

**COUNCIL OF THE VILLAGE OF YELLOW SPRINGS
REGULAR COUNCIL MEETING
AGENDA**

IN COUNCIL CHAMBERS @ 7:00 P.M.

Monday November 6, 2017

Comments from the Public are welcomed at two different times during the course of the meeting: (1) Comments on items not on the Agenda will be heard under Citizens Concerns, and (2) Comments on all items listed on the Agenda will be heard during Council's consideration of said item. A Sign-In sheet will be made available on the small table at the rear of the Council Chambers. Please write your name and the topic you wish to discuss.

CALL TO ORDER

ROLL CALL

SWEARING IN OF PLANNING COMMISSION MEMBER

ANNOUNCEMENTS

CONSENT AGENDA

1. Minutes of October 16, 2017 Regular Meeting
2. Treasurer's Report

REVIEW OF AGENDA

I. PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Flier re: Nuisance Tree Workshop
Greene County Public Health Dept. re: Walk to School Day
Flier for Hazard Tree Workshop
Kat Walter re: Trucks/Stop Sign on Fairfield Pike
Chris Zurbuchen re: Resignation
Mary Evans re: Thank you Officer Beam
Matt Reed re: Transient Guest Lodging
Wendi Van Buren re: Yellow Springs Tree Program
Bowen Research re: Status Report

II. PUBLIC HEARINGS/LEGISLATION (7:10)

First Reading of Ordinance 2017-33 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 2017-34 Repealing Section 1246.02 "Schedule of Uses" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1246.02 "Schedule of Uses"

Second Reading and Public Hearing of Ordinance 2017-35 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"

Second Reading and Public Hearing of Ordinance 2017-36 Repealing Section 1250.02 "Schedule of Uses" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1250.02 "Schedule of Uses"

Second Reading and Public Hearing of Ordinance 2017-37 Repealing Section 1284.08 "Definitions: R-S" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.08 "Definitions: R-S"

Second Reading and Public Hearing of Ordinance 2017-38 Repealing Section 1284.09
“Definitions: T-U” of the Codified Ordinances of the Village of Yellow Springs, Ohio and
Enacting New Section 1284.08 “Definitions: T-U”

Second Reading and Public Hearing of Ordinance 2017-39 Repealing Appendix B “Village of
Yellow Springs Recommended Trees” in Part Twelve “Planning and Zoning Code,” Title Two
“Planning” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New
Appendix B “Village of Yellow Springs Recommended Trees”

Second Reading and Public Hearing of Ordinance 2017-40 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 2017-41 Approving the 2018 Budget for the Village of Yellow
Springs and Declaring an Emergency

Reading of Resolution 2017-48 Approving the Annual Distribution of Flour and Sugar to Village
Widows and Widowers

III. CITIZEN CONCERNS

IV. SPECIAL REPORTS

V. OLD BUSINESS (7:40)

Job Description for Police Department Outreach Specialist
JSTF Report re: Taser Policy
Board and Commission Process Discussion

VI. NEW BUSINESS (8:00)

Economics of Happiness Report
Evaluation Process for Staff

VII. MANAGER’S REPORT (8:10)

VIII. ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR’S REPORT

IX. CHIEF’S REPORT

X. CLERK’S REPORT

XI. FUTURE AGENDA ITEMS (8:30)

Nov. 20: Second Reading and Public Hearing of Ordinance 2017-33 Repealing Section
1258.01 “District Uses” of the Codified Ordinances of the Village of Yellow
Springs, Ohio and Enacting New Section 1258.01 “District Uses”
Second Reading and Public Hearing of Ordinance 2017-41 Approving the 2018
Budget for the Village of Yellow Springs and Declaring an Emergency
Updating Nominating Petition Discussion
House Bill 179 Discussion re: Sanctuary Status and Implications
Leadership Training Outcomes
Dec. 4: Fourth Quarter Supplemental Appropriations and Declaring an Emergency
Resolution Approving a Bid for Crew Quarters Construction
Dec. 18: Resolutions Honoring Outgoing Council Members
Bowen Presentation re: Housing Needs Assessment
Follow Up on Designated Smoking Areas/Signage

XII. EXECUTIVE SESSION

ADJOURNMENT

The next regular meeting of the Council of the Village of Yellow Springs will be held at 7:00 p.m. on **Monday, November 20, 2017** in Council Chambers, John Bryan Community Center, 100 Dayton Street.

The Village of Yellow Springs is committed to providing reasonable accommodations for people with disabilities. The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the Village Clerk of Council's Office at 767-9126 or via e-mail at clerk@yso.com for more information.

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

In Council Chambers @ 7:00 P.M.

Monday, October 16, 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, Gerald Simms, Judith Hempfling and Marianne MacQueen. Village Manager Patti Bates was also present, as were Finance Director/AVM Melissa Dodd, Village Planner Denise Swinger, Water Distribution and Electric Supervisor Johnnie Burns and Village Solicitor Chris Conard.

ANNOUNCEMENTS

Housh announced the upcoming “Economics of Happiness” workshop sponsored by Community Solutions.

Housh announced that October 28 is “Make a Difference Day”. He also announced the upcoming candidate forums hosted by the James A. McKee Association and set for October 18th and 19th at Mills Lawn School.

Wintrow announced Yellow Springs Open Studios on October 21-22.

Wintrow thanked all involved for a highly successful Street Fair.

Roi Qualls, representing the Yellow Springs Bahai Center, invited Council and all Villagers to participate in upcoming celebrations commemorating 200 years since the birth of that faith’s founder. Qualls noted that the Bahai faith embraces unity and peaceful coexistence and has been active in Yellow Springs for about 50 years.

CONSENT AGENDA

1. Minutes of October 2, 2017 Regular Meeting
2. Ordinance 2017-32 Repealing Section 1258.01 “District Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1258.01 “District Uses” (Adding Pocket Neighborhood Developments and Changing Short-Term Rentals to Transient Guest Lodging)
3. Ordinance 2017-34 Repealing Section 1246.02 “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1246.02 “Schedule of Uses”
4. Ordinance 2017-35 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”
5. Ordinance 2017-36 Repealing Section 1250.02 “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1250.02 “Schedule of Uses”
6. Ordinance 2017-37 Repealing Section 1284.08 “Definitions: R-S” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.08 “Definitions: R-S”
7. Ordinance 2017-38 Repealing Section 1284.09 “Definitions: T-U” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.08 “Definitions: T-U”
8. Ordinance 2017-40 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”

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

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

The Clerk will receive and file:

Greene Co. Public Health Dept. re: Fatal Crash Report; Smoking Cessation Classes; Deer Safety; Teen Driver Safety; Flu Vaccines

NAMI re: Smoking Cessation Classes

Eric Clark re: Recent Village Ordinances

Paul Beck re: Thank You Jason Hamby

Shernaz Reporter re: Sample Fliers for No-Smoking Areas

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2017-27 Limiting Smoking and the Use of Other Tobacco Products on Village Owned Properties to Designated Areas. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Conard explained that the enforcement section has changed slightly to refer to a penalty section in an existing chapter of the code. He noted that that section refers to "public areas" but not specifically to Village-owned properties. That section will be added through upcoming legislation, in time to meet the January 1st enforcement timeline.

Council received assurance that smoking infractions will be dealt with through warnings and redirection.

Council discussed the matter of signage for the upcoming designation.

Shernaz Reporter from Greene County Combined Health spoke to the matter and noted that she will work with Bates on signage and rack cards.

MacQueen asked for more information on "Tobacco Free 21". Reporter stated that she will bring information to Council on the matter in Spring 2018.

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

Second Reading and Public Hearing of Ordinance 2017-29 Repealing Section 1048.01 "Connection Fees" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1048.01 "Connection Fees" (SEWER). Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates noted that tap fees have not been changed in over ten years and that it is time to do so. She noted that revenue gained in the process would be used at least in part to fund lining of sewers in an effort to reduce inflow and infiltration. She also noted that the Village does not supply materials for sewer connections, but these require three visits to the site for approvals and inspections. Bates noted that part of the fee is geared towards maintaining capacity in the system.

Burns explained that he is keeping the 5/8 x 3/4 inch lines on the list in the event that an existing water meter needs to be replaced, and in order to maintain consistency within the water and sewer ordinances.

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

Second Reading and Public Hearing of Ordinance 2017-30 Repealing Section 1046.01 "Connection Fees" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1046.01 "Connection Fees" (WATER). Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates noted that the fees should reflect cost for materials, and that current fees do not cover the cost for materials.

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

Second Reading and Public Hearing of Ordinance 2017-31 Repealing Section 1042.02 "Special Provisions Related to Electric Service" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1042.02 "Special Provisions Related to Electric Service". Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates noted that there is currently no fee for electrical connection. This ordinance establishes those charges, based upon material costs.

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

First Reading of Ordinance 2017-33 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 Housh SECONDED a MOTION TO APPROVE.

Swinger introduced the ordinance, noting that Planning Commission has reviewed Council’s suggestions for the definitions related to Transient Guest Lodging (TGL) and supports them, as reflected in the consent agenda first read items. The Commission then reviewed suggestions made by the Village Solicitor regarding conditions that could be applied to the use and suggestions for considerations to take into account when granting such a use.

Concerns were raised regarding section J (7) B:

“Transient guest lodging may be located in a dwelling unit, a room within a dwelling unit, or a detached accessory dwelling unit subordinate to the principal dwelling, but no more than one transient guest lodging per dwelling, including any accessory dwelling unit, is allowed.”

Swinger explained that this was inserted in an effort to limit rentals to one dwelling on a property when the property owner is not present.

Conard explained first that both MacQueen and Wintrow are able to comment and vote despite the fact that they both own TGL establishments because the statutes being contemplated are “of general rather than specific concern”.

MacQueen expressed that she had “a number of concerns” regarding the legislation.

Swinger stated that Planning Commission (PC) had discussed the additions at length with particular focus on the issue of affordable housing. The concern, she related, was that an increase in TGL units could negatively impact the availability of affordable housing.

Wintrow asked whether Section H (3) would negatively impact affordable housing and/or whether the conditional use would decrease the potential income tax that the Village could collect.

Swinger noted that PC had struggled with the section as well in terms of how to measure it.

Housh asked why the focus on income tax.

Conard stated that this is to preference persons who live in the Village and who own TGLs.

MacQueen disputed this logic, stating that many residents work outside of the Village and do not pay Village income tax.

Conard opined that this was merely a standard, and one of several factors which could be contemplated.

Hempfling stated that when accessory dwelling units were added to the zoning code, there was a general belief that these dwellings would be used “for young people who needed housing” rather than as TGLs-.

Wintrow asked why this particular business is being proposed for such regulation when other home businesses are not.

Hempfling stated that this is because this is a potential problem for the Village.

Swinger noted that PC had discussed that this question is a more political one than PC normally engages in.

Hempfling concurred, stating that this is a policy decision that should be made by Council.

Hempfling suggested tabling the ordinance.

Swinger stated that PC has completed discussion on the matter, and that it would not be willing to reconsider the ‘conditions’ section. She stated that any changes will need to come from Council at this point.

MacQueen asked about utilities, wondering why an ADU cannot be separately metered, and asked why if landlords of TGLs have to supply contact information, long-term rental landlords do not.

Bates noted that deduct meters can be installed for ADUs and that this is a reasonable solution.

In response to the question as to why ADUs are not permitted separate meters, Wintrow noted that this had to do with a concern about potential lot splits and also about the ability of the Village to read and install significantly more meters.

Burns stated that both electric and water deduct meters are available and carry the same costs as a regular meter. He noted that multiple meters per property is costly in terms of staff time required to read those meters.

Bates stated with regard to the issue raised of long-term rental landlords supplying contact information that this is done defacto, since utilities are registered in the landlord's name, with the renter's information also provided.

The issue of deduct meters was discussed with regard to tax reporting.

Burns noted that any deduction can be easily calculated by deducting the square footage of the rental from the total square footage and using that percentage as the deduction.

Council discussed the implications of tabling the measure.

In response to questions regarding the suggested conditions, Conard stated that there were previously no conditions listed for what are now TGL establishments, but there were for the former category of "short-term rental". The list of suggested conditions, he stated, offer PC a framework within which to consider TGLs. Conard commented that the conditions are meant to be guidelines, noting that there "has to be some empirical evidence to support a finding".

Hempfling MOVED TO TABLE ORDINANCE 2017-33. MacQueen SECONDED. The MOTION PASSED 4-1, with Simms voting against.

Housh stated that he wants more understanding regarding the income tax issue, and clarity as to what the phrase "one transient guest lodging" means.

Wintrow asked about the limitation of "two adults", and was told that this had previously been in the zoning code for ADUs and was not an addition.

Bates noted that Council should send any concerns to Swinger, who will then meet with Housh and Hempfling.

Housh asked about getting information on the ordinance out to TGL operators.

Wintrow noted that notices have been in the paper, that she has made note of the proposed legislation and discussions in the Chamber Newsletter, and that the paper has also written about the topic.

Dodd noted that she will put information out on the Village website as soon as her materials are ready to disseminate.

First Reading of Ordinance 2017-39 Repealing Appendix B "Village of Yellow Springs Recommended Trees" in Part Twelve "Planning and Zoning Code," Title Two "Planning" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Appendix B "Village of Yellow Springs Recommended Trees". Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger noted that Housh had asked that the tree list be updated at a prior Council meeting to be consistent with other legislation. Since that time, Swinger stated, she has revisited the Streetscape document, has incorporated Nick Boutis's suggestions as well as suggestions of the Yellow Springs Tree Committee, and has communicated with Wendi Van Buren, an urban forester with the Ohio Department of Natural Resources (ODNR), who provided her with further suggestions. Van Buren broke down the categories into native and non-native species and added a section regarding invasive trees, as indicated in the provided attachment.

Council discussed the list and questioned the distinction between tree lawns and personal plantings.

Swinger responded that the list is for any citizen, and specifically for developers, and is meant to serve as a general guide.

Council discussed whether to remove reference to a tree lawn.

Wintrow commented that it seemed confusing and asked that it be updated before a second reading.

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

Reading of Resolution 2017-47 Agreeing to House the Art Council's Permanent Collection as a Part of the John Bryan Center Gallery. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates commented that she had recently met with Housh and Nancy Mellon of the YS Arts Council. Bates commented that the displays will be coordinated by Melissa Dodd in communication with the YS Arts Council.

Housh noted that an MOU is yet to be developed, and that one will be set up based on the Arts Council's current MOU with Antioch University Midwest.

There being no further comment, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 ON A VOICE VOTE.

CITIZEN CONCERNS

There were no citizen concerns.

SPECIAL REPORTS

Bowen Housing Needs Assessment Kickoff. Patrick Bowen presented the HNA information.

Bowen made clear that the scope of the study being undertaken is based upon the RFP put out by the Village. He described the process, and the parameters that are factored into the information and strategies presented at the conclusion.

Bowen described the information gathering techniques and parameters, including available employment and any anticipated changes in this metric.

Bowen noted that the housing supply will be examined in detail, including visual exterior examination as well as property-specific information, non-conventional rentals, multi-family units, etc.

Bowen noted outreach to citizens and stakeholders in gathering housing information, and went into some detail with regard to this process.

Wintrow asked whether it could be taken into consideration what transient guest lodging may be adding to the economy as well as what it may be removing in terms of potential affordable housing.

Bowen commented that this would constitute further research but that he would look into the possibility.

Bowen noted a resident survey, which is out currently, and this received a number of questions regarding content.

Bowen noted that his company will also assess available properties and/or structures available for potential building sites.

Bowen stated that he will present findings, suggestions and possible funding options to Council at its second December meeting.

Hempfling asked whether utility costs were taken into consideration.

Hempfling asked about whether movement out of Yellow Springs over several years could be tracked due to affordability issues.

Bowen commented that many of these are built in to the analysis process.

The extent of outreach to as many stakeholders as possible and the care in extrapolating specific data was extolled on several occasions.

Bowen commented that a five-year projection for housing needs is standard and is the most accurate in terms of predictability. He noted that results will be mapped.

MacQueen noted that Council had agreed with the HNA Working Group's suggestion to wait until after the data from Bowen is received to hold focus groups with citizens. These sessions will then be more a reflection upon the data than part of an information gathering process.

Emily Seibel, Executive Director for Home, Inc., commented upon a sense that there have been demographic changes towards gentrification over the past 20-40 years, and asked if this could be tracked thematically.

Seibel asked if quality of housing stock would be assessed, and offered to assist in an inventory survey.

Seibel stated her understanding that the HNA would define gaps in the housing market, and commented that there would be suggestions that the community should then take in and discuss with regard to what kind of balance the Village wants to achieve for itself. She stressed the need to "look at the past to determine what we want to be."

Wintrow asked whether revenue from income tax would be factored in to the mix of what is needed to support the community.

Bowen stated that his team does not do that kind of analysis, but that he will make recommendations and it will be up to the Village to take those and move them in the direction the Village desires.

Bowen responded to a concern posed by Housh, stating that Bowen does employ a system of checks to assure a robust and balanced response to the surveys.

OLD BUSINESS

Water Plant Transition Information. Dodd introduced the topic, covering the communications plan which has been devised in collaboration with the Ohio EPA. Dodd noted the brochure prepared in advance of the meeting, and stated that information is going out on the Village media sites regularly. The brochure will be received by citizens as a mailing.

Dodd noted that all discolored water alerts would be immediately communicated, and the Village will make gallons of water available to any households affected. Tips for manganese removal will be shared along with any other available household tips.

Water and Wastewater Superintendent Ault explained the differences between the old and new water plants in terms of infrastructure and capacity as well as disinfection and softening techniques.

Water hardness is projected to decrease by about half with the new system.

Supervisor Burns explained the system that will be in use once the uni-directional system is set up functionally. He stated that all valves have to be turned in order to implement the uni-directional flushing technique, and that this poses the most significant problem to implementation. If a valve will not re-close, the process moves to the next valve, and so on, with valve replacement as needed.

In response to a question, Burns stated that the water moving through the pipes will be cleaner, and so will assist in cleaning the pipes over time. The uni-directional technique pushes water through pipes with more force, which should also speed the cleaning process. Regardless, the process of clearing the pipes is expected to take place over several years.

The new system will permit flushing to occur incrementally so that sections of town can be done in succession without diminishing the effect of the flushing.

The plant is anticipated to be fully operational by early November, and Dodd stated that she will bring information regarding a ribbon-cutting as soon as possible.

Quarterly Financials. Dodd presented the financials, explaining the reconciliations and bank reports presented. She stated that she is reconciling monthly, as evidenced.

Housh received confirmation that in the past, pole agreements were not followed up with regular billing. Dodd stated that this is now streamlined, and bills are sent out regularly and past due bills are being collected.

Dodd noted need for a final supplemental appropriation before the year's end.

Dodd commented that the quarterly financials are an overview of current conditions, while the budget process is more of an historical view with a look forward.

Simms MOVED TO APPROVE the FINANCIALS FOR THE THIRD QUARTER. MacQueen SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Budget Workshop. Dodd noted that Council had asked her to review communities in the area that have an income tax, and she provided information to this effect, noting that the Village does have income tax forgiveness when residents pay this tax to other jurisdictions.

Responding to a question regarding income tax, Dodd explained that there are three groups in this category: withholders, who provided about \$50,000.00 more in 2017 than in 2016; net profits, which were \$230,000.00 greater in 2017 than 2016, and individuals, which supplied \$30,000.00 over 2016 totals. Dodd noted that with net profits, it was YSI, Defense Finance and DMS that supplied the bulk of the increased income to the Village.

Dodd projected Lodging Tax to bring in about \$25,000.00 in income for 2018.

Dodd noted an addition of \$25,000.00 to the Police Department budget to fund an Outreach Coordinator position. This position is slated for discussion on November 6.

Dodd responded to a request from Hempfling, and will bring pie charts for the November 6th meeting.

Dodd noted that the General Fund will still be in the black for 2018, even with the above-noted additions.

Dodd reviewed Special Revenue Funds, noting some additions.

Dodd noted the addition to the reserves for Enterprise Funds.

Dodd noted the Capital Projects Budget, into which she has slotted specific projects for simpler tracking. This will mean more transfers, but will not affect the bottom line.

Regarding the remodeling of Dispatch and PD, Dodd noted a lower figure submitted by Chief Carlson.

Dodd stated that Sutton Farm Crew Quarters will return to the discussion for the November 6th meeting.

There ensued a brief discussion as to where the funds would be derived for the Sutton Farm Crew Quarters, with Dodd stating that the General Fund is the simplest avenue.

In response to a question from MacQueen, Dodd stated that she can provide information regarding the percentage of debt held by the Village.

NEW BUSINESS

Revolving Loan Fund Presentation. Housh presented information provided by the Economic Sustainability Commission (ESC).

Housh noted that there is about \$32,000.00 in the Revolving Loan Fund currently.

Housh noted that it is important to have a relationship with the Yellow Springs Federal Credit Union for financial vetting, but noted as well that Dodd has stated that the Finance Office would be capable of gathering this information if needed.

Dodd commented that she is still working on the details.

Housh stated that the ESC has discussed possible uses for the loan fund. The group explored applying for further funds from the USDA, but this could pose challenges in terms of having enough businesses to use the funds. Housh noted that the ESC is reviewing whether the loans could be extended into the Township, or whether they should be limited to entities located within the Village.

Wintrow commented that it makes a difference depending upon who is administering the funds, whether it is a governmental agency or not. She noted that the Village likely is looking to offer smaller loans with more openness to a variety of businesses.

Housh commented that the USDA requires extensive information, including business plans.

Wintrow noted the need to vet applicants for debt.

Dodd spoke to the idea of bringing the transactions in-house, and stated that she is looking into how it could work if the Credit Union does that checking, and how that could affect the Village's liability. She stated that she needs to determine whether or not the Village can perform credit checks.

Council discussed the idea generally, agreeing to allow the ESC to continue to work on the document and gather information.

MANAGER’S REPORT

Bates reported the following:

The Village leases out to farmers our acreage at Dayton-Yellow Springs and East Enon, the Glass Farm and the Sutton Farm. All of those leases expire December 31st of this year. As there are uncertainties with two of those properties (Dayton-YS and Glass Farm) regarding potential development and because the income we realize from these properties is minimal, Bates recommended not leasing any of the properties, at least for the near future, until decisions can be made on their potential future uses.

Wintrow asked whether a winter crop can be planted to preserve the soil rather than bush hogging it.

Bates stated that she will look into it.

Construction at the solar farm site should be complete by the second week of October. A ribbon-cutting is tentatively scheduled for November 1st.

The Miami Township Fire/EMS training burn of the Sutton Farmhouse was a success in that the house is gone and the firefighters had a good training exercise.

The water plant is ahead of schedule. Dodd has created some informational items that are on the Village website and Facebook pages. The Village has the uni-directional flushing plans from Ohio Rural Water Association and has submitted those to the OEPA for approval.

On October 28, the Bryan Center will be closed, as the back-up generator is being replaced. The building will on emergency power only.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT

The 2016 Audit has been completed and is published on the Ohio Auditor of State’s website. This year, there was one finding in the audit which was cited. This was related to financial statements needing a few corrections, specifically with funds that were previously not used. Dodd stated that she worked with the auditors to come up with a plan in which a CPA will review our financial statements prior to being submitted to the state. Once statements are submitted to the state, any adjustments made result in a finding and this is what occurred this year.

In 2016, a citizen contacted the Auditor of State’s office regarding the Village’s Utility Billing office. The Auditor of State initiated a special audit to look into the claims, which were not released to the Village. After an in-depth review of utility billing records from 2016, the auditors found no issues with the utility billings. Dodd stated that she was grateful to have an independent third party look closely at billing records and verify that there were no issues found.

Housh inquired as to the cost of the special audit, and Dodd responded that the cost was \$1,000.00.

Construction is set to start on the Greene County CDBG Grant – Xenia Avenue Sidewalk Ramp Project after Street Fair, which will be the week of the 16th of October at the earliest. This project will be replacing the curb ramps along Xenia Avenue from Limestone Street to South College Street.

Dodd stated that she is currently working with the staff at the USACE on submitting invoices for review for final payment. Prior to any reimbursement, USACE staff will be doing a site visit, which will likely occur at the end of October. Once the site visit has been completed and final total has been submitted to the USACE, it will have 30 days to submit payment to the Village.

The new utility billing software conversion is scheduled to occur November 17th. Dodd’s office will be running parallel with the old software during October in preparation.

In preparing for the new utility billing software conversion, it has been noted that the Village’s current solar ordinance will need to be revisited. The current ordinance allows for an annual “true up”. This is actually causing issues in calculating and paying the kilowatt hour tax. Therefore, this will need to be discussed and addressed for implementation for the first of the year.

CHIEF’S REPORT

The Chief reported that the promotional process for the Corporal positions is now underway.

Carlson noted that the Police Department has recently joined Lexipol, which provides state-specific policies and verifiable policy training. Carlson noted that Sergeant Knapp has been instrumental in moving the Department in this direction.

Carlson noted the advantages to membership, most significantly that the program will keep the Department up-to-date with current policy and best practices and will bring the department into compliance with the Ohio Collaborative.

Officers will access through their phones the policies they may need to reference quickly. Officers complete 30 trainings per month and can do this at their own pace. Carlson noted a number of options available with regard to the trainings and the lectures available to the Chief.

Carlson noted that he can select policies he would like to see reviewed by his officers and they are able to “Yellow Springs them” to an extent—that is, national best practices are filtered as to Ohio law, and are then adapted to Yellow Springs as a community.

CLERK’S REPORT

The Clerk reported business as usual.

BOARD AND COMMISSION REPORTS

Hempfling commented that the process regarding filling vacancies on boards and commissions continues to be confusing. She stated that any open position should be advertised for two weeks. She commented that “the process seems not to be working” based upon a comment made to her by a previous candidate to a position.

Hempfling asked that Housh revise this process for clarity. Hempfling noted that Council wants to be in the driver’s seat as far as what is best for the community.

Housh stated that he would work with the Clerk as to the historical aspects of such a document. He noted that PC and BZA had not been specifically addressed with many of the changes made to boards and commissions in 2015, but that this did not preclude the same guidelines being followed.

Wintrow commented upon the importance of the guidelines, if they are being implemented, being followed consistently. She noted that this has not been the case historically, with some reappointments being made apparently automatically and others requiring interviews.

Hempfling stated that no one should be automatically renewed, in order for other citizens to have an opportunity to serve on commissions.

Wintrow suggested that more vetting occur with regard to the interview process, commenting that having a person on a commission who disagrees with its purpose is counterproductive.

Hempfling NOMINATED Frank Doden for the full position to Planning Commission. Simms SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Housh reported that the ESC had prepared its report to Council on the Revolving Loan Fund, and will next be working on a proposal for a Village incentive policy and on the economic sustainability plan.

Hempfling reported that the Library Commission would like to meet only quarterly. This was discussed.

Hempfling reported that the Energy Board had heard a presentation from Ohio Sun, a solar co-op company. The group is discussing tree plantings. The EB will continue to examine incentives programs. The EB would like to change its meeting times to third Tuesdays at 6pm.

The Justice System Task Force, Hempfling stated, has a data report to present on warnings and citations after the group breaks down the data. The JSTF is also examining a number of aspects of the Village justice system, “especially parking tickets and moving violations”.

MacQueen noted that the HRC spent a meeting discussing procedures and configuring the Commission to eliminate the Treasurer position.

Regarding the Environmental Commission, the group is looking at the Source Water Protection plan and is also looking at pollution at the Vernay site. Mothers Out Front will hold a meeting in December with Nadia Malarkey.

MacQueen showed slides of improvements made at the Glass Farm, including new benches, noting that signage is still to be completed.

Regarding the Beaver Management Task Force, this group is suggesting that a permanent committee be put in place to manage the wetlands in an ongoing fashion.

Wintrow recommended that the Village maintain its membership in Greene County Regional Planning into the future, and noted that a conversation is being renewed regarding a bike connector between Clifton and Yellow Springs.

MVRPC is discussing the “super street” (Route 35).

There is a Chamber Chat on Thursday, which will feature Village staff reporting on progress and changes with regard to the new water plant. Holiday plans are underway.

Active Transportation would like to start a local chapter of “Bike Miami Valley” that will kick off on October 25th at the YS Brewery.

AGENDA PLANNING

- Nov. 6:

First Reading of 2018 Budget Ordinance as an Emergency
Second Reading and Pubic Hearing of Ordinance 2017-33 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 Pubic Hearing of Ordinance 2017-39 Repealing Appendix B “Village of Yellow Springs Recommended Trees” in Part Twelve “Planning and Zoning Code,” Title Two “Planning” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Appendix B “Village of Yellow Springs Recommended Trees”
Second Reading and Pubic Hearing of Ordinance 2017-32 Repealing Section 1258.01 “District Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1258.01 “District Uses” (Adding Pocket Neighborhood Developments and Changing Short-Term Rentals to Transient Guest Lodging)
Second Reading and Pubic Hearing of Ordinance 2017-34 Repealing Section 1246.02 “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1246.02 “Schedule of Uses”
Second Reading and Pubic Hearing of Ordinance 2017-35 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”
Second Reading and Pubic Hearing of Ordinance 2017-36 Repealing Section 1250.02 “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1250.02 “Schedule of Uses”
Second Reading and Pubic Hearing of Ordinance 2017-37 Repealing Section 1284.08 “Definitions: R-S” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.08 “Definitions: R-S”
Second Reading and Pubic Hearing of Ordinance 2017-38 Repealing Section 1284.09 “Definitions: T-U” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.08 “Definitions: T-U”
Second Reading and Pubic Hearing of Ordinance 2017-40 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”
Job Description for Police Department Outreach Specialist
JSTF Report re: (Taser Policy)
- Nov. 20:

Second Reading and Public Hearing of Ordinance 2017-41 Approving the 2018 Budget for the Village of Yellow Springs and Declaring an Emergency
Updating Nominating Petition Discussion
House Bill 179 Discussion re: Sanctuary Status and Implications
Leadership Training Outcomes
Bowen Presentation re: Housing Needs Assessment
- Dec. 4:
- Dec. 18:

Fourth Quarter Supplemental Appropriations and Declaring an Emergency
Resolutions Honoring Outgoing Council Members

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

At 11:17pm, 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.ysc.com

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-33**

REPEALING SECTION 1258.01 “DISTRICT USES” AND SECTION 1262.08 “SPECIFIC REQUIREMENTS” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW SECTION 1258.01 “DISTRICT USES” AND NEW SECTION 1262.08 “SPECIFIC REQUIREMENTS”

Whereas, Codified Ordinance Section 1258.01 of the Village of Yellow Springs, Ohio summarizes the uses allowed in the respective zoning districts and Codified Ordinance Section 1262.08 of the Village of Yellow Springs, Ohio provides for additional requirements that may be applicable to specific conditional uses; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1258.01 entitled “District Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio to update the uses in various districts and to adopt a new Section 1262.08 entitled “Specific Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio to remove the requirements for short-term rentals.

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:

Section 1. Section 1258.01 entitled “District Uses” and Section 1262.08 entitled “Specific Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1258.01 entitled “District Uses” and a new Section 1262.08 entitled “Specific Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded** and deleted language in ~~strike through~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

ROLL CALL

Karen Wintrow _____ Brian Housh _____ Gerald Simms _____

Marianne MacQueen _____ Judith Hempfling _____

Exhibit A

1258.01 DISTRICT USES.

The following table summarizes the uses allowed within the respective zoning districts, either as permitted or conditional uses.

Table 1258.01 Schedule of Uses by District										
Use	C	E-I	R-A	R-B	R-C	B-1	B-2	I-1	I-2	Specific Conditions
Accessory Uses										
Accessory buildings, structures and uses *Pools and spas are not allowed in District C and I-2	P	P	P	P	P	P	P	P	P	1260.04
Accessory dwelling unit			C	C	C					1262.08(e)(1)
Cafeteria facilities located within a principal use		P						P	P	
Caretaker residence		P						C	C	
Child care facilities located within a principal use		P						C	C	
Corporate offices incidental to the principal use								P	P	
Day care - Family			P	P	P					
Day care - Group		C	C	C	C					
Home occupations ¹		C	C	C	C	C				See footnote 1
Outdoor patio seating in conjunction with a permitted restaurant		P				C	C	C	C	
Outdoor storage related to a principal use		C						C	C	
Retail incidental to the manufacture or production of goods on the premises, not exceeding 30% of the total floor area of the principal building								C	C	
Vehicle wash facilities for								P	P	

trucks and trailers										
Agricultural and Animal-Related Uses										
Agribusiness		C						C	P	
Breweries, distilleries and bottling plants								P	C	
Community gardens	P	P	P	P	P					
Farm, including raising animals		C	C	C	C			C	C	
Food processing plants		C						C	P	
Greenhouse/nursery (not including retail sales)		P						C	P	
Kennels								C		
Produce and other food products terminals								C	P	
Riding stables	C	C								
Veterinary clinics					C		C			
Commercial Services										
Business machine sales & service							P	P		
Cleaning services							P	P		
Electric, plumbing supplies sales & service						P	P	P		
Glass sales & service							P	P		
HVAC sales & service							P	P		
Locksmith shops							P	P		
Machinery and equipment sales & service							P	P	P	
Mail order businesses and fulfillment centers							P	P	P	
Pest control services							P	P		
Petroleum products sales							C	P		
Printing, photocopying and publishing services		P				P	P	P	P	
Repair shops (non-automotive)							P	P		

Tool and equipment rental							P	P		
Construction										
Building material and lumber supply, including lumber yards								C	P	
Contractors' offices and shops (not including outdoor storage)								P	P	
Landscaping services								C	P	
Educational										
Administrative offices		P								
Auditorium buildings		P								
Classroom buildings		P								
Commercial schools and studios including art, dance, martial arts, and music		P				P	C	C		
Schools (elementary, middle, high)			C	C	C					1262.08(c)(2)
Trade schools								P	P	
Training centers, engineering or sales								P	P	
Food, Drink, Entertainment and Hospitality										
Bars, taverns, clubs and restaurants serving alcoholic beverages		C				C	C	C		
Bed and breakfasts		C	C	C	C	C				1262.08(e)(2)
Brew pubs and similar establishments		C				C	C	C		
Farmers market		P				C	C	C		
Hotels and motels		C				C	C			
Internet sweepstakes café							C			
Mobile vending (food trucks)		C				C		C	C	
Restaurants, excluding drive-in or drive-thru facilities		C				P	P	C		
Sexually oriented businesses								P		1262.08(d)(3)
Health Care and Social Assistance										

Hospitals							C			
Medical and dental laboratories							C	C	C	
Medical and dental offices and clinics		C				C	P			
Manufacturing										
Building material manufacturing including milling, planning and joining								C	C	
Chemical manufacturing and storage								C	C	<u>1262.08(b)(1)</u>
Machine, sheet metal and welding shops								C	C	
Manufacturing, compounding, processing, packaging, treating or assembly from previously prepared materials								P	C	
Metal stamping, pressing and buffing								C	C	
Paint, rust proofing and rust coating								C	C	
Tool and die shops								C	C	
Offices and Financial Services										
Banks, credit unions and similar financial institutions, excluding drive in and drive-thru facilities		P				P	P			
Offices for executive, administrative, professional, real estate, accounting and similar professional activities		P		C	C	P	P	P		
Personal Services										
Day care, nursery schools and child care establishments		P				P	P			
Health and fitness clubs		P				P	P			
Personal service establishments such as barber and beauty shops, tailors, photo studios,						P	P			

shoe repair and watch repair										
Tattoo parlor						P	—			
Public/Quasi-Public										
Cemeteries (green burial method only)	C									
Churches and customary related uses		P	C	C	C	C	P			<u>1262.08(c)(1)</u>
Government offices, buildings and facilities	P	P	C	C	C	P	P	P	P	
Libraries		P			C	C				
Recreation and Leisure										
Art galleries, museums and similar cultural facilities		P				P				
Assembly and performance halls		P				C				
Ball fields		C								
Community centers and senior centers		P				P				
Cultural buildings		P			C	C				
Field house		C								
Forest and wildlife preserves	P	P								
Golf courses and country clubs		C								
Indoor commercial recreation such as theaters, bowling lanes and skating rinks		C				C	C			
Interpretive centers	P	P								
Natatorium		P								
Outdoor commercial recreation such as mini-golf and batting cages							C			<u>1262.08(d)(1)</u>
Public parks/playgrounds/recreation areas	C	P	C	C	C					
Stadium		C								

Swimming pools and spas		P	P	P	P	P	P	P		
Research and Technical Facilities										
Research, development and testing laboratories and facilities		P						P	P	
Residential										
Boarding homes					C					<u>1262.08(e)(3)</u>
Continuing care retirement community		C		C	C					
Dormitories		P								
Dwellings, attached single-family		C		P	P					
Dwellings, multiple-family		C		C	P					
Dwellings, single-family detached		C	P	P	P	P				
Dwellings, two-family		C		P	P					
Dwelling units on the upper floors of buildings with nonresidential uses at street level						C				<u>1262.08(e)(4)</u>
<u>Pocket neighborhood developments</u>			<u>C</u>	<u>C</u>	<u>C</u>					<u>1262.08(e)(6)</u>
<u>Short-term rental units</u> <u>Transient Guest Lodging</u>		<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>			<u>1262.08(e)(7)</u>
Retail										
Artisan shops, such as glass blowers, metal sculptures, wood carvers and weavers producing their goods and selling them for retail on premises						C	P	C		
Bicycle sales, rental and repair						P		C		
Building supply and equipment sales, not including lumber yards							C			
General retail catering to the		C				P	P			

needs of the community, but less than 10,000 square feet of UFA										
General retail of 10,000 square feet UFA or more						C	P			<u>1262.08(a)(3)</u>
Outdoor market or covered bazaar		P								
Showrooms for home improvements, decorating and similar items, not including outdoor storage						P	P			
Transportation and Warehousing										
Bottled gas storage and distribution								C	C	
Cartage, express and parcel delivery facilities								C	C	<u>1262.08(f)(1)</u>
Heliports and helipads		C						C	C	
Mini-warehouse, self-storage facilities								C		<u>1262.08(f)(2)</u>
Storage of hazardous materials		C							C	<u>1262.08(b)(1)</u>
Warehouses and distribution centers								C	P	<u>1262.08(f)(1)</u>
Wholesale businesses								C	P	
Utilities										
Public utility buildings								P	P	
Solar facilities (nonresidential)		C						P	P	
Telephone exchange buildings								P	P	
Utility and public service buildings, not including outdoor storage							P			
Utility substations								P	P	
Wind energy conversion systems(single accessory)		C						C	C	
Wind energy conversion systems (commercial)		C								

subject to issuance of a permit by the Zoning Administrator to verify compliance with the conditions of Section 1262.08(e)(5).

Exhibit A

1262.08 SPECIFIC REQUIREMENTS.

In addition to the general standards of Section [1262.03](#) applicable to all conditional uses, additional requirements may be applicable to specific conditional uses and shall be satisfied in order to obtain approval. Conditional uses for which added requirements apply are:

(a) Commercial.

(1) Drive-through businesses, excluding restaurants.

A. The drive-up or drive-through facility must be attached to a building, except that an automated teller machine may be in a stand-alone structure with a canopy or similar roof to protect users from the elements.

B. The facility shall be screened from any adjacent residential district or use and lighting shall be limited and fully shielded to prevent glare and light trespass.

C. Drive-through and stacking lanes and parking lot access shall be clearly identified and delineated.

D. A drive-through shall have an escape lane to allow a vehicle to pass those waiting to be served.

E. All drive-through service windows shall be located on the side or rear of the building to minimize visibility from any abutting street.

F. Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to minimize associated noise impacts.

G. At least three stacking spaces shall be provided per each drive-through lane.

(2) Mortuaries and funeral homes.

A. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

B. Minimum lot area shall be one acre and minimum lot width shall be 150 feet.

C. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

D. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or other driveway.

(3) Retail of 10,000 square feet or more.

A. The building and site design shall be compatible with and complementary to the established character of the district with respect to scale, height, bulk, setbacks, building materials and pedestrian and bicycle transportation amenities.

B. Off-street parking areas shall be designed to minimize their visibility and obtrusiveness from the adjacent street(s).

C. No new driveways or other means of vehicular access shall be permitted on Xenia Avenue between Limestone and Corry Streets.

(b) Industrial.

(1) Chemical manufacturing and storage.

A. As part of the conditional use application, the applicant shall provide documentation, reports, studies and other materials required by the Village specifying the materials to be handled, safety measures, existing soil conditions, methods of protecting ground water and all other information required by the Village in the course of reviewing the proposed use and its location.

B. The facility shall at all times operate according to all applicable local, Greene County, State of Ohio and Federal regulations.

C. Adequate safety measures shall be implemented and in use at all times.

D. There shall be no storage of hazardous materials outdoors, except in tanks or containers designed for that purpose that are inaccessible to anyone not authorized to process or handle such materials, and that meet all applicable safety regulations.

E. The applicant shall provide a disaster mitigation plan and fire pre-plan, approved by the appropriate authorities, as part of the application for a conditional use.

F. Truck routes to and from the facility shall be subject to approval.

(c) Public/Quasi-Public.

(1) Churches, places of worship, schools (elementary, middle and high).

A. The use shall have frontage on and direct access to an arterial or collector street. Secondary access to a local street may be permitted if the applicant provides evidence satisfactory to the Planning Commission that the added traffic will not have a negative impact on the surrounding neighborhood.

B. All outdoor activity, parking areas and recreational space shall be screened from adjacent property in any residential district.

C. Exterior lighting shall be 90-degree style cut-off fixtures, directed away from adjacent property and the public right-of-way.

D. Parking areas shall not be located within the required front setback area and the building setback shall be consistent with the established average setback of adjacent properties, as provided in Section [1260.02\(a\)](#).

(d) Recreation/Food/Entertainment.

(1) Mobile vending (food trucks).

A. Food trucks may be permitted to operate within the B-1, E-I, I-1 and I-2 zoning districts.

B. The food truck shall be located only within an approved off-street parking lot; provided, the food truck shall not displace any required parking spaces.

C. The food truck shall not be located closer than ten feet to any driveway.

D. Outdoor seating may be permitted; provided, written permission is obtained from the property owner and the seating area does not displace any required parking spaces.

E. Amplified sound and free-standing signs shall not be permitted.

F. The food truck shall be stationary at all times when open for business.

G. The owner or an employee shall be present within the vehicle at all times while open for business.

H. Access to restroom facilities must be available.

I. The owner or operator of the food truck shall provide trash receptacles, other than public receptacles.

J. All equipment, other than outdoor seating, shall be inside, attached to or within three feet of the food truck.

K. Evidence of Greene County health department approval shall be provided.

L. Disposal of wastewater shall be into the sanitary sewer system. The use of storm drains or any other form of discharge is prohibited.

M. The conditional use approval shall be reviewed annually by the Village Manager to ensure compliance with all standards of this section and any other conditions that may have been imposed upon the original approval.

(2) Internet sweepstakes café.

A. A license shall be obtained in accordance with Village Ordinance 2011-12.

B. An internet sweepstakes café shall be located no closer than 500 feet from any school, church, public park, library or other internet sweepstakes café, as measured from nearest property line to nearest property line.

C. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.

(3) Outdoor commercial recreation.

A. The front, side and rear yard minimum setbacks shall be 50 feet for all buildings and outdoor components of the recreational facility.

B. The parking setback shall be 20 feet from lot lines in the front, side and rear yards in nonresidential zoning districts and 50 feet from lot lines in residential districts.

C. Building design and materials shall be compatible with the existing or intended character of the surrounding area.

D. An operations plan describing the nature of the use, hours of operation, etc. shall be provided.

E. The Planning Commission may also establish conditions to minimize negative impacts on nearby uses and traffic operations along public streets, such as, but not limited to hours of operation, noise buffering and location of waste receptacles.

(4) Restaurants, drive-through.

A. Sufficient vehicular stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight stacking spaces for each service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation, parking spaces and egress from the property by vehicles not using the drive-through portion of the facility.

B. A minimum of two parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.

C. Public access to the site shall be located at least 100 feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of the access.

D. Internal circulation and access to egress from the site shall not substantially impair the movement of other modes of transportation, such as bicycles and pedestrians, to and through the site.

E. Amplified speakers and sound equipment shall be located at least 50 feet from any adjoining residential property. Additional landscaping and fencing shall be installed between such equipment and the adjoining residential property to minimize associated noise impacts. Noise levels must comply with the Village noise ordinance ([Chapter 634](#)).

(5) Sexually oriented business.

A. Intent. In the development and execution of these zoning regulations, it is recognized that some uses, because of their very nature, may have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances,

thereby causing a deleterious effect upon the adjacent areas. The proximity of sexually oriented businesses to certain uses considered particularly susceptible to the negative impacts of the concentration of sexually oriented uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute to a blighting effect on the surrounding area. There is convincing documented evidence of the deleterious effect that sexually oriented businesses have on both existing businesses around them and the surrounding residential areas to which they may be adjacent. Therefore, the following intents are served by these regulations:

1. This subsection describes the uses regulated and the specific standards necessary to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative impacts.

2. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution.

3. Additionally, it is not the intent of the provisions of this section, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said Federal and State constitutions.

4. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market.

5. These regulations shall not be interpreted as intending to legitimize any activities that are prohibited by Federal or State law, or by any other code of the Village.

B. Uses regulated. The following uses are regulated by this subsection and defined for purposes of regulating sexually oriented businesses:

1. Adult arcade.
2. Adult book store.
3. Adult cabaret, club, bar or lounge.
4. Adult motel.
5. Adult motion picture theater.

C. Regulations.

1. No sexually oriented business shall be permitted in a location in which any principal building or accessory structure, including signs, is within 1,320 feet of any principal building or accessory structure of another sexually oriented business.

2. No sexually oriented business shall be established on a parcel within 500 feet of any parcel in a residential district or any parcel used for a single-family, two-family or multiple-family residence, public park, school, child care facility, church or similar place of worship, public library, Village office, police department or fire department, youth center, or commercially operated school attended by children such as, for example, dance schools, gymnastic centers, etc. The distance between a proposed sexually oriented business and any such zoned area or existing use shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of that zoned area or existing use.

3. Any sign or advertising for the sexually oriented business must comply with the provisions of this code. No sign or advertising may include photographs, silhouettes, or drawings

of any specified anatomical areas or specified sexual activities, or obscene representations of the human form and may not include animated or flashing illumination.

4. The entrances to the proposed sexually oriented business at both the exterior and interior walls, in a location visible to those entering and exiting the business, must be clearly marked with lettering at least two inches in height stating:

- a. "Persons under the age of 18 are not permitted to enter the premises;" and
- b. "No alcoholic beverages of any type are permitted within the premises."

5. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.

6. Hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.

7. All off street and on-site parking areas shall comply with this code, based on the primary use (i.e., retail, assembly, etc.) and shall additionally be illuminated at all times.

8. Any booth, room or cubical available in any sexually oriented business that is used by patrons for the viewing of any entertainment shall:

- a. Be unobstructed by any door, lock or other entrance and exit control device;
- b. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
- c. Be illuminated such that a person of normal visual acuity looking into the booth, room or cubical from its entrance adjoining the public lighted aisle can clearly determine the number of people within;
- d. Have no holes or openings in any side or rear wall not relating to utility, ventilation or temperature control services or otherwise required by any governmental code or authority.

D. Conditions of approval. Prior to granting approval for the establishment of any sexually oriented business, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the sexually oriented business which is necessary for the protection of the public interest. Any evidence, bond, or other performance guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

E. Access to minors. No person operating a sexually oriented business shall permit any person under the age of 18 to be on the premises of the business as an employee, customer, or otherwise.

(e) Residential.

(1) Accessory dwelling units.

A. An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.

B. The accessory dwelling unit shall share all public utilities (water/ sewer/electric) with the principal dwelling unit. Accessory dwelling units will not be separately metered.

C. A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.

D. The accessory dwelling unit shall be limited in size to a maximum of 50% of the total living area of the principal dwelling or 750 square feet, whichever is less.

E. The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven, stove and sink) and may contain not more than one bedroom.

F. No more than two adults shall occupy the accessory dwelling unit.

G. No new access points or driveways shall be created or installed for access to the accessory dwelling unit.

(2) Bed and breakfasts.

A. A bed and breakfast shall not provide more than six guest rooms plus a common area for use by all guests.

B. A bed and breakfast establishment shall be located only in a detached single-family dwelling, designed and constructed for single family use, which shall contain at least 1,500 square feet of useable floor area. For each guest room in excess of two, an additional 100 square feet of floor area shall be required.

C. The bed and breakfast shall be the principal residence of the owner or manager, who shall reside there when the bed and breakfast is in operation.

D. Meals shall be limited to breakfast and evening snack, and shall be served only to guests of the facility and members and guests of the owner's family.

E. There shall be at least one off-street parking space provided for each guest room, in addition to the parking spaces required to serve the principal residence.

F. One sign, not exceeding four square feet, shall be allowed for identification purposes only and shall either be mounted on the front wall of the dwelling or placed within the front yard no closer than ten feet to the front lot line. Sign lighting shall be indirect and shielded from view off-site. Internally lighted signs are not permitted.

G. Cooking facilities shall not be permitted in bed and breakfast guest rooms.

H. Exterior refuse storage facilities shall be screened from view on all sides by a six-foot solid decorative fence, wall, vegetation or similar visual barrier.

I. In addition to the site plan required by this chapter, a floor plan of the dwelling unit and the use of each room shall be submitted with the conditional use application.

(3) Boarding houses.

A. The boarding house shall front on and have direct access to an arterial or collector street.

B. A maximum of ten guest rooms may be permitted.

C. Off-street parking shall be provided at a ratio of one space per guest room. The parking area shall be located in the rear yard and screened from adjoining properties.

D. One sign, not exceeding four square feet, shall be allowed for identification purposes only, and shall either be mounted on the front wall of the dwelling or placed within the front yard no closer than ten feet to the front lot line. Sign lighting shall be indirect and shielded from view off-site. Internally lighted signs are not permitted.

(4) Dwelling units on upper floors with nonresidential at street level.

A. Dwelling units shall not be located on the street level of a mixed use building.

B. Nonresidential uses, including storage, shall not be located on the same floor as a dwelling unit.

(5) Home occupation.

A. Permit. Application for a home occupation permit shall be made to the Zoning Administrator, together with payment of such fee as may be established by Village Council. The requirement for a permit shall be waived if all of the following conditions apply to the home

occupation: the proposed home occupation will not employ any persons other than residents of the dwelling; the home occupation is such that it will not generate customers, clients or visitors to the home; there will be no sign on the property identifying the home occupation and all other provisions of this section shall be met.

B. If the Zoning Administrator cannot determine if the home occupation conditional use requirements are met, in his or her sole discretion the Zoning Administrator may refer the matter to the Planning Commission for a conditional use hearing in accordance with the procedures of this chapter.

C. The use shall be conducted entirely within the dwelling, with the following exception(s):

1. The use may be conducted entirely within a garage or accessory building unattached to the dwelling in property zoned R-A or R-B as long as the use is not prohibited in a Planned Unit Development, recorded deed restrictions or other similar applicable recorded restrictions upon the parcel.

2. Any dwelling, garage or accessory building used in the home occupation shall comply with all other applicable Village ordinances and requirements and shall not be nonconforming with respect to lot, width and dimensional requirements.

D. The use shall be carried on only by the residents of the dwelling and not more than one other person.

E. The use of the dwelling for a home occupation must be clearly accessory, incidental and subordinate to the permitted principal residential use, and shall not utilize more than 20% of the usable floor area of the principal dwelling or its equivalent if conducted within an accessory building, or 250 square feet, whichever is less.

F. The appearance of the dwelling shall not be altered, nor shall the occupation within the dwelling be conducted in any manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emission of sounds, vibrations or light that carry beyond the premises.

G. No outdoor storage, activities or displays shall be permitted.

H. No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all Federal, State and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.

I. There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. The use shall not create a nuisance for the public and any surrounding property.

J. Traffic generated by the combined home and home occupation shall be compatible with traffic normally expected in a residential district. Vehicles used in the home occupation or making deliveries shall be no larger than utility vehicles commonly used for noncommercial purposes, i.e, pick-up trucks, vans, panel trucks and the like and parcel package delivery trucks.

K. The home occupation shall not entail more than eight client visits per day or 40 per week. The operator of the home occupation is responsible for maintaining a log of such visits.

L. Parking of motor vehicles shall be limited to one vehicle used for the home occupation per parcel. Parking generated by the conduct of the home occupation shall be provided for on the lot's driveway, which shall meet the minimum size requirements for off-street parking set forth in [Chapter 1264](#). Parking of motor vehicles generated by the home occupation are not allowed on the street or on any unpaved area of the lot.

M. In the event any of the above conditions or other conditions required by the Planning Commission are not met, the revocation process as set forth in Section [1262.06](#) shall take place.

(6) Pocket Neighborhood Developments (PNDs).

The following regulations apply to Pocket Neighborhood Developments (PNDs):

A. Location:

1. Pocket Neighborhood Developments may be considered in only the three residential districts; Residential A – Low Density Residential District,
2. Residential B – Moderate Density Residential District
3. Residential C – High Density Residential District.

B. Density and Minimum Lot Area:

1. In Residential A, the permitted density shall be a maximum of 6 units per acre.
2. In Residential B, the permitted density shall be a maximum of 8 units per acre.
3. In Residential C, the permitted density shall be a maximum of 14 units per acre.
4. The minimum lot area for a PND is equal to the minimum lot requirements for the corresponding residential district.
5. On a lot to be used for a PND, the lot size maximum must be under five acres.
6. On a lot to be used for a PND, a minimum of 4 dwelling units around a common open space area are required.
7. On a lot to be used for a PND, an existing single-family dwelling or duplex structure, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased, and the existing structure will factor into the maximum lot coverage permitted for that residential zoning district. An existing single-family dwelling or duplex structure will only count as one dwelling unit towards the minimum of 4 dwelling units as noted in section B.6. An existing accessory dwelling unit may be converted to an HOA storage building, HOA community room, or HOA guest housing.

C. Height Limit and Roof Pitch

1. The height limit permitted for structures in PNDs shall be a maximum of 35 feet for each dwelling unit, and rooflines must present a distinct profile and appearance and express the neighborhood character.

D. Lot Coverage

1. The maximum lot coverage permitted for principal dwelling units in PNDs shall be limited to that allowed in the corresponding residential zoning district. Because PNDs shall be located on one lot under the control of a Home Owner's Association (HOA), the developer and/or the Greene County Engineer shall determine the lot area for each individual dwelling unit.

E. Yard Setbacks

1. Front and Rear Setbacks shall be equal to the setback requirements in the corresponding residential districts and will be measured from the perimeter property lot line. The front yard setback shall be measured by where the road frontage is and not the lot line of the land owned by each individual property owner within the PND. The side yard setback is a minimum of 10 feet between the eaves of each dwelling unit unless it is single-family attached dwelling units.

2. Frontage on a public street is not required for individual lots in a PND provided that the Planning Commission determines through the site review process that the development provides for adequate access to the lot via easements, shared driveways or other means.

F. Required Common Open Space

1. A minimum of 200 square feet of contiguous usable common open space is required per dwelling unit with no dimension less than 10 feet. At least 50 percent of the dwelling units shall abut the common open space, all of the dwelling units shall be within 60 feet walking distance to the common open space, and the common open space shall have dwelling units abutting at least two sides.

G. Parking

1. One and one-half spaces per dwelling unit shall be required.
2. Location:
 - a. Parking shall be on the PND property with a plan approved by the Planning Commission to ensure that parking is as unobtrusive as possible. The parking requirements and landscape requirements in the PND shall be limited to that allowed in the Yellow Springs Planning and Zoning codes. Parking areas are excluded from the calculations of common open space.

H. Lighting

1. Lighting fixtures shall be equipped with cutoff elements to direct light downwards and prevent light spill or trespass beyond the boundaries of the individual dwelling unit lot areas.

I. Utilities

1. A Utility Vault will be required where all meters can be located.

J. Other PND Standards:

1. PNDs are limited to detached single family dwelling units in R-A, Low Density Residential. In R-B, Moderate Density Residential and R-C, High Density Residential, up to 50 percent can be either two-family dwellings and/or single-family attached.
2. Privately-held accessory structures and accessory dwelling units are not allowed.
3. A PND shall be located on one lot with all common open space under the control of a Homeowner's Association (HOA). A draft of the conditions, covenants and restrictions (CC&Rs) shall be provided to the Planning Commission during the Level B site plan review meeting, with final approval of the CC&R by staff. Once approved, the CC&Rs shall be recorded with Greene County. The CC&Rs must create a homeowner's association that will provide for maintenance of all common areas in the PND which includes but are not limited to areas of common open space, parking, roadways, street right-of-ways, exterior setbacks, driveways, required yards, utility easements, pedestrian paths, and shared community buildings or shared accessory structures.
4. The dwelling units may be individually owned or rented with no more than 50 percent rentals.

5. Prior to the Planning commission conditional use hearing, a preliminary meeting with utilities and planning staff to review the project must be held. A Level B site plan review, including a storm water plan as specified in 1226.06 Design Standards is required for approval of the PND conditional use. Prior to submittal to the Planning Commission, the Level B site plan shall be reviewed by a designated Village of Yellow Springs engineer, who will provide a written report of findings for the Planning Commission. The engineer may be present at the conditional use hearing to answer questions related to their findings.
6. Pedestrian pathways must be included to provide for movement of residents and guests from parking areas to homes and other amenities. These pathways must be shown on the site plan and be part of the common areas/tracts.
7. Mailboxes shall follow the US Postal Service requirements for cluster box units (CBUs).
8. Other considerations not addressed specifically, shall follow the requirements of the Yellow Springs Planning and Zoning codes.

~~— (7) Short-term rentals.~~

~~— A. Permit. Upon approval of the conditional use, the owner shall submit to the Zoning Administrator the name and emergency contact information for the owner or property manager who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the short-term rental property or tenants.~~

~~— B. Location. The Planning Commission shall consider the proposed location relative to its proximity to other such uses in the vicinity in order to avoid an undue concentration that could have a negative effect on the surrounding neighborhood.~~

~~— C. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable Health Department requirements.~~

(f) Storage and Distribution.

(1) Cartage, express and parcel delivery facilities, freight terminals, warehousing and storage.

A. The site shall have a minimum area of ten acres, provided the Planning Commission, may reduce the site area to no less than five acres where it is demonstrated to its satisfaction that the truck terminal operation will be compatible with other surrounding uses.

B. All ingress and egress from the site shall be directly onto an arterial street.

C. The site shall be designed so all vehicles are able to enter and leave the site without having to back out onto the street. Driveways shall be curbed for their full length in the front yard.

D. The Planning Commission shall determine that traffic will be no more hazardous nor the volume of traffic any greater than the capacity for the street involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of intersections. All access to the site shall be from arterial streets built to a standard to accommodate heavy trucks.

(2) Mini-warehouse and self-storage facilities.

A. The minimum size of the site shall be not less than two acres.

B. All ingress and egress from the site shall be directly onto an arterial or collector street.

C. No storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the Fire Prevention Code, or toxic materials, shall be permitted within the

self-storage buildings or upon the premises. However, storage of recreational vehicles containing fuel and other automotive fluids is permitted.

D. The use of the premises shall be limited to storage of personal items and business items and shall not be used for operating any other business, maintaining or repairing vehicles or for any recreational activity or hobby.

E. Limited retail sales of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, locks and chains shall be permitted.

F. All yards abutting a street shall be screened from view in accordance with the requirements of Section [1270.02\(b\)](#).

G. A security manager may be permitted to reside on the premises. A minimum of two parking spaces shall be provided for the dwelling unit.

H. This use shall not be permitted within the Gateway Overlay District.

(g) Utility.

(1) Wireless communication facilities.

A. Required approvals. The placement of wireless communications facilities and towers shall meet the following approval requirements:

1. Installation of new antenna. The installation of new antenna(s) on existing towers, including legal nonconforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the Zoning Administrator, subject to all requirements of this section. Any new antenna that will add either 10% or 20 feet, whichever is less, above the highest point of any existing tower or alternative structure shall be subject to the provisions of this chapter for the installation of new towers as described below.

2. Installation of new accessory structures. The installation of new accessory structure(s), such as equipment buildings, to support the installation of additional antennas on existing towers or alternative structures may be approved by the Zoning Administrator.

B. Removal. Any tower unused or left abandoned for 12 consecutive months shall be removed by the property owner at his or her expense. Regardless of the tower ownership, the property owner shall be responsible for removal. Upon the request of the Zoning Administrator, the operator of any facility to which this provision applies shall provide documentation of the use of that facility for the purpose of verifying any abandonment.

C. Interference with public safety facilities. No new wireless communications facilities or tower shall result in any interference with public safety telecommunications.

D. Required documentation for all facilities. In addition to the requirements provided in this chapter for the receipt of conditional use approval, applications for new towers, new antenna, and new related facilities shall include the following: Where the equipment is mounted on an existing building, the comparable information for that structure shall be provided.

1. Engineer's report. A report from a professional engineer licensed in the State of Ohio that:

a. Describes the height and design of any new tower and/or antenna including a cross-section, latitude, longitude, and elevation;

b. Describes or updates (in the case of new antenna) the tower's capacity, including the type and number of antennas it can accommodate;

c. Certifies compliance of the construction specifications with all applicable building codes (including but not limited to the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces: ice, wind, earth movements, etc.);

d. Certifies that the facility will not interfere with established public safety telecommunication facilities; and

e. Includes the engineer's seal and registration number.

2. Letter of intent. A letter of intent committing the tower owner, property owner, antenna owners, and their successors to allow the shared use of the tower.

3. Proof of compliance. Copies of any required approvals from the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and all other appropriate State and Federal agencies.

4. Removal affidavit. A letter committing all parties, including the property owner and his or her successors, to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of 12 consecutive months). The removal affidavit shall be recorded in Greene County, with a copy of the recorded affidavit provided to the Zoning Administrator.

E. Determination of new tower need. Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Ohio that the antenna(s) planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two-mile radius of the proposed tower location due to one or more of the following reasons:

1. Existing public site. There are no existing publicly- owned towers or sites suitable to accommodate the proposed tower or antennas.

2. Inadequate structural capacity. The antenna(s) would exceed the structural capacity of an existing or approved tower or other structure.

3. Interference. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site.

4. Inadequate height. The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at the height necessary.

5. Land availability. Additional land area is not available (when necessary).

F. Design requirements for new towers and related facilities. All telecommunications facilities shall meet the following design requirements:

1. Lighting. Tower lighting shall only be as required for safety or security reasons or as required by the FAA or other Federal or State authority. All ground-level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90-degree cut-off luminaires (shielded down lighting).

2. Co-location. All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.

a. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.

b. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.

3. Height. All towers and antenna shall conform to FAA tall structure requirements. The maximum height of accessory structures shall be 15 feet.

4. Signs. Signs for all telecommunications facilities shall be permitted up to a total of four square feet per user and mounted on the fence.

G. Site requirements for new towers and related facilities. All telecommunications facilities shall meet the following site requirements:

1. Vehicular access. Vehicle access drives may be gravel or paved and shall be located within an access easement that is a minimum of 20 feet in width. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements.

2. Site area. The lot (or lease area) where the tower is located shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities.

a. The arrangement of the initial tower and the topography of the site shall be considered in determining the sufficiency of the site area.

b. At a minimum, the width and depth of the tower site shall be a distance equal to the tower height. The tower shall be placed within the property so it is no closer to any lot line than one-half the tower height.

c. All tower supporting and stabilizing wires shall be located within the site area.

3. Setback. The required setbacks for the tower and related facilities shall be as follows:

a. Side and rear setback. The minimum side and rear setback for all facilities, including the security fence, shall be 25 feet.

b. Front setback. The minimum front setback for all facilities shall be as specified by this code for the zoning district in which it is located. No part of a wireless telecommunications facility, including the security fence, and any required guide wires or bracing shall be permitted in the required front setback.

c. Additional setback from residential districts. No facility shall be placed closer than one and one-half times the total height of the tower or 200 feet, whichever is greater, to any property included in a residential district.

d. Additional landscaping. Landscape screening, in addition to the requirements of this chapter, may be provided in the setback area.

4. Encroachment. No part of any telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, sidewalk, or property line.

5. Fencing. An eight-foot high security fence shall completely surround the tower and accessory equipment building site. Any deterrents, such as barbed wire, shall be at least eight feet above grade.

a. An area ten feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in subsection (g)(1)H., below.

b. In the residential districts, the required security fence enclosing the facility shall be 100% opaque and of wood, brick, or stone construction. Opaque, eight-foot-tall gates shall be provided for access. In no instance shall the use of chain link fencing or gates with screening inserts be considered as opaque.

H. Landscape screening. Evergreen buffer plantings shall be located and maintained around the outermost perimeter of the security fence of all wireless communications facilities. The landscape plan for the site shall provide plants in a number and design to provide a screen of the fence, all equipment and the base of the tower, as determined by the Planning Commission.

1. If evergreen shrubs are used they shall be planted a maximum of five feet apart on center.

2. If evergreen trees are used they shall be planted a maximum of ten feet apart on center.

(h) Vehicle and Transportation.

(1) New and used vehicle sales.

- A. The minimum lot size shall be one-half acre with a minimum lot width of 200 feet.
- B. Signs shall conform to the requirements of [Chapter 1266](#). Flags, pennants, balloons, ribbons, or other attention getting devices are not permitted.
- C. Temporary or portable structures are not permitted.
- D. Outdoor display.
 - 1. Vehicles, for sale or otherwise, shall be parked on approved hard surfaces.
 - 2. Vehicle display areas shall meet the setback requirements for parking areas as required in the B-2 District.
 - 3. Vehicle display or storage shall not be allowed in areas required for visitor, employee or service parking, as required by [Chapter 1264](#).
 - 4. All other merchandise available for sale, including, but not limited to, clothing, accessories, collectibles etc. shall be sold and displayed within an enclosed building.
- E. All service work, including car washing, repair and general maintenance, shall be conducted entirely within an enclosed building.
- F. Audible paging systems or outdoor speakers are not permitted.
- G. The use of spotlights or similar equipment is prohibited.

(2) Vehicle repair, major.

- A. All main and accessory structures shall be set back a minimum of 75 feet from any residential district.
- B. There shall be a minimum lot frontage of 100 feet or the zoning district requirement, whichever is greater, on an arterial or collector street, and all access to the property shall be from that street.
- C. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.
- D. A raised curb of six inches in height shall be constructed along the perimeter of all paved and landscaped areas.
- E. Overhead doors shall not face a public street or residential district. The Planning Commission may modify this requirement upon a determination that there is no reasonable alternative and the poor visual impact will be diminished through use of building materials, architectural features and landscaping.
- F. All maintenance and repair work shall be conducted completely within an enclosed building.
- G. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.
- H. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted up to 30 days in a designated area. Such area shall be screened from public rights-of-way by a solid, sight-obscuring fence or wall six feet in height.
- I. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent ground water contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.

(3) Vehicle repair, minor.

A. A building or structure shall be located at least 40 feet from any side or rear lot line abutting a residential district.

B. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

C. Equipment, including hydraulic hoists, pits, and lubrication, greasing, and other automobile repairing equipment shall be located entirely within an enclosed building. Outdoor storage or display of merchandise, such as tires, lubricants and other accessory equipment is not permitted.

D. All activities shall occur inside a building. No vehicle may be stored outside on the property for more than five days.

E. Storage of gasoline, liquefied petroleum gas, oil or other flammable liquids or gas above ground shall not be permitted.

F. Floor drains shall not connect to the sanitary sewer system.

G. The minimum required lot frontage shall be on an arterial or collector street and all access to the property shall be from that street.

H. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent ground water contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.

I. If the use includes fuel sales, the requirements for a vehicle service station shall also be met.

(4) Vehicle service stations.

A. There shall be a minimum lot area of one acre and minimum lot width of 150 feet on an arterial street.

B. Only one driveway shall be permitted from each street, unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

C. Pump islands shall be a minimum of 30 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.

D. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. All signs, logos, or identifying paint scheme shall be in accordance with [Chapter 1266](#). The canopy shall not exceed 18 feet in height. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

E. If the use includes installation of oil or other automotive fluids except for fuel, the applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent ground water contamination caused by accidental spills or leakage of gasoline or other hazardous materials, such as special check valves, drain back catch basins, and automatic shut-off valves, as approved by the Fire Department.

F. In the event that a service station use has been abandoned or terminated for a period of more than 12 months, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.

G. A vehicle service station may be combined with other uses, such as convenience store, vehicle wash, and/or restaurants; provided all requirements, including parking, are met for each use and the most restrictive requirements applicable to any single use shall apply.

(5) Vehicle wash facilities.

A. All washing activities must occur inside a building.

B. The building exit for washed vehicles must be at least 75 feet from the entrance drive that accesses the site.

C. Required stacking spaces for waiting vehicles shall not be located within a public or private right-of-way and shall not conflict with maneuvering areas, parking spaces and other activities. Stacking lanes shall be designed to prevent vehicle queues from extending beyond the property.

D. Wastewater must be recycled, filtered or otherwise cleansed to minimize discharge of soap, wax and solid matter into public sewers. All such water shall be discharged only into the public sanitary sewer system.

E. Only one driveway shall be permitted from any street, unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.

F. Driveways or curb openings shall be located at least 100 feet from any intersection and 50 feet from any adjacent residential district boundary line. No drive shall be located nearer than 75 feet, as measured along the property line, to any other driveway.

G. For automated drive-through wash facilities, a by-pass lane is required that allows bypassing waiting vehicles.

H. Overhead doors shall not face a street, except if approved by the Planning Commission in these circumstances:

1. When the doors of a through garage are located at the front and rear of a building; or
2. When a garage is located on a corner or through lot; or
3. When determined that a rear garage door would negatively affect an abutting residential use or district.

I. A vehicle wash facility building and any accessory buildings and uses, including vacuums, shall be located at least 50 feet from a street right-of-way line and 100 feet from any residential district boundary.

J. The property owner or operator must comply with all applicable noise regulations. Air handling equipment shall be located on a roof, be equipped with intervening noise reduction baffles, be in proper working condition and must also comply with this provision.

Transient Guest Lodging Discussion
Yellow Springs Village Council
11/6/2017

Judith Hempfling

Transient Guest Lodging can be provided within one's primary residence, whether owner or long term tenant, in an accessory structure adjacent to a primary residence, or in a house which is not occupied by a long term resident ie. a dwelling unit which primary use is a transient guest lodging. In the last few years, as Airbnb has exploded transient visitor lodging in destination communities, we have begun to understand both the positive and negative impacts of this phenomenon. On the positive side for the provider, renting a room in your home or accessory dwelling provides income which makes life more affordable to the long term resident. On the other side, when investors begin to buy up homes or apartments for transient guest lodging, and take those often more affordable home off the local market for long term residents, it begins to have negative impacts to the already tight housing market. Guests do not support local institutions like our schools, and dwelling units in neighborhoods, which are more or less businesses rather than long term residences can negatively impact the cohesion of neighborhoods.

After talking with Brian Housh and staff, I think the solution of how to restrict transient visitor lodging to prevent some of the negative impacts is a discussion that will take a little longer to think through as we look at the ways other communities have dealt with these potential negative impacts. One thing that is clear is that we should address this concern soon and I would suggest council begin the discussion in December, and make a decision early next year.

Before we finalize that discussion however, we need to put language in place tonight, temporarily, for Transient Visitor Lodging that will support the implementation of the lodging tax that is to go into effect this coming January. We can make transient guest lodging permitted or conditional. I have asked Chris Conard to provide language for the option of permitted use along side his language to make it a conditional use, but have included below my effort of providing alternative language.

In the case of primary homes of owners or tenants, I support policy that permits transient guest lodging be permitted. When we restrict what people can do with their homes, we need to identify a significant public good that comes from that regulation. The positive impacts for affordability that transient visitor housing can provide to providers, is obvious. I have discussed this with Matt Reed, Chair of the Planning Commission, and Denise Swinger of our planning department, and neither have expressed the view that conditional use regulation provides an obvious public good that would justify such a level of regulation.

(6) **Transient Guest Lodging.**

A. Permit. Transient Guest Lodging is permitted in dwellings which are primary homes for the owner or tenant of the unit. The owner or tenant shall submit a permit application with payment of fees as may be established by Village Council, to the Zoning Administrator. The

permit application will include the name and emergency contact information for the primary resident, whether it be the owner or tenant who can be contacted and will respond within a reasonable time period to any complaints, violations, emergencies or other concerns related to the transient guest(s).

B. Location. Transient guest lodging may be a room within the principle unit, or a detached accessory dwelling unit subordinate to the principle dwelling. There can be a maximum of 2 transient guest units on a single residential lot. The transient guest lodging must be subordinate to the primary home of owner or long term tenant of the dwelling

C. If the transient guest lodging is located in an accessory dwelling unit, the specific requirements in section (e) Residential (1) Accessory dwelling units will apply.

D. Maximum occupancy. The maximum number of tenants permitted shall be determined by applicable Health Department requirements.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-34**

**REPEALING SECTION 1246.02 “SCHEDULE OF USES” OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING
NEW SECTION 1246.02 “SCHEDULE OF USES”**

Whereas, Codified Ordinance Section 1246.02 of the Village of Yellow Springs, Ohio summarizes the uses allowed in the E-I Educational Institution District; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1246.02 entitled “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio to change short-term rentals to transient guest lodging.

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Section 1246.02 entitled “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1246.02 entitled “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded** and deleted language in ~~striketrough~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow ____ Brian Housh ____ Gerald Simms ____

Marianne MacQueen ____ Judith Hempfling ____

Exhibit A

1246.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1246.02 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of Chapter 1262 are met.
- (c) Specific Conditions. Indicates requirements or conditions, as listed in Chapter 1262, are applicable to specific uses.

Table 1246.02 <i>Schedule of Uses: Educational Institution District</i>		
<i>Use</i>	<i>E-I</i>	<i>Specific Conditions</i>
Accessory Uses		
Accessory buildings, structures and uses	P	<u>1260.04</u>
Cafeteria facilities located within a principal use	P	
Child care facilities located within a principal use	P	
Community gardens	P	
Day care - group	C	
Outdoor patio seating in conjunction with a permitted restaurant	P	
Outdoor storage related to a principal use	C	
Educational		
Auditorium buildings	P	
Classroom buildings	P	
Commercial schools and studios including art, dance, martial arts, and music	P	
Office/Research		
Administrative offices	P	

Banks, credit unions and similar financial institutions, excluding drive-in and drive- thru facilities	P	
Medical and dental offices and clinics	C	
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	P	
Research, development and testing laboratories and facilities	P	
Public/Quasi-public		
Churches and customary related uses	P	1262.08(c)(1)
Government offices, buildings and facilities	P	
Libraries	P	
Recreation		
Art galleries, museums and similar cultural facilities	P	
Assembly and performance halls	P	
Ball fields	C	
Community centers and senior centers	P	
Cultural buildings	P	
Field house	C	
Forest and wildlife preserves	P	
Golf courses and country clubs	C	
Health and fitness clubs	P	
Indoor commercial recreation such as theaters, bowling lanes and skating rinks	C	
Interpretive center	P	
Natatorium	P	
Public parks/playgrounds/recreation areas	P	
Riding stables	C	
Stadium	C	
Residential		
Bed & breakfast	C	1262.08(e)(2)
Caretaker residence	P	
Continuing care retirement community	C	

Dormitories	P	
Dwellings, attached single-family	C	
Dwellings, multiple-family	C	
Dwellings, single-family detached	C	
Dwellings, two-family	C	
Short-term rentals <u>Transient Guest Lodging</u>	C	<u>1262.08(e)(67)</u>
Other		
Agribusiness	C	
Bars, taverns, clubs and restaurants serving alcoholic beverages	C	
Brew pubs and similar establishments	C	
Day care, nursery schools and child care establishments	P	
Sustainable farming, including raising animals	C	
Farmers market	P	
Food processing plants	C	
General retail catering to the needs of the community, but less than 10,000 square feet of UFA	C	
Greenhouse/nursery (not including retail sales)	P	
Heliports and helipads	C	
Hotels and motels	C	
Mobile vending (food trucks)	C	<u>1262.08(d)(1)</u>
Outdoor market or covered bazaar	P	
Printing, photocopying and publishing services	P	
Radio, television and recording studios	P	
Recycling collection and/or processing facility (non-hazardous)	C	
Restaurants, excluding drive-in or drive-thru facilities	C	
Solar facilities (nonresidential)	C	
Storage of hazardous materials	C	<u>1262.08(b)(1)</u>
Wind energy conversion systems (single accessory)	C	
Wind energy conversion systems (commercial)	C	
Wireless communication facilities and towers	C	<u>1262.08(g)(1)</u>

Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section 1242.06

C

1242.06

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-35**

**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”**

Whereas, Codified Ordinance Section 1248.02 of the Village of Yellow Springs, Ohio provides the uses in the residential zoning districts; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1248.02 entitled “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio to change short-term rentals to transient guest lodging.

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Section 1248.02 entitled “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1248.02 entitled “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded** and deleted language in ~~striketrough~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow ____ Brian Housh ____ Gerald Simms ____

Marianne MacQueen ____ Judith Hempfling ____

Exhibit A

1248.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1248.02 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of Chapter 1262 are met.
- (c) Specific Conditions. Indicates requirements or conditions, as listed in Chapter 1262, are applicable to specific uses.

Table 1248.02 Schedule of Uses: Residential Districts				
Use	R-A	R-B	R-C	Specific Conditions
Residential				
Accessory dwelling unit	C	C	C	Section 1262.08(e)(1)
Accessory buildings, structures and uses	P	P	P	Section 1260.04
Bed and breakfasts	C	C	C	Section 1262.08(e)(2)
Boarding homes			C	Section 1262.08(e)(3)
Continuing care retirement community		C	C	
Day care, family	P	P	P	
Day care, group	C	C	C	
Dwellings, attached single-family		P	P	
Dwellings, Multiple-family		C	P	
Dwellings, single-family detached	P	P	P	
Dwellings, two-family		P	P	
Pocket Neighborhood Development	C	C	C	Section 1262.08(e)(6)
Short term rental units Transient Guest Lodging	C	C	C	Section 1262.08(e)(7)

Nonresidential				
Community gardens	P	P	P	
Farm, including raising animals	C	C	C	
Home occupations ¹	C	C	C	Section <u>1262.08(e)(5)</u>
Offices for executive, administrative, professional, real estate, accounting and similar professional activities		C	C	
Veterinary clinics			C	
Public/Quasi-public				
Churches and customary related uses	C	C	C	Section <u>1262.08(c)(1)</u>
Cultural buildings			C	
Government offices and buildings	C	C	C	
Libraries			C	
Schools (elementary, middle and high)	C	C	C	Section <u>1262.08(c)(2)</u>
Recreation				
Public parks/playgrounds/recreation areas	C	C	C	
Other				
Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section <u>1242.06</u>	C	C	C	Section <u>1242.06</u>
<p>1 Home occupations are permitted by right in all Residential Districts, subject to issuance of a permit by the Village, if applicable, to verify compliance with the conditions of Section <u>1262.08(e)(5)</u>.</p>				

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-36**

**REPEALING SECTION 1250.02 “SCHEDULE OF USES” OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING
NEW SECTION 1250.02 “SCHEDULE OF USES”**

Whereas, Codified Ordinance Section 1250.02 of the Village of Yellow Springs, Ohio provides the uses in the business districts; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1250.02 entitled “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio to change short-term rentals to transient guest lodging.

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Section 1250.02 entitled “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1250.02 entitled “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded** and deleted language in ~~striketrough~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow ____ Brian Housh ____ Gerald Simms ____
Marianne MacQueen ____ Judith Hempfling ____

Exhibit A

1250.02 SCHEDULE OF USES.

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this code. Land and/or buildings in the districts indicated at the top of Table 1250.02 may be used for the purposes denoted by the following abbreviations:

- (a) Permitted Use (P). Land and/or buildings in this district may be used by right.
- (b) Conditional Use (C). Land and/or buildings in this district may be permitted only if conditional use approval is granted, upon a finding that the general requirements of Chapter 1262 are met.
- (c) Specific Conditions. Indicates requirements or conditions, as listed in Chapter 1262, are applicable to specific uses.

<i>Table 1250.02 Schedule of Uses: Business Districts</i>			
<i>Use</i>	<i>B-1</i>	<i>B-2</i>	<i>Specific Conditions</i>
Accessory Uses			
Accessory buildings, structures, and uses	P	P	Section <u>1260.04</u>
Home occupations	C		Section <u>1262.08(e)(5)</u>
Outdoor patio seating in conjunction with a permitted restaurant	C	C	
Food, Drink, Entertainment and Hospitality			
Art galleries, museums and similar cultural facilities	P		
Assembly and performance halls	C		
Bars, taverns, clubs and restaurants serving alcoholic beverages	C	C	
Bed and breakfasts	C		Section <u>1262.08(e)(2)</u>
Brew pubs and similar establishments	C	C	
Community centers and senior centers	P		
Cultural buildings	C		
Farmers' market	C	C	
Hotels and motels	C	C	

Indoor commercial recreation such as theaters, bowling lanes and skating rinks	C	C	
Internet sweepstakes café	C		
Mobile vending (food trucks)	C		Section <u>1268.08(d)(1)</u>
Outdoor commercial recreation such as mini-golf and batting cages		C	Section <u>1262.08(d)(3)</u>
Restaurants, excluding drive-in or drive-thru facilities	P	P	
Health Care and Social Assistance			
Hospitals		C	
Medical and dental laboratories		C	
Medical and dental offices and clinics	C	P	
Office, Financial and Commercial Services			
Banks, credit unions and similar financial institutions, excluding drive-in and drive-thru facilities	P	P	
Business machine sales & service		P	
Cleaning services		P	
Electric, plumbing supplies sales & service	P	P	
Glass sales & service		P	
HVAC sales & service		P	
Locksmith shops		P	
Machinery and equipment sales & service		P	
Mail order businesses and fulfillment centers		P	
Offices for executive, administrative, professional, real estate, accounting and similar professional activities	P	P	
Pest control services		P	
Petroleum products sales		C	
Printing, photocopying and publishing services	P	P	
Repair shops (non-automotive)		P	
Tool and equipment rental		P	
Personal Service			
Commercial schools and studios including art, dance, martial arts, and music	P	C	

Day care, nursery schools and child care establishments	P	P	
Health and fitness clubs	P	P	
Personal service establishments such as barber and beauty shops, tailors, photo studios, shoe repair and watch repair	P	P	
Tattoo parlor	C	C	
Public/Quasi-Public			
Churches and customary related uses	C	P	
Government offices and facilities	P	P	
Libraries	C		
Residential			
Dwellings, single-family detached	P		
Dwelling units on the upper floors of buildings with nonresidential uses at street level	C		Section <u>1262.08</u> (e)(4)
Short-term rentals <u>Transient Guest Lodging</u>	C	C	Section <u>1262.08</u> (e)(6 7)
Retail			
Artisan shops, such as glass blowers, metal sculptors, wood carvers and weavers producing their goods and selling them for retail on premises	C	P	
Bicycle sales, rental and repair	P		
Building supply and equipment sales, not including lumber yards		C	
General retail catering to the needs of the community, but less than 10,000 square feet of UFA	P	P	
General retail of 10,000 square feet UFA or more	C	P	Section <u>1262.08</u> (a)(3)
Vehicle Sales, Service and Related Uses			
Drive-in and drive-thru facility for banks, pharmacies, restaurants and dry cleaners	C	C	Section <u>1262.08</u> (a)(1) and <u>1262.08</u> (d)(2)
Sales of new and used vehicles, boats, farm implements and similar vehicles and equipment		C	Section <u>1262.08</u> (h)(1)
Sale of new vehicle parts, not including installation/repair		P	
Truck and trailer rental		C	
Vehicle and equipment rental		C	
Vehicle repair, major		C	Section <u>1262.08</u> (h)(2)

Vehicle repair, minor		C	Section <u>1262.08(h)(3)</u>
Vehicle service stations		C	Section <u>1262.08(h)(4)</u>
Vehicle wash facilities		C	Section <u>1262.08(h)(5)</u>
Other			
Mortuaries and funeral homes	C	C	Section <u>1262.08(a)(2)</u>
Showrooms for home improvements, decorations and similar items, not including outdoor storage	P	P	
Radio, television and recording studios	C	P	
Utility and public service buildings, not including outdoor storage		P	
Uses similar to other uses permitted in this district and consistent with the purpose of the district, as determined in accordance with Section <u>1242.06</u>	C	C	Section <u>1242.06</u>
Veterinary clinics		C	

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-37**

**REPEALING SECTION 1284.08 “DEFINITIONS: R-S” OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING
NEW SECTION 1284.08 “DEFINITIONS: R-S”**

Whereas, Codified Ordinance Section 1284.08 of the Village of Yellow Springs, Ohio provides the definitions beginning with the letters R-S for the Village of Yellow Springs Zoning Code; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1284.08 entitled “Definitions: R-S” of the Codified Ordinances of the Village of Yellow Springs, Ohio to remove the definition of short-term rental unit.

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Section 1284.08 entitled “Definitions: R-S” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1284.08 entitled “Definitions: R-S” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with deleted language in ~~strike through~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow ____ Brian Housh ____ Gerald Simms ____

Marianne MacQueen ____ Judith Hempfling ____

EXHIBIT A

1284.08 DEFINITIONS: R-S.

Recreational vehicle. Vehicles or equipment used primarily for recreational or leisure purposes including, but not limited to, motor homes, camper trailers, travel trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies and similar vehicles and the trailers used to transport them.

Recycling center. A facility or location in which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Residential districts. The R-A, R-B and R-C Districts.

Restaurant. An establishment principally operated for the sale of food and beverages to be served for consumption on the premises, which may also include carry-out service or delivery of food through a drive-in and drive-thru facility for consumption off the premises.

Right-of-way. A strip of land dedicated for public use and occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or other essential services.

Screen. A visual barrier that surrounds a potentially offensive or incompatible activity.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Techniques include fences, hedges, walls, berms or other such features.

Setback. The required minimum horizontal distance between the line at which the building may be built and the related front, rear and side property lines.

Sexually oriented business. Those businesses defined, as follows:

(1) Adult arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(2) Adult bookstore, adult novelty store or adult video store.

A. A commercial establishment which has as a significant or substantial (i.e., 50% or more) portion of its stock-in-trade or derives a significant or substantial (i.e., 50% or more) portion of revenues or devotes a significant or substantial (i.e., 50% or more) portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are

characterized by the depiction or description of specified sexual activities or specified anatomical areas;

2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

B. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the definition above is met.

(3) Adult cabaret. A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which features: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. "Private club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

(4) Adult motel. A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television.

(5) Adult motion picture theater. A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are shown for any form of consideration.

(6) Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities which is not customarily open to the general public during such features because it excludes minors by reason of age.

(7) Escort agency. A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model

lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.

(8) Massage parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with specified sexual activities is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder, nor by any other individual licensed by the State of Ohio to perform massages.

(9) Semi-nude model studio. Any place where a person regularly appears in a state of nudity or semi-nudity or displays specified anatomical areas for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons. This definition does not include an accredited state licensed public or private educational institution or bona-fide art organization offering instruction, which may involve the exposure of the human body for purposes of drawing, filming or photographing as part of a course.

(10) Sexual encounter establishment. A business or commercial establishment that as one of its principal business purposes offers for any form of consideration:

A. A place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas; or

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized sexual therapy.

(11) Simulated. To assume the mere appearance of something, without the reality, to imitate or pretend.

(12) Specified anatomical areas. Includes any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, anus or any portion of the female breast below the top of the areola or nipple; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(13) Specified sexual activities. Includes any of the following:

A. The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated;

D. Human genitals in a state of sexual stimulation, arousal or tumescence; or

E. Excretory functions as part of or in connection with any specified sexual activities defined in this section.

~~—**Short-term rental unit.** A dwelling unit that is rented or leased to one person, family or entity on a weekly or monthly basis, but typically less than one year.~~

Sign. A device, structure, display, exhibit, poster, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.

(1) Sign, awning. A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements (see canopy and projecting sign).

(2) Sign, business center. A sign advertising a shopping or business center, strip center, mall or any multi-tenant commercial, industrial or office use.

(3) Sign, canopy. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover (excluding a marquee) over a door, entrance, window, or outdoor service area (see awning and projecting sign).

(4) Sign, community special event. A temporary sign calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other non-profit charitable, philanthropic, religious or benevolent organizations.

(5) Sign, construction. A temporary sign, typically freestanding, displayed at construction site to promote and provide information about the company or companies involved in the project. These can include the contractor, architect, developer, etc.

(6) Sign, development. A temporary or otherwise limited-term sign for the purpose of identifying multiple lots or new homes in a subdivision, including single-family and/or multi-family dwelling units.

(7) Sign, free-standing. Any sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground (see ground sign).

(8) Sign, gateway. A sign marking the entrance to a town, neighborhood, development, park or other public area. A sign placed at the street entrance to a single-family subdivision, multiple-family development, planned unit development, industrial park or similar consolidated development, containing only the name of the subdivision or development.

(9) Sign, ground. A free-standing sign supported by a base which rests directly on the ground. The width of the base shall be at least 50% of the width of the sign to be considered a ground sign (see free-standing sign).

(10) Sign, home occupation. One non-illuminated sign identifying the home occupation.

(11) Sign, marquee. A sign that is part of or attached to a permanent roof-like structure or canopy of rigid materials supported by and extending from the building front.

(12) Sign, projecting. Any sign attached to a building or other structure and extending in whole or in part more than 12 inches from such structure (see awning and canopy sign).

(13) Sign, temporary. A sign that is not permanent or affixed to a building or structure and, by its nature, may be or is intended to be moved from one location to another, such as "A" frame signs or signs on a movable trailer, whether rented or owned.

(14) Sign, wall. A sign painted, attached to or erected in a plane parallel to a wall, extending no more than 12 inches from the exterior face of the wall to which it is attached.

(15) Sign, window. A sign affixed to the glass on the outside or inside of a window, or erected within three feet of a window on the inside of a building so as to be seen from the outside of the building.

Site plan. A drawing, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific land parcel.

Skilled nursing care. Procedures that require technical skills and knowledge beyond those of an untrained individual and commonly employed in providing for the physical, mental and emotional needs of the ill or otherwise incapacitated.

Spot zone. Singling out of a lot or small area for discriminatory or different treatment from that accorded surrounding land which is similar in character.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, and also any portion of a building used for human occupancy between the topmost floor and the roof.

Street. A public right-of-way 50 feet or more in width which provides a public means of primary access to abutting property, or any such right-of-way more than 30 and less than 50 feet in width, provided that it existed prior to November 18, 1971. The term "street" includes avenue, drive, lane, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Street classification. A hierarchy of street types denoting their relative function and traffic-carrying capability.

(1) Arterial. A connected network of continuous routes serving intra- and interstate travel, as well as interurban travel. Arterials accommodate high traffic volumes generally at higher speeds. Access to abutting land is subordinate to moving through traffic. The following streets are classified as arterials:

- A. Dayton-Yellow Springs Road /Dayton Street.
- B. Fairfield Pike.
- C. Xenia Avenue.

(2) Collector. Those streets which collect traffic from local streets and channel it to arterial streets. Collector streets carry moderate traffic volumes and primarily provide for local traffic movements with a minor amount of through traffic. While traffic movement is an important function, collectors also provide for a higher degree of land access than arterials. The following streets are classified as collectors:

- A. Allen.
- B. Corry.
- C. Enon.
- D. High.
- E. King.
- F. Limestone.
- G. Livermore.
- H. South College.
- I. Spillan.
- J. Walnut.

(3) Local. A street that provides direct access to adjacent land and access to higher street classifications. All streets not otherwise classified are local.

Structure. Anything constructed, erected or placed which requires location on the ground or attachment to something having location on the ground including, but not limited to: buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, decks and platforms; provided, however, that patios shall not be deemed structures if no part is above the ground and if it is located outside the minimum front, side and rear yard setback area. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas or retaining walls shall not be considered as structures for purposes of this code.

Subdivision. Shall mean:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where

such sale or exchange does not create additional building sites, shall not be considered a subdivision for purposes of this code; or

(2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sanitary sewers, water lines, storm drainage or other public features.

Swimming pools and spas. Any structure or container, either permanent or portable, and either above or below ground, designed to hold water to a depth of 24 inches or greater at any point, intended for the immersion of the human body, whether for swimming, wading or sitting, used by the occupants thereof and guests, without payment of any fee, and as an accessory use to a residence. This includes hot tubs, steam baths and other hydrotherapy devices. Pools that are less than 24 inches in depth, are portable or temporary, are exempted from the requirement of a zoning permit.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-38**

**REPEALING SECTION 1284.09 “DEFINITIONS: T-U” OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING
NEW SECTION 1284.09 “DEFINITIONS: T-U”**

Whereas, Codified Ordinance Section 1284.09 of the Village of Yellow Springs, Ohio provides the definitions beginning with the letters T-U for the Village of Yellow Springs Zoning Code; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1284.09 entitled “Definitions: T-U” of the Codified Ordinances of the Village of Yellow Springs, Ohio to include the definition of transient guest lodging.

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Section 1284.09 entitled “Definitions: T-U” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1284.09 entitled “Definitions: T-U” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded**, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow ____ Brian Housh ____ Gerald Simms ____
Marianne MacQueen ____ Judith Hempfling ____

EXHIBIT A

1284.09 DEFINITIONS: T-U.

Temporary structure. A structure erected for a period of time not to exceed 18 months for such use as construction offices or storage buildings at a construction site.

Transient Guest Lodging. A dwelling unit, a room or rooms in a dwelling unit, or an accessory dwelling unit where sleeping accommodations are offered for consideration to persons occupying a room or rooms for less than thirty (30) consecutive days.

Use. The specific purposes for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained.



TO: Village Council
FROM: Denise Swinger, Planning & Zoning Administrator
DATE: October 27, 2017
RE: Appendix B – Recommended Trees for the Village of Yellow Springs

The Planning Commission, as part of the new section of zoning code on Pocket Neighborhood Developments, brought forward to Council Chapter 1226.06 – Design Standards, specific to tree planting requirements. When Chapter 1226.06 was being considered for adoption, Council member Brian Housh asked about Appendix B, which was linked to this section of the code. It was discovered that Appendix B was a suggested list of trees for planting in Yellow Springs, and many of the trees suggested were no longer recommended. I was asked to review and update this list.

To update this list, input was received from Nick Boutis, Executive Director of the Glen Helen Ecology Institute, Wendi Van Buren, Urban Forester with the Ohio Department of Natural Resources, a document of recommendations for the downtown streetscape project from the Yellow Springs Tree Committee, and a tree brochure from Upper Arlington in Columbus. At the October 16, 2017 Council meeting, this updated text amendment legislation known as *Appendix B - Village of Yellow Springs Recommended Trees* in the Planning Code was presented. Because the recommended tree list is not just for the planting of trees in Village-owned tree lawns, but also for residents' private yards, Council expressed the revision's layout was confusing. I met with Wendi Van Buren, along with Jason Hamby, superintendent of streets and the Village's parks, and we reviewed the document in its entirety. Additional changes to the list of trees and the distinction between trees for planting in private yards and trees for planting in tree lawns were added.

We hope these changes will further clarify this document's intended use by both developers, business owners, and individuals seeking advice on the types of trees to use.

APPENDIX B

VILLAGE OF YELLOW SPRINGS

RECOMMENDED TREES

The following list of trees has been placed on file with the Village for use by developers, businesses and individuals seeking advice on the types of trees to use:

As a rule, Some consider streets ~~are~~ more attractive when they contain only one kind of tree species. However, the pest risk is multiplied in that situation; therefore, such plantings should be made with caution.

Tree selection is extremely important in ensuring survivability and long-term health of trees. The most important thing to remember when selecting trees is to match the tree to the site, not the site to the tree. Where you have space for a large species always plant a large species. It is the large tree species that will give Yellow Springs the most benefits in the long run. In addition, they tend to be longer lived than smaller species when planted in the right location.

Tree species diversity is important to a healthy, resilient community tree population, as well as age diversity. A good rule to follow for the community urban forest as a whole is the 10-20-30 Rule. The breakdown to shoot for is no more than 30% of a single family, 20% of a single genus (maple, oak, etc.), and no more than 10% of a single species. This can be accomplished by street or by the community as a whole.

The trees suggested in this list were selected because their characteristics make them suitable for urban and home use. The criteria used include: deep roots, minimal fruit or leaf litter, regular and predictable form, stress tolerance, disease and insect resistance, transplanting facility, availability and ornamental value.

Due to the culture and goals set forth by the Yellow Springs community, native tree species should be given preference where a native species will thrive within the constraints of diversity goals. All of the trees listed below are good for planting in both tree lawn areas and for landscape use in yards.

Small Trees with single-stem forms (under 25 feet at maturity) - If planting in the tree lawn, the width should be at least 3 feet

Native

Serviceberry (*Amelachier canadensis*)

Pawpaw (*Asimina triloba*)

American hornbeam (*Carpinus caroliniana*)

Redbud (*Cercis canadensis*)

Washington Hawthorn (*Crataegus phaenopyrum*)

Sweet bay magnolia (*Magnolia virginiana*)

Non-Native

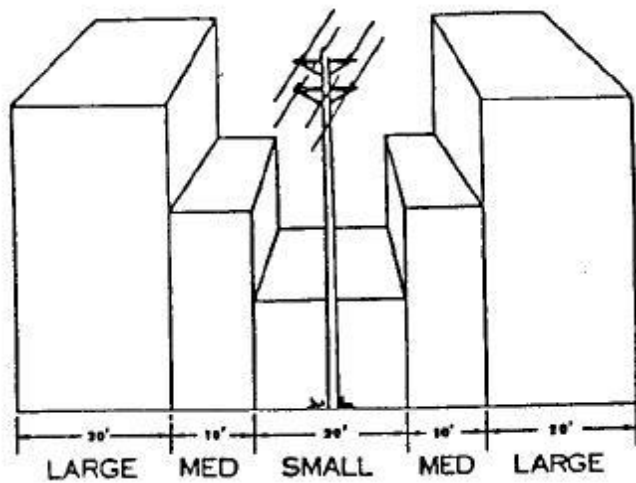
Amur Maple (*Acer ginnala*)

Paperbark Maple (*Acer griseum*)

Cornelian cherry (*Cornus mas*)

Flowering Crabapple (*Malus sp.*) Selected cultivars with small or minimal fruit and disease resistance

Japanese Tree Lilac (*Syringa reticulata*)



Medium Trees (under 40 feet at maturity) - If planting in the tree lawn, the width should be at least 5 feet

Flowering Pear (*Pyrus calleryana*) Selected cultivars

Lacebark Elm (*Ulmus parvifolia*)

Japanese Zelkova (*Zelkova serrata*) Selected cultivars

Native

Persimmon (*Diospyros virginiana*)

Eastern hornbeam (*Ostrya virginiana*)

Canada Red Chokecherry (*Prunus virginiana*)

Sassafras (*Sassafras albidum*)

Non-Native

State Street Maple (*Acer miyabi*)

Sargent Cherry (*Prunus sargentii*)

Japanese pagoda (*Sophora japonica*)

Littleleaf Linden (*Tilia cordata*)

Silver Linden (*Tilia tormentosa*)

Large Trees (no wires) - If planting in the tree lawn, the width should be at least 7 feet

Native

Red Maple (*Acer rubrum*)

Sugar Maple (*Acer saccharum*)

Hackberry (*Celtis occidentalis*)

White ash (*Fraxinus Americana*)**

Green Ash (*Fraxinus pennsylvanica lanceolata*)

Yellowwood (*Cladrastis lutea*)

Beech (*Fagus grandifolia*)

Thornless Honeylocust (*Gleditsia triacanthos* var. *inermis*) such as 'Sunburst' or 'Imperial'

Kentucky Coffeetree (*Gymnocladus dioica*)

Sweetgum (*Liquidambar styraciflua*) Seedless cultivars

Tuliptree (*Liriodendron tulipifera*)

Cucumbertree (*Magnolia acuminata*)

Blackgum (*Nyssa sylvatica*)

White Oak (*Quercus alba*)

Swamp White Oak (*Quercus bicolor*)

Scarlet Oak (*Quercus coccinea*)

Shingle Oak (*Quercus imbricaria*)

Bur Oak (*Quercus macrocarpa*)

Chinkapin Oak (*Quercus muehlenbergii*)

Chestnut Oak (*Quercus prinus*)

Red Oak (*Quercus rubra*)

Shumard Oak (*Quercus shumardii*)

Baldcypress (*Taxodium distichum*)

Basswood (*Tilia americana*)

Non Native

Ginkgo (Ginkgo biloba) male Cultivar tree species only! Cultivars such as ‘Magyar’ or ‘Autumn Gold’

London Planetree (Platanus ~~x~~ acerfolia)

Lacebark Elm (Ulmus parvifolia)

Japanese Zelkova (Zelkova serrata) such as ‘Green Vase’

~~White Ash (Fraxinus americana)**~~

~~Green Ash (Fraxinus pennsylvanica lanceolata)~~

Trees Not Recommended for Tree Lawn Areas (can be planted for landscape use in yards)

Box Elder (Acer negundo)

Silver Maple (Acer saccharinum)

Buckeye or Horsechestnut (Aesculus species)

Birch (Betula species)

Northern Catalpa (Catalpa)

Ginkgo-female (Ginkgo biloba)

Osage Orange (Maclura pomifera)

Common fruit trees

Mulberry (Morus)

Poplar (Populus species)

Willow (Salix species)

European Mountain Ash (Sorbus aucuparia)

Siberian Elm (Ulmus pumila)

Norway Maple

Black Walnut (Juglans nigra)

Flowering Pear (Pyrus calleryana) Selected cultivars

Ash (Fraxinus sp.)

Program to Remove Invasive Species to Protect the Health of your Mature Trees

Ailanthus (Ailanthus altissima)

Tree of Heaven (Ailanthus altissima)

Bush Honeysuckle

Autumn Olive

Buckthorn

Flowering Pear (Pyrus calleryana) Selected cultivars

Do Not Use Trees (for tree lawn areas or new developments)

Osage Orange (Maclura pomifera)

Siberian Elm (Ulmus pumila)

Flowering Pear (Pyrus calleryana) Selected cultivars

Ash (Fraxinus sp.)

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-39**

REPEALING APPENDIX B “VILLAGE OF YELLOW SPRINGS RECOMMENDED TREES” IN PART TWELVE “PLANNING AND ZONING CODE,” TITLE TWO “PLANNING” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS, OHIO AND ENACTING NEW APPENDIX B “VILLAGE OF YELLOW SPRINGS RECOMMENDED TREES”

Whereas, Appendix B “Village Of Yellow Springs Recommended Trees” in Part Twelve “Planning And Zoning Code,” Title Two “Planning” of the Codified Ordinances of the Village of Yellow Springs, Ohio provides a list of trees to be used throughout the Village of Yellow Springs; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Appendix B “Village Of Yellow Springs Recommended Trees” of the Codified Ordinances of the Village of Yellow Springs, Ohio to update the list of trees recommended to be used throughout the Village.

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY ORDAINS THAT:

Section 1. Appendix B “Village Of Yellow Springs Recommended Trees” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Appendix B “Village Of Yellow Springs Recommended Trees” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded** and deleted language in ~~strike through~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow _____ Brian Housh _____ Gerald Simms _____

Marianne MacQueen _____ Judith Hempfling _____

Exhibit A

APPENDIX B VILLAGE OF YELLOW SPRINGS RECOMMENDED TREES

The following list of trees has been placed on file with the Village for use by developers, businesses and individuals seeking advice on the types of trees to use:

As a rule, Some consider streets are more attractive when they contain only one kind of tree species. However, the pest risk is multiplied in that situation; therefore, such plantings should be made with caution.

Tree selection is extremely important in ensuring survivability and long-term health of trees. The most important thing to remember when selecting trees is to match the tree to the site, not the site to the tree. Where you have space for a large species always plant a large species. It is the large tree species that will give the Village of Yellow Springs the most benefits in the long run. In addition, they tend to be longer lived than smaller species when planted in the right location.

Tree species diversity is important to a healthy, resilient community tree population, as well as age diversity. A good rule to follow for the community urban forest as a whole is the 10-20-30 Rule. The breakdown to shoot for is no more than 30% of a single family, 20% of a single genus (maple, oak, etc.), and no more than 10% of a single species. This can be accomplished by street or by the community as a whole.

The trees suggested in this list were selected because their characteristics make them suitable for urban and home use. The criteria used include: deep roots, minimal fruit or leaf litter, regular and predictable form, stress tolerance, disease and insect resistance, transplanting facility, availability and ornamental value.

Due to the culture and goals set forth by the Village of Yellow Springs community, native tree species should be given preference where a native species will thrive within the constraints of diversity goals.

Small Trees with single-stem forms (under 25 feet at maturity) tree lawn width of at least 6 feet

Native

Serviceberry (*Amelachier canadensis*)

Pawpaw (*Asimina triloba*)

American hornbeam (*Carpinus caroliniana*)

Redbud (*Cercis canadensis*)

Washington Hawthorn (*Crataegus phaenopyrum*)

Sweet bay magnolia (*Magnolia virginiana*)

Non-Native

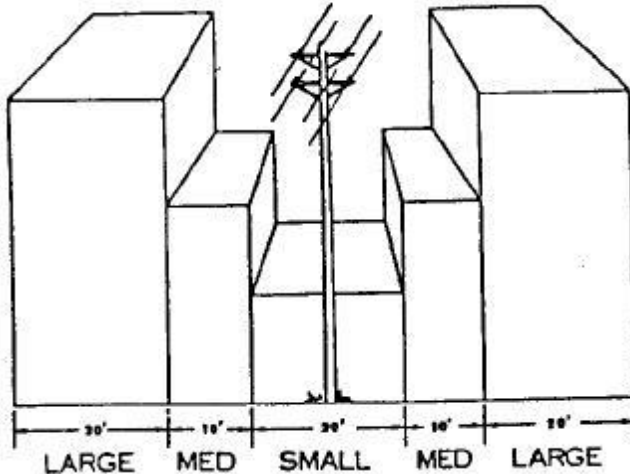
Amur Maple (*Acer ginnala*)

Paperbark Maple (*Acer griseum*)

Cornelian cherry (*Cornus mas*)

Flowering Crabapple (*Malus sp.*) Selected cultivars with small or minimal fruit and disease resistance

Japanese Tree Lilac (*Syringa reticulata*)



Medium Trees (under 40 feet at maturity) tree lawn width under 8 feet

Flowering Pear (*Pyrus calleryana*) Selected cultivars

Lacebark Elm (*Ulmus parvifolia*)

Japanese Zelkova (*Zelkova serrata*) Selected cultivars

Native

Persimmon (*Diospyros virginiana*)

Eastern hornbeam (*Ostrya virginiana*)

Canada Red Chokecherry (*Prunus virginiana*)

Sassafras (*Sassafras albidum*)

Non-Native

State Street Maple (*Acer miyabi*)

Sargent Cherry (*Prunus sargentii*)

Japanese pagoda (*Sophora japonica*)

Littleleaf Linden (*Tilia cordata*)

Silver Linden (*Tilia tomentosa*)

Large Trees (no wires) tree lawn width at least 8 feet

Native

Red Maple (*Acer rubrum*)

Sugar Maple (*Acer saccharum*)

Hackberry (*Celtis occidentalis*)

~~White ash (Fraxinus Americana)**~~

~~Green Ash (Fraxinus pennsylvanica lanceolata)~~

Yellowwood (*Cladrastis lutea*)

Beech (*Fagus grandifolia*)

Thornless Honeylocust (*Gleditsia triacanthos* var. *inermis*) such as ‘Sunburst’ or ‘Imperial’

Kentucky Coffeetree (*Gymnocladus dioica*)

Sweetgum (*Liquidambar styraciflua*) Seedless cultivars

Tuliptree (*Liriodendron tulipifera*)

Cucumbertree (*Magnolia acuminata*)

Blackgum (*Nyssa sylvatica*)

White Oak (*Quercus alba*)

Swamp White Oak (*Quercus bicolor*)

Scarlet Oak (*Quercus coccinea*)

Shingle Oak (*Quercus imbricaria*)

Bur Oak (*Quercus macrocarpa*)

Chinkapin Oak (*Quercus muehlenbergii*)

Chestnut Oak (*Quercus prinus*)

Red Oak (*Quercus rubra*)

Shumard Oak (*Quercus shumardii*)

Baldcypress (*Taxodium distichum*)

Basswood (*Tilia americana*)

Non Native

Ginkgo (*Ginkgo biloba*) male Cultivar tree species only! Cultivars such as ‘Magyar’ or ‘Autumn Gold’

London Planetree (*Platanus x acerfolia*)

Lacebark Elm (*Ulmus parvifolia*)

Japanese Zelkova (*Zelkova serrata*) such as ‘Green Vase’

~~White Ash (Fraxinus americana)**~~

~~Green Ash (Fraxinus pennsylvanica lanceolata)~~

Trees Not Recommended for Street Use

Box Elder (*Acer negundo*)

Silver Maple (*Acer saccharinum*)

Buckeye or Horsechestnut (*Aesculus* species)

Birch (*Betula* species)

Northern Catalpa (*Catalpa*)

Ginkgo-female (*Ginkgo biloba*)

Osage Orange (*Maclura pomifera*)

Common fruit trees

Mulberry (*Morus*)

Poplar (*Populus* species)

Willow (*Salix* species)

European Mountain Ash (*Sorbus aucuparia*)

Siberian Elm (*Ulmus pumila*)

Norway Maple

Dogwood (Cornus sp.)

Black Walnut (Juglans nigra)

Flowering Pear (Pyrus calleryana) Selected cultivars

Ash (Fraxinus sp.)

Pawpaw (*Asimina triloba*)

Program to Remove Invasive Species to Protect the Health of your Mature Trees:

Ailanthus (Ailanthus altissima)

Tree of Heaven (Ailanthus altissima)

Bush Honeysuckle

Autumn Olive

Buckthorn

1226.06 DESIGN STANDARDS.

(a) Undeveloped Land.

(1) Streets. Streets shall conform to the Official Thoroughfare Plan of the Village of Yellow Springs and shall be dedicated by the owner. Pavements of streets and construction of curbs, gutters, associated storm sewers, driveway aprons and water and sanitary sewer systems, shall be according to Greene County specifications, especially those found in Article 8 of the Subdivision Regulations of Greene County, Ohio, as amended. Calculation of potential runoffs and the storm sewer system so dictated shall be arrived at using the methods provided for in the “Run-off Control/Sediment Abatement Resolution, Greene County, Ohio.”

Estate streets, as designed according to Appendix A following the text of these Subdivision Regulations and by the applicable specifications contained in the Subdivision Regulations of Greene County, Ohio, as amended, may be authorized by the Planning Commission as a variation, in accordance with Section [1226.10](#), for the construction of local streets, when the following conditions can be met:

A. All lots fronting on the proposed estate street must collectively average 100 feet of frontage.

B. A storm water plan for the entire subdivision, prepared by a licensed engineer at the expense of the subdivider, shall be formally approved by a Village- designated engineer;

C. Driveway connections crossing drainage swales must conform to Greene County specifications complete with concrete headwalls as called for by Sections 816 and 817 of the Greene County Subdivision Regulations, as amended. These crossings are to be an integral part of the stormwater management plan as to location, grade and size.

(2) Alleys. Alleys shall be twenty feet in width. Alleys shall be paved and constructed according to Greene County specifications. Dead-end alleys are prohibited.

(3) Sidewalks. ~~ADA compliant~~ ~~Sidewalks at least four feet in width~~ shall be required along all public streets unless the estate street design is being utilized. The Planning Commission may require ADA compliant sidewalks along estate streets if they are deemed necessary.

ADA compliant ~~Sidewalks~~ along local streets shall be provided as required by the Commission and may include use of “black top” in lieu of concrete and of one-side-of-the-street installation. Such sidewalks shall meet sidewalk construction specifications approved by the Village of Yellow Springs.

(4) Easements. Easements with right-of-way widths up to ten feet, as required, shall be provided on rear lot lines and along side lot lines in addition to those required by the developer.

(5) Lots. Every lot shall abut on a street and double frontage lots shall be avoided except where such lots will reduce curb cuts on heavily traveled thoroughfares. Area, dimensions and layout of lots shall be in conformity with the Zoning Code and applicable provisions of Article 5 of the Subdivision Regulations of Greene County, Ohio, as amended, excluding Section 518(G). Uncommon lot configurations may be incorporated into a development where such division poses no apparent nuisance and the Commission deems it appropriate. Approval of such lots shall be granted upon review of the following additional criteria:

A. Adequate access to such lots is provided and poses no nuisance to adjoining lots. Adequate access shall accommodate emergency needs, parking and any other requirements specific to the location.

B. The relation to the adjoining lots is acceptable in that required setbacks can be maintained, adequate privacy is preserved and apparent nuisances (light, noise) are avoided.

C. A minimum frontage of twenty feet shall be required for all such lots.

D. Uncommon lot configurations are permitted access on local streets only.

(6) Street trees. All subdivisions shall contain plans for tree planting along public streets of the new development. The following guidelines shall be followed:

A. Tree selection shall be taken from the Village of Yellow Springs ~~street tree~~ recommended trees list, contained in Appendix B following the text of these Subdivision Regulations.

B. Existing trees over two inches in caliper may be used to satisfy these requirements.

C. The minimum size (trunk caliper) for new trees shall be no less than one and one-half inches.

D. The developer shall be required to maintain the trees for one year after the trees are planted and to replace any tree that dies within such one-year period. At the end of one year, the trees become the responsibility of the Village of Yellow Springs.

E. The spacing between large trees (a mature height of fifty feet) shall be forty-five to fifty feet; the spacing between medium trees (a mature height of thirty feet to fifty feet) shall be thirty-five to forty feet, and the spacing between small trees (a mature height of ten to thirty feet) shall be twenty-five to thirty feet.

F. Tree location shall be at least twenty feet from street intersections, twenty-five feet from utility poles and ten feet from fire hydrants.

G. Tree lawns shall be a minimum of six feet.

(7) Interior landscaping. All subdivisions shall include an interior landscaping plan that shall consist primarily of new tree planting or the preservation of existing trees and/or hedges within the development site.

A. Preservation of existing landscaping materials. All trees having a trunk diameter of six inches or greater, as measured twenty-four inches from ground level, shall be preserved unless such trees are exempted as follows:

1. Trees within public rights-of-way or utility easements, or a temporary construction easement as approved by the Planning Commission;

2. Trees within the ground coverage of proposed structures or within twelve feet from the perimeter of such structures;

3. Trees within the driveway access to parking or service areas or proposed areas to service a single-family home;

4. Trees that, in the judgment of the Village Tree Committee or some other agent with similar expertise, are damaged, diseased or overmature, interfere with utility lines or are an inappropriate or undesirable species for the specific location.

B. Preservation of exempted trees. It is encouraged that exempted trees subject to destruction be preserved by relocation and replanting whenever possible.

C. Tree planting requirements for all new developments. The following landscape requirements shall apply:

Use	Requirements
All residential, residential PUD and PND, and residential site plan review districts.	Tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a single-family structure. Such plantings shall be required within the property lines of each structure.
Educational Institution, Office/ Research and General Business Districts.	In addition to the requirements of Ch. 1264 , landscaped areas equal to 100 square feet for 1,000 square feet of building ground coverage or fraction thereof. Such landscaped areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located complementary to the structures.
Light Industrial, commercial and industrial PUD .	In addition to the requirements of Chs. 1254 and 1264 , there shall be plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage or fraction thereof.

D. New tree plantings. If new tree plantings are required for conformance to the landscaping requirements of this chapter, the applicant shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved, the applicant shall plant such trees within one year or at the next planting season after issuance of a building permit.

(b) Land Abutting Existing Streets. Where lots are platted along an existing street, the developer may be required to improve the street and storm sewer, water and sanitary sewer systems and facilities and to provide ADA compliant sidewalks and street trees as specified in subsection (a) hereof insofar as such improvements are applicable.

(Ord. 91-12. Passed 12-2-91; Ord. 94-9. Passed 6-6-94.)

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-40**

**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”**

Whereas, Codified Ordinance Section 1226.06 of the Village of Yellow Springs, Ohio provides for design standards for subdivisions in the Village; and

Whereas, Village Council has determined that it would be in the best interest of the Village to adopt a new Section 1226.06 entitled “Design Standards” of the Codified Ordinances of the Village of Yellow Springs, Ohio to update the design standards.

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Section 1226.06 entitled “Design Standards” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed.

Section 2. A new Section 1226.06 entitled “Design Standards” of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A with new language underlined and **bolded** and deleted language in ~~striketrough~~, which is attached hereto and incorporated herein.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow ____ Brian Housh ____ Gerald Simms ____

Marianne MacQueen ____ Judith Hempfling ____

Exhibit A

1226.06 DESIGN STANDARDS.

(a) Undeveloped Land.

(1) Streets. Streets shall conform to the Official Thoroughfare Plan of the Village of Yellow Springs and shall be dedicated by the owner. Pavements of streets and construction of curbs, gutters, associated storm sewers, driveway aprons and water and sanitary sewer systems, shall be according to Greene County specifications, especially those found in Article 8 of the Subdivision Regulations of Greene County, Ohio, as amended. Calculation of potential runoffs and the storm sewer system so dictated shall be arrived at using the methods provided for in the "Run-off Control/Sediment Abatement Resolution, Greene County, Ohio."

Estate streets, as designed according to Appendix A following the text of these Subdivision Regulations and by the applicable specifications contained in the Subdivision Regulations of Greene County, Ohio, as amended, may be authorized by the Planning Commission as a variation, in accordance with Section 1226.10, for the construction of local streets, when the following conditions can be met:

A. All lots fronting on the proposed estate street must collectively average 100 feet of frontage.

B. A storm water plan for the entire subdivision, prepared by a licensed engineer at the expense of the subdivider, shall be formally approved by a Village- designated engineer;

C. Driveway connections crossing drainage swales must conform to Greene County specifications complete with concrete headwalls as called for by Sections 816 and 817 of the Greene County Subdivision Regulations, as amended. These crossings are to be an integral part of the stormwater management plan as to location, grade and size.

(2) Alleys. Alleys shall be twenty feet in width. Alleys shall be paved and constructed according to Greene County specifications. Dead-end alleys are prohibited.

(3) Sidewalks. **ADA complaint** ~~S~~sidewalks ~~at least four feet in width~~ shall be required along all public streets unless the estate street design is being utilized. The Planning Commission may require **ADA complaint** sidewalks along estate streets if they are deemed necessary.

ADA complaint ~~S~~sidewalks along local streets shall be provided as required by the Commission and may include use of "black top" in lieu of concrete and of one-side-of-the-street installation. Such sidewalks shall meet sidewalk construction specifications approved by the Village of Yellow Springs.

(4) Easements. Easements with right-of-way widths up to ten feet, as required, shall be provided on rear lot lines and along side lot lines in addition to those required by the developer.

(5) Lots. Every lot shall abut on a street and double frontage lots shall be avoided except where such lots will reduce curb cuts on heavily traveled thoroughfares. Area, dimensions and layout of lots shall be in conformity with the Zoning Code and applicable provisions of Article 5 of the Subdivision Regulations of Greene County, Ohio, as amended, excluding Section 518(G). Uncommon lot configurations may be incorporated into a development where such division

poses no apparent nuisance and the Commission deems it appropriate. Approval of such lots shall be granted upon review of the following additional criteria:

A. Adequate access to such lots is provided and poses no nuisance to adjoining lots. Adequate access shall accommodate emergency needs, parking and any other requirements specific to the location.

B. The relation to the adjoining lots is acceptable in that required setbacks can be maintained, adequate privacy is preserved and apparent nuisances (light, noise) are avoided.

C. A minimum frontage of twenty feet shall be required for all such lots.

D. Uncommon lot configurations are permitted access on local streets only.

(6) Street trees. All subdivisions shall contain plans for tree planting along public streets of the new development. The following guidelines shall be followed:

A. Tree selection shall be taken from the Village of Yellow Springs Recommended Trees ~~street tree recommended~~ list, contained in Appendix B following the text of these Subdivision Regulations.

B. Existing trees over two inches in caliper may be used to satisfy these requirements.

C. The minimum size (trunk caliper) for new trees shall be no less than one and one-half inches.

D. The developer shall be required to maintain the trees for one year after the trees are planted and to replace any tree that dies within such one-year period. At the end of one year, the trees become the responsibility of the Village of Yellow Springs.

E. The spacing between large trees (a mature height of fifty feet) shall be forty-five to fifty feet; the spacing between medium trees (a mature height of thirty feet to fifty feet) shall be thirty-five to forty feet, and the spacing between small trees (a mature height of ten to thirty feet) shall be twenty-five to thirty feet.

F. Tree location shall be at least twenty feet from street intersections, twenty-five feet from utility poles and ten feet from fire hydrants.

G. Tree lawns shall be a minimum of six feet.

(7) Interior landscaping. All subdivisions shall include an interior landscaping plan that shall consist primarily of new tree planting or the preservation of existing trees and/or hedges within the development site.

A. Preservation of existing landscaping materials. All trees having a trunk diameter of six inches or greater, as measured twenty-four inches from ground level, shall be preserved unless such trees are exempted as follows:

1. Trees within public rights-of-way or utility easements, or a temporary construction easement as approved by the Planning Commission;

2. Trees within the ground coverage of proposed structures or within twelve feet from the perimeter of such structures;

3. Trees within the driveway access to parking or service areas or proposed areas to service a single-family home;

4. Trees that, in the judgment of the Village Tree Committee or some other agent with similar expertise, are damaged, diseased or overmature, interfere with utility lines or are an inappropriate or undesirable species for the specific location.

B. Preservation of exempted trees. It is encouraged that exempted trees subject to destruction be preserved by relocation and replanting whenever possible.

C. Tree planting requirements for all new developments. The following landscape requirements shall apply:

Use	Requirements
All residential, residential PUD, and PND, and residential site plan review districts.	Tree plantings equal to one-half inch in tree trunk size for every 150 square feet in ground coverage by a single-family structure. Such plantings shall be required within the property lines of each structure.
Educational Institution, Office/ Research and General Business Districts.	In addition to the requirements of <u>Ch. 1264</u> , landscaped areas equal to 100 square feet for 1,000 square feet of building ground coverage or fraction thereof. Such landscaped areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located complementary to the structures.
Light Industrial, commercial and industrial PUD.	In addition to the requirements of <u>Chs. 1254</u> and <u>1264</u> , there shall be plantings equal to one inch in tree size for every 2,000 square feet of building ground coverage or fraction thereof.

D. New tree plantings. If new tree plantings are required for conformance to the landscaping requirements of this chapter, the applicant shall indicate on the landscape plan the location and size of such tree plantings. If such landscape plan is approved, the applicant shall plant such trees within one year or at the next planting season after issuance of a building permit.

(b) Land Abutting Existing Streets. Where lots are platted along an existing street, the developer may be required to improve the street and storm sewer, water and sanitary sewer systems and facilities and to provide **ADA complaint** sidewalks and street trees as specified in subsection (a) hereof insofar as such improvements are applicable.

ORDINANCE NO. 2017-41

**APPROVING THE 2018 ANNUAL APPROPRIATIONS AND DECLARING AN EMERGENCY
VILLAGE OF YELLOW SPRINGS, OHIO**

WHERE AS, this ordinance is adopted to make appropriations for expenses and other expenditures of the Village of Yellow Springs, State of Ohio, during the fiscal year ending December 31, 2018,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY ORDAINS THAT:

Section 1. To provide for expenses and other expenditures of the said Village of Yellow Springs during the fiscal year ending December 31, 2018, the following sums are hereby set aside and appropriated as follows:

Section 2. That there be appropriated from the **GENERAL FUND**:

	Council Total	\$ 280,800
	<i>Personal Services</i>	128,550
	Mayor Total	\$ 57,075
	<i>Personal Services</i>	43,850
	Administration Total	\$ 364,950
	<i>Personal Services</i>	190,600
	Auditor	\$ 30,600
	Rental Property	\$ 29,700
	Library	\$ 5,500
	Cable	\$ 26,550
	<i>Personal Services</i>	22,600
	Council Commissions	\$ 25,000
	Public Safety Total	\$ 1,461,602
	<i>Personal Services</i>	1,225,402
	Planning Total	\$ 92,808
	<i>Personal Services</i>	73,258
	Mediation	\$ 7,575
	Transfers	\$ 930,932
	TOTAL GENERAL FUND APPROPRIATIONS	\$ 3,313,092

Section 3. That there be appropriated from the following **SPECIAL REVENUE FUNDS**:

202	Street Maintenance & Repair Total	\$ 631,786
	<i>Streets</i>	631,786
	<i>Personal Services</i>	212,941
204	Parks and Recreation Fund Total	\$ 405,750
	<i>Parks Total</i>	53,875
	<i>Personal Services</i>	21,150
	Pool Total	110,750
	<i>Personal Services</i>	74,000
	Bryan Center Total	234,625
	<i>Personal Services</i>	115,725
	Bryan Youth Center Total	6,500
210	Mayor's Court Computer Fund	\$ 2,000
213	Coat & Supply Fund	\$ 3,000
216	State Law Enforcement Trust Fund	\$ 10,000
903	Police Pension Fund Total	\$ 115,450
	<i>Personal Services</i>	115,000
	TOTAL SPECIAL REVENUE FUND APPROPRIATIONS	\$ 1,167,986

Section 4. That there be appropriated from the **CAPITAL PROJECT FUNDS**:

302	Cable Capital Improvement Fund	\$	26,000
304	Sewer Capital Improvement Fund	\$	48,000
305	Electric Capital Improvement Fund	\$	111,500
307	Facilities Capital Improvement Fund	\$	31,200
308	Capital Equipment Fund	\$	23,000
TOTAL CAPITAL PROJECT FUND APPROPRIATIONS			\$ 239,700

Section 5. That there be appropriated from the **ENTERPRISE FUNDS**:

601	Electric Fund Total	\$	3,674,723
	Personal Services		472,180
610	Water Fund Total	\$	952,386
	Water Distribution Total		481,944
	Personal Services		272,347
	Water Treatment Total		470,442
	Personal Services		142,906
620	Sewer Fund Total	\$	945,379
	Sewer Collection		408,175
	Personal Services		236,855
	Sewer Treatment		537,203
	Personal Services		148,156
630	Solid Waste Fund	\$	270,300
TOTAL ENTERPRISE FUND APPROPRIATIONS			\$ 5,842,788

Section 6. That the appropriation from the Total Fund Budget is as follows:

GRAND TOTAL APPROPRIATIONS ALL FUNDS	\$ 10,563,566
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Section 7. The Finance Director and the Village Manager are hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by an ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with such ordinance.

Section 8. This ordinance is hereby declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the Village, wherefore, this ordinance shall be in effect immediately upon its adoption by Council.

Karen Wintrow, President

Passed:

Attest:

Judy Kintner, Clerk of Council

ROLL CALL:

Karen Wintrow
Brian Housh
Gerald Simms
Marianne MacQueen
Judith Hempfling

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2017-48**

**Approving the Annual Distribution of Flour and Sugar to Village Widows and
Widowers**

WHEREAS, Wheeling Gaunt, who was born into slavery in about 1815 did, through his own wit and will purchase his own freedom as well as that of his wife and a friend and did thereafter make his way to Yellow Springs, Ohio in the early 1860's, where he became a successful and respected member of the Village, and

WHEREAS, Mr. Gaunt, at his passing in 1894, left in his will a bequest that the "poor, worthy widows" of Yellow Springs "regardless of their race" be given "25 pounds of flour" during the Christmas season, this purchase to be made from the sale of crops grown on what is now Gaunt Park, and

WHEREAS, residents of Yellow Springs to this day enjoy the benefits of Gaunt Park as a result of the generosity of Wheeling Gaunt, and

WHEREAS, as a nod to the changing times, Mr. Gaunt's bequest has, over the years been amended to offer 5 pounds of flour and 5 pounds of sugar to both widows and widowers, all of whom are considered worthy, and

WHEREAS, as the holiday season approaches and we think of ways we can share our love and concern for all members of this community, it is fitting that we honor the memory of Wheeling Gaunt and the spirit of his gift in the manner he intended,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW
SPRINGS, OHIO HEREBY RESOLVES THAT:**

Section 1. The Village Manager is hereby authorized and directed to procure the traditional supplies and distribute them as stipulated in the deed for Gaunt Park and as expanded by Council in 2012.

Section 2. The expenditure of up to \$3,000.00 from the Widows Fund #902-1703-54102 is hereby authorized, as provided in the Village's annual appropriations.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll Call:

Wintrow__

Housh__

Simms____

MacQueen__

Hempfling__



YELLOW SPRINGS POLICE DEPARTMENT

Brian Carlson
Chief of Police
100 Dayton Street
Yellow Springs, OH 45387

Phone: 937-767-7206
Fax: 937-767-9281
E-mail: dispatch@yso.com

09-24-2017

The Village of Yellow Springs Police Department

Outreach Specialist (civilian)

Description:

The Outreach Specialist will work with the Chief of Police in conjunction with Social and Medical Services primarily as a liaison between the Police Department and all available agencies.

The Outreach Specialist (OS) will work with individuals and groups through guidance of community resources in addition to providing all sworn officers with information to assist victims, witnesses of violent crime, elderly victims, and all substance abuse cases.

All sexual abuse, juvenile and child services cases will be supervised by the sworn department specialized officer.

The Outreach Specialist (OS) will create and update a database of resident, non-resident, homeless, developmentally disabled, mentally ill and persons with dementia the department may encounter.

The OS will create and update a database of all available facilities, shelters, clinics, housing referrals and charitable organizations that may offer assistance to resident and non-resident persons that the department may encounter.

The OS will work with all local schools as the department liaison for organizing safety and public relations events in addition to coordinating public events with the Chief of Police.

Additional duties to include the following:

1. On call (phone only) status TBD
2. Act as liaison with community organizations, neighborhood and faith based groups in addition to committees to be determined by the Chief.
3. Maintain and update the police web page with community outreach information.
4. Monthly reports to the Chief of Police covering database updates.
5. Quarterly reports to the Chief of Police with updates of projects and people the department has assisted.



November 2, 2017

TO: Village Council
FROM: Marianne MacQueen & Judith Hempfling
RE: Budget line item for Police Outreach Coordinator

We support the work that Chief Carlson and staff have been doing to research and develop a job description for a Police Outreach Coordinator. We appreciate that this work was started because of the Justice System Task Force recommendation that a social worker position be incorporated into the YSPD.

However, we believe it is premature to approve an additional line item expense for a position which has not been presented to, or approved by Council. Our concern is two-fold: 1) we believe it is important for Council to discuss and approve such a position before approving funding for the position; 2) we are concerned that adding an additional expense for this position deviates from the original concept that the expense for the position would be absorbed within the current YSPD budget.

The police department accounts for a major portion of the Village budget. At a time of increasing concerns about affordability in Yellow Springs, we believe it is imperative that Council fully vet not only the new position, but also be convinced that increasing the budget for the YSPD is the only realistic way to go.

We understand that Yellow Springs is no longer the isolated little village that it may once have been and that our officers are asked to do more than they probably would for a village of comparable size. Yet we are not convinced that we need to spend more money for these services. We suggest that the review of this position be the first step in a more thorough in-depth review process. Council needs to fully understand and confirm that it is vital to sustain the current size and configuration of the Yellow Springs Police Department. In saying this we are in no way dismissing the job of the department nor the dedication and skill of our officers. What we are affirming is that Council needs to answer to the community and demonstrate that we have thoroughly balanced the community safety needs with the impact of additional expenses on affordability.

We ask that the budget line item of \$20,000 for the Outreach Coordinator be removed from the 2018 budget. If and when, Council approves the position and an additional expense, it can be taken out of the General Fund at that time.

Police Outreach Coordinator/ Social Worker

Council Meeting November 6, 2017

Judith Hempfling

There are several documents and websites regarding Police Social Workers which I have included in the packet as we consider this recommendation by the JSTF and the concept of a Police Outreach Coordinator which has been developed by staff. Council and the community has not had an in depth discussion about this idea and given the public hope and interest in it, I am imagining that 2 or 3 discussions will need to take place to finalize the concept which will serve our community best, as well as a decision on cost and how the position will be paid for.

Yellow Springs Justice System Task Force (JSTF) Recommendation #4 to Yellow Springs Village Council

April 2017

JSTF recommends that Village Council direct the Village Manager, Patti Bates, and Interim Chief of Police, Brian Carlson, to pursue the hiring of a Social Worker to work within the Police Department.

History of Police Social Work:

Police Social Worker Practice originated from a pilot program in Illinois, 1970, funded by the Illinois Law Enforcement Commission. The original philosophy was to employ social services in police departments to assist in diverting non-violent misdemeanor offenders from the criminal justice system. This project intended to demonstrate that police social work is ideal for dealing with offenders whose problems, “can’t be solved by police work alone because they are primarily social and emotional rather than criminal in nature”.

The pilot program later expanded to other target populations including: domestic violence, juvenile offenders, troubled youths, victims of crime and mental health cases. These programs continued to interface directly with law enforcement offering crisis intervention, short-term counseling and referral services to the target population; reducing the recidivism rates of police involvement in these types of cases.

Currently, In Illinois, there are 31 communities that employ Social Workers within their Police Departments. Wisconsin also has a number of Police Social Workers. Alexandria, KY hired a Police Social Worker last year (first in KY); Chattanooga, TN; WA; CA.

Police departments currently employ social workers to provide services in areas such as domestic violence, mental health, substance abuse, child abuse, juvenile delinquency and elder abuse. Social workers provide crisis intervention, interview child victims, provide mediation services and give referrals for treatment, working closely with the law enforcement officers.

Research Results:

The Association for Police Social Workers has found that the benefits to having a social worker within a police department are as follows (although not limited to):

- Minimization of police officer time spent on non-criminal calls
- Enhanced victim cooperation with investigations and prosecution
- Reduced recidivism rates in juvenile and domestic cases
- Available professional consultation with a trusted mental health professional
- Multidisciplinary approach to difficult and complicated cases
- Positive community relations
- Ability to target special populations and assist with chronic, reoccurring situations

Rationale: Changes within our Police Department, along with several unfortunate events in the recent past between the department and villagers, has created a divide between the YSPD and villagers. There have been a lot of energy, ideas, and events centered on rebuilding connections and trust. Having a social worker with a strong background and knowledge of our town, our specific needs and concerns, as well as an understanding and adhering to the Village Guidelines for Policing, would be a pro-active

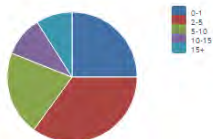
step in bridging the current divide. A summary of Police reports illustrates the extent to which our officers respond, almost daily, to the type of situations described above. A social worker within the PD would help to facilitate a collaborative approach to restorative justice practices and best practices in implementing them. As the social worker facilitates connections within the community between Law Enforcement Officers and citizens it will add a human element that Yellow Springs villagers have expressed a need for.

Next Steps: A group can be formed to address the funding aspect as well as the job description for a social worker. Yellow Springs has many mental health professionals and social workers to call upon. Some of the communities pay their social workers through the Police Department, through their Village, or through different types of grants (Dept. of Justice Grant, Victims of Crime Act Grant). Both Chief Carlson and Manager Bates have seen this recommendation and support the general concept with considerations for budgets and hiring practices.

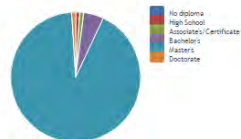
Data has been collected from many sources, however, for the purpose of these graphs; <http://www.salary.com/> was used to compile a consistent comparable metric.

Job Statistics

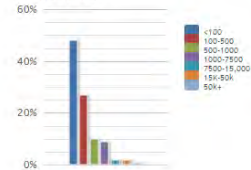
Years of Experience



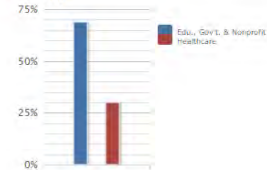
Education Level



Company Size

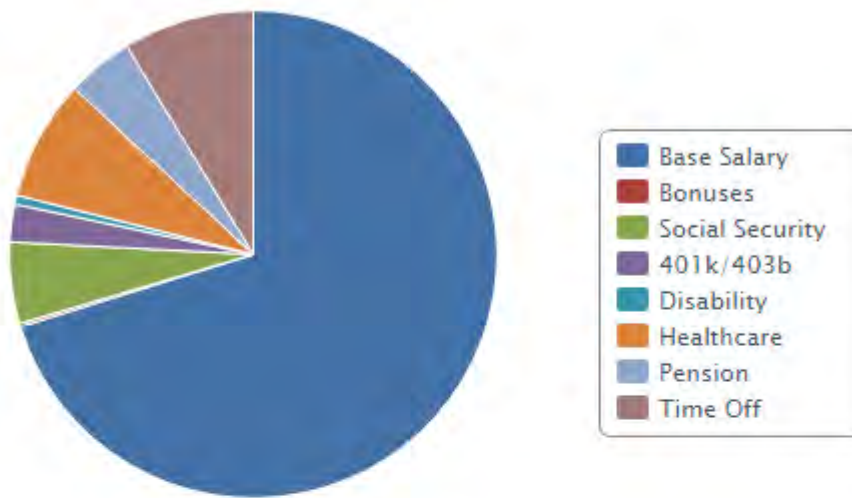


Industry



Averages for Dayton, OH

Social Worker (MSW)



Core Compensation	Median	% of Total
Base Salary	\$57,477	70.2%
Bonuses	\$138	0.2%

Core Compensation is based on averages for this job and does not reflect personal factors used to determine your projected salary range.

Value of Benefits

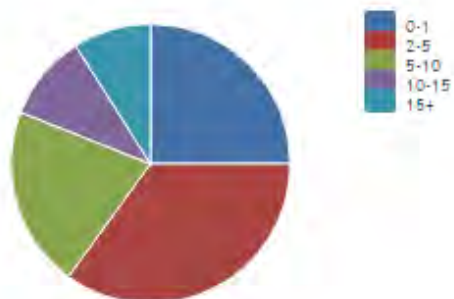
Social Security	\$4,407	5.4%
401K/403B	\$2,074	2.5%
Disability	\$519	0.6%
Healthcare	\$6,592	8.0%
Pension	\$3,630	4.4%
Time Off	\$7,091	8.7%
Total Compensation	\$81,927	100%

Value of Benefits indicates the employer's expected contribution and paid time off.

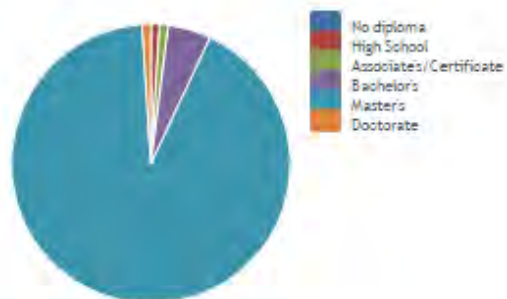
\$ Use the [Benefits Calculator](#) to compare your benefits with the industry average.

Job Statistics

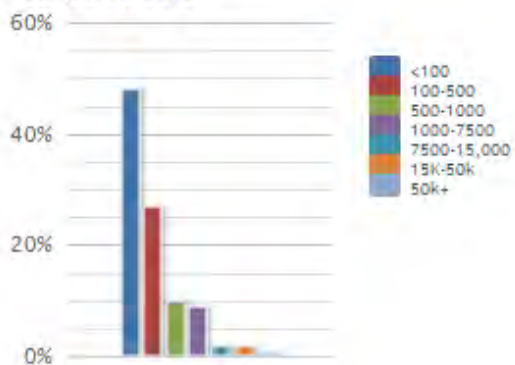
Years of Experience



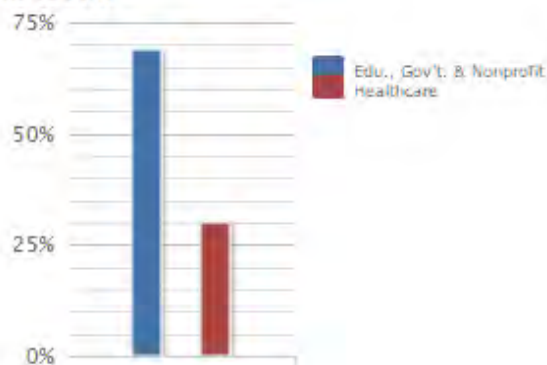
Education Level



Company Size



Industry



Police Patrol Officer

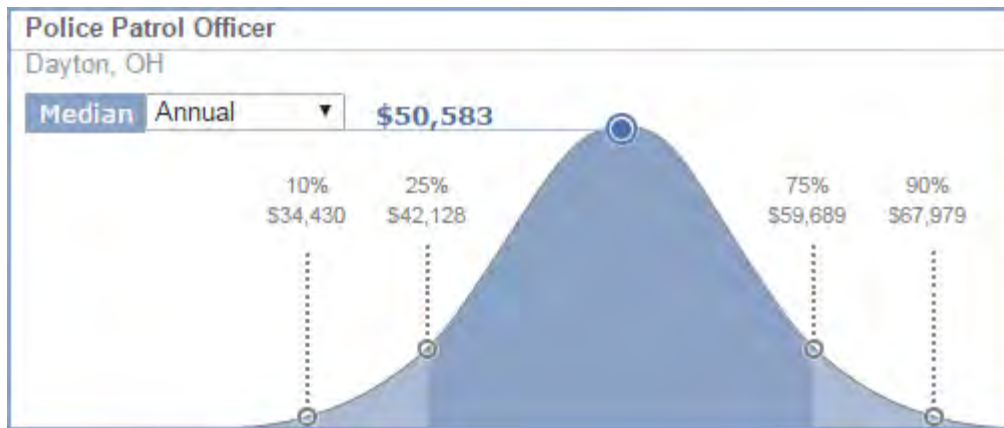
Dayton, OH

Median

Annual

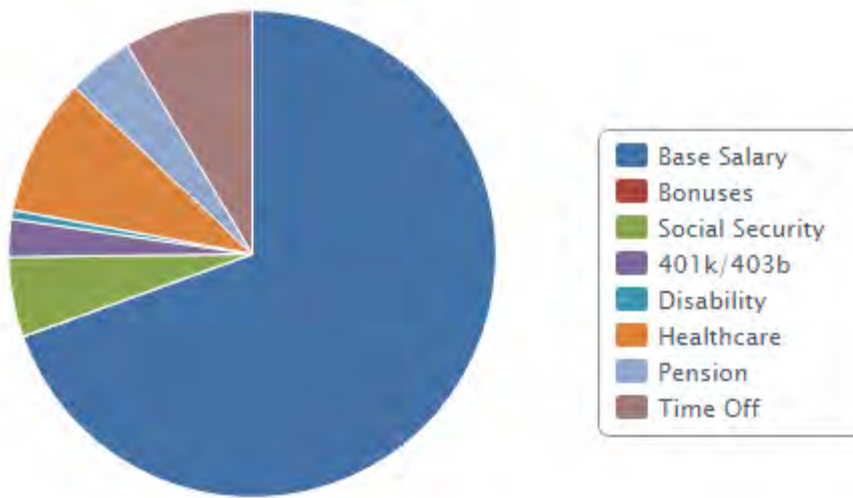
\$50,583

10% \$34,430 25% \$42,128 75% \$59,689 90% \$67,979



Averages for Dayton, OH

Police Patrol Officer



Core Compensation	Median	% of Total
Base Salary	\$50,583	69.5%
Bonuses	\$0	0.0%

Core Compensation is based on averages for this job and does not reflect personal factors used to determine your projected salary range.

Value of Benefits

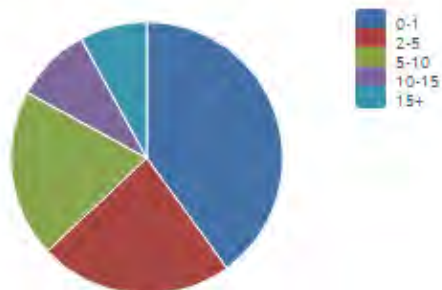
Social Security	\$3,870	5.3%
401K/403B	\$1,821	2.5%
Disability	\$455	0.6%
Healthcare	\$6,592	9.1%
Pension	\$3,187	4.4%
Time Off	\$6,226	8.6%
Total Compensation	\$72,733	100%

Value of Benefits indicates the employer's expected contribution and paid time off.

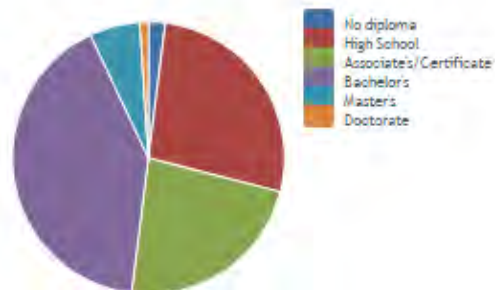
\$ Use the [Benefits Calculator](#) to compare your benefits with the industry average.

Job Statistics

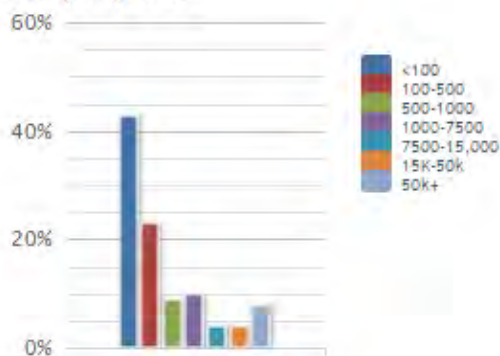
Years of Experience



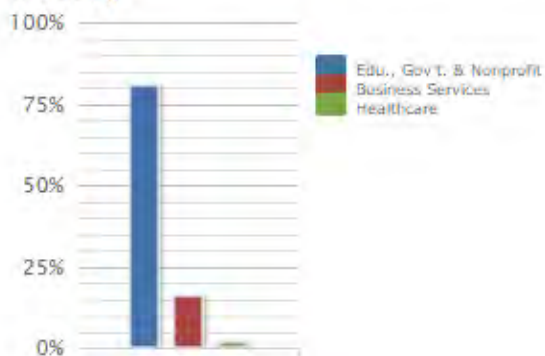
Education Level



Company Size



Industry



Social Worker (BSW)

Dayton, OH

Median Salary + Bonus **\$50,944**



Social Worker (MSW)

U.S. National Averages

Median Annual **\$60,641**



Police Social Work Articles Links:

<http://www.dailyherald.com/article/20160201/news/160209974/>

<http://www.heraldnet.com/news/balanced-approach-social-workers-police-tag-team-on-problems/>

(<https://everettwa.gov/1390/Embedded-Social-Workers>)

http://www.socialworkers.org/pubs/news/2016/10/roles_in_community.asp

<http://www.cincinnati.com/story/news/local/campbellcounty/2016/07/09/alexandria-hires-police-socialworker/86906004/>

<http://work.chron.com/career-police-social-worker-16561.html>



JOB DESCRIPTION: Police Social Worker

EXEMPT:	Yes
COMPENSATION CLASS:	N/A
DEPARTMENT:	Police
REPORTS TO:	Lieutenant

SUMMARY:

Under the general direction of the Deputy of Police and the Chief of Police, the Police Social Worker provides social service assistance through crisis intervention, consultation and follow-up counseling to the community.

ESSENTIAL DUTIES AND RESPONSIBILITIES include the following. Other duties may be assigned.

- Provides community crisis-intervention, diagnostic evaluation and emergency response in a twenty-four hour basis for juvenile cases, domestic disputes, traumatic incidents and death, indigent populations, victims of violent crimes, mental health/substance abuse cases, additional services for physical, mentally, developmentally disabled individuals and senior citizens and providing assistance to officers in the field
- Provides in-home comprehensive assessments when appropriate
- Provides short term counseling and/or referral services to individuals and families
- Serves as a victim advocate for victims of crime occurring in Lincolnwood, which may include testifying in criminal, juvenile and mental health court on behalf of victims or their families
- Assists indigent referrals in locating and applying for financial assistance services which may include services through civic association funds
- Maintain confidential client records for counseling services in accordance with established procedures
- Work closely with and coordinate the delivery of social services with the patrol officer and with the Investigative Section/Youth Unit; Fire Department and paramedic teams
- Assists police with death notifications, critical incident stress management services

- Assists police and fire in large scale emergencies utilizing the interagency agreement
- Maintains current knowledge of police and fire department activity
- Maintains a working relationship with the schools and community resources
- Explores and apply for appropriate grant opportunities
- Provides in-service training to departments in need of social work knowledge, mandated reporting laws and other social work topics
- Coordinates counseling service cases with other service agencies when needed including : DCFC, juvenile court, senior centers, Department of Mental Health and police department youth officers
- Attends professional development and continuing education training as required to maintain proficiency and State of Illinois Social Worker License
- Complies with all Village Policies, Protocols, and Procedures
- Performs other duties as required or assigned

QUALIFICATION REQUIREMENTS:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE:

Bachelor's degree in Social Work, or related field of study required; Master's degree (M. A. in related field of study) preferred; five years related experience and/or training; or equivalent combination of education and experience.

LANGUAGE SKILLS:

Excellent written and verbal communication skills. Effective skills in negotiating, public speaking, consulting, conflict resolution, report writing, editing of written materials, interpretations and analysis of technical and statistical information. Ability to read, analyze, and interpret common reports and legal documents. Ability to respond to common inquiries or complaints from regulatory agencies, or members of the community. Ability to effectively present information to department heads, public groups, and/or Village Boards.

MATHEMATICAL SKILLS:

Ability to calculate figures such as percentages. Ability to apply concepts of basic math. Knowledge of budgeting procedures and techniques.

REASONING ABILITY:

Ability to apply principles of logical thinking to a wide range of intellectual and practical problems. Ability to deal with nonverbal symbolism. Ability to deal with a variety of

abstract and concrete variables. Ability to analyze a variety of complex administrative and operating issues, and the ability to make sound recommendations for their resolution.

OTHER SKILLS AND ABILITIES:

- Minimum of a Licensed Clinical Social Worker (LCSW) certification from the State of Illinois.
- Must possess State of Illinois Class D drivers license and a safe driving record.
- Knowledge of Federal, State and local laws and ordinances related to the field of mental health, including: domestic violence, mental health and disabilities, the confidentiality code, the Child Abuse and Neglect Act and the Elderly Abuse and Neglect Act.
- Knowledge of state, local and private clinical and social welfare resources.
- Knowledge of the circuit court system as related to domestic violence and admissions for psychiatric assessments.
- Ability to clinically work with individuals or groups of all ages, providing crisis intervention, diagnostic, group and short term treatment services.
- Skill in effectively communicating both orally and in writing.
- Ability to work flexible hours, including evenings, and provide both regularly scheduled and on-call counseling as needed.
- Ability to perform basic computer operations including data entry and queries.
- Ability to maintain effective working relations with employees, organizations, management officials and the general public.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Must be available to work extended hours; must be able to attend night meetings of the Village Board and other boards or commissions as necessary. Ability to work under pressure in a high stress environment. Ability to see in order to review and evaluate the performance of subordinates, view computer monitor, read information and perform similar duties. Ability to perform a substantial amount of work by telephone; spends an average of 20% of work time on the telephone. Ability to sit for lengthy periods of time; spends an average of 90% of work time in sitting position. Ability to speak and hear clearly both in person and over the telephone in order to accomplish work. The employee must occasionally lift and/or move up to 50 pounds.

WORK ENVIRONMENT:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually moderate.

SAFETY:

All employees are expected, as a condition of employment, to adopt the concept that the safe way to perform a task is the most efficient and the only acceptable way to perform it. Safety adherence of performance will be considered an important measure of employee performance evaluation. As such, the employee must:

- Comply with established safe work rules
- Report all accidents and injuries immediately and cooperate in all accident and injury investigations, supplying full and complete information
- Submit recommendations for Safety and efficiency, as well as report defective equipment and unsafe conditions
- Know their exact duties in case of fire or catastrophe
- Provide public protection from unsafe conditions and hazards

SOCIAL WORK AND POLICE PARTNERSHIP
Creating a partnership between Law Enforcement and Social Services
George Karabakakis Ph.D., gkarabak@hcrs.org, www.hcrs.org
Chief Operating Officer
Health Care & Rehabilitation Services of S.E. Vermont
(802) 886-4567

PROGRAM OVERVIEW

The purpose of this program is to support, monitor, assess and provide follow up to individuals with mental health and/or substance abuse issues referred by the Springfield, Bellows Falls, and Brattleboro Police Departments and community providers. This program is designed to interrupt the cycle of serious family, personal and criminal problems. Health Care & Rehabilitation Services (HCRS) staff provide de-escalation, establish rapport, assess the needs identified by the individual or families, make the appropriate referrals and provide follow up to those served by the program. The program is proactive by reaching individuals at an earlier stage, thereby minimizing risk and increasing options for therapeutic interventions and positive behavior change. Staff work closely with the police department and other community providers and provide community-based outreach to those in need.

PROGRAM ACTIVITIES /GOALS

The Police Social Worker provides case management, skills training and crisis intervention services to identified families and individuals in the region. Goals include:

- ◆ Working collaboratively with the Police Departments and supporting them in utilizing their resources more appropriately and reducing recidivism.
- ◆ Assessing the unmet social service needs of individuals with mental health and/or substance abuse issues
- ◆ Coordination with social service providers, natural supports, and local businesses
- ◆ Identifying community resources that will creatively address the needs of those served by the program
- ◆ Providing early intervention in order to avoid later crises and involvement of law enforcement resources
- ◆ Help coordinate community efforts towards the development of a Restorative Justice Project
- ◆ Decrease use of emergency and acute care services
- ◆ Improve the quality of life for residents of these communities by contributing to the reduction in crime

STAFFING

The Police Social Work Team is staffed by an HCRS Crisis Intervention Specialist. They are co-located at the Police Departments and HCRS and are provided clinical supervision by HCRS.

They are an integral part of the wide array of services at HCRS as well as connected to community resources.

They attend Police Department staff meetings and provide consultation on appropriate cases in order to determine the type of intervention needed and make the appropriate linkages to resources and services. Team members work collaboratively with community groups, the business community and interested citizens of our region to support positive change.

The Stories Behind the Police Social Work Program

The Police Social Work (PSW) Program allows for an HCRS case manager to work collaboratively with the Springfield, Brattleboro, and Bellows Falls Police Departments and local social services to interrupt the cycle of serious family, personal, and mental health problems that lead to contact with the police department. Working closely with families and individuals to “navigate the system” the PSW helps individuals and families identify and overcome obstacles that may interfere with getting the help they need. The program monitors, assesses, supports, and provides service coordination to individuals referred by the police department and community providers, in order to assist them in accessing services.

Below are a few of the stories behind the PSW Program, illustrating the essential work that they do every day:

The Brattleboro Police Department contacted the PSW on the weekend, explaining that they had a gentleman in a cell for DUI. This individual’s parents, who live out of state, had heard from NAMI that the Police Department has a social worker and asked that the social worker talk to their son as he has a major mental illness. The PSW went to the jail to meet with this individual. She explained the process as well as provided him with information about resources and supported him in going to court and getting an attorney. After his release, the PSW gave him a ride back to his car. Throughout this process, the PSW was able to provide assistance to this individual through an unfamiliar and difficult process and was able to provide comfort for the parents. Without this help, the individual would have been unable to navigate the system. The support he received helped ameliorate the impact the symptoms of his mental illness would have had in this situation. Including the family in this situation highlights the need to include natural supports and family members if individuals are to get the help they need as well as take responsibility for their actions.

Another incident involves the PSW receiving a referral from Morningside Shelter. The Shelter was dealing with an individual who appeared psychotic and delusional and asked if the PSW could come to their shelter and talk with them. The PSW went to Morningside and met with this individual. This person was on the edge of losing everything they had including a small business and home and was at risk of getting involved with the law in a number of ways. The PSW had lengthy discussions with this individual, gained their trust, and helped get them admitted into the Brattleboro Retreat. Upon discharge, the individual contacted the PSW who met with them. The individual continues to experience serious psychiatric symptoms, but through conversations with the PSW, chose to return home and obtain weekly counseling and other support services. This

individual contacted the PSW later to thank them for their assistance. He continues to receive weekly counseling and other supports and is no longer in danger of losing his business or home and remains connected to the community.

While fire personnel were attempting to fight a fire in our community, the owner was so distraught that she continually tried to enter the house. Police were having to physically restrain this individual and were about to put her in the back of a cruiser to keep her safe. The PSW was able to comfort this individual, physically keeping her safe while the police dealt with traffic issues and the fire department dealt with the blaze. This particular building had an upstairs apartment. The renter was displaced and most of her belongings were destroyed. The PSW was able to speak with the Fire Chief and although the building was compromised, after some discussion the Chief allowed one of his men to accompany this individual to her apartment to retrieve some personal and sentimental items. The PSW was also able to connect this individual with the local church to assist her with relocation within the community.

On another occasion, the PSW was called to work with the family of an individual who had passed away in a motor vehicle accident. The individual had been taken to Springfield Hospital for possible resuscitation, however, the attempts failed. This was a fairly young individual with a wife and family. The PSW met with his wife and other family members at their residence. The PSW explained everything that was happening, and was able to ensure that the family members would be safe getting to the hospital. The PSW was also there at the hospital with the family throughout the entire ordeal.

All of these incidents represent individuals in severe need; however, currently there are no provisions for their needs to be met. The flexible role of the PSW allows for these needs to be met seamlessly. Working as the liaison between the police/fire departments, existing services, social agencies, and the clergy, allows the PSW to truly orchestrate a timely, comprehensive, and cost effective plan of assistance.

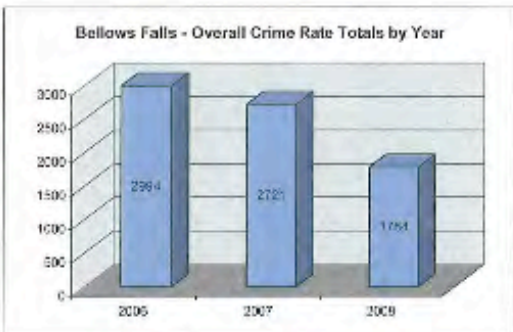
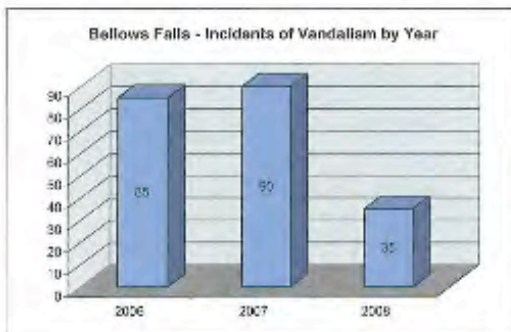
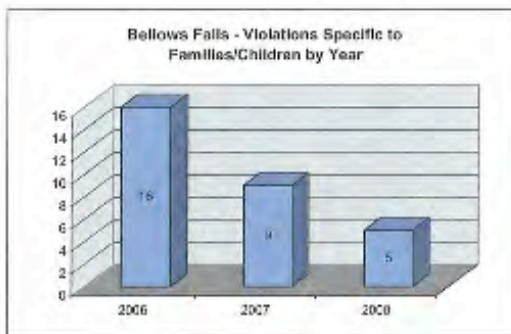
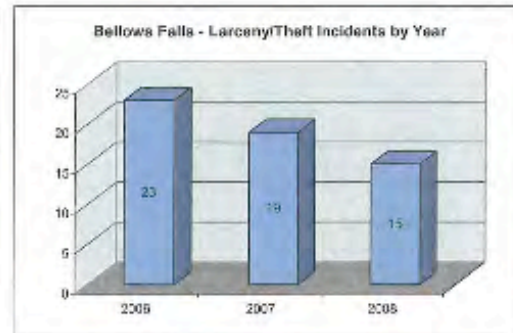
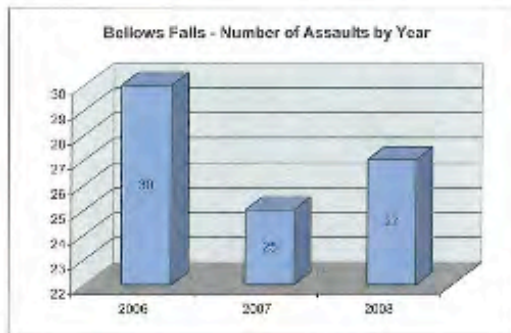
**Police Social Work Program Statistics
Springfield, Bellows Falls, and Brattleboro
2007-2008**

Description	Bellows Falls		Springfield		Brattleboro
	2007	2008	2007	2008	2008
Individuals Served	87	65	164	106	14
Number of Cases	38	41	87	50	10
Adults	76	26	130	84	11
Children	15	15	34	22	2
Males	45	27	74	50	5
Females	46	14	90	56	9
Total Number of Meetings with Clients	137	132	246	225	42
Intervention Level 1	124	106		208	33
Intervention Level 2	3	9		16	5
Intervention Level 3	1	11		23	2
Intervention Level 4	2	6		8	
Referrals	38	91		118	24
Face to Face Meetings	66	132	246	225	7

2006 - 2008 Bellows Falls Data

Violations Associated with Disruptive Family Dynamics

2008 Figures as of Nov. 2008



Yellow Springs CEW (Taser) Use Policy
(This policy is a part of General Order 1.3, the Use of Force Policy. The CEW policy begins on page 8 of that General Order.)

(All material related to CEW has been moved from D to E.)

D. Prohibited Less Lethal Weapons

Offices may not carry:

- Brass knuckles, slappers, saps;
- Karate sticks;
- Any other item or object, unless approved by the Chief of Police.

E. CEWs (Conducted Electrical Weapon) use policy:

1. The Taser X-26P is the authorized CEW to be used by officers certified in its operation. Use of this device is strictly limited to officers who have received and passed the training and annual re-certification. Such training will be conducted by certified instructors and the records maintained by The police department. The CEW instructor is responsible for the care, maintenance and inspection of these types of weapons, however, officers shall inspect the CEW at the beginning of each shift.
2. The CEW will be used in accordance with the Response to Resistance policy and the provisions of this CEW use policy. The decision to use the CEW is based on the actions of the subject(s) or threat facing the officer(s) and the totality of the circumstances surrounding the incident.
3. Officers should not become overly dependent on the use of the CEW to the exclusion of other reasonable alternative force options. Officers should articulate their decision to use the CEW based on the totality of circumstances known to the officer at the time of the incident and in light of available force options reasonably available to the officer at the time.
4. Before the CEW is implemented, the officer should announce ~~%Taser+~~ to provide the individual and other officers or bystanders with a sufficient warning that the CEW is about to be used. **The center mass of the subject's back should be the primary target where reasonably possible; and lower center mass of the chest or the legs should be the secondary targets.**
5. Officers should use the CEW for one standard five second cycle and stop to evaluate the situation. As a guideline, officers may only use subsequent five second cycles under the same standards and limitations as the first shock. Continuous shocks are prohibited.

In those incidents where subsequent cycles are necessary, and as the

situation is being constantly re-evaluated, officers shall only use the minimum number of cycles necessary to cease the danger and place the subject in custody.

6. If more than one officer and CEW are on the scene of an incident, no more than one officer should activate a CEW against a person at a time.
7. A chief of police/supervisor or designee should be notified as soon as practical and if on duty, the chief of police/supervisor should respond to the incident scene where a CEW was activated and conduct an initial review of the incident.
8. **All-person who has been exposed to CEW activation with probes or in the “drive stun” mode shall receive a medical evaluation.** An officer or supervisor may remove the probes except if the probes are located in a sensitive area (any area involving the head, neck, breast, and groin) the person should be immediately removed to the hospital. Protective gloves shall be worn when removing probes from the skin and a sanitizing spray or gel shall be administered to each puncture site along with a Band-Aid. CEW darts should be treated as a biohazard. All persons who have been subjected to a CEW activation should be monitored regularly while in police custody even if they receive medical care. Photos will be taken of the area(s) of the body in which the probes impacted and any injuries as the result of the using of the CEW
9. Except for readiness testing prior to issuance, every time a CEW is pulled and aimed at a subject and every discharge of a CEW will be documented. A Use of Force Report shall be completed for any discharge against a person or animal. Anytime there is an accidental discharge of a CEW cartridge, a memo shall be completed by the employee responsible for the accidental discharge through the chain of command. All spent cartridges will be retained and logged as evidence. This does not apply to cartridges used for training purposes.

Officers should attempt to locate the AFID ~~micro-dots~~ dispersed at the time of the cartridge firing. These should be collected and placed into evidence with any expended cartridges for identification purposes. The probes are evidence and should be placed in containers for safe storage of sharp objects.

Reports shall include the CEW and Air Cartridge serial number.

10. The ~~Probe Mode~~ should be the primary setting option, with ~~Drive Stun Mode~~ used only as the secondary option. It is subject to the same deployment guidelines and restrictions as that of the ~~Probe Mode~~.
11. Approved uses of this device are:
 - (a) CEWs should only be used to protect life or prevent serious injury. CEWs may only be used against individuals who pose an immediate threat of serious injury or death to themselves, the officer, or others.

- (b) To disarm subjects in a situation that may escalate to deadly force. This could include but is not limited to persons holding themselves hostage with knives or other sharp instruments, blunt weapons, or martial arts practitioners.
- (c) When a vicious animal is threatening or is attacking a citizen, an officer or other animal and the use of other force is not reasonable, or may not be desired given the situation.

12. Not approved uses:

- a. Solely to secure compliance with orders or instructions or where the sole purpose is to facilitate taking a subject into custody.
- b. Against a passive subject.
- c. In a punitive or coercive manner.
- d. In horseplay of any kind.
- e. CEWs should not be used in the presence of combustible vapors and liquids or other flammable substances including but not limited to alcohol based Oleoresin Capsicum (O.C.) Spray carriers.
- f. CEWs should not generally be used against pregnant women, elderly persons, young children, and visibly frail persons unless significant exigent circumstances exist. Nor should they generally be used against people suffering the effects of drugs or mental illness who are highly agitated or delirious unless significant exigent circumstances exist.
- g. Against people with known heart problems or neuromuscular disorders such as muscular sclerosis, muscular dystrophy or epilepsy.
- h. CEWs should not generally be used when a subject is in a location where a fall may cause substantial injury or death.
- i. CEWs should not be used against a fleeing subject unless the subject poses an immediate threat of death or serious injury to the officer or others.
- j. CEWs should not be used on handcuffed persons, unless used to prevent individuals from causing serious injury to themselves or others.
- k. Officers should avoid intentionally firing darts or using drive stun mode at a subject's head, neck, middle chest and genitalia, except in life or death situations. It is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the CEW darts to a precise target area, and prompt, ongoing care should be taken to monitor the care of the subject.
- l. CEWs should not be used against suspects in physical control of a

vehicle in motion to include automobiles, trucks, motorcycles, ATVs, bicycles and scooters unless exigent circumstances exist.

13. An Internal Investigations Response to Resistance investigation should be initiated when any of the following factors are involved:
 - a. subject experiences death or serious injury;
 - b. CEW appears to have been used in a punitive or abusive manner;
 - c. there appears to be a material deviation from training or policy;
 - d. CEW has been used on a person in an at-risk category.
14. A CEW may be used only within the scope of employment and authority of an officer.

From: Ellis Jacobs, YS Justice System Taskforce
Rationale regarding changes in Taser Use Policy
11/5/2017

The rationale for modifying the current policy is an awareness that Tasers (CEW) which are defined as less than lethal force, are actually quite dangerous with vulnerable populations, and recorded deaths are not unusual. Second, the current training on Taser use appears to encourage officers to depend on Tasers for compliance in many situations where other tactics and tools are available. Nationally, there have been numerous reports of officers using a Taser for simple traffic stops. It is recognized that Tasers are an important tool for law enforcement in dangerous situations, but they can have serious consequences and can be unnecessary force in many situations where a less violent intervention is possible.

Modifications to the guidelines in the Policy are derived from several sources. Two important ones are “The National Consensus Policy on the Use of Force,” January 2017, (This National Consensus Policy on Use of Force is a collaborative effort among 11 of the most significant law enforcement leadership and labor organizations in the United States --Funded by the International Association of Chiefs of Police.)

The second major source is the American Civil Liberties Union research and case law regarding the use of Tasers.

Summary of Recommendations from “Shocking Lack of Taser Policy in MN” Dec. 2011 ACLU - MN

- The ACLU-MN recommends a uniform, statewide use of force continuum, which places Tasers higher than hard, empty hands and at the same level as a baton.
- Each agency, which owns a Taser, should have a separate Taser Use Policy, which accounts for the risks unique to Taser use such as risk of falling, risks to vulnerable populations, and risk of fire.
- Agencies should have strong restrictions on the use of force on people suffering mental health crises.
- Training for Taser use should address the risks of Tasers more explicitly than the materials provided by state training agencies.

Next Steps: The Yellow Springs Police Department will modify its Use of Force Policy to include the attached Guidelines and then design Field Training that reflects the new policy.



Council Commission Clarifications

Submitted by Brian K. Housh

November 3, 2017

Ordinance Revisions

At the November 2 & 16, 2015 Village Council meetings, the ordinances for all commissions . with the exception of Planning Commission (PC) and Board of Zoning Appeals (BZA) . were revised to standardize language, procedures and processes that were inconsistent among these ordinances, apparently because they had been created without reference to the established practices of other commissions. Not only was this confusing, but there seemed to be no good reason identified to treat these commissions differently. It should also be noted that during the final discussions on standardizing commission ordinances, a few additional clarifications were requested by Council, which should have been included in the final versions of the ordinances; these can be highlighted during our November 6, 2017 meeting.

During Council discussions, it was recognized that PC and BZA are unique given their quasi-judicial nature, thus an appreciation of minimizing the political aspects of these appointments is critical to ensure objectivity; however, it was also highlighted that **all** Village commissions are the responsibility of Council members, the elected (as opposed to appointed) officials of Yellow Springs. Thus, the Commission Roles & Responsibilities, which were approved in 2015 meeting, were deemed to apply to PC and BZA as well as the other commissions. The Clerk of Council should have on file signed Roles & Responsibilities documents from all current commission members, which includes the requirement to complete the Sunshine Law training. To my knowledge, less than 10% of the 50+ commission members currently serving the Village have submitted their certificate of Sunshine Law training completion to the Clerk of Council.

It should be noted that according to the ordinances, any commission that has a Village Council approved budget is required to have a Treasurer.

Commission Budgets

When Village Council approved a total commission fund of \$25,000 during their 2016 budget hearings, it was made clear that any commission interested must formally request a budget from Village Council. Only the Arts & Culture Commission followed this process in 2017, and I have repeatedly asked the Human Relations Commission (the only other Council Commission currently spending taxpayer money) to submit a budget request, which has not been done despite the Commission awarding grants and using funds for other activities. While I appreciate and support the important work of the HRC on behalf of the Village, Council is ultimately responsible for the spending of taxpayer dollars. Transparency is paramount and, moving forward, I will not support any commission spending funds without an approved budget request. This is a **very** simple



process, and I have offered to help any commission with putting together a document similar to what the ACC did this year.

The Disconnect

Because of the noted distinction with PC and BZA, there seems to be confusion about the process requirements related to appointing/reappointing commission members. In particular, it was established that 2 Council members should interview any candidate before nominating them to a position. The other policy that was clarified by Council is that alternates do not automatically become full commission members, an issue raised by the HRC that I and other Council members agreed with, which is embodied in the commission ordinances that were revised; since the PC and BZA ordinances were intentionally not updated, it makes sense that there is confusion about what I think was Council's intent to apply this policy to all commissions. The other issue that has come up recently and was not fully addressed, which is to be expected as we continually improve our practices, is a specific process and timeline for advertising open commission positions. We have been operating on common sense but it has become clear that we should codify this procedure, which was discussed to some extent in 2015. Certainly, we want to provide time for interested citizens to respond to advertisements for open commission positions.

Board and Commission Applicant Process

Prepared by: Clerk of Council, 11-1-2017

At present, Council is responsible for maintaining 12 Boards, Commissions or Task-Forces. Of those, one is on hiatus, and three meet only as needed. Of the 12, two are required by the Ohio Revised Code (Planning Commission and Board of Zoning Appeals--BZA).

In 2015, Council standardized the membership and procedures sections of all existing boards and commissions with the exception of Planning Commission and BZA.

At that time, it was the intent of Council to standardize the approach to these Boards and Commissions generally, and in that vein, Councilmember Housh has consistently endeavored to establish consistency among these bodies with regard to membership and communication.

Historically, it has been the role of the Clerk, when apprised of an opening on a board or commission, to do the following:

- Inquire of the member whose term is expiring as to whether they wish to continue to serve, and if so, to get acknowledgement of this from them. (It has not been made clear as to whether continuing board/commission members are required to participate in an interview to continue in the position.)
- Advertise the positions(s) in the YS News for 2 weeks (as of fall 2017, this was expanded to include advertising on the Village run sites, including the Facebook page, where more information can also be provided and to the Cable Access Channel).
- Disseminate names and resumes/letters of interested applicants to the Council rep as they come in, immediately follow up with the candidate to provide further information if needed and to let them know that a Council member will be contacting them in the several weeks for an interview.
- Follow up with the designated Council member to remind them to schedule interviews and, if needed, to set up a schedule for the interviews (generally this is the case if there are more than three).
- If the interview schedule is set by the Clerk, the Clerk does all follow up with interviewees regarding scheduling and reminders.
- Once decisions are made, those are conveyed to the Clerk, who then places nomination material in the Council packet, and awaits a final vote of Council.
- Once approved by Council, the Clerk sends either a packet of information and a welcome letter or a letter expressing regret that the candidate was not selected.

An area of concern is the potential for candidates to “fall through the cracks” when names are passed along to Council for interview scheduling. It is common for set up to take weeks, and when changes must be made due to a last minute scheduling conflict often even more time passes. If the Clerk is not informed that a candidate must be rescheduled there is no awareness that that person may need further communication.

An additional concern is that if Council members are communicating directly with a candidate but are not including the Clerk in that communication, a public record is being held only by that Council member, often on a personal device. It would be preferable for all communications to be cc-ed to the Clerk so that

she holds the public record of the communication and so that she can assure follow up in the event that it has not taken place.

A possible solution to the scheduling situation is this: if there are fewer than four candidates for a position, the Council rep sets up interviews, and copies the Clerk on all communication. This should be done via e-mail, or an e-mail sent to verify phone call or text. In the event that there are more than three candidates, the Clerk would set up all interviews for the fourth Monday of the month, to occur between 6pm and 9:30pm. This would eliminate scheduling changes to a great extent.

Letters are standardized except in the formation of a new Board or Commission, when language is specific to that entity to a greater extent.

The following is excerpted from a 2010 Council produced document delineating Guidelines for Commissions/Committees/Boards, and that document was updated from a 2004 document which is quite similar:

Role of Council Representative

1. Council Representative should not be the President of any commission, committee or board.
2. The Representative should take questions, special decisions to Council if a Council response is desired.
3. The Representative should report to the Commission anything pertinent from the last Council meeting.
4. The Representative makes sure the Commission abides by Sunshine Law, and asks the President or Secretary to notify the Clerk of Council of meeting times, changes in meetings, etc.
5. The Representative, along with another Council member, interviews applicants for open seats on his/her commission or board, then brings recommendations to Council and leads discussion on the merits of each candidate.
6. Each Council Representative should be a voting member of the commission, committee or board; unless otherwise stated in the Codified Ordinances.

Public Service Values for Local Government Officials

(Yellow Springs Village Council Commission / Board Member Roles & Responsibilities -- Attachment A)

Fairness

- I make decisions based on the merits of issues.
- I honor the law's and the public's expectation that agency policies will be applied consistently.
- I support the public's right to know and promote meaningful public involvement.
- I am impartial and do not favor those who are in a position to help me.
- I promote equality and treat all people equitably.

Vision

- I work to improve the quality of life in my community.
- I am proactive and innovative when setting goals and considering policies.
- I maintain consistent standards, but am sensitive to the need for compromise, thinking outside the box and improving existing paradigms.
- I promote intelligent innovation to forward the agency's policies and services.
- I consider the broader regional and statewide implications of the agency's decisions and issues.

Compassion

- I recognize government's responsibilities to society's less fortunate.
- I consider exceptions to the agency's policies when there are unintended consequences or undue burdens.
- I realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible.
- I convey the agency's care for and commitment to its community members.
- I am attuned to and care about the needs of the public, officials and staff.

Public Trust

- I remember that my role is to serve the community.
- I consider the interests of the entire community in reaching my decisions.
- I support merit-based processes for the award of public employment and public contracts.
- I promote the efficient use of the agency's resources.
- I do not accept gifts or other special considerations because of my public position.
- I do not use my position for personal gain.

Responsibility

- I come to meetings prepared.
- I do not discuss confidential information without proper legal authorization.
- I represent the official positions of the agency to the best of my ability when authorized to do so.
- I explicitly state that my personal opinions do not represent the agency's position and do not allow the inference that they do.
- I refrain from any action that might appear to compromise my independent judgment.
- I take responsibility for my own actions, even when it is uncomfortable to do so.
- I do not use information that I acquire in my public capacity for personal advantage.
- I do not represent third parties' interests before my agency.

Integrity

- I am truthful with my fellow elected officials, the public and others.
- I do not promise that which I have reason to believe is unrealistic.
- I am prepared to make unpopular decisions to further the public's interest.
- I credit others' contributions in moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support any position.
- I excuse myself from decisions when my or my family's financial interests may be affected by my agency's actions.
- I disclose suspected instances of impropriety to the appropriate authorities.

Respect for Others

- I treat fellow officials, staff and the public with courtesy, even when we disagree.
- I focus on the merits in discussions, not personalities, characters or motivations.
- I gain value from diverse opinions and build consensus.
- I follow through on commitments, keep others informed and make timely responses.
- I am approachable and open-minded, and I convey this to others.
- I listen carefully and ask questions that add value to discussions.
- I am engaged and responsive.
- I involve staff in all meetings that affect agency decisions.



YELLOW SPRINGS VILLAGE COUNCIL COMMISSION / BOARD MEMBER ROLES & RESPONSIBILITIES

Village Council values the expertise of citizens and recognizes that additional time is necessary for research and project development as well as to make decisions regarding certain local government activities that are important to our community. Council appoints citizens to its commissions, boards, panels, committees and task forces (hereinafter collectively referred to as "commissions") who have the interest and commitment to make things happen. These groups function as advisory and/or quasi-judicial bodies, and Council may task commissions to work on particular projects as provided for by the Village Charter and the Yellow Springs Code of Ordinances. Commissions may also make recommendations to Council on particular issues.

Council members are responsible for any major projects that commissions undertake as the elected officials of the Village. Commission members should seek Council approval before involving Village staff in any significant time commitment, and all requests of staff shall first be made to the Village Manager. The Council Clerk is available to answer procedural questions and to provide limited administrative support.

Because commissions function as extensions of Village Council, there are certain expectations placed on commission members. These expectations relate to the effectiveness of the commissions as advisory and/or quasi-judicial bodies and to how individual commission members represent the Village outside of commission meetings. Council expects that commission members:

- Make every effort to attend regular and special commission meetings, be timely and prepared, and notify the commission Chair if they are unable to attend a meeting.
- Agree to work with other commission members, understanding that differing opinions can strengthen a commission if members are respectful. If consensus cannot be reached, it is important to 'agree to disagree.' Decisions are made by majority vote.
- Follow an agreed upon meeting process and vote on important decisions.
- Refrain from activities that could result in conflict of interest, defined as engaging in any commission activity that could financially benefit the commissioner or her family.
- Understand Sunshine Laws through completion of the online training at <https://sunshinelaw.ohioattorneygeneral.gov> and submission of the certificate of completion to the Council Clerk.
- Not represent oneself to the public as having special power as an individual commission member.
- Uphold the "Public Service Values for Local Elected Officials" articulated by the Institute for Local Government (see Attachment A).

By signing, I acknowledge that I have read and understand this document.

Signature: _____ Date: _____

Print Name: _____

Commission or Board: _____ Term Ends: _____



The Arts & Culture Commission advises Village Council on issues that affect use, appearance and experience of Village property. The Commission takes into consideration the respect for all users of public space to promote and support improvement, beautification, growth and creativity of our community.

The Village of Yellow Springs has a unique history of creative activity, and people choose to live in and visit Yellow Springs because of its art and culture. The Arts & Culture Commission (ACC) is a multi-disciplined advisory panel, tasked with supporting Village government as it fulfills its commitment to art and culture in Yellow Springs. The ACC advises Village Council on issues that affect use, appearance and experience of Village property. The Commission takes into consideration the respect for all users of public space to promote and support improvement, beautification, growth and creativity of our community.

The Village of Yellow Springs believes that art and culture are critical as we continue to build a community that provides great quality of life, fuels creativity and innovation, and attracts people who will continue to expand the creative vision and profound thinking in which this community is rooted.

2017 Arts & Culture Commission Budget Request - \$4,000

Village Inspiration Design Award (VIDA)	Total \$1000
Education	\$750
<i>Examples: VIDA map, Art Cans Website, Skate Park event tables, School visits</i>	
Materials	\$100
<i>Examples: Awards Frames and Certificates, Security</i>	
Special Events	\$150
<i>Examples: Receptions (3 per year projected)</i>	
John Bryan Community Center Gallery	Total \$1000
Education	\$550
<i>Examples: Speakers, Supplemental educational materials, Exhibition guides</i>	
Materials	\$300
<i>Examples: Installation support, Event equipment and necessary items</i>	
Special Events	\$150
<i>Examples: Receptions, Meet & Greet Artists events</i>	
Community Sponsorships	Total \$2000
KIND NESS banner	\$847
<i>Previous Examples: Art Cans, Skate Park Fundraisers, etc.</i>	
<i>Future Ideas: "Fairy Tale" Readings at Library</i>	

CHAPTER 276

Human Relations Commission

[276.01](#) Establishment and Purpose.

[276.02](#) Membership and Procedure.

[276.03](#) Powers and Duties.

[276.04](#) Reports.

[276.05](#) Compensation.

CROSS REFERENCES

Power of Council to establish - see CHTR. § [17](#)

Discrimination against officers and employees prohibited – see CHTR. §89

Interfering with civil rights – see GEN. OFF. 608.13, 636.22

Equal housing opportunity – see GEN. OFF. Ch. 626

Human relations generally – see GEN. OFF. Ch. 632

Intimidation in connection with housing – see GEN. OFF. 636.23

276.01 ESTABLISHMENT AND PURPOSE.

There is hereby established in and for the Village a Commission, which shall be known as the Human Relations Commission, for the purpose of promoting harmony among the citizens of the Village and working to eliminate prejudice and discrimination within the Village against any individual or group because of race, religion, nationality, heritage, gender, age, disability, sexual orientation or economic class.

276.02 MEMBERSHIP AND PROCEDURE.

(a) The Human Relations Commission will consist of five to seven members who are appointed by Council subsequent to submitting a letter of interest and resume and being interviewed and recommended by two Council members.

(b) One member shall be a Council Liaison, appointed to serve at the pleasure of Council, charged with directing and supervising Commission activities in line with Village goals and objectives. The other members shall be appointed for three-year terms. At the outset, some members shall be assigned two-year terms, and some members shall be assigned three-year terms, after which all terms shall be three years in duration. Members shall serve until their successor is appointed by Council or they are no longer eligible to serve.

(c) Up to two members can be at-large members if there are no qualified Village resident candidates or there are other compelling reasons in line with the purpose of the Human Relations

Commission. However, the Human Relations Commission will consist of a majority of Village residents, and non-resident members should only be appointed in exceptional circumstances.

(d) Each member of the Human Relations Commission shall demonstrate experience, expertise and/or education that is relevant to the purpose, powers and duties of the Commission. The members of the Human Relations Commission shall be as broadly representative of the residents of the Village as possible. The Village Manager or Assistant Village Manager will serve as an ex officio member.

(e) The Human Relations Commission shall annually select a Chair, Vice-Chair and Secretary. Except in unusual circumstances, the Council Liaison will not serve as an officer. If the Human Relations Commission is appropriated a budget, it shall also elect a Treasurer. The Chair creates the agenda and leads the meeting. The Vice-Chair fills in for the Chair in her or his absence and takes on other responsibilities as appropriate. The Secretary is responsible for taking minutes and sending them to the Clerk of Council in a timely manner after approval.

(f) Generally, a Commission member shall serve no more than two full consecutive terms. However, Council may determine in certain situations that extending a Commission member's term is appropriate. In the event of the death or resignation of any member, a successor shall be appointed by Council to serve for the unexpired period of the term for which such member has been appointed.

(g) Council is authorized to appoint up to two alternate members to serve on the Human Relations Commission. An alternate member shall be selected for a term of two years and shall be a resident of the Village. Alternate members are encouraged to attend Human Relations Commission meetings, whether or not they are serving as a member of the Commission at that meeting. However, there is no requirement that an alternate member attend meetings at which she or he is not asked to serve as a Human Relations Commission member. In any event, no alternate member shall cast a vote on a matter that was heard, in part or in full, at a prior meeting that the alternate member did not attend. If an alternate member is present as a Human Relations Commission member and a vote is to be taken on a matter for which the alternate member was not present during part or all of the hearing on the matter, the alternate member shall not be considered as part of the quorum for purposes of determining a majority of the quorum of the Human Relations Commission in deciding votes for and against matters. An alternate may apply to be a Commission member if a seat becomes open in the manner outlined in 276.02 (a).

(h) A majority of current Human Relations Commission members shall constitute a quorum, and the concurring vote of a majority shall be necessary to take any action authorized by the Code.

(i) The Human Relations Commission will have available to it through the Village Manager's office, without cost to its members, those things necessary to carry out its charge, such as a meeting room, copying/printing and postage. Any other expenditure of funds must be approved by Council.

276.03 POWERS AND DUTIES.

The Human Relations Commission shall:

- (a) Advocate to eliminate prejudice and discrimination with the Village;
- (b) Initiate public education activities related to its purpose;
- (c) Conduct an annual planning process that results in priorities and specific activities centering on its purpose, which will include adopting rules and procedures (or otherwise following *Robert's Rules of Order*) to carry out its purpose that are consistent with the Village Charter and Ohio Sunshine Laws, approved by Council and filed with the Clerk of Council;
- (d) Keep minutes of its proceedings that reflect the actions of the Human Relations Commission, the reasoning behind those recommendations, and the vote of each member upon each question or, if absent or failing to vote, indicating as such. Minutes and the records of all official actions shall be approved and filed with the Clerk of Council and kept as a public record;
- (e) Hold regular public meetings that are properly announced and provide a list of agenda items to the Clerk of Council a week before a regular meeting, which is available to interested citizens;
- (f) Monitor human relations and social issues and trends in the Village, serving as a sounding board for issues related to its purpose and provide feedback and information to Council, which may include coordinating, assisting and unifying the efforts of private groups, institutions and individuals within the Village and Miami Township in accordance with the purposes of this Chapter as well as liaising and communicating with public and private agencies and organizations of local, regional, state and national scope whose programs and activities have an impact on the human relations or which can be of assistance to the Commission;
- (g) Advise Council as to possible courses of action with regard to such issues and trends;
- (h) Facilitate connections between organizations in the Village that touch such issues and trends, and maintain a list of such organizations and contact information;
- (i) Refer specific interpersonal conflicts to the Village Mediation Program, the Equal Employment Opportunities Commission, the Federal Housing Administration or other appropriate bodies, and support those organizations in the resolution of those conflicts;
- (j) Recommend to Council actions that could be taken to accomplish the goals of the Village;
- (k) Carry out such other duties as may be assigned to it by Council.

276.04 REPORTS.

The Human Relations Commission shall submit an Annual Report to Council concerning the activities and work of the Commission and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this Chapter.

276.05 COMPENSATION.

The members of the Human Relations Commission shall receive no compensation for their services as members thereof.



Manager's Report, November 6, 2017

Overseeding Our Properties

As Council agreed to no longer lease our farm properties, but rather to overseed them with a cover crop, I have contacted three local farmers and asked them to provide a quote to do that. However, farmers are still harvesting and I don't expect to hear anything for a few more weeks. I do know that the bean fields will return to their natural grasses in the spring, as they were planted with no-till methods.

Solar Array

The ribbon-cutting went very well! We had about 20 people out in the rain and wind, but it was a great way to celebrate having our own on-site generation of green energy. The field should be hydro-seeded sometime next week.

Award

Electric Crew member Ben Sparks was awarded the AMP Hard Hat Award for Safety in 2017! Ben is very safety-conscious and we congratulate him on his award.

Water Plant

We have decided to delay the ribbon-cutting ceremony at the new water treatment plant until spring.

ICMA Conference

Melissa and I learned a lot from the educational sessions at the International City/County Management Association Conference in San Antonio, Texas. I attended sessions on Implicit Bias, Desalination of Water (including a tour of the San Antonio Water System facilities), Disaster Preparedness, Changing Roles in Law Enforcement and Managing Misinformation. I also brought back vendor information for both Public Works and the Police Department on tools that may be useful in their work. While there, I was also recognized, along with many others, for my 30-plus years of local government service. I should be receiving my award in the mail sometime this month.

Crew Quarters

Bids are due on the crew quarters by November 14th. We may have a resolution to award the project for Council approval on November 20th. If not, we will have one on December 4th.

Hazard Tree Inventory

Jason Hamby, along with Wendi VanBuren from the Ohio Department of Natural Resources and members of our own Tree Committee, has completed a hazard street tree inventory for the Village. There are approximately 20 trees that will be trimmed or removed over the next two years. Wendi did express kudos for the Village crew, as she felt that they had done a very good job at maintaining our street trees. Good job, Jason and crew!

Bryan Center Generator

The scheduled shut-down of the Bryan Center did not occur on October 28th due to a materials issue. It will instead occur on November 5th, with State inspection on November 8th. The final switch to the new generator is to be determined after the final inspection.

Yard Waste

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

Upcoming Topics

As Council is aware, staff completed Leadership Training with consultant Brenda Kraner of Wright State University earlier this year. I will be providing a recap of that training for the November 20th meeting.

Earlier this year, the State Legislature passed a bill governing small cellular towers/antennae in the right-of-way. This legislation places many restrictions on the local government as far as how we can oversee the positioning of these towers and antennae. Consequently, staff is working with the Solicitor to draft small cell tower legislation that would enable us to have some measure of control over the placement of these facilities. In addition, it is important to note that the Village cannot collect pole rental fees. The only Village only can charge an application fee. We will be bringing that a future meeting.

Staff has been reviewing the special event/Bryan Center rental process from beginning to end. A couple of things that regularly come up during these discussions are: revamping the event form (which we are doing); establishing a deadline prior to the event by which staff must have the proper information about the event (in order to ensure that the event has everything they need); and, finally, establishing a particular space for special events which does not entail closing roadways and would allow us to install permanent facilities for such events (such as easily accessible electric and possibly restrooms). We will keep everyone posted as that progresses.

I'm happy to answer any questions. Thank you! Patti Bates



Housing Needs Assessment Status Report October 2017

TO: Ms. Patti Bates, Village of Yellow Springs

FROM: Patrick Bowen, Bowen National Research

DATE: 10/17/17

The following outlines Bowen National Research's status of various work elements of the Housing Needs Assessment for Yellow Springs, Ohio as of October 17, 2017.

1. Conducted kick-off meeting and completed tour of Village in September 2017
2. Requested and received maps from the Village
3. **Study Areas:**
 - Primary Study Area (PSA) will be the Village limits
 - Secondary Study Area (SSA) was established with guidance and input from the committee
4. **Demographic and Economic Information:**
 - BNR will meet with demographic provider to discuss data needed for the PSA and SSA in the coming weeks.
5. **Stakeholder Interviews:**
 - Requested and received from the Village a stakeholder list
 - Finalized and launched stakeholder interview via SurveyMonkey.com As of 10/17/17, there are 14 completed interviews.
 - BNR will contact six specified stakeholders given by the Village via phone for more in-depth interviews in late October.
6. **Resident Survey:**
 - Finalized and launched Resident Survey via SurveyMonkey.com. As of 10/17/17, there are 156 completed surveys. Survey cut-off is 11/3/17.
 - Village is handling all outreach to community about survey availability and will post survey in public venues via paper copy and computer for residents to complete. Paper copies will be mailed to BNR after 11/3/17 cut-off date.
7. **Housing Survey:**
 - *Rental:* BNR compiled 102 rental properties throughout PSA and SSA that we are currently surveying by phone. As of 10/12/17, there are 50 completed. We may add additional properties to this survey over the next several weeks.
 - *For-Sale:* BNR received a contact from Patti for MLS data. We will reach out to this contact in the next week or two to obtain the data that we need.

- *Senior Care:* BNR compiled 20 senior care properties (independent living, assisted living and nursing care) within the SSA and we will survey these properties in the coming weeks.
 - *Non-Conventional Rentals:* BNR began compiling a list of non-conventional rentals via avenues such as Craigslist and YS News. We will attempt to collect more detail than what is listed in the ads. On 10/5/17, Desiree and Patti communicated about needing information on rentals managed by Dunphy Real Estate as they have stated they do not want to provide this information.
8. **Focus Groups:**
 - BNR and the Committee discussed the possibility of focus groups. It was decided that the Village would handle these and they would be conducted after the holiday season and issuance of the draft report and recommendations.
 9. Received some basic info on lot splitting and accessory dwelling units from various committee members.
 10. Other Interviews: a BNR researcher has begun to collect information on planned and proposed properties, housing choice vouchers, and local economic development news.

NEXT STEPS

1. **Special Needs:**
 - Begin collection of data on special needs populations indicated by the village as being important.
2. **Fieldwork:**
 - Our field analyst, Lisa Goff, will be in Yellow Springs and parts of the SSA the week of 10/30/17 to identify community services, identify sites for development potential, and to visit area housing properties.
3. Will begin looking into AirBnB rentals.

MAYOR'S MONTHLY REPORT TO COUNCIL

DATE: 10-31-17

TO: Council, Manager, Chief of Police

FROM: David Foubert

RE: October 2017 Monthly Report

There were 8 traffic, 1 DUI, 1 misdemeanor and 41 parking citations filed with Mayor's Court in October for a total of citations filed to date in 2017.

NO ACTIVITY IN BOND ACCOUNT

MAYOR'S ACCOUNT

Violations Bureau:		
Fines	120.00	5775.00
Parking	600.00	3975.00
Court Fines	805.00	9000.00
Weddings	50.00	100.00
Ending Balance	1575.00	18850.00

Remitted to Other Agencies

Victims of Crime	45.00	796.00-
Indigent Defense	135.00	2235.00-
Drug Law Enforcement	17.50	304.50-
Indigent Drivers	7.50	129.50-
Child Restraint		30.00-
Seatbelt		71.00-
Refund of Overpayment of Fine	5.00	30.00-
Remitted to Computer Fund	50.00	920.00
Remitted to Village GF	1315.00	14334.00

Comparison Figures from

There were 6 traffic, no DUI, no misdemeanor and 63 parking citations filed with Mayor's Court in October for a total of 446 citations filed to date

Remitted to Computer Fund	101.00	1614.00
Remitted to General Fund	1775.00	18302.00

David H. Foubert
David Foubert, Mayor



Assistant Village Manager Report
November 6, 2017

GREENE COUNTY CDBG GRANT – XENIA AVENUE SIDEWALK RAMP PROJECT

This project has been delayed and once we get a firm start date we will be communicating that residents and businesses in the area. This project will be replacing the curb ramps along Xenia Avenue from Limestone Street to the South College Street.

SAFE ROUTES TO SCHOOL UPDATE

Construction is underway on this much anticipated project. I will keep everyone updated as the project progresses. Hopefully the weather cooperates more than it has up until this point.

UTILITY BILLING SOFTWARE CONVERSION

The new utility billing software conversion is still scheduled to happen November 17th. We will be running parallel with our old software until then in preparation.



Village of Yellow Springs

November 6th 2017

The Police Department is pleased to announce:

We have started the promotional process for our new Corporal positions.

I am happy to answer any questions.

Regards,

*Brian Carlson,
Chief of Police
937-767-7206
chief@yso.com*

Village of Yellow Springs Treasurer's Report

Submitted October 30, 2017

I am happy to report that as of 9/30/17 the year-to-date earnings on investments are \$25,712.59. This represents the largest annual earnings in more than ten years. Interest rates are slowly starting to climb. Total return for Star Ohio for their fiscal year ending 6/30/17 was .77% as compared to .30% one year before. Current monthly yield (annualized) is 1.21% making Star Ohio more attractive than it's been in many years.

While the yield on the investments at Huntington is about .25% to .50% higher than Star Ohio's current yield, rising interest rates have caused a decline in the market value of the Commercial Paper security. This is a temporary decline as the total value should be restored when that security matures on March 26, 2018.

US Bank continues to provide earnings credits to offset bank service charges at an annualized rate of .75% (based on the average balance.) Through 9/30/17 the year-to-date bank service charges were \$25,361. Earning credits for the same period were \$21,000. Therefore the net service charges through 9/30/17 were \$4,361. Net service charges for the same period in 2016 were \$2,571 or \$1,790 less. The difference is primarily due to the fact that we moved money out of US Bank and into Huntington thus decreasing the average balance. While we "lost" a couple thousand dollars in earnings credits from US Bank, we "gained" \$15,360.42 in interest income from Huntington for the first nine months of 2017.

The Village investments are on strong financial footing. I attended CPIM (Center for Public Investment Management) training on 9/14/17. This is the annual training needed to maintain my certification from the Ohio Treasurer's office.

There seems to be a lot more interest in the Village's revolving loan fund for economic growth. Please let me know if you would like me to get involved with that revitalization.

Respectfully Submitted,

Rachel McKinley
Treasurer, Village of Yellow Springs
RMcKinley@vil.yellowsprings.oh.us
Cell: 937-347-7165

US Bank Earnings Credits & Service Charges

Village of Yellow Springs

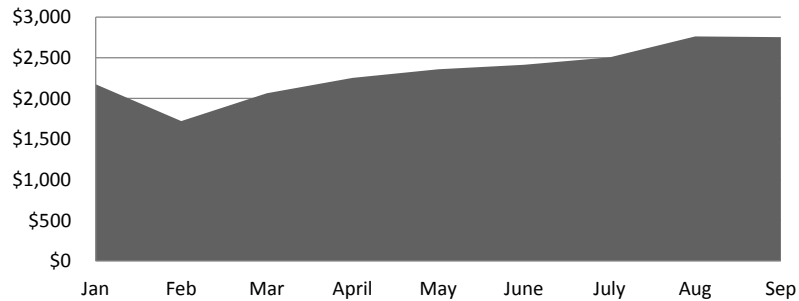
2017

Third Quarter (YTD)

	AVERAGE	EARNINGS	EARNINGS	INTEREST PAID	BANK	NET
MONTH	BALANCE	CREDIT RATE	CREDIT	ON BALANCE	SERVICE CHARGE	SERVICE CHARGE
JAN	3,412,783	0.75%	\$2,174	0	2,759	585
FEB	2,990,972	0.75%	\$1,721	0	2,658	937
MAR	3,238,310	0.75%	\$2,063	0	2,770	707
APR	3,653,633	0.75%	\$2,252	0	2,774	522
MAY	3,701,034	0.75%	\$2,358	0	2,910	552
JUN	3,914,177	0.75%	\$2,413	0	2,887	474
JUL	3,930,382	0.75%	\$2,504	0	2,828	324
AUG	4,335,942	0.75%	\$2,762	0	2,885	123
SEPT	4,465,478	0.75%	\$2,753	0	2,890	137
TOTAL YTD			\$21,000	\$0	\$25,361	\$4,361
Monthly Average	\$3,738,079		\$2,333	\$0	\$2,818	\$485

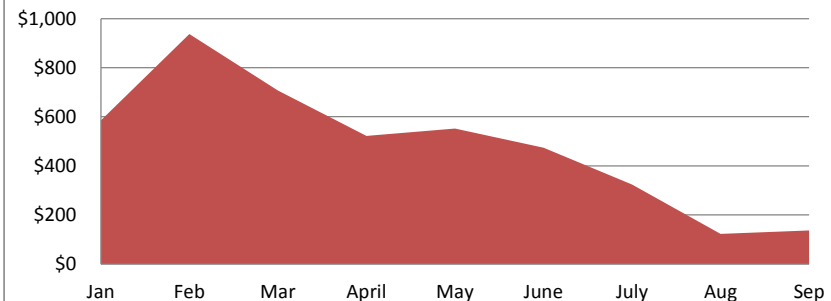
Earnings Credit

■ Dollars



Net Service Charge

■ Dollars



INVESTMENT SUMMARY
Village of Yellow Springs
September 2017- YTD

	Total Investments		Huntington (Investment Only)		Star Ohio/Star Plus (Investment Only)		US Bank CKG Accts
	Balance	Earnings	Balance	Earnings plus Accd Int	Balance	Earnings	Balance
Beginning Balance	\$ 6,840,018.82		\$ 1,390,358.17		\$ 1,605,058.25		\$ 3,844,602.40
JANUARY	\$ 6,653,016.53	\$ 2,208.56	\$ 2,141,703.68	\$ 1,131.70	\$ 1,606,135.11	\$ 1,076.86	\$ 2,905,177.74
FEBRUARY	\$ 6,638,970.25	\$ 2,985.58	\$ 2,143,728.14	\$ 2,024.46	\$ 1,607,096.23	\$ 961.12	\$ 2,888,145.88
MARCH	\$ 7,139,070.09	\$ 692.65	\$ 2,143,238.72	\$ (489.42)	\$ 1,608,278.30	\$ 1,182.07	\$ 3,387,553.07
APRIL	\$ 7,255,626.08	\$ 4,268.20	\$ 2,146,207.43	\$ 2,968.71	\$ 1,609,577.79	\$ 1,299.49	\$ 3,499,840.86
MAY	\$ 7,369,774.76	\$ 3,462.66	\$ 2,148,284.42	\$ 2,076.99	\$ 1,610,963.46	\$ 1,385.67	\$ 3,610,526.88
JUNE	\$ 7,477,461.46	\$ 2,443.23	\$ 2,149,322.73	\$ 1,038.31	\$ 1,612,368.38	\$ 1,404.92	\$ 3,715,770.35
JULY	\$ 7,586,304.92	\$ 1,307.21	\$ 2,149,088.72	\$ (234.01)	\$ 1,613,909.60	\$ 1,541.22	\$ 3,823,306.60
AUGUST	\$ 8,038,946.63	\$ 3,931.20	\$ 2,151,404.43	\$ 2,315.71	\$ 1,615,525.09	\$ 1,615.49	\$ 4,272,017.11
SEPTEMBER	\$ 7,990,752.43	\$ 4,413.30	\$ 2,154,221.45	\$ 2,817.02	\$ 1,617,121.37	\$ 1,596.28	\$ 4,219,409.61
	Change in Bank Balance	Total Earnings all accounts	Change in Bank Balance	Earnings including Accrued Interest	Change in Bank Balance	Total Earned YTD	Change in Bank Balance
2017	\$ 1,150,733.61	\$ 25,712.59	\$ 763,863.28	\$ 13,649.47	\$ 12,063.12	\$ 12,063.12	\$ 374,807.21
2016	\$ 77,760.74	\$ 7,095.05	\$ 1,390,358.14	\$ (241.86)	\$ 7,336.91	\$ 7,336.91	\$ (1,319,934.37)
2015	\$ (141,423.21)	\$ 3,215.66	N/A	N/A	\$ 3,215.66	\$ 3,215.66	\$ (144,638.87)
2014	\$ (580,132.22)	\$ 3,182.64	N/A	N/A	\$ 3,182.64	\$ 3,182.64	\$ (583,314.86)
2013	\$ 49,167.29	\$ 1,266.64	N/A	N/A	\$ 1,266.64	\$ 1,266.64	\$ 47,900.65
2012	\$ (645,429.13)	\$ 1,210.97	N/A	N/A	\$ 1,210.97	\$ 1,210.97	\$ (646,640.10)
2011	\$ 1,189,387.77	\$ 892.04	N/A	N/A	\$ 892.04	\$ 892.04	\$ 1,188,495.73
	Average Balance	Earnings % *	Average Balance	Earnings % *	Average Balance	Earnings % *	Average Balance
AVERAGE 2017	\$ 7,349,991.46	0.3498%	\$ 2,147,466.64	0.6356%	\$ 1,611,219.48	0.7487%	\$ 3,591,305.34
AVERAGE 2016	\$ 6,835,390.93	0.1038%	\$ 106,950.63	-0.2261%	\$ 1,600,842.65	0.4583%	\$ 5,127,597.65
AVERAGE 2015	\$ 6,847,844.07	0.0470%	N/A	N/A	\$ 1,596,228.93	0.2015%	\$ 5,251,615.14
AVERAGE 2014	\$ 7,493,945.11	0.0425%	N/A	N/A	\$ 1,592,907.51	0.1998%	\$ 5,901,037.60
AVERAGE 2013	\$ 7,538,572.25	0.0168%	N/A	N/A	\$ 1,590,571.46	0.0796%	\$ 5,614,039.48
AVERAGE 2012	\$ 8,066,996.11	0.0150%	N/A	N/A	\$ 1,589,408.92	0.0762%	\$ 6,477,587.19
AVERAGE 2011	\$ 7,609,741.01	0.0117%	N/A	N/A	\$ 1,588,570.14	0.0562%	\$ 6,021,170.86

* Not annualized for partial year

----- Forwarded message -----

From: Matthew Reed <Matthew.Reed@layne.com>

Date: Mon, Oct 23, 2017 at 13:01

Subject: RE: Transient guests

To: Judith Hempfling <jujuhempfling@gmail.com>

CC: ejacobs@ablelaw.org <ejacobs@ablelaw.org>, DSwinger@vil.yellowsprings.oh.us <DSwinger@vil.yellowsprings.oh.us>

Judith:

I had a hectic weekend and was unable to get anything to you – so I guess I'll try to knock this out over lunch today. I'll begin by saying that my family has used VRBO and AirBnB for vacation rentals multiple times and in general have had great experiences.

There are a number of communities that have documented difficulties with short term rentals (changing the nature of neighborhoods, impacting housing costs, etc.). There are published news accounts about these difficulties from around the country and hopefully Ellis will have some specific examples for you. One common thread seems to be that once a heavy short term rental presence is in place, it is typically too late to counter it.

My concern with short term rentals stems from the work Planning Commission and Village Council has done to encourage construction of smaller homes (that are hopefully more affordable) by reducing lot sizes and allowing for pocket neighborhoods and accessory dwellings. Additionally, short term renters, while contributing to the local economy as tourists, are not engaged in the neighborhood, pay no local income taxes, nor send their kids to our schools. As a result, I would like to see the short term rentals of the primary residence on a property limited to a set number of days per year. Doing so would, hopefully, dissuade the purchase of homes for the sole use as short term rentals so they would remain as single family homes for purchase or long term rental.

Conversely, I know there are people in the Village who see short term rentals (and the short term rental of accessory dwellings) as a way to supplement their income and counter the rising cost of living in the Village. For that reason, I feel that single room (or attached suite) and accessory dwelling rentals should be viewed differently than the primary home on the property and have no restrictions on the number of nights they can be rented. Ellis's idea that you noted in your email may be a way of accomplishing this, with the property owner living on site.

As you noted, any approach to this issue will have to pass legal muster. I know there are a number of competing interests around this issue, but I believe there is some solution that can ameliorate the housing shortage issue while not exacerbating problems around affordable living for our current residents. Hopefully the housing needs study will provide good hard numbers in support of this effort.

Good luck in your conversations. Let me know if you have any questions about this.

MATTHEW REED

Project Manager / Hydrogeologist, Ranney Collector Wells

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501 Ridgecrest Drive
Yellow Springs, OH 45387
October 29, 2017

Yellow Springs Village Council
Yellow Springs Planning Commission
100 Dayton Street
Yellow Springs, OH 45387

Dear Council and Planning Commission,
Please accept my resignation as Alternate to Yellow Springs Planning Commission. This time has allowed me to reflect on my time commitments and have decided to send my time on personal creative pursuits. I have enjoyed the experience of working on Planning Commission.

Thanks,

Chris Zurbuchen

Dear Yellow Springs Police Department,

My name is Mary Evans and I am a new resident to Yellow Springs. I found my way here by choosing an unconventional route while incarcerated. I ultimately chose education as a refuge to rehabilitate myself. While doing so I won two scholarships to Antioch College that covered full tuition.

One night I found myself experiencing extreme car problems and an officer came to my rescue. At first I was fearful that my past might hold precedence over the woman I am trying to become.

Instead the officer was super nice and he gave me the best advice that night. He told me to join the Yellow Springs Open Discussion page on Facebook, tell my story and struggles, and that someone would help me.

Well the end result was a woman named Dorothee (Buron) Bouquet. She rallied women all over Greene County to help provide a solution to my car troubles. \$2300 was raised and I was able to buy a dependable car.

I want to say thank you to the Yellow Springs Community for looking past my indiscretions of long ago and seeing the African American Woman I am trying to become.

Thank you to all the women in Greene County that donated funds.

And THANK YOU **Officer Beam** for all your help. If not for your advice I am not sure that I would still be attending Antioch or be employed.

I am paying back the money that was raised so that if there is someone else striving to become a better human being, or recently reintegrating back into society there will be help for them.

Thank you,

Mary Evans Nov. 1/2017

Maryevans.1523@gmail.com

November 2, 2017

To Yellow Springs Village Council Members and Village Manager--

Thank you in advance for your attention to the following:

Considering that Fairfield Pike is unquestionably used as a thoroughfare around the edge of town, is a 25 mph zone, is traversed by walking and biking kids and adults, is marked "Unpassable by Trucks" on State Route 68 heading south just before Fairfield Pike, has a "No Trucks" sign and an electronic speed tracker on Fairfield Pike just before the entering the village from the west, I would very much appreciate your input on possibilities to preempt large truck passage and speeding on this road. The electronic sign has seemed to have slowed some speeders, but many continue to speed.

Last week and this week, large dump trucks have been speeding down Fairfield Pike, heading east and heading west, sometimes at 45-50 mph. I have called the dispatcher's office 3 or 4 times, yet the multiple speeding trucks continue even as I type at 9 a.m., with easily 1 to 3 trucks every 2 to 5 minutes. Nobody would argue speeding is an issue on this road and is dangerous on its own. But the trucks take this to a much more dangerous level.

Previously a "No Trucks" sign existed at the intersection of Fairfield Pike and Walnut Street for drivers heading west. However, the previously mentioned signs still exist.

The first issue is the illegality of truck passage. The second is generally speeding. After researching best practices to slow traffic in 25 mph zones, stop signs (in addition to patrols), depending on the location seems the most preventative, or at least discouraging, measure.

I strongly recommend placing a stop sign at King St. (or High St.) and Fairfield Pike to discourage speeding. And I would very much appreciate your input on truck use of Fairfield, and possible means of prevention.

Thank you for your time!! And for your hard work!

Kat Walter

Judy Kintner, YSO Village Clerk

From: Patti Bates, YSO Village Manager
Sent: Thursday, November 02, 2017 11:04 AM
To: Judy Kintner, YSO Village Clerk
Subject: FW: Yellow Springs Tree Program

For packets, please and thanks!

From: Wendi.VanBuren@dnr.state.oh.us [mailto:Wendi.VanBuren@dnr.state.oh.us]
Sent: Thursday, November 02, 2017 10:35 AM
To: Patti Bates, YSO Village Manager <PBates@vil.yellowsprings.oh.us>
Cc: mayor@vil.yellowsprings.oh.us
Subject: Yellow Springs Tree Program

Ms. Bates,

I would like to take a moment to compliment your staff on a job well done. I have been working with Jason Hamby and tree commissioners Anna Bellisari and Macy Reynolds to complete a tree risk assessment of public trees in the right-of-way. Mr. Hamby is a pleasure to work with; knowledgeable, patient, and has a real passion for caring for the Village. I can tell he is always like this by the interactions with residents that I viewed during the two days that we worked on the tree inventory.

I also interacted with your Village Staff out in the field and was pleased by their respect and kindness.

Thank you for inviting me to advise you on Yellow Springs' Urban Forest management and I truly look forward to working with you and your staff again in the near future.

Sincerely,

Wendi

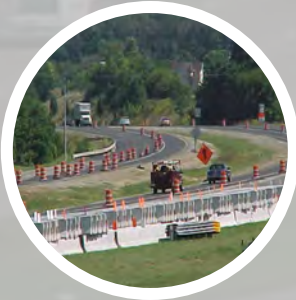
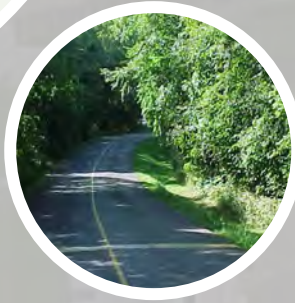
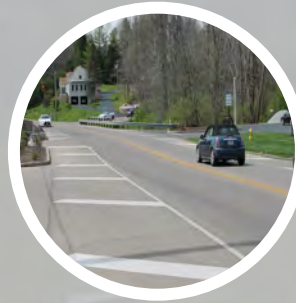
Wendi Van Buren
Regional Urban Forester
Ohio Department of Natural Resources
Caesar Creek State Park
8570 East State Route 73, Waynesville, OH 45068
Cell (614) 670-2653
<http://forestry.ohiodnr.gov/>

*The time has come for urban communities to stop seeing trees and start looking at the forest.
~ John P. Rousakis, Mayor of Savannah at the first National Urban Forestry Conference, 1978.*

Please join us for a **Thoroughfare Plan**
update and input mee
Tuesday, November 21st at 6:00p.m.

Location: Bryan Community Center Rooms A & B
100 Dayton Street
Yellow Springs, OH 45387

The RPCC of Greene
County is revising the 1987
Thoroughfare Plan and we are seeking
your input on existing issues and potential
improvements in your area. This feedback
will be crucial for determining future
priorities within the county, so your
participation is encouraged!



rsvp

Please **RSVP** to Rhonda Painter if you plan to attend.

Email: rpainter@co.greene.oh.us

Phone: (937) 562-7480

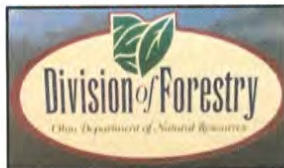
By Mail: 651 Dayton-Xenia Road
Xenia, OH 45385





Hazard Trees & What to Do About Them

by
Wendi Van Buren
Regional Urban Forester



Tuesday, November 14, 7:00 pm
Yellow Springs United Methodist Church
202 South Winter Street



sponsored by the Yellow Springs Tree Committee
free to public

Press Release



Greene County Public Health
A Safe Communities Grantee of Ohio Department of Public Safety
Ohio State Highway Patrol-Traffic Safety Division
360 Wilson Drive, Xenia, OH 45385



Contact Person:

Jillian Drew, Safe Communities Coordinator
937-374-5683; jdrew@gcph.info

Wednesday, October 18, 2017

Mills Lawn Elementary school celebrated International Walk to School Day on October 4, 2017

YELLOW SPRINGS, OH – Mills Lawn Elementary School in Yellow Springs joined schools from around the world to celebrate *International Walk to School Day* on Wednesday, October 4, 2017.

Approximately 68% of students from Mills Lawn walked and rolled to school along with parents, teachers and community leaders.

The event started at 8:45AM with kids, parents and community leaders walking from all corners of the Village. Walkers and bicyclists arrived at the school greeted by special activities associated with the walk including snacks, giveaways and traffic safety trivia.

Walk to School Day events raise awareness of the need to create safer routes for walking and bicycling and emphasize the importance of issues such as increasing physical activity among children, pedestrian safety, traffic congestion, and concern for the environment. The events build connections between families, schools, and the broader community.

Thank you to our partners & sponsors!



-cont'd-

For additional information, please visit these websites:

Walk to School Day in the USA
National Center for Safe Routes to School

www.walkbiketoschool.org
www.saferoutesinfo.org

About International Walk to School Day

- Walk to School Day was established in the United States in 1997 by the *Partnership for a Walkable America*. Canada and Great Britain already had walk to school programs in place. In 2000, these three countries joined together to create International Walk to School Day.
- In May 2006, the National Center for Safe Routes to School was established to assist communities in enabling and encouraging children to safely walk and bike to school.
- The National Center for Safe Routes to School serves as the national coordinating agency for Walk to School and Bike to School activities in the United States.
- Walk to School Day began as a simple idea – children and parents, school and local officials walking to school together on a designated day. It is an energizing event, reminding everyone of the simple joy of walking to school, the health benefits of regular daily activity, and the need for safe places to walk and bike. Schools focus on health, safety, physical activity and concern for the environment.
- Organizations supporting International Walk to School Day in the United States include America Walks, the Centers for Disease Control and Prevention, the U.S. Environmental Protection Agency, the Federal Highway Administration, the Institute of Transportation Engineers, the National Center for Safe Routes to School, the National Highway Traffic Safety Administration, Safe Kids Worldwide, and the Safe Routes to School National Partnership.

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