Council of the Village of Yellow Springs
Regular Session Minutes

In Council Chambers @ 5:30 P.M. **Monday, December 4, 2017**

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 5:34pm.

ROLL CALL

Present were Wintrow, Vice President Brian Housh, Council members Gerald Simms, Marianne MacQueen and Judith Hempfling.

EXECUTIVE SESSION

At 5:35pm, Hempfling MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Evaluation of a Public Employee. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

The session started with all above noted individuals present. At approximately 6:20pm, Village Manager Patti Bates entered the session. At 6:47pm, Melissa Dodd, Finance Director/Assistant Village Manager, and Chris Conard, Village Solicitor, entered the session.

At 7:01pm, Simms MOVED and Housh SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

CIVILIAN HERO AWARD CEREMONY

Honoring 2017 Yellow Springs Police Department Civilian Heroes.

Chief Carlson awarded the first of its kind in the Village ñCivilian Hero Awardò to the following individuals:

Mr. Randy Cardwell of Xenia, Ohio
Ms. Onica-Elizabeth Garrett of Yellow Springs, Ohio
Mr. William Dyke of Yellow Springs, Ohio

ANNOUNCEMENTS

Housh announced the School Forest Festival for the coming weekend.

Housh provided an update on the ODOT/ODH-funded Active Transportation Plan process, calling for citizens who may be interested in serving on the ATC Advisory Committee.

Housh noted a fundraiser soup supper to support Puerto Rico to be held at the Presbyterian Church on Wednesday. Wednesday is also the Mills Lawn Exhibition Night.

Housh noted that State Representative Rick Perales will be in the Art Room to address citizens on December 21st from 1-3pm.

Wintrow announced holiday events to be held in the Village this weekend: Bryan Center Pottery Sale as well as a poetry reading and the Mills Lawn Gingerbread Festival. The Mills Park Hotel will hold a ñpop-up shopò as will the YS Brewery.

Wintrow announced that the groundbreaking for the new Cresco facility will be announced early next week.

CONSENT AGENDA

1. Minutes of November 6, 2017 Regular Meeting
2. Minutes of November 20, 2017 Regular Meeting

Simms MOVED and MacQueen SECONDED a MOTION TO ADOPT the Consent Agenda. The MOTION PASSED 5-0.

REVIEW OF AGENDA

Wintrow moved New Business before Old Business. MacQueen added discussion of the Housing Needs Assessment to Old Business, 2018 Council Retreat Planning to New Business, and a request to Council to approve an Environmental Commission project to New Business. Hempfling

added a nomination for Planning Commission. Housh added the ñYellow Springs-Clifton Connectorò to New Business.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

Active Transportation Committee re: YS-Clifton Connector

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2017-42 Amending Utility Dispute Resolution Board Establishment; Authority. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Dodd explained that the UDRB has met recently for the first time in a long while and, at that time, it was recognized that the makeup of the Board needed to be amended to better reflect a strong level of citizen participation.

Dodd noted that there is an existing Board of Tax Appeals (BTA), and the idea in amending the UDRB was to mirror the makeup of the Tax Board so that the same citizens could serve on both Boards. These Boards, Dodd noted, meet very rarely.

Conard noted that the name of the Board of Tax Appeals was updated to reflect state level changes around 2014, but that this is not a substantive issue.

Wintrow received confirmation that the BTA would handle any disputes involving the Lodging Tax.

Wintrow noted that both Boards should have the same term lengths.

Bates clarified that no person working in the Village Finance Department can be appointed to either Board. She noted that while Council can suggest a placement, it cannot appoint an employee, since that is Batesô area of authority.

There being no public comment, Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a roll call vote.

Reading of Resolution 2017-51 Adjusting Employee Wage Scales. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow noted that surrounding communities were contacted to determine a baseline, which is the origin of the 2.5% suggestion with regard to the amount of the increase.

Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

Reading of Resolution 2017-53 Establishing an Endowment with the Community Foundation for the Ongoing Maintenance of the Yellow Springs Creek Conservation Area. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained that the Village had received a grant two years ago to remove invasives from the Yellow Springs Creek area. The grant asked that a mechanism be established to ensure this removal into perpetuity. Bates noted that working with Glen Helen Director Nick Boutis, this fund, in collaboration with the Yellow Springs Community Foundation, would be established for that purpose.

Wintrow received confirmation that citizens can contribute to the fund.

Conversation took place regarding how contributions could be spent, given that the name of the fund is somewhat generic. Bates commented that the funds could be contributed to other green space areas as needed.

Bates confirmed that $20,000.00 would be sufficient to fund the Yellow Springs Creek area clean up into perpetuity.

Housh suggested creation of another fund to cover discreet projects.

Housh suggested a small change to the agreement.

Wintrow CALLED THE VOTE. The MOTION PASSED 4-1 on a voice vote, with Simms voting against.

CITIZEN CONCERNS

Chief Altman and Chief Carlson spoke regarding their coordination for the New Yearôs Eve events, which will be officially sponsored by Miami Township Fire & Rescue this year and will involve an official street closure.

Dale Amstutz suggested that if Mills Lawn School is abandoned for a newer facility elsewhere, that the Village purchase that block to be used for special events and as a town square.

Laurie Stober related a story of a young person that she was mentoring who was sold drugs by her employer in the Village. Stober stated that she is initiating a ñCitizensô Community Watchò to try to address what she sees as a dangerous situation at the Spirited Goat.

SPECIAL REPORTS

There were no Special Reports.

NEW BUSINESS

Valve Exercise Machine/Bucket Truck Presentation. Johnnie Burns reported on the need for a valve exercise machine and on the need for a new bucket truck.

Burns commented that the valve machine can be included as part of the established budget for the new water plant in that it is an integral feature of the infrastructure and assures that the distribution system is up to the standard required by the Ohio EPA.

Burns noted that the machine can be used as a directional bore to maneuver under sidewalks, for example.

Burns stated that the machine will show the level of static pressure on fire hydrants during flushing exercises.

Altman commented that this feature is advantageous to the Fire Department as well.

The cost is $63,379.00.

In response to a question from Housh, Burns stated that once the catch-up work is completed, this machine should be used at least weekly as a part of regular maintenance of the distribution system.

Bucket Truck: Burns noted the repair needs of the older bucket truck, stating that repair on that vehicle for 2016 was about $13,000.00, and it is currently out of service again, in need of about $7,000.00 worth of repair.

Burns noted the increased height capacity (15 feet) of the proposed new truck, which will allow completion of more projects. He stated that the new vehicle will cost $134,281.00 and should provide at least 15 years of service.

Burns noted that the vehicle will be housed under cover. He commented that the new vehicle uses a green exhaust system, which is far cleaner and quieter than the current vehicle.

Dodd expressed her desire to pay for the vehicle outright rather than through a payment plan, which will save about $14,000.00 in interest.

MacQueen MOVED to APPROVE purchase of both the valve exercise machine and the new bucket truck as proposed. Hempfling seconded. Wintrow called the vote, and the MOTION PASSED 5-0 on a voice vote.

2018 Council Retreat Planning. Council would like a retreat scheduled for early January. The Clerk will work on setting this up.

Yellow Springs-Clifton Connector Trail. Housh noted that for over 30 years, there has been discussion regarding a bike route from the Village to the John Bryan State Park/Clifton Gorge area. He noted that State Route 343 is not wide enough for cyclists to traverse safely, and stated that unlike in the past, the Ohio Department of Transportation (ODOT) and the Ohio Department of Natural Resources (ODNR) are both on board with the current proposal.

Housh noted that the Village of Clifton has passed a resolution in favor of the proposal and has earmarked $3000 for a preliminary engineering study.

Nick Boutis, Director of Glen Helen, spoke in support of the proposal, noting that the Glen manages about 1/3 of the land between the Village and Clifton. He noted that such a path would allow

greater access to more areas of the Glen. Boutis noted that space for a multi-use trail on the Glen side is feasible and is not subject to restrictions.

Boutis responded to a query from MacQueen, noting that the Glen will not be paving any of its access points, but will level and smooth the access areas.

Marcia Sauer spoke as the newly appointed President of the local chapter of Bike Miami Valley and as a member of the Active Transportation Commission. Sauer strongly endorsed the project, and noted its historical significance as an ongoing cause for several individuals as well as the former Bike Enhancement Committee. Sauer called the proposed connector ñthe missing linkò.

Wintrow asked that a resolution be brought to Council in support of the proposal.

Sauer noted that a past roadblock was that the trailôs right of way would have needed to be on the Case property, and that in the past there was not access to that property, which is now accessible.

Housh noted that funding for the project should be available from the Clean Ohio Fund, Recreational Trails Program and Transportation Alternatives Program.

Council agreed to bring a resolution to the next meeting.

Council Endorsement of Environmental Commission Project. MacQueen described the proposed project, noting that Nadia Malarkey is currently working with Mothers Out Front on a presentation and workshop on pollinator regenerators. The EC recognizes that it needs approval from Council before writing a letter of approval for the project. MacQueen MOVED that Council approve such a letter. Wintrow SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Planning Commission Alternate: Simms NOMINATED Andrew Williams to the position of Planning Commission Alternate. Hempfling SECONDED, and the MOTION PASSED 5-0 on a voice vote.

OLD BUSINESS

Outreach Specialist Funding/Job Description. Chief Carlson read the following statement related to the proposed position:

In response to the request from the JSTF to create a comprehensive outreach program to our at-risk populations, Carlson stated that he had developed a job description for Community Outreach Specialist (COS).

It is difficult for officers to maintain pace with the community demand for continual outreach services, Carlson stated.

The more time officers are able to spend helping the Villageôs at-risk populations, including connecting them with area social services, the more positive the impact will be on the community as a whole. This position would be the primary conduit for consistent contact with those at-risk populations to better ensure that they have the resources that they need to be successful. The COS would preferably have some understanding of law enforcement culture, as this will aid in navigating the environment in order to best help the individuals served; however, the main focus will be on community outreach.

Carlson asked that Council consider the proposal as a pilot program, because the Department will be learning as it goes, but the immediate benefit would be more community contact and officer assistance through an identified source of contact and direction.

Carlson noted that while he and Bates have considered the position to have some type of collaboration with the Mayorôs office, he has concerns about potential conflicts of interest due to the sensitive nature of YSPD cases and the law.

Carlson stated that due to the recent departure of an officer, the police department has three vacant full-time positions. Carlson stated that although traditionally these positions would be filled with sworn officers, he feels strongly enough about the need for this position that he requests filling one vacancy with the Community Outreach Specialist.

Hempfling stated that she wished to speak with the police social worker contact from Illinois prior to making a decision.

MacQueen stated her readiness to make a decision, characterizing the proposal as a pilot program.

Wintrow stated that she did not have a need to speak with the police social worker.

Hempfling stated that she sees the conversation as necessary.

MacQueen commented that the Village is unique and may need to craft the position specific to its needs.

Simms commented that he is unwilling to lose a sworn officer position to the Outreach position, citing officer safety. He asked that the next Council consider funding the position.

Housh indicated his support, and reminded Council of the expressed urgency for the position. He stated that he could support acceptance at the next meeting. Housh noted that he would be interested in a phone conversation with a police social worker, but would not let this hold up a decision.

Wintrow commented that if the matter goes to the next Council, it will take some time for new members to come back up to speed, and asked that the matter be resolved during her tenure.

Bates commented that the position needs to be added to the organizational chart, which would require legislation as an emergency.

Wintrow asked that the title ñCommunity Outreach Specialistò be used.

In response to questions from MacQueen, Kate Hamilton stated that she believes the job description provided is appropriate to the Villageôs needs, and noted that the specialists that she spoke with worked in far larger municipalities where they were one of several such specialists. She noted that this is a pilot project.

Hempfling stated concern that the first qualification listed is ñin the area of criminal justiceò. She argued that the first qualification should be ñsocial workerò.

Hamilton responded that when she has spoken with the specialists, they have emphasized that the police social worker does work closely with officers and does need to be a part of the law enforcement team.

Chief Altman commented that the proposed position is a ñgreat first stepò. He noted that the county social workers are insufficient to the task, and this leaves the burden on the first responders without, often, assisting the client. Altman commented that Miami Township has the highest number of mental health transports in the county, and commended the YSPD for its high level of engagement and expertise.

Chief Carlson commented that he would work on the job description to address some of the concerns expressed by Council members.

Carlson commented to Simms that he believes that if the position works as itôs designed, the number of calls officers have to respond to and the amount of time on some calls should diminish. Carlson noted the ñ80/20ò rule, citing that 80% of calls received by the YSPD are for mental health or social welfare issues, while only 20% involve traditional policing issues, and 80% of police training is related to the latter while 20% of police training is mental health/social work.

Wintrow asked that the job description return to the next meeting, with Hempfling and Housh also helping to refine it, and asked the Solicitor and Clerk to craft legislation.

Cresco Labs Facility Update. Wintrow noted that Cresco Labs has received its cultivation license as a Tier 1 medical marijuana facility. There will be a groundbreaking upcoming, she stated, and Cresco leadership is very positive about moving forward with the Village.

Lodging Tax Implementation. Wintrow received confirmation from Conard that both she and MacQueen did not need to recuse themselves from the discussion.

Dodd related that she is posting information to the Village website and, while some of the interface is not yet functional, she is working to get this resolved.

Dodd went through how to access the information online, and explained how the system will work moving forward.

Dodd noted that the legislation adding a $25.00 fee to the lodging permit will be brought to the next meeting.

The topic of how to collect the tax was discussed.

Dodd presented information regarding voluntary tax collection based upon her research and upon a session that she attended at a recent International City/County Managers Association (ICMA)

conference. She advised against contracting with Airbnb, which offers a voluntary tax collection agreement.

Dodd commented that ICMA dissuades municipalities from entering into agreements with Airbnb due to the lack of transparency. She then conducted further research and discovered a report by the American Hotel and Lodging Association, which also advises against any agreement with Airbnb.

Dodd concluded that in the entire state of Ohio, only Cleveland and Cuyahoga County have an agreement in place with Airbnb.

Dodd recommended against any agreement between the Village and Airbnb for voluntary tax collection.

Bates expressed agreement, and noted that any proprietor who lists with multiple transient guest lodging booking sites will still need to collect for all other sites even if an agreement is in place with Airbnb.

Hempfling noted that she had brought forward information about the voluntary tax agreement (VTA), and suggested that Airbnb seems to be trying to meet the needs of municipalities. She opined that the study Dodd cited ñwas written by their competitorsò.

Hempfling stated that 20 states in the US have signed with Airbnb, and asked that Cleveland be contacted for further information. She asked for more research and legal advice on the matter.

Wintrow noted that the requirement to collect starts January 1st and asked that the Village ñget through 2018ò first and then consider the matter.

Housh supported outreach to Cuyahoga County and Cleveland to better understand how the relationship with Airbnb works.

Dodd commented that this is a private entity collecting taxes on behalf of a public agency, which does not need to adhere to Sunshine Law.

MacQueen commented that she did not believe that the small amount of money involved was worth the pursuit of the matter.

Hempfling commented several times that the VTA óshould make things easier for staffò.

Bates followed up, asking Dodd whether the VTA would reduce staff workload. Dodd responded in the negative.

Wintrow asked whether Airbnb exacts a fee for the VTA.

Complete Streets Policy. Housh noted the provided draft, commenting that the policy ensures that all uses, ages and abilities are taken into consideration when any sidewalk or street work is done.

Housh noted that he has asked for assistance from the YS Active Transportation Committee on the policy, but would like a resolution of approval.

Wintrow requested a resolution for the next meeting.

Board and Commission Policy Review. Council adopted the provided documents regarding the interview process and the best practices for boards and commissions. Wintrow MOVED to APPROVE the documents as presented by the Clerk. Simms SECONDED, and the MOTION PASSED 4-1 on a voice vote, with MacQueen voting against.

Housh and MacQueen will work on some of the other documents associated with boards and commissions at a later date for review at the first Council retreat.

Housing Needs Assessment Update. Bates noted information provided by Bowen in the packet with a status report noting that a draft will likely be ready by mid-December. Bates noted that the plan is for the working group to review the data in time to provide feedback prior to Bowenôs presentation to Council on January 2nd.

MacQueen opined that this time frame would not permit sufficient time for the working group to get feedback to Bowen in time for Bowen to incorporate that feedback in its presentation to Council.

There was general agreement with this perspective from Council.

Bates agreed to ask Bowen to present at the January 16th, 2018 meeting rather than on January 2nd.

MANAGER'S REPORT

There was no Village Manager report.

ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT

Dodd reported on the following:

Dodd noted that the Xenia Avenue sidewalk ramp project should be nearly finished at this point. The Safe Routes to School project is also moving along very nicely.

She commented that she is wrapping up end of year financials.

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, and has 15 applications to date.

CLERK'S REPORT

The Clerk provided the 2018 meetings schedule and the upcoming New Council Orientation schedule. She reported many public records requests of late, and noted that the ñride visibleò campaign continues, with lights being handed out to bikers when possible.

AGENDA PLANNING

Dec. 18:	Emergency Reading of Ordinance 2017-43 Approving Fourth Quarter Transfers and Declaring an Emergency
	Emergency Reading of Ordinance 2017-44 Approving Fourth Quarter Supplemental Appropriations and Declaring an Emergency
	Emergency Reading of Ordinance 2017-45 Adding the Position of Community Outreach Specialist to the Village Organizational Chart and Declaring an Emergency
	Emergency Reading of Ordinance 2017- 46 Amending the Fee Schedule for Transient Guest Lodging Permits and Declaring an Emergency
	Reading of Resolution 2017-54 Approving Use of the ORC Approved Non-Partisan Nominating Petition as the Village Council and Mayor Nominating Petition
	Reading of Resolution 2017-55 Declaring Support for the Proposed Yellow Springs-Clifton Connector Trail
	Reading of Resolution 2017-56 Adopting a Complete Streets Policy for the Village of Yellow Springs
	Reading of Resolution 2017-57 Honoring Departing Council Member Gerald Simms
	Reading of Resolution 2017-58 Honoring Departing Council President Karen Wintrow
	Executive Session at 5:30
	Revolving Loan Fund Discussion
	JSTF Citation and Warnings Report
Jan. 2:	Swearing-In of New Council and Mayor
	JSTF Taser Policy Presentation
Jan. 16:	Bowen Presentation re: Housing Needs Assessment
	Voluntary Tax Collection Discussion

ADJOURNMENT

At 9:59pm, Simms MOVED and Housh SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in the Clerk of Council's office between 9am and 3pm Monday through Friday or any time via youtube link from the Village website: www.yso.com

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Karen Wintrow, President

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Attest: Judy Kintner, Clerk of Council