

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

In Council Chambers @ 6:00 P.M.

Monday, November 20, 2017

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 6:00pm.

ROLL CALL

Present were Wintrow, Vice President Brian Housh and Council member Gerald Simms. Village Manager Patti Bates was also present, as were Finance Director/AVM Melissa Dodd, Village Planner Denise Swinger and Village Solicitor Chris Conard. Councilpersons Hempfling and MacQueen were absent.

EXECUTIVE SESSION

At 6:02pm, Simms MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of Potential Litigation and of Real Estate Matters. The MOTION PASSED 3-0 ON A ROLL CALL VOTE.

The session started with all above noted individuals present. At approximately 6:20pm, Scott Harrold and Thomas Grywalski entered the session.

At approximately 6:45pm, Swinger, Grywalski and Harrold exited the session.

At 6:50pm, Simms MOVED and Housh SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 3-0 ON A VOICE VOTE.

ANNOUNCEMENTS

Housh announced the following: the annual YS Community Thanksgiving will be held at the Presbyterian Church from 2-4pm on Thursday; Yellow Springs Arts Council holds its Holiday Art Jumble Wednesday through Sunday from 1-4pm; November 28th is "Giving Tuesday", support your local nonprofits.

Simms reminded all that daylight savings time means students returning home from practice in the dark and urged drivers to be alert.

Wintrow advised that Carlos Landaburu has flashlights available, and recommended obtaining a flashlight or a bike light from the YS Police Department.

Wintrow announced that November 24th is "Yellow Friday", and that the Bulldog Jog takes place at 10am on that day. There will be carriage rides from 2-4pm.

Wintrow noted Saturday as "Small Business Saturday".

Bates announced the departure of long-time employee Jason Hamby, Streets and Parks Supervisor. Bates noted that Hamby began his career with the Village in 1995 as a seasonal employee. November 17th marked Hamby's last day with the Village.

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

Greene County Public Health Department re: Seat Belt Challenge
Rachel McKinley re: Star Ohio Fact Sheet
Judith Hempfling re: JSTF Documents

PUBLIC HEARINGS/LEGISLATION

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

Swinger explained that the legislation removes Short Term Rentals from both sections (1262.08 and 1258.01), and adds Transient Guest Lodging as a permitted use to section 1258.01.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING.

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

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

Dodd reviewed the budget, noting the removal of \$20,000.00 from Public Safety previously budgeted for an Outreach Coordinator.

Wintrow received confirmation that Village finances are in very good shape currently.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING.

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

Reading of Resolution 2017-49 Approving a Bid for Crew Quarters Construction. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates commented that an earlier safety inspection resulted in some issues present at the Sutton Farm facility.

Johnnie Burns described the current facility, which is small, leaky and generally inadequate. He then described plans for a new structure on the current footprint, which will allow for locker rooms, showers and washers & dryers.

Wintrow CALLED THE VOTE, and the MOTION PASSED 3-0 ON A VOICE VOTE.

Reading of Resolution 2017-50 Declaring November 25, 2017 ðMayor Foubert Dayö in the Village of Yellow Springs. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow extolled Mayor Foubert's impact on the Village over his 26 years of public service.

Wintrow CALLED THE VOTE, and the MOTION PASSED 3-0 ON A VOICE VOTE.

CITIZEN CONCERNS

Al Schlueter, member of the Justice System Task Force, expressed his concerns related to the recent Council discussion regarding a member of the JSTF releasing documents and posting on Facebook an accusation about another member of the Task Force. Schlueter stated that he, too, had voted with other members of the Task Force not to release the documents or a report, which they felt contained inaccuracies and was incomplete. ðI did not do this to protect the police department,ö Schlueter stated. He went on to express dismay that one member of the JSTF had been called out regarding what was a group vote.

Schlueter stated that he is attempting to make the report more relevant and to determine whether statistics may be skewed by one or two officers who may no longer be with the Department.

Schlueter noted his displeasure that a task force ðthat has been doing so wellö has been ðput in disarray by the actions of one individualö. He commented that the group had spent two hours at their last meeting attempting to mediate the situation, and that progress had not been made.

Schlueter commented that the injured party had asked him not to comment on the situation in hopes that one-on-one mediation could help him and the accusing party resolve the situation, and perhaps thereby bring unity back to the JSTF.

SPECIAL REPORTS

There were no Special Reports.

OLD BUSINESS

Timeline for Boards and Commissions. The Clerk addressed the topic, noting that concerns raised at the prior Council meeting had been discussed with Housh. She suggested that commission applicant interviews be scheduled and followed up by the Clerk to ensure consistency in the process and to have a

public record. She noted that it is important that all interviews follow EEOC guidelines, and that this is added in the draft presented.

Housh added that he would like merits of the candidates brought up at the time of nominations, and this was added to the draft as well.

Housh noted as well elimination of the Treasurer position, which was requested at the prior Council meeting.

Housh commented that he will be developing a "best practices" worksheet for boards and commissions.

Housh noted that he and the Clerk will be putting together an overall timeline for applicants so that the process is clear and on the record.

The Clerk added that MacQueen and Housh will be addressing the "Behaviors for Elected Officials" sheet and paring this down to more specific requirements.

Wintrow asked that some of the requirements be consolidated.

The Clerk commented that language was added that when boards and commissions are tasked with providing recommendations or reports, those are to first be publicly disseminated at a Council meeting before any other dissemination is done.

In response to a question from Wintrow, Conard stated that boards and commissions have latitude as to when a document becomes public in that work product is not a public document. He noted that the records retention schedule does not reflect the keeping of a draft. He commented that meeting minutes should reflect aspects of discussion of work product, and that minutes are a public record.

Wintrow commented upon the distinct difference between work product and a final presentation.

NEW BUSINESS

Updating Nominating Petition Discussion. Housh commented that in his process of running for Council, he noted aspects of the requirements that were singular to Yellow Springs and noted that the instruction sheet he was given by the Board of Elections (BOE) to accompany the document did not in fact correlate to the Yellow Springs form. Housh commented that he would like the process to be friendlier and more accessible.

The Clerk commented that she and Housh had cleaned up the existing Yellow Springs petition form, and that has been made legible and accurate as to dates. She noted, however, that the option to defer to the ORC petition exists, and referenced a copy of that form.

The Clerk noted that the Village could create a simple instruction sheet to cover Charter-driven candidate requirements, but that potential candidates could then be directed to the ORC form and the BOE instruction sheet for completion of the nominating petition if in fact Council wishes to go that route.

Housh noted that the Village requires only 1% of the electorate be represented in the signature section of petitions, which is an advantage over the signature requirement represented in the instructions for the ORC form, and asked that this remain the case.

Wintrow asked that legislation be brought to the meeting on December 18th to authorize the change in the nominating petition form to be used for Mayor and Council elections.

House Bill 179 Discussion re: Sanctuary Status and Implications. Chief Carlson commented upon the measure, stating that the Yellow Springs Police Department (YSPD) will not question, ID, detain or arrest anyone solely based upon her or his immigration status. Carlson stated his understanding for the interest and concern around the matter, but expressed caution that extended discussion on the topic may bring negative attention to what is currently a non-issue.

Carlson noted that the YSPD does not enforce Federal immigration laws. Once a person is detained and is in jail, follow up may occur, he said.

Housh noted that there has been no action on HB 179 since May of 2017.

Housh asked whether the Village could obtain Greene County's policy, since it could impact Village citizens.

Housh received clarification that the YSPD is aware of its need to provide translation services.

Housh asked that the Greene County policy be placed in the packet on December 4th.

Leadership Training Outcomes. In late 2016, Council hired consultant Brenda Kraner, a professor at Wright State University, to conduct Leadership Training and Team Building with Village supervisory

staff. Those team members were: Melissa Dodd, Ruthe Ann Lillich, Judy Kintner, Denise Swinger, Brad Ault, Jason Hamby, Johnnie Burns, Brian Carlson, Naomi Watson, Josh Knapp and Patti Bates. Beginning in October of 2016, Bates stated, she met individually with Brenda for a total of 10 times, for approximately 1-1/2 hours each time. The full supervisory staff met with Brenda in 4 sessions for a total of 24 hours.

During the sessions, the group engaged in exercises to help better understand each other and the ways that team members express themselves, and how these behaviors are perceived by others based on their backgrounds and personalities. Participants also learned to better understand how individual personality traits translate into a worldview.

Bates noted the following outcomes:

- Project flow sheets, which detail each project, the responsibilities for that project, specific tasks related to the project and a projected completion date
- A staff-wide habit of summarizing meetings via email
- A renewed effort to minimize duplication of effort across departments and work more cohesively
- Establishing a practice of holding immediate supervisory staff meetings when unusual events occur to coordinate tasks

MANAGER'S REPORT

Bates reported the following:

Bids are due on the crew quarters by November 16th. There may be a resolution to award the project for Council approval on December 4th. If not, it will be on December 18th.

The Bryan Center's new generator is now installed and functioning.

Community Resources has been able to close its books for the last time and has remitted to the Village a check for \$22,185.50. This is the final piece of the transfer of the CBE property to the Village.

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.

Bates recommended a 2.5% increase for all hourly employees for 2018.

Bates noted that earlier in 2017, 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 Village Solicitor to draft small cell tower legislation that would enable the Village to have some measure of control over the placement of these facilities. The Village cannot collect pole rental fees. The Village can only charge an application fee. This legislation will be brought to a future meeting.

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, establishing a deadline prior to the event by which staff must have the proper information about the event, 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.

Conard addressed the cell tower matter, stating that the Village could assign a fee, but is otherwise very limited.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT

Dodd reported on the following:

Dodd stated that she has been working diligently the past week to get documents and information onto the Village website related to lodging tax. She has created documents including process information, frequently asked questions and the permit application.

At the next Council meeting, the Village income tax ordinance will need to have a few changes made as a result of House Bill 49 that was passed early in 2017. These are mostly definition changes and due date changes. These need to be passed by January 31, 2018, so they will appear on the next agenda for a first reading. The language was provided by the Regional Income Tax Authority that we use to collect local income taxes.

There will also be an ordinance on the next agenda to make changes to the procedures within the Utility Dispute Resolution Board. Specifically, these will outline procedures for setting up a hearing and also procedures if a complainant does not show up for a hearing.

Housh received clarification from Bates and Conard that work continues on changing the ordinance establishing the makeup of the UDRB to allow for three citizens and to eliminate the Village Manager.

Conard noted that while the Board of Tax Appeals and the UDRB will be separate boards, they will consist of the same persons.

Dodd stated that she has decided to delay the utility billing software conversion while a few more bugs are being ironed out. She plans to run a parallel process to ensure that everything runs smoothly prior to going live.

The Xenia Avenue sidewalk ramp project should be nearly finished. The Safe Routes to School project is also moving along smoothly.

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. The Department is currently accepting applications for two new officers.

The Chief asked citizens to be aware of the early darkness hours and to turn on porch lights and drive with caution.

CLERK’S REPORT

The Clerk reported a busy several weeks and noted that new Council orientation will take place on December 7th and 8th.

Bates added that flour and sugar deliveries have gone out, and if anyone was missed, please contact her office.

Bates commented that the coat shopping event with Mills Lawn School kids was fun and successful.

BOARD AND COMMISSION REPORTS

Simms reported that the Planning Commission had approved the new fire department site plan as well as a replat for the Cresco lot and a site plan for Cresco.

Simms NOMINATED for the LIBRARY COMMISSION the following individuals, noting each person’s suitability for the position:

Joseph Carr, Dorothy Smith, Rebecca Eschliman, Richard Zopf and Leigh Duncan

Housh SECONDED, and the NOMINATIONS PASSED 3-0 on a voice vote.

Housh reported that the Arts and Culture Commission is planning the reopening of the Bryan Center Community Gallery for January 19th. The show will focus on the banners formerly hung annually on Village light poles.

The ACC is looking into supporting a Mills Lawn project focusing on Wheeling Gaunt and production of a book focusing upon African American elders in the Village.

The Economic Sustainability Commission would like to wrap up implementation work for the revolving loan fund by the end of the year, if possible.

Wintrow reported that Greene County Regional Planning Commission has been working on the budget, and that Ken LeBlanc will be retiring in 2018 and a replacement is being sought.

Wintrow reported great controversy at the last meeting of the MVRPC regarding a proposal for alleviating congestion on US 35 past Xenia’s the “superstreet”.

Wintrow announced new board members for the Yellow Springs Chamber and noted outgoing members.

Wintrow noted a decorating contest for the entire Village, sponsored by the Chamber, and noted a tree lighting ceremony to occur November 21st.

AGENDA PLANNING

- Dec. 4: Ordinance in Response to HB 49
Ordinance Amending UDRB Procedures
Resolution Approving Employee Wage Increase for 2018
Citations and Warnings Report
Board and Commission Policy
Lodging Tax Implementation
Outreach Specialist Funding/Job Description
Complete Streets Policy
Valve Exercise Machine Purchase
Civilian Hero Award
Executive Session @ 5:30pm
- Dec. 18: Fourth Quarter Supplemental Appropriations and Declaring an Emergency

Emergency Ordinance Amending Fee Schedule for Transient Guest Lodging Permits
Resolutions Honoring Outgoing Council Members
Resolution Updating Nominating Petition
JSTF Report on Taser Policy
Follow Up on Designated Smoking Areas/Signage
Executive Session @ 5:30pm

ADJOURNMENT

At 8:44pm, Simms MOVED and Housh SECONDED a MOTION TO ADJOURN. The MOTION PASSED 3-0 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.ysa.com

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council