily due to capacity issues this presents. In the past, the Village has discussed initiating a program to assist homeowners with removing storm water runoff from the sanitary system and rerouting it appropriately. Additional revenues could also be earmarked for a program to resolve this issue.

Bates commented that these fees apply only to new taps, and would in no way affect residents or businesses who have existing taps.

Housh received confirmation that some portion of funds generated could go to Capital Improvements by way of the General Fund.

NEW BUSINESS

General Fund Budget

Dodd presented the General Fund budget for 2018. Dodd noted that the budget was based upon actuals from as late as the end of August, and noted that she budgets conservatively, assuming lower for revenues and higher for expenditures.

Dodd noted an increase in local taxes, specifically in real estate and income taxes to the tune of about \$400,000.00. She commented that this is a result of many small factors, although DMS has played a strong role in this regard.

Dodd noted the decrease in Local Government Funds over the past five years. She responded to a question from Wintrow, affirming that the amount from the LGF decreased about \$50,000.00 between 2011 and 2013.

Dodd commented that the sale of the Sutton Farm property was not projected for 2017, and this increased the bottom line by about \$200,000.00.

Dodd commented that the 2018 revenues should be in line with the projection, given that there are no planned property sales.

Housh asked about the addition of the Lodging Tax, which will show up on the revenue line for local taxes.

Dodd stated that she will add Lodging tax to the projection.

Housh asked that Cable Franchise fees be monitored closely.

Housh asked whether revenue projections will be adjusted if Cresco receives licensing.

Dodd stated that she will update after Cresco is up and running for several months, in order to gain a realistic figure.

Dodd went through expenses by department. She noted that she averaged in a 4% increase in all departments and budgets for personnel.

Dodd noted an increase across all departments in the amount of a 5% total average.

Dodd projected a \$730,750.00 increase to the reserves for 2018.

MacQueen received confirmation that increases in contractual services is due to legal costs.

MacQueen asked about the increase in personnel services of nearly 100% for 2018.

Dodd responded that she believes this is a typo, and will bring an explanation/correction to the next meeting.

Wintrow suggested that perhaps Dodd could be slightly less conservative in her approach, given that there are some predictable increases on the revenue side coming for 2018.

Dodd recommended that Council commit additional funds to facilities improvements in 2017, given that revenues are higher than previously predicted. She noted the need to improve crew quarters at Sutton Farm, and improvements needed for the Library building.

Wintrow noted that the train station could also benefit from improvements.

Housh asked about the crew quarters.

Bates responded that the current plan is to expand upon the current crew quarters, and hopes to have an updated plan for the next meeting.

Council voiced agreement with moving funds into facilities improvement for 2017.

In response to a question from Housh, Dodd stated that she kept the budget for cable TV consistent for 2018.

Dodd commented that this first round of budgets does not include capital expenses.

Bates commented that cost for getting cable videos streamed should decrease that budget slightly overall.

Diane Chiddister from the Yellow Springs News asked Dodd for an opinion as to who the major income producers for income tax are over a 10-year period.

Dodd stated that that list of employers has changed dramatically over a ten-year period. She noted an increase of \$750,000.00 in income tax revenue over the last eight years.

Dodd commented that YSI had a significant increase in 2017, and that DMS saw an increase, but that she would have to conduct further research. She stated that she will bring this information to the next meeting.

MacQueen asked for information on income tax received for citizens who live in the Village but work elsewhere.

Dodd responded that this would require more extensive research, since it is not a standard report.

DEFACING OF STREET SIGNS

Housh noted that at least twice in the past month, all of the Whiteman Street signs have been painted over.

Housh noted that the street is named after General Benjamin Whiteman, who built the first Clifton Mill and õhung out with Chief Tecumseh, Daniel Boone and other notablesõ. Housh commented that honoring General Whiteman seems to have been justified, but questioned whether the Village can continue to financially justify replacing street signs.

Housh commented that he does not see this behavior changing. He suggested the possibility of renaming the street.

MacQueen commented that she has also seen graffiti on the STOP signs in town.

Housh responded that it is clear that the Whiteman Street signs are targeted because of how the name is spelled out, and he sees it, therefore, as a different issue.

Chief Carlson commented that the STOP sign graffiti-er may have been identified, and agreed with Housh that the targeting of the Whiteman Street signs seems to be a separate issue. Carlson commented that he has learned how to remove the paint from the signs, but the method also removes the reflectivity, which is an ODOT requirement.

MacQueen asked whether any citizens have requested the renaming of the street, and was told no.

Simms stated that two young men asked him about the street name, wondering why it was thus named.

Wintrow commented that a name is very different from a confederate monument, wondering where it would end.

Jennifer Berman suggested that the issue be made into a high school student senior project as a great case study for restorative justice. She commented that replacing the name would constitute a capitulation. She noted that the issue is a Village issue.

There was general enthusiasm regarding a community-wide and historically-grounded approach.

MacQueen stated that she will follow up with Mr. Lydy at the Yellow Springs High School.

Bates stated that she will follow up with information regarding the cost for each sign.

MANAGER'S REPORT

Bates reported the following:

The dental insurance renewal legislation will be brought to the October 2nd meeting. We have a 2% increase with a shortened renewal date to May 1, 2018. This allows the Village to match dental insurance renewal with medical insurance renewal, streamlining the process with one open enrollment period for both.

Majors Enterprises has returned to the Dayton-Yellow Springs Road utility extension infrastructure project and the project is near completion. The water line was charged the week of September 11th and seeding and strawing should be done soon.

The Miami Township Fire/EMS training burn of the Sutton Farmhouse has been rescheduled for Saturday, October 7. Rain date for the burn is October 21.

The water plant is ahead of schedule. The Village will continue to make strong efforts to communicate with the public in advance as specific events unfold that may affect water appearance and/or quality.

On October 28, the Bryan Center will be closed, as we are replacing the back-up generator and the building will on emergency power only.

A reminder that Rumpke will pick up yard waste the last Friday of each month through November, if it is in the proper bag. Bags are available at the Utility Office.

Beggarø Night will be held October 31st between 6 and 8pm.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT

Dodd stated that the Village is working to inform citizens regarding any disruptions or discolored water events as early as possible as the date for the changeover to the new water plant approaches. Information will be pushed out in as many formats as possible for greatest coverage.

Dodd noted development of a communications plan regarding the water system in general. She noted that the Village will have available at the John Bryan Community Center one gallon of water per citizen if there is a discolored water event.

CHIEF'S REPORT

The Chief noted that the 40-hour CIT training for the county will be held at AUM, but it is not open to the public.

Housh asked Carlson to explain the general policy of the department regarding the resolution passed by Council making the Village a welcoming place for all, specifically including immigrants, regardless of immigration status.

Carlson stated that this is an issue he is currently gathering information about, but noted that he is not in favor of the witchhunt philosophy.

Housh asked that policies and practices be formalized over the next few weeks.

Housh suggested a stakeholders meeting.

Jennifer Berman commented that when she was an Antioch College student, they requested that all visitors to campus respect the non-discrimination code of the College. She acknowledged that the College is a private entity, but wondered if the Village could pass an enforceable ordinance to the same effect to prevent hate groups from marching.

Conard commented that unless the Village wanted to be in the forefront of a legal battle, he would not recommend undertaking such action.

Housh commented that being prepared for such actions goes a long way towards presenting a united front.

CLERK'S REPORT

The Clerk reported much minutia accomplished.

BOARD AND COMMISSION REPORTS

Housh noted that the Arts and Culture Commission has posted a box next to the VIDA (Village Inspiration & Design Award) traveling trophy (currently located in Kings Yard at the House of AUM) with information as to how to nominate future VIDA recipients. He noted that Nancy Mellon will attend the October 2nd Council meeting to discuss housing the YS Arts Council's Permanent Collection in the Bryan Center.

Housh commented that the ESC is close to having a proposal ready regarding reviving the Revolving Loan Fund.

Regarding commission spots in general, Housh asked that open positions be advertised for a set amount of time every time. He suggested addition of key current issues of commission focus in advertisements to generate more interest. He asked that all ads be posted on the Village Facebook page.

Bates noted that the Energy Board will ask a speaker to come in with community solar ideas. The group is also asking for information from an organization that assists communities with ideas for incentives to energy efficiency.

The Library Commission discussed building improvements.

MacQueen commented that the JSTF will be submitting an annual report.

MacQueen noted the 30-year celebration of the Village Mediation Program.

Regarding the School Board, MacQueen noted that Dawn Boyer will be the representative regarding the Housing Needs Assessment. She will be in contact with Kevin Lydy on the same topic and will follow up regarding the street sign issue.

The HRC, MacQueen noted, gave two grants, one for Zombie Walk and one for the upcoming Restorative Justice Symposium.

The Environmental Commission will be discussing the source water plan.

Wintrow noted that the Greene County Regional Planning Commission turned down a zoning request to convert prime agricultural land to real estate. She noted that this is a critical issue in the area.

The Miami Valley Regional Planning Commission noted a Five Rivers MetroParks document upcoming with a waterways plan, which will extend about four miles out from center of the downtown Riverscape.

Wintrow noted that the October Chamber Chat will take place on October 26th and will cover the topic of the new water plant. She reminded the group of the October 14th Street Fair and the Open Studios Tour set for October 21-22.

Jalyn Roe, representing Community Empowerment, spoke regarding the upcoming restorative justice workshop.

Roe commented that if the school project idea does not come through regarding the street sign issue, that the Village Mediation Program is trained and able to facilitate òcourageous conversationsö around race.

Roe spoke about the upcoming Restorative Justice Symposium, offering registration and time details.

Berman suggested using the Symposium to address the sign defacing issue.

AGENDA PLANNING

- Oct. 2: Enterprise & Special Revenue Funds & Capital Budgets
Complete Streets Presentation
Justice System Task Force Report to Council
Arts Council Permanent Collection Report to Council
Resolution Approving Employee Dental Insurance
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
Revolving Loan Fund Presentation (ESC)
Nominating Petition Updates
- Nov. 6: First Reading of 2018 Budget Ordinance as an Emergency
- Nov. 20: Second Reading and Public Hearing of 2018 Budget Ordinance as an
Emergency
- Dec. 4: HNA Report

ADJOURNMENT

At 9:25pm, 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