

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

**In Council Chambers @ 7:00 P.M.**

**Monday, February 5, 2018**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 7:00pm.

**ROLL CALL**

Present were Housh, Vice President Marianne MacQueen and Council members Judith Hempfling, Kevin Stokes and Lisa Kreeger. Also present were Village Manager Patti Bates, Village Solicitor Chris Conard, and Chief of Police Brian Carlson.

**SWEARING IN**

New Mayor's Court Clerk Ann Poortinga was sworn in.

**ANNOUNCEMENTS**

**MINUTES**

1. Minutes of January 16, 2018 Regular Meeting

MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE the Minutes as amended for clarification. The MOTION PASSED 5-0 on a voice vote.

**REVIEW OF AGENDA**

MacQueen asked that the HNA move to the top of New Business and be followed by Goals. She asked that the HNA be allotted 30 minutes.

Policing Guidelines was added to New Business.

Stokes asked that the topic of Diversity in Hiring be added to New Business.

Nominations were added to New Business.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Dodd re: JBC Rental Information  
MacQueen re: Pollinator Regenerator Information  
Shernaz Reporter re: Tobacco Free Minutes (online)  
Kate Hamilton re: Resignation from HRC

**PUBLIC HEARINGS/LEGISLATION**

**First Reading of Ordinance 2018-04** Approving Creation of a Fund for Utility Overpayment and Disbursement. MacQueen MOVED and Hempfling SECONDED a MOTION TO APPROVE.

Bates noted that the legislation would create a fund for utility overpayment and disbursement. Current Utility office software houses any bill overpayments in the electric fund. The new software now being implemented has the ability to hold those funds in an overpayment account to be later distributed to the correct fund versus just electric.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

**First Reading of Ordinance 2018-05** Approving Creation of a Fund to House Revenues Obtained for the Yellow Springs-Clifton Connector Project. Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh explained that this legislation creates a fund for housing revenues obtained for the Yellow Springs-Clifton connector project. This fund will hold revenues earmarked for the needs assessment and possible future construction of a connector path between Yellow Springs and Clifton. This is a collaboration between a number of different interested entities and the Village has volunteered to be the custodian of the funds.

Housh CALLED THE VOTE and the MOTION PASSED 5-0 on a voice vote.

**CITIZEN CONCERNS**

William Tolle expressed concern that persons who had harassed him when he lived in another city have located him and are again following him.

Chrissy Cruz asked when the Utility Round Up discussion will occur, stating her disappointment that it was not occurring at this meeting.

MacQueen stated that the discussion is reliant upon the Utility office implementing their new software first, and stated that she will follow up.

Cruz stressed the importance of the topic to many families in the Village.

Housh stated that he is requesting an action plan for the measure be brought to the February 20<sup>th</sup> meeting so that there is at least a strategy in place.

Hempfling asked that the Council Goals address this matter and that policies be examined.

## **SPECIAL REPORTS**

There were no Special Reports.

## **OLD BUSINESS**

**Housing Needs Assessment Update.** MacQueen presented the HNA information as follows:

The Village Manager's Housing Advisory Board met on January 29<sup>th</sup> to reflect on the Housing Needs Assessment (HNA) and identify next steps in the housing process. The Board agreed that 1) the HNA provided useful data to help Council and the Village move forward on housing plans, and 2) that there is much work to be done. Issues discussed during the meeting included research and work 365 is doing on affirmative marketing strategies for Yellow Springs; potential need for other resources to help in planning; the distinction between affordability and diversity; how, and if, to develop a model for the number and type of housing units to strive for; and initial thinking about incentives to increase affordable housing such as Inclusionary Zoning.

The Board decided to focus first on organizing the four Community Forums on Housing that had been agreed upon last fall. The month of March has been suggested for the forums which are slated to be held at the First Baptist Church, Mills Lawn, the Senior Center, and the Bryan Center. Patti Bates and MacQueen will begin the coordination process with the persons who have agreed to help set up the forums, including the Village Mediation Program. The Board, at the direction of Council, would decide on the structure of the meetings which should include some data from the HNA and one or more questions for citizens to discuss.

Potential questions citizens might wish to ask include; "What do you want for Yellow Springs in terms of housing?" "Do you want to shift the trajectory in which Yellow Springs is heading?" "What do you want Council to know about your concerns?" MacQueen asked for Council direction as to what questions should be asked at the forums.

MacQueen stated that she, in conjunction with Hempfling, had been working on a plan to present inclusionary zoning to Council as a means of facilitating affordable housing.

She asked for Council input on three items: Approval of the Housing Advisory Board to become the Technical Assistance Board to Council and Staff for housing matters; Approval for her continued research into inclusionary zoning and input from Council as to the focus for the proposed housing related forums.

Stokes raised the issue of how to present the housing material to the forum participants.

Hempfling asked who should present the information.

Housh stated that an aid to consistency would be to create a one-page document with salient information.

This was discussed at some length, with Bates stating that she has been attempting to reformat the material into a more condensed format.

MacQueen commented that the current trend in available housing in the Village is moving Villagers away from their stated values. She noted that Council has not previously taken an active role in the issue of housing, and opined that now is a time that Council may begin to take a "very active role" in housing.

Bates offered to bring a revised document to the meeting on the 20<sup>th</sup>.

Hempfling disagreed with reorganizing the powerpoint, but stated that she thought it should be condensed.

Kreeger stated that this was what she was in fact suggesting; that the powerpoint be configured around the central questions that Council wanted addressed by the forum participants. She then suggested that perhaps one of those questions address the role that citizens believe Council should play in the housing situation.

Stokes suggested that now that there is a Housing Needs Assessment which affirms the need for increased housing in the Village, could there be a firm stated commitment from Council regarding housing. He asked that a document listing all potentially available Village owned properties be provided at some point to assist Council in the matter.

MacQueen stated that Council should move step by step, and commented that following the forums, the matter of inclusionary zoning needed to be raised. She commented that several properties will become available, and that these would lend themselves to housing. MacQueen stated that she would like the possibility of inclusionary zoning brought before Council before that time.

Housh stated that he hears two primary questions, noting that the informational piece is only half of the community conversations proposed. He commented that the two questions he believes need to be addressed are "what do we want our Village to look like?" and "how do we want to get there with Village housing policy and actions?"

Housh suggested that some of the statistics be highlighted for the purpose of the conversations, to get them started, and then questions could be raised by participants as needed.

Housh stated that Council needs to provide the context, but that that should not be the focus of the conversations. He noted the need to include Planning Commission in the process. Housh asked finally that a timeline be developed.

Hempfling commented that MacQueen wants the inclusionary zoning piece implemented by Spring. Hempfling stated that "in conversation with the community" Council can drive what happens on the Glass Farm. How, though, can Council influence what happens on private property, she asked, commenting that she believes inclusionary zoning is the way to accomplish this influence.

MacQueen stated that she has an appointment with Swinger to discuss inclusionary zoning (IZ), noting that there are no other communities in Ohio that currently have IZ.

To the question as to whether Council agrees with having the HAB become the Technical Assistance Board to Staff and Council, Council members expressed agreement.

To the question of pursuing information on IZ, Council members expressed agreement, with Housh stating that the agreement is for further information to be provided for discussion not that there will be legislation or a policy presented.

To the question regarding the questions for the community conversations, Housh noted that he liked Bates' suggestion of having the Technical Assistance Board (TAB) discuss the matter and present those ideas for the meeting on the 20<sup>th</sup>. The Committee will also discuss the notion as to who will present at the forums. (Housh stated his preference for the term "community conversations").

Stokes suggested that the committee members present the information.

**2018 Council Goals.** Council discussed Village Values, with Housh asking whether affordability would be brought into the language. He noted as well the value of hiring a diverse workforce within the Village structure, asking whether Council wished this to be included.

MacQueen asked that anti-racism be added as a value, and asked that fiscal sustainability be moved to values.

Housh offered to work with Hempfling on a draft of revised values.

Kreeger stated housing as a priority goal related to several values. She suggested articulating a goal related to housing.

Kreeger expressed support for the addition of anti-racism as a value.

Stokes commented upon implicit bias/cultural competency training, stating his desire that all Village employees receive this training on an ongoing basis.

Hempfling asked that diversity in hiring practices be added as a goal. She suggested that environmental issues move to a lower priority in order for more pressing issues to be addressed.

Regarding goals related to the JSTF, Hempfling stated that disparate impacts of the justice system on the poor be addressed. She asked that data collection be added. She asked that cases be mandated to Mayor's Court.

Hempfling asked that inclusionary zoning be added under housing goals.

MacQueen asked that infrastructure improvement be added as a goal. Bates commented that this will be mandated by the Ohio EPA.

MacQueen asked that the Economic Sustainability Commission focus on localism.

MacQueen commented upon the Climate Action Plan, asking that this be added to the website and notes made when goals are attained.

MacQueen asked that a housing action plan be implemented which focus on affordable and mixed type housing, engaging various strategies.

Housh stressed infrastructure in terms of bike-and walk-ability as well as the fiber project, suggesting that Council consider ways the Lodging Tax could be used to support these.

Housh suggested that the goals contain specific, attainable action steps.

Bates asked that Council consider staff time.

Housh displayed a facebook poll that he will be posting as a means to collect public comment on Council Goals.

This option, as well as others, were discussed as means of gathering public comment and incorporating comment.

Kreeger brought up her concern regarding utility rates and asked that a specific goal be formed regarding affordability and utilities.

Hempfling asked how much influence the community comments would have.

Housh stated that he hopes to have a solid idea as to what goals will be set for 2018 by the meeting on the 20<sup>th</sup>.

William Tolle commented on the difficulty of providing affordable housing given the possibility of criminal behavior.

**Board and Commission Policy Review.** MacQueen stated that the ultimate goal of the discussion is to create a single document that can be provided to members of boards and commissions as well as Council members which delineates the roles and responsibilities of those members and liaisons.

MacQueen stated that she would like the Clerk to take on more responsibility with regard to managing members' terms and trainings.

MacQueen commented that boards and commissions are extensions of Council, and this needs to be made clear with regard to making comment on public media, with regard to taking on projects assigned by Council, etc.

MacQueen noted a revised process for public disagreement so that members can manage the disagreement without resorting to a public posting. The process asks that if a statement is made, it is made respectfully and with a statement that the poster is acting as an individual, not as a commission member.

MacQueen noted a suggestion that greater authority is given to the Council liaison to manage members of their commissions with regard to their behaviors and responsibilities.

MacQueen stated her desire that a search process not take place if a member of a commission wishes to continue and is serving successfully, but that a conversation occur, and the member be continued on that basis.

MacQueen noted that the document suggests that family members not be appointed to the same commission. She stressed that this is a suggestion.

MacQueen noted that commissions may go on hiatus if there is not currently work for them.

MacQueen noted that commission members serve at the pleasure of Council, but interact with the Council liaison in this process.

Housh noted that the Treasurer requirement will be removed.

Bates suggested adding a procedure for expenditures, and communicate this to Dodd for inclusion at the meeting on the 20<sup>th</sup>.

Stokes asked that inflammatory statements be prohibited not only regarding Village staff and other commission members but also about fellow citizens.

Stokes received clarification that the suggestion against family members does mean any members of a family on a commission liaison or not, due to a perceived or real increased power on the commission and due to potential conflict of interest.

Kreeger expressed favor with the idea.

Hempfling stated her understanding that any renewal results in the same process as a new applicant that is, every person is treated as a new applicant. She asked that this be indicated in the best practices.

Housh stated that the matter will be continued on the 20<sup>th</sup>.

## **NEW BUSINESS**

**Diversity in Hiring.** Stokes introduced the topic, stating that he would like to see the Village act proactively in its hiring practices with regard to reaching communities of color.

Stokes asked whether information regarding race is gathered when individuals apply for positions at the Village.

Bates responded that this information is currently gathered on a voluntary basis per EEOC requirements.

Housh suggested the topic be continued, and that Bates highlight the Village's current practices in her Manager's Report for the 20<sup>th</sup>. He asked that this be followed up upon with a discussion as to what can be done to increase diversity in hiring at the Village.

Stokes offered the resources of the 365 Group.

**Policing Guidelines.** Stokes noted that the posting for the Outreach Specialist failed to include the Guidelines, and that this was overlooked by everyone. He wanted to assure that this oversight does not occur again. Stokes received assurance from the Chief that the Guidelines will be used in the evaluation process as well.

Council agreed generally that the Guidelines need to be in any PD job description.

Kreeger NOMINATED Cathy Roma, Nancy Mellon and Kathy Moulton to the Arts and Culture Commission. Hempfling SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Kreeger NOMINATED Karen Wintrow to the Economic Sustainability Commission. Hempfling SECONDED, and the MOTION PASSED 5-0 on a voice vote.

MacQueen NOMINATED Ted Donnell to the Planning Commission. Housh SECONDED, and the MOTION PASSED 5-0 on a voice vote.

## **MANAGER'S REPORT**

Bates reported on the following:

In response to input from the 365 Group, the Village is looking at different ways to inform citizens about the Guidelines for Village Policing. Some thoughts include:

- A trifold pamphlet available in various locations
- A display in the lobby of the Bryan Center to allow visitors to read the Guidelines
- Posting the Guidelines in several places on the website

Bates noted that the Chief has presented an idea for posting the guidelines on the Dispatch window.

The Village closed with Cresco Labs Ohio, LLC on 8.226 acres of land in the former CBE. The check for the sale, in the amount of \$163,613.85, was deposited in the General Fund and can be moved to other funds as Council sees fit.

For some time, Bates stated, she has been working with the Active Transportation Committee on a project involving flashing crosswalk signs, with possible locations to include both crosswalks at Xenia Avenue and Short Street downtown, as well as Dayton Street at Stafford Street and also at Winter Street and, finally, Fairfield-Yellow Springs at Fair Acres Dr. These signs could be activated by either a push button or by the approach of a vehicle through radar activation and will greatly assist with pedestrian safety. Given the cost of the signs and the number needed for these locations, it would

require a Request for Proposals be issued. This project would also be grant-eligible through ODOT for up to 90% of the project.

Bates also made note of her 2017 end of year report, which will be posted to the website.

#### **ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT**

Dodd submitted a report which was covered by Bates, who noted the following:

Dodd noted in her report that she and Samantha Stewart have been reviewing pool fees for possible rate changes. The last rate change occurred in 2012, and an increase will be needed to keep up with increasing costs.

Dodd noted that the pool is in need of a large number of costly repairs, and funds will be needed in order to keep the pool operational. Dodd will have a multi-rate fee increase ordinance prepared for Council review for the February 20<sup>th</sup> meeting.

Kreeger commented that she would like to see another means of keeping up with expenses, stating that she wanted the pool to remain a viable option for all Village residents.

Bates noted that the "Swimming for All" program will remain in effect, and that an "Adult Plus One" option will be added.

Bates commented that Council would have to dedicate a renewable fund to the pool if there is objection to raising revenue through a fee increase.

Florence Randolph received confirmation that there is a tiered fee system which prioritizes Village residents.

#### **CHIEF'S REPORT**

Chief Carlson reported the following:

Miranda Warning cards are being printed in English and Spanish, which officers will be able to carry and hand out.

The Chief noted that the Guidelines, while not included in the written job descriptions, were brought in to each interview.

The Police Department with the Village Managers office will begin the interview process next week for a Community Outreach Specialist.

The YSPD is in the process of creating a detailed and specialized complete policy manual.

Sergeant Josh Knapp has been diligently working with Lexipol and the State to ensure that the YSPD will be compliant with the State of Ohio regarding policing policy and yet specific to the guidelines of the Village of Yellow Springs.

Lexipol is a detailed, comprehensive policy solution that gives YSPD current and vetted police policies that are tailored to the needs of the community and the agency. Not only does this solution provide for solid, defensible policies that can help protect the Village from civil liability but it also helps protect citizens by describing clear and concise guidelines for officers to use when performing their duties. Lexipol also requires that officers complete monthly training bulletins to ensure understanding of how policies should be applied in a given situation. This helps build the officers' confidence in their understanding of and the appropriate application of policy.

In response to a question from Stokes, the Chief noted that because bias awareness training is currently a "hot topic" it is difficult to find good quality trainings. He is working with Bates to find opportunities in this area.

#### **SOLICITOR'S REPORT**

Conard delivered the Cresco closing binder to Council.

#### **CLERK'S REPORT**

The Clerk noted a high volume of public records requests in the past several weeks, and thanked personnel from varied offices for researching and copying requested records.

The Clerk noted that at the last Council meeting, during selection of Council members to boards and commissions, she had indicated that the Alternate to the Greene County Regional Planning Commission (GCRPC) should be a staff member. This, according to GCRPC officials, is not the case. The position must be held by an elected official. The Clerk asked that MacQueen, who had initially volunteered in that role, be appointed to the position of Alternate.

## **AGENDA PLANNING**

- Feb. 20: Second Reading and Public Hearing of Ordinance 2018-03 Repealing Chapter 881  
öEarned Income Tax Regulations Effective Beginning January 1, 2016ö Of The  
Codified Ordinances Of The Village Of Yellow Springs, Ohio And Enacting New  
Chapter 881 öEarned Income Tax Regulations Effective Beginning January 1, 2016ö  
And Declaring An Emergency  
Second Reading and Public Hearing of Ordinance 2018-04 Approving Creation of a  
Fund for Utility Overpayment and Disbursement  
Second Reading and Public Hearing of Ordinance 2018-05 Approving Creation of a  
Fund to House Revenues Obtained for the Yellow Springs-Clifton Connector Project  
Quarterly Financial Report  
Voluntary Tax Collection Discussion  
Food Forest Proposal  
Board and Commission Policy Review  
2018 Council Goals  
Housing Assessment Update  
Utility Round Up Action Plan  
Resolution Supporting 50 Years of Scenic Rivers
- March 5: Board and Commission End of Year Reports  
Fees for Event Services Discussion  
Resolution 2018-0x Approving a Taser Policy for the Yellow Springs Police Department  
ESC End of Year Report  
Revolving Loan Fund Follow Up  
Finance Committee of Council Discussion

## **EXECUTIVE SESSION**

At 9:37, Stokes MOVED and Kreeger SECONDED a MOTION TO ENTER EXECUTIVE SESSION For the Purpose of the Discussion of Potential Litigation and Discussion of Compensation and other Terms and Conditions of a Public Employee. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 10:05, MacQueen MOVED and Kreeger SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 on a VOICE VOTE.

## **ADJOURNMENT**

At 10:06pm, Stokes MOVED and Kreeger 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](http://www.vso.com)*

---

Brian Housh, Council President

---

Attest: Judy Kintner, Clerk of Council