

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

In Council Chambers @ 7:00 P.M.

Monday, November 6, 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 Superintendent Johnnie Burns, Chief Brian Carlson and Village Solicitor Chris Conard.

SWEARING IN OF PLANNING COMMISSION MEMBER

Frank Doden was sworn in as a Planning Commission member.

ANNOUNCEMENTS

Housh announced the following: Tuesday is election day. On November 15, there will be a farewell reception for Mayor Foubert in Bryan Center Rooms A&B. Also on the 15th is a Time Exchange workshop that has been moved to Council Chambers. November 11 there is a retirement party for the former owner of Mr. Fubs Party, Priscilla Moore. This weekend is Jesus Christ Superstar at the Little Art Theatre.

MacQueen congratulated Bates on her 30+ years of public service award from the ICMA.

MacQueen raised the matter of a post made by John Hempfling, member of the Justice System Task Force (JSTF).

MacQueen stated that on Saturday, a member of the Justice System Task Force posted disparaging information about another member of the JSTF on the Facebook group Yellow Springs Open Discussion, and included an analysis of data collected about police stops that had not been fully vetted by the Task Force.

MacQueen stated that her primary concern was that the post was disparaging of David Turner, who is a candidate for Council, and the post was close enough to the election that Turner had little opportunity to defend himself.

MacQueen, speaking as the Council alternate to the JSTF, expressed her apologies to Turner and to the Yellow Springs Police Department (YSPD). MacQueen stated that the data was released out of context and õhas gone somewhat viralö.

MacQueen commented that she had attended the Restorative Justice Symposium, and suggested that a restorative justice model be used in this instance. She stated that she had contacted Jennifer Berman who will be calling persons involved.

Wintrow spoke as outgoing Council member with 12 years of experience, and expressed her unhappiness with the post. Wintrow stated that she could not remember a time when Council or its Boards or Commissions õhave been used in such a blatant political wayö.

Wintrow characterized the action as a violation of the trust of the board or commission to not release information without the consent and understanding of a majority of the members.

Wintrow commented that Council is generally able to stay on the periphery of election issues and that it is unfortunate to be thrown into that arena in this manner.

Hempfling spoke as the Council representative to the JSTF, stating that õthis has brought some important issues to lightö. She then read from an e-mail she had been copied on, which was from former Councilperson Lori Askeland, reading as follows; õI understand that apparently the JSTF voted at their last public not to release the document that was included in their packet, but my understanding of sunshine law is that they actually have no authorization to make such a decision. In fact it runs directly contrary to what I understand to be the letter and spirit of sunshine law: Those are public bodies, holding public meetings, and these are already public documents, regardless of any votes takenö {sic}

Hempfling then apologized, stating that she should have provided better leadership to the Task Force in informing the members that they could not take such a vote. She went on to opine that the õfirestormö was occurring because of the central finding of that report õregarding our police departmentö which, as raw data, indicates that Black citizens are stopped for traffic violations at a higher rate than white citizens.

Hempfling then stated that she watched a DVD of that meeting and noticed it being different than in her memory. She stated that in watching the DVD, she interpreted the interaction as indicative of a level of discomfort among all JSTF members present, with the exception of John Hempfling, in deciding how best to present the information publicly.

Hempfling noted the importance of transparency and stated that the group seemed more concerned about how the report would reflect upon our police department than how it was affecting those persons who were stopped in higher numbers.

Hempfling addressed the issue of MacQueen's suggestion that limits be placed upon board and commission members, and commented that this seemed to her a limit upon their ability to participate in the democratic process of our country. She stated that she objects to this direction.

Wintrow announced Art and Soul at Mills Lawn School on November 18th and a possible tree lighting ceremony on November 21st near the Mills Park Hotel.

CONSENT AGENDA

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

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

REVIEW OF AGENDA

MacQueen asked that the JSTF taser recommendation be moved to November 20th so that there are not two JSTF recommendations discussed at the same meeting, as Council had previously asked. This was moved to December 4th.

Wintrow added an Executive Session.

CONTINUED FROM ANNOUNCEMENTS

Simms asked to comment upon the JSTF situation. He opined that John Hempfling had expressed a personal opinion, and that this is acceptable. Simms noted that this is the age of technology, which provides the ability to challenge others quickly. He commented that young persons should not be discouraged from comment, but that they may also need guidance.

Simms stated that, in the end, voters are intelligent enough to make their own choices.

Simms commented that no one should be discouraged from comment, as long as the information they are putting out is factual.

Simms commented that within boards and commissions, dissent should be heard, but that once a decision is made by the group, all members of the group should adhere to that decision.

Housh stated that there are two issues at hand, the first being a process issue.

Housh stated that there was never any suggestion that this report was not going to come to the community and to Council. He stated his understanding that the discussion had to do with how the information should be presented to Council, which is part of what we ask our commissions to do in an effort to build capacity.

Housh stated his larger concern, and one thing that was not made clear in the post in question, is that when an individual is speaking as a citizen as opposed to in her/his position as a Council commission member, it needs to be made very clear. Housh noted that the roles and responsibilities document, which is read and signed by all commission/board members, covers this critical issue, which was specifically addressed in response to lack of clarity regarding representing one's own opinions as opposed to those of the Village that was occurring with the use of social media several years ago.

Housh stressed that this separation is critical, noting that the recent series of postings not only implicates the JSTF, but also Council.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

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

MacQueen asked Chief Carlson for further information regarding a stop sign at Fairfield Pike, noting that it is a feeder street and drivers are often speeding.

Carlson noted that a stop sign is doable, but that once one is placed, it will create an increase in noise for the houses near the signs, as vehicles stop and start. He noted that he is seeking a solution, and recognized that Fairfield Pike is a difficult road.

Carlson explained that the increase in truck traffic of late is because Route 343 and Grinnell Road are being repaved, and this is the pass through.

Wintrow stated that she would not be comfortable making a decision based upon a temporary situation.

Kat Walter noted that the electronic speed sign has helped slow traffic somewhat, but that it is still a concern. She suggested the possibility of speed humps and noted that the street is traversed by the elderly and children, and suggested an alternate route.

Wintrow asked if the Chief could speak with ODOT.

Carlson responded that he has spoken with ODOT, and that all trucks thus far have been in compliance.

Wintrow asked whether the change in speed limit can be posted farther out into the township so that vehicles are given more warning to slow down.

Carlson stated that he would like to post a speed meter for traffic moving west, since this technique does seem effective.

Housh commented that Fairfield Pike is one of three local roads eligible for consideration for federal grant funding and the upcoming active transportation planning process will be contemplating how to further improve this corridor.

PUBLIC HEARINGS/LEGISLATION

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 MacQueen SECONDED a MOTION TO APPROVE.

Conard explained the changed legislation, noting that he had met with staff on the matter. He commented that transient guest lodging (TGL) can impact affordability in either direction. He acknowledged that the Housing Needs Assessment (HNA) is still pending, that guidelines are currently being developed for proprietors to fulfill their obligations, and that the references to "short term rental" still need to be changed to "transient guest lodging" in the zoning code to enable enforcement of the tax. To that end, Conard stated, the current legislation proposed that TGLs be permitted uses.

Hempfling commented that the issues are a tension between unregulated numbers of TGLs and the need for residents to afford to live in the Village. Hempfling opined that "there are now five houses which are solely Airbnbs". She commented against this, and stated that there should be restrictions upon rentals where the property owner is not present.

Hempfling characterized conditional uses as "onerous" particularly to young people in stating that she supported permitted use for TGLs. She stated further that the conditional use process as it was previously described "wasn't very meaningful" and stated that Council should explore legal possibilities for attaching conditions to non-owner occupied TGL establishments.

Wintrow responded that part of the purpose of a conditional use is the input of interested neighbors, noting that that input is what would make such a hearing meaningful. She continued that she will support the legislation now on the table "just to get it moving", but noted that any use other than as a dwelling could have impact on the neighborhood.

Wintrow noted that conditional uses are permitted uses that take into consideration the concerns of the neighbors and surrounding community. "It could actually take care of your concerns," she stated.

Wintrow stated that, ultimately, TGLs should be conditional uses. She commented that purchase of a home for the purpose of TGL doesn't make mathematical sense in this community, given the expense of running the operation.

Housh asked for clarification about Hempfling's thoughts regarding continuation of this discussion.

Wintrow commented that there would be no reason to take up the discussion until the new Council is seated.

Bates noted that there needs to be a process in place by January first so that Swinger can begin issuing permits.

Wintrow asked for comment from citizens. There being none, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-34 Repealing Section 1246.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1246.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger noted the need for a friendly amendment to the ordinance to take into account that TGLs are to be permitted uses.

Hempfling MOVED to AMEND THE ORDINANCE TO MAKE TRANSIENT GUEST LODGING A PERMITTED USE IN THE E-I DISTRICT. Simms SECONDED and the MOTION PASSED 5-0 on a roll call vote.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-35 Repealing Section 1248.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1248.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Hempfling MOVED to AMEND THE ORDINANCE TO MAKE TRANSIENT GUEST LODGING A PERMITTED USE IN RESIDENTIAL DISTRICTS A, B and C. MacQueen SECONDED and the MOTION PASSED 5-0 on a roll call vote.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-36 Repealing Section 1250.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1250.02 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

MacQueen MOVED to AMEND THE ORDINANCE TO MAKE TRANSIENT GUEST LODGING A PERMITTED USE IN B-1 and B-2. Housh SECONDED and the MOTION PASSED 5-0 on a roll call vote.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-37 Repealing Section 1284.08 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.08 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Housh MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger explained that the ordinance strikes short term rentals from the zoning code.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-38 Repealing Section 1284.09 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1284.09 of the Codified Ordinances of the Village of Yellow Springs, Ohio. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger explained that this adds the definition of Transient Guest Lodging to the zoning code.

There being no comment from those present, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a roll call vote.

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

Swinger noted that this section is in the planning section of the zoning code. Swinger noted that she had worked with Wendi Van Buren of the Ohio Department of Natural Resources and Nick Boutis of the Glen Helen Nature Preserve to develop the list, which is meant to give both residents and developers a clear idea of proper choices for tree plantings.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. THE MOTION PASSED 5-0 on a roll call vote.

Second Reading and Public Hearing of Ordinance 2017-40 Repealing Section 1226.06 of Design Standards of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.06 of Design Standards. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger noted that this ordinance amends the sidewalk sizes and the recommended tree list to section 1226.06.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. THE MOTION PASSED 5-0 on a roll call vote.

First Reading of Ordinance 2017-41 Approving the 2018 Budget for the Village of Yellow Springs and Declaring an Emergency. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Dodd presented pie charts and a brief PowerPoint presentation regarding the budget.

MacQueen asked about the amount of Village debt.

Dodd stated that she does not have water plant totals, and noted that debts are shown in the department or fund in which they occurred. She declined to speculate.

Wintrow commented that the Village is carrying very little debt.

Bates noted that there are many ways to carry debt, so that a hard number can be deceptive.

MacQueen received confirmation that the \$20,000.00 for the Outreach Specialist is still in the Police Department budget. She then objected to the inclusion, stating her understanding that funding for the position would come from within the department, through elimination of another position. She further objected based on the fact that Council had not yet approved the position, but stated that she supports the concept of the position.

MacQueen MOVED to REMOVE THE \$20,000.00 ALLOCATED to the POLICE DEPARTMENT FOR AN OUTREACH COORDINATOR for 2018. Hempfling SECONDED, and the MOTION PASSED 3-2, with Simms and Wintrow voting against.

Dodd read out the amended totals for the 2018 budget.

Wintrow commented that it is not unusual to pass a budget prior to approving each expenditure, since the purpose of the budget is in part to provide an anticipation of upcoming expenses.

Housh added that is also not unusual to add items to the budget at a later point.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment from those present, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. THE MOTION PASSED 5-0 on a roll call vote.

Reading of Resolution 2017-48 Approving the Annual Distribution of Flour and Sugar to Village Widows and Widowers. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow noted an upcoming Arts Council project to design a bronze statue of Wheeling Gaunt.

Wintrow CALLED THE VOTE, THE MOTION PASSED 5-0 on a roll call vote.

CITIZEN CONCERNS

Pat Dewees, JSTF Chair, stated her disagreement with the manner in which the process the group had followed was characterized by Judith Hempfling. Dewees described those remarks as insulting to the integrity of the Task Force. The JSTF, she stated, always planned to release the report information but had had three considerations to weigh. First, there were errors found in the data, and the group wanted to know whether these errors would impact the findings. Second, language of the statistical report was dense and inaccessible to the average reader, such that the group was working on an explanatory cover sheet and a shortened version of the report, which was worked on by both a citizen and John Hempfling. The final consideration, Dewees said, was concerning the results and awareness that they are both concerning and subject to multiple interpretations, which brought discussion within the group as to how best to communicate the findings.

The above, Dewees said, was the process she observed occurring. The post to social media sites, Dewees stated, caused injury to the JSTF, to David Turner as well as to John Hempfling. JSTF members have ways in place for respectful communication, she stated, and these need to be remembered.

Dewees stated her support for MacQueen's suggestion for the use of a restorative justice approach.

Ryan Loyal, a Springfield resident, offered a suggestion related to his business, which entails washing trees with a power washer. He described this method as highly effective to tree health, and offered a number of entities who have successfully engaged his services.

Sarah Morrison spoke to the JSTF matter, stating that she did not find it surprising that there would be information supporting the idea that there is racism among police officers. She stated that she did find it surprising and disturbing that this information would not be shown to the community. She spoke to the importance of transparency regarding race and racism.

John Hempfling spoke, stating that concerns were expressed as to the accuracy of the report, but stated that he was hearing concerns regarding the community's reaction to the report. Hempfling stated that he had asked friends to write a story about the situation, but since they didn't, he felt he needed to inform the voters. Hempfling stated that if David Turner's going to say that what I printed was lies and slander, I'm going to want to protest. Hempfling then acknowledged that there were at least four errors in the data.

David Turner spoke, stating that he wants all the data released, but that the data was not clear. He stated that the lack of clarity was agreed upon by the JSTF as a group. Turner then gave three examples of errors in the data, noting statistical gaps in the totals of between 10% and 21%, which could affect the accuracy of the conclusions. Turner stated that he also believes the number of total citations for both Village and non-Village residents needs to be provided. Turner stated that despite errors, he expects the conclusions to be relatively correct, and expects to see some evidence of police bias.

Wintrow declined to permit John Hempfling to speak again, suggesting that the matter be brought up in a JSTF meeting and resolved there.

Anne Bohlen commented that the data should be out in the open and that she felt that John Hempfling was within his citizen rights to reveal a public document. She asserted it as a free speech issue.

Wintrow clarified that the matter is more a process issue as to how commissions of Council release data and reports.

Housh clarified further that there was never any issue of the documents not being publicly available, noting that the Task Force keeps minutes of meetings and puts out meeting agendas and packets. The matter of preparing a report to Council has been very public, Housh noted.

John Hempfling commented that he was not concerned that the document would not be released but that there was a concern that divisions among racial lines or between citizens and the police would be exacerbated, which he did not believe was justified.

Wintrow commented that Hempfling had not used the information to clarify, but had used information from a Task Force meeting to attack a citizen, not to provide information for its own sake.

Bomani Moyenda commented that he was not concerned about individuals being cast in a bad light, but was concerned that the information be provided. He stated that the discussion about how to release the information seemed to him to be a cover up or an attempt to protect the police department from scrutiny. Moyenda characterized it as a cover-up.

Judith Hempfling stated that she had watched the DVD and that she had been embarrassed by her own behavior. The only person not behaving in an embarrassing manner, Judith Hempfling said, was John Hempfling.

Wintrow asserted that the information is not complete—time frames in which the data was gathered have not been provided, for example. Wintrow stated that she will not be surprised at the findings represented by the statistics. “I will be disappointed in the findings,” she stated, but I will not be surprised that the data indicates racial bias. Wintrow stated that she would not try to hide this information. That there were corrections being made as of this morning, Wintrow said, is concerning.

Wintrow charged the JSTF with getting the correct data out as soon as possible, citing the concern and upset already caused.

Wintrow addressed those persons of color who had expressed their concern and dissatisfaction, saying that Council is concerned as well, and wishes to examine the information carefully but correctly.

Housh added that this is part of the reason Council has worked hard to establish the JSTF, to bring any such issues to light and to assist Council in addressing them.

Bates commented that shortly after Chief Carlson was made Interim Chief, a citizen brought concerns regarding higher incidences of traffic stops for persons of color within the Village to Bates and to Carlson. This conversation, Bates said, resulted in the Chief agreeing to spot check all citations and traffic stops to look for any patterns of targeting of persons of color. Bates acknowledged that there has been a problem with this in the past.

Bates noted that this issue is one that she and the Chief have committed to addressing and have begun doing so.

SPECIAL REPORTS

There were no Special Reports.

OLD BUSINESS

Job Description for Police Department Outreach Specialist. Chief Carlson stated that some time ago, Kate Hamilton, of the JSTF had brought information to him regarding the Association of Police Social Workers. Carlson noted that this is a new concept, and is currently thriving in Illinois.

Chief commented that he had followed up with a number of police departments, social services agencies and several other agencies in Greene County.

As a result of these contacts, Carlson said, he discovered that using a social worker as part of a police department brings some liabilities and that position can become confusing to customers as a middle ground.

Carlson then realized that the term “social worker” might be limiting the results. When he looked for alternative options, he found many other job titles being used effectively, such as “diversion specialist” or “resource officer” or “police social services.” These were mostly victim advocates. Carlson stated that the Village may be looking for more of a service coordinator for persons with mental health needs, for persons in need of addiction services, and for other social service-related needs.

Carlson stated that fulfilling this role within the Village would likely be overwhelming for any one person. He described a role in which that person could follow up and establish meaningful connections with service providers, which is something officers simply do not have the time to do.

Carlson noted that officers have literature regarding services available and they distribute it, but that “it’s a stopping point” for the person in need and serves only as a reminder of the bad situation. Best practice, he said, is to follow up two-to-three days later. This, he said, is not generally possible for police officers, who have multiple duties throughout a shift.

Carlson stated that he has come up with the “outreach” idea, for a person who is a resource liaison, which, he said, is desperately needed in the community.

Housh questioned Carlson regarding the services the person is expected to make available, receiving confirmation that these are extra-departmental services that would have to be connected with.

Wintrow stated that she has spoken with Chief Altman, particularly regarding mental health services. He had planned outreach at the County level, seeing this as a critical need. She asked whether the County offers any such support.

Carlson stated that the County does have a Diversion Officer who does coordinate similar services.

Carlson read from his summary regarding the social work aspect of policing. He noted that the person would receive not only the same training as officers, but would receive additional training regarding coaching officers through difficult interactions. Carlson described a potential scenario in which an officer on-scene could call the Outreach Specialist for input as to how to handle a volatile domestic situation.

Carlson stated that his vision for the position has evolved through his research on the subject.

MacQueen suggested the idea as a pilot project. She then stated that the \$20,000.00 requested is insufficient. She stated that, "some of the tasks are simple, and some will take skill."

Hempfling asked whether someone from one of the Illinois departments could speak to Council. She suggested that the person "be at the level of a Sergeant."

Carlson responded that this is what he is providing by way of getting the project going. He commented that he is less impressed with credentials than he is with a genuine concern for Village residents and a high level of knowledge regarding available services. Carlson stated that "the need is here and now."

Wintrow pointed out the contradiction in requests, stating that while MacQueen is arguing against adding to the police department budget, she is suggesting a more extensive program, and Chief Carlson had limited his request to a minimal dollar amount. The contract idea, however, Wintrow commented, is not going to work. This will have to be an employee.

Conard commented that an independent contractor has different work parameters. He stated that grants can run out, and that obtaining a grant takes time.

Bates stated that a grant is too far out, and has to be backed up by funding or the resource is lost. That the police department budget is too high, she said, is a discussion for another day. This position is critical, and she noted that she supports it fully. It is important that we have someone who can make follow-up contact with citizens in situations in which regular outreach is needed. Bates asked Council for instruction as to what they needed from her or the Chief in order to move forward.

Housh reiterated that Council supports the idea, but that the idea has morphed, not to mention legal restrictions as to how the person can be employed and paid. He stated that he would like to see some creative approaches considered. He stated that if this person is able to perform, for example, Implicit Bias training, then some of the funding used to provide trainings could be funneled into the position. As another example, he commented that changes have been suggested regarding Mayor's Court, and that perhaps there could be some overlap there.

Hempfling asked again for a person to speak to Council on the topic. She asked for a time frame for the discussion of "two to three months."

Kate Hamilton of the JSTF and the HRC, who has been working on the position for several years, first in her capacity on the HRC and again with the JSTF, stated that the matter has been discussed "a lot." It "has been covered repeatedly at HRC and JSTF meetings." She noted that in the May 1 Council packet, there was a good deal of information and a recommendation.

Hamilton characterized the concerns as "stalling" and commented that it does in fact seem to her to be a budgetary concern. Hamilton stated that she and Carlson have reached out extensively locally, and that representatives from TCN and local social workers have attended meetings and have assisted with the job description.

Hamilton stated that "as the JSTF," this is the work that you have asked us to go out and do, and we "have done it. We've tried to be financially creative and start things out as a pilot program. This was our answer to showing Council that the investment is important and effective."

Hamilton commented that this position would not provide the services, but would follow up with a citizen to assure that they are connected with services. This would reduce calls for police officers in the future, ideally.

Regarding training, Hamilton stated, we have officers who have had six months of training before they are given a gun and a badge, and following the academy training, they have eight hours of mental health training. Even a recent graduate of a social work program has "four years," she stated. Probably 80% of police calls are social work type calls, she said.

In a large department, Hamilton stated, departments keep their police social workers for a long time "20-30 years."

Hamilton commented that she believes the JSTF has done as much as possible to this point. The Chief has taken this seriously, and information has been proposed to the Chief and to Bates.

Bates commented that initially the funding was proposed to come from existing funds within the police department. She committed to exploring the possibilities for using the position to support Mayor's Court in the area of restorative justice.

MacQueen commented that Council has to do due diligence on the matter. She stated that she had not read anything about the position until the weekend and doesn't feel able to weigh in.

Carlson reiterated that the Village is unique, and requires a unique approach and outside guidelines from other municipalities are difficult to implement. "We're creating this," Carlson said, "this is a pilot program."

Simms agreed that the position does seem appropriate as a pilot program, and suggested gathering data to build a fuller program around what is being proposed.

Carlson stated that just changing the mindset of his employees is a huge goal. He commented that the Department receives about three visits to the Dispatch window daily from mentally ill or disabled individuals, and they are not always able to fully serve these persons.

Hempfling commented that she sometimes spends time downtown late at night and "it's really quiet." She suggested eliminating a weekday night position to provide funding for the position, and perhaps "receiving assistance from the County."

MacQueen stated that the police department budget "is a big issue."

Hempfling stated that "we should be looking at a full time position."

Carlson exhorted Council to read the summary he provided. He stated that he is not sure the position is a full-time position at present.

Wintrow asked that Carlson follow up with the Miami Township Fire & Rescue Department regarding County resources.

MacQueen asked Carlson to look for ways the funds could be derived from the current budget.

Dodd commented that she had run an historical view of the police department budget and that the increases have been right in line with the increases received by other departments, with 2017 being the first increase of more than that average.

Hempfling asked again for a speaker to address Council on the topic.

David Turner commented that it should not make any difference as to who is elected Mayor, that there is clearly a need, and no reason not to get started. Turner commented that starting something off part-time makes sense as the Village gathers information. He described several personal situations in which he observed the services provided by the police department in cases of dementia or mental illness, noting that these interactions take a great deal of time. He noted the increase in persons with dementia in the community as presenting a growing need.

Council agreed that the matter should be brought back, and that information be sent to Council as soon as possible.

Board and Commission Process Discussion. Housh noted several areas he sees as needing to be resolved, in particular that there are two quasi-judicial commissions, which are required by the Ohio Revised Code (BZA and Planning Commission), stating that he would like these two bodies be treated consistently with other boards and commissions to the greatest extent possible.

Housh suggested updating the board and commission ordinances if changes are being proposed.

Conard commented that he was struck by the difference in Planning Commission and BZA, whose members are public officials. The other boards and commissions are advisory, and exist to enable Council in making more informed decisions.

The Clerk noted the process followed in how potential candidates are contacted and the interview process that follows from that point. She suggested that the interview process should be made more streamlined.

Housh suggested that perhaps the interview time could be linked to the commission's meeting time.

Hempfling asked what timeframe would be reasonable, and asked for more than two weeks, given other commitments.

Housh noted that the second Council member interviewing the commission applicant doesn't have to be the alternate liaison if that person is busy.

Hempfling asked that BZA and Planning Commission alternates not be renewed or moved into a full position without having to go through the interview process.

The Clerk stressed that volunteers for positions be interviewed as quickly as possible so that interest is not lost. She asked that an interview deadline be imposed by Council.

MacQueen commented that she believes Sunshine Law online training is over the top, and would like instead that the Clerk provide in-person training.

MacQueen asked that the Treasurer position be eliminated in the ordinances.

MacQueen asked whether a returning member has to be re-interviewed, and was told that is what is being proposed.

Wintrow asked that the Treasurer position be struck, since that is properly Dodd's purview.

Bates asked MacQueen about the online Sunshine Law training, asking why she sees this as onerous.

The Clerk noted that the online option only became an available option about two years ago. She noted that this is required training, and commented that the ill effect of not having the training can be embarrassing. She noted that she had been asked to meet with members of the JSTF to provide Sunshine Law training and, at that time, many of the members had taken the online course. She commented that the questions tend to be more in-depth if persons have taken the course. She commented that this is an important piece of taking on the role of a commission member.

Housh pointed out sections of the "Roles and Responsibilities" document as highly relevant.

MacQueen stated that there seem to be varied opinions as to how the rights and responsibilities are interpreted, and this should be addressed at some point.

Housh proposed working with the Clerk on the timeline, and returning with revised documents.

Wintrow stated that the roles and responsibilities should be more directed and less general.

Wintrow pointed out that much of what is required of public officials and commission members centers around trust and respect for fellow members. She suggested that a training addressing this aspect of membership may be what is needed.

The Clerk commented that what seems to be missing from the roles and responsibilities document is an indication as to what happens when the guidelines are not followed.

Hempfling stated that one can't mandate a particular behavior. She stated that she hoped all would learn from actions, but that perfect judgement can't be legislated.

Housh asked that the matter be resolved by the end of the year.

NEW BUSINESS

Economics of Happiness Report. MacQueen commented briefly about the conference, held by Community Solutions. She asked that when Council goals are set, there is a focus upon local production.

Evaluation Process for Staff. Wintrow asked that the two meetings in December begin at 5:30pm so that Council can evaluate first Bates and then the Clerk in Executive Sessions. This was agreed to.

MANAGER'S REPORT

Bates reported the following:

Since Council agreed to no longer lease farm properties, but rather to oversee them with a cover crop, Bates has contacted three local farmers and asked them to provide a quote to do that. Because farmers are still harvesting, a response may take several weeks. Bean fields will return to their natural grasses in the Spring, as they were planted with no-till methods.

Bates noted the ribbon-cutting at the new solar array, stating that the field should be hydro-seeded next week.

Electric Crew member Ben Sparks was awarded the AMP Hard Hat Award for Safety in 2017.

The ribbon-cutting ceremony at the new water treatment plant will occur in Spring, 2018.

Bates stated that she and Dodd learned a great deal from the educational sessions at the International City/County Management Association (ICMA) Conference in San Antonio, Texas, attending sessions on Implicit Bias, Desalination of Water, Disaster Preparedness, Changing Roles in Law Enforcement and Managing Misinformation.

Bids are due on the crew quarters by November 14th. A resolution to award the project for Council approval may be ready on November 20th.

Jason Hamby, along with Wendi VanBuren from the Ohio Department of Natural Resources and members of the Yellow Springs 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.

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.

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.

Staff completed Leadership Training with consultant Brenda Kraner of Wright State University earlier this year. Bates 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 local government as far as how to oversee the positioning of these towers and antennae. Consequently, staff is working with the Village 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 Village can charge an application fee.

Staff has been reviewing the special event/Bryan Center rental process from beginning to end. A couple of issues 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 needed), and establishing a particular space for special events that does not entail closing roadways and would allow the Village to install permanent facilities for such events (such as easily accessible electricity and possibly restrooms).

Bates announced that the Housing Needs Assessment Survey had ended with a strong response.

Bates noted that she and Dodd will bring information related to staff wage increases for 2018 to the meeting on the 20th.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT

Dodd reported on the following:

Regarding the Greene County CDBG grant ó Xenia Avenue sidewalk ramp project, it has been delayed and once the Village receives a firm start date, this will be communicated to residents and businesses in the area. This project will be replacing the curb ramps along Xenia Avenue from Limestone Street to South College Street.

Construction is underway on the Safe Routes to Schools project.

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.

CHIEF'S REPORT

Carlson stated the interviews for the Corporal position started last week, and he hopes to have a decision by the first of the year.

Council discussed the necessity of having the Chief attend Council meetings.

CLERK'S REPORT

The Clerk reported business as usual.

AGENDA PLANNING

Dec. 4: Fourth Quarter Supplemental Appropriations and Declaring an Emergency
Resolution Approving a Bid for Crew Quarters Construction
JSTF Report on Taser Policy
Board and Commission Policy Discussion
Lodging Tax Collection Process Discussion
Outreach Specialist Funding/Job Discussion
Complete Streets Policy
Executive Session @ 5:30pm

Dec. 18: Resolutions Honoring Outgoing Council Members
Bowen Presentation re: Housing Needs Assessment
Follow Up on Designated Smoking Areas/Signage
Executive Session @ 5:30pm

EXECUTIVE SESSION

At 10:34pm, Simms MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of Potential Litigation. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

At 11pm, Simms MOVED and MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ADJOURNMENT

At 11:01pm, 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.vso.com

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council