

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

In Council Chambers @ 7:00 P.M.

Monday, April 16, 2018

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 7:01pm.

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 Jennifer Griewe, and Chief of Police Brian Carlson.

SWEARING IN OF NEW PEACE OFFICER

Officer Paul Raffoul was ceremonially sworn in by Mayor Conine.

SWEARING IN OF BOARD AND COMMISSION MEMBERS

Cindi Shaw was sworn in as a full member of the HRC.

ANNOUNCEMENTS

Kreeger announced the next recipient of the VIDA award will be Richard Lapedes and Maureen Lynch, for the art and sculpture in their home and in town, particularly at Mills Lawn School.

Kreeger noted that donation of a piece of art created by Officer Luciana Lief to the John Bryan Center Permanent Collection.

Kreeger announced that the Arts and Culture Commission is moving forward with a “street piano” festival. She asked for piano donations for the effort.

MacQueen announced the final Community Conversation for April 21 at 2pm in the Bryan Center.

MacQueen announced the upcoming School Walkout Day scheduled for April 20th and asked for a council speaker if possible. Housh will be speaking.

Bates announced Spring Clean up trash pickup for the week of May 7th.

Bates asked for citizen volunteers for annual water testing for lead and copper, which the EPA requires of the Village.

Housh noted Mills Lawn Exhibition Night at Mills Lawn on May 9th, and noted that the fourth grade class will be presenting their project on Housing at that time.

Housh noted upcoming Coretta Scott King Center celebrations.

Housh announced the Yellow Springs High School and Middle School Exhibition Nights set for May 16th.

CONSENT AGENDA

1. Minutes of April 2, Regular Council Meeting.

MacQueen MOVED and Hempfling SECONDED a MOTION TO APPROVE. The MOTION PASSED 5-0 on a voice vote.

REVIEW OF AGENDA

Hempfling added to New Business the topic of the Oath of Office.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Vectren re: Intent to Increase Rates
VYS re: Spring Clean Up
GCCHD re: Free Infant Feeding Classes

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2018-09 Amending Pool Rates. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Bates noted that the only change is that an “Adult-plus-one” fee line has been added.

Housh OPENED THE PUBLIC HEARING. There being no comment made, Housh CLOSED THE PUBLIC HEARING.

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

Second Reading and Public Hearing of Ordinance 2018-10 Repealing Section 1250.02 “Schedule of Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1250.02 “Schedule Of Uses”. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates stated that ordinances 2018-10; 11 and 12 are all necessary to add food trucks as a conditional use to the B-2 district.

Housh OPENED THE PUBLIC HEARING. There being no comment made, Housh CLOSED THE PUBLIC HEARING.

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

Second Reading and Public Hearing of Ordinance 2018-11 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”. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING. There being no comment made, Housh CLOSED THE PUBLIC HEARING.

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

Second Reading and Public Hearing of Ordinance 2018-12 Repealing Section 1258.01 “District Uses” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1258.01 “District Uses”. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING. There being no comment made, Housh CLOSED THE PUBLIC HEARING.

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

First Reading of Ordinance 2018-14 Amending the Employee Personnel Manual to Add One Holiday to the Recognized Holiday Calendar. MacQueen MOVED and Hempfling SECONDED a MOTION TO APPROVE.

Bates explained that December 24 is very quiet at the Bryan Center, and many staff members take the day off, which was her rationale for bringing the idea of an additional holiday day to Council.

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

Reading of Resolution 2018-11 Approving a Full Tap Waiver and Zoning Fee Waiver to Home, Inc. for the Forest Village Homes Project. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained that between Council approval of tap fee forgiveness and YS Home, Inc. being ready to break ground, the Village has raised its tap fees.

There was no comment from Council.

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

Reading of Resolution 2018-12 Opposing Action on the Part of the Ohio Division of Wildlife to Permit Legal Trapping of the Ohio Bobcat. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

MacQueen spoke to the issue, stating that there is concern in southeastern Ohio where the bobcats do live, that the impact on the ecosystem as a whole must be considered.

Housh asked that Senator Hackett be added to the list of recipients.

Housh CALLED FOR A MOTION TO APPROVE AS AMENDED. Kreeger MOVED to APPROVE AS AMENDED. Stokes SECONDED, and the MOTION PASSED 5-0 on a voice vote.

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

There were no Special Reports.

OLD BUSINESS

Tobacco 21. Shernaz Reporter, from the Greene County Health Department presented a power point on the topic of prohibiting tobacco sales to youth under the age of 21.

Karen Wintrow, representing the Chamber of Commerce, commented that the measure would impact several local businesses, and perhaps the College, and asked that Council provide outreach and information to those entities before passing legislation.

Council discussed the matter, and asked that the Village Manager invite involved parties to attend meetings where the discussion will take place.

Reporter noted that the City of Columbus passed the measure, and contains The Ohio State University, yet has not received any blowback from the measure. She argued further that tobacco use is “a social justice issue”.

Council asked that the matter return for May.

Several questions regarding how the ordinance would be enforced were asked, and Reporter stated that she would provide further information.

Utility Affordability. Kreeger introduced three suggestions regarding affordability from the Financial Advisory Committee. She noted that the group took into account upcoming infrastructure needs in assessing fund balances, ongoing need and infrastructure improvement in creating their scenarios.

Kreeger read through the recommended scenarios as follows:

- 1) Reduce residential customer rates by including 50 kWh in the basic charge.
 - a) Financial impact on Village budget: \$118,503 (22,680 bills per year x 50 kWh per bill x \$0.11 per kWh x 95%)
 - b) Financial impact for citizens based on average usage calculation:
 - i) 8.6% for a 2 person household (Average usage is 579 kWh)
 - ii) 4.3% for a 4 or more person household (Average usage is 1150 kWh)
- 2) Introduce a tiered system for residential customers that creates the opportunity for citizens to have more control over their costs by taking action to conserve
 - a) Specific tiers are pending financial impact. A condition for this change is that the impact will not increase the total financial impact by >\$200K total when combined with recommendation #1
 - 3) Eliminate the 5% late fee for the first late utility payment each year
 - b) Add the option to postpone landlord notification of a late payment until the second notification to a future Council agenda to gather feedback from landlords and tenants.
- 3) Implement a Round-Up Program with two options: 1) opt-in round up to the next dollar, plus 2) Write in contribution of a larger amount
 - a) Standards to guide administration of the program are needed
 - b) Round up should not be mandatory
 - c) Revenue from RUP was estimated by Melissa Dodd at \$1,115.00 if all households opt in. For planning purposes, estimate that 50% will opt in. The utility office estimates that the amount of need is approximately \$1250.00/month (~5 people per month on average needing \$250/month). This demonstrates the need for a ‘write in option’ to generate funds that match needs.

- d) There has been citizen support of both options. Some individuals have come forward with offers to make monthly contributions to this fund.
 - e) The new software system has the capability to manage these processes.
 - f) Once established, more innovative use of these funds can be considered to produce longer term solutions to utility affordability (e.g. actions to conserve costs, coordination with landlords who should be improving their properties).
- 4) Identify and spread the word about assistance programs (was suggested on 2/28 that HRC might take the lead on this aspect)
- a) Propose how an RUP would be best designed and administered to meet utility affordability needs of citizens. Included in this work would be decisions including, but not limited to, criteria for participation, equity, frequency of access, application process.
- Identify individuals and 501c(3) organizations to share a focus on utility affordability education and action.

Hempfling stressed her support for the later landlord notification. She asked that the policy be reconsidered.

Hempfling questioned the suggestion that the first 50 kWhs for all customers be forgiven.

Kreeger stated that she would like work on as how to administer the potential programs to move forward quickly.

Karen Wintrow asked whether the Finance Committee had spoken with the Energy Board, noting that electric energy is clean energy, and that the tiering system might dis-incentivize the use of electric energy. She asked that the Energy Board weigh in on the topic.

Wintrow stated that she would like to see the savings for all families come from savings, and would like to see that more financially supported.

Designated Community Investment Corporation. Housh led the discussion, noting that the key aspect of a DCIC is that the Village is able to self-design to best suit its needs.

Housh noted that the conversation began as a way to get the revolving loan fund up and running again, but that as information has been gathered, it has been learned that a DCIC can help with obtaining grant funding, can assist in property transactions for economic development (ED), which would be helpful as the CBE land is explored for further development. A DCIC can also assist in forming incubators and in providing technical assistance to the Village as it explores ED options.

Housh voiced his strong support for moving forward with formation of a DCIC.

In response to a question from Bates, Housh noted that the ESC will assist in drafting a proposal, and this will be followed by the filing of the paperwork. He also clarified for Bates that the listing of the Planner as a contact for the program is intended to indicate that Swinger would be involved in ED aspects of the DCIC after its formation, but not active in the creation of the DCIC.

MacQueen stated that she believes that Miami Township and the School Board need to be involved in the formation of the DCIC, and asked if the process could be held until those conversations occur, possibly with the Community Foundation as an arbiter.

MacQueen clarified for Kreeger that if the Village proceeds in formation of the DCIC, the other entities will feel disenfranchised, and that a neutral third party should discuss the matter with the Township and School Board and with the Village before there is any further action taken.

Kreeger stated that there is a lot of work to be done, and that the work should continue, given that the DCIC is needed for the Village to accomplish some of its goals. The Village is driving this, Kreeger indicated and that is appropriate.

Housh expressed concern for slowing the process, which has been slow to gain momentum. He asked that the processes occur in parallel.

MacQueen commented that “we had a CIC before, and it crashed and burned.”

Karen Wintrow stated that Miami Township and the School Board are both represented on the ESC, and noted that those representatives were asked to bring the information regarding the DCIC back to their boards, and they indicated that they would be doing so. Wintrow urged that Council continue to move forward on the matter.

Housh asked for Council input on a decision to move forward or to wait. Council decided as a whole to continue to move forward.

Village Incentive Policy. Kreeger noted the document provided by the ESC, noting that the DCIC is needed in order for the incentive policy to work. She stressed the need for consistency in the application and selection process. Kreeger noted that the matter is back on the agenda for Council comment.

Hempfling asked that diversity hiring practices be encouraged, and perhaps given weight in the application process.

This suggestion was met with favor.

Housh commented that the purpose of the document is to assure that decisions are not made in an ad hoc fashion.

Kreeger asked for next steps, and asked whether applications should go to staff or Council or to the ESC.

Bates commented that the application should be point system based, and objective.

Kreeger stated that ESC could do this work, and would work on a policy resolution at the same time.

Review of Diversity Hiring Practices. Hempfling introduced the topic, stating that “hiring guidelines for the Village should be determined.”

Hempfling noted that department heads should receive training, and that goals should be set in terms of candidate pools.

Hempfling made a case for promoting from within, noting that encouragement of leadership helps create a positive attitude among staff. She commented that this may indicate against large searches.

Hempfling made a statement against drug testing for marijuana and against asking about any felony record.

Bates noted that the Village stopped asking about felonies—except for security-based or Police positions—over a year ago. Bates noted that background check are done on employees as a matter of course.

Bates stated that drug testing is required for any employee who operates a Village vehicle. She stated that unless the employee holds a CDL, the only drug test required is at the time of hiring (this is the case for all employees) and again if the employee has an accident while operating a Village vehicle.

Bates noted that there is a provision for promoting from within in the Village policies.

MacQueen stated that the hiring of the new Village Manager would be a good place to implement new diversity hiring practices. She commented that hiring from within “hasn’t always worked out”.

Bates commented that a new “Diversity Hiring” section could be added to the Personnel Policy Manual.

Stokes stated that the Human Resources department needs to drive a re-posting if they are aware that the posting has garnered no minority candidates. He commented that it would be useful to assure that the posting is very broad on the first go-around. He commented that the Village needs to assure that it is reaching communities of color.

Housh asked that a one-page policy be drafted.

Hempfling and Stokes stated that they would work on this.

Housing Initiative Update. MacQueen stated that she will bring a full report on May 7th, after the final Community Conversation. She reported, “no big surprises,” from the conversation sessions. MacQueen noted that the Housing Advisory Board will be prepared to suggest next steps at the May 7th meeting, and commented that she believes the group has enough information at this point to develop a housing initiative.

Board and Commission Document Review. The Clerk noted included documents, and asked for any Council feedback.

Housh offered to vet the documents for consistency.

Housh asked whether, given that the Clerk is offering Sunshine Law training, board and commission members still need to complete the online sunshine law training offered through the Attorney General’s office.

After discussion, Council decided that board and commission members can select one or the other, but do not need to complete both trainings.

NEW BUSINESS

Utilization of the Village’s Social Media Capacity. Bates introduced the topic, referencing a document she had provided which assigned tasks to various staff with regard to posting items on Facebook.

Oath of Office. Hempfling commented that she views the oath of office as archaic and conservative, and asked if it could be changed.

The Clerk noted that the oath is taken from the Village Charter, and can only be changed by means of a Charter Change.

MANAGER’S REPORT

Bates reported on the following:

The new crew quarters are well underway.

Spring cleanup in the Village is the week of May 7th.

MacQueen asked that the Manager’s Report contain more information regarding crew activities and ongoing staff projects.

CHIEF’S REPORT

Chief Carlson reported on the following:

COS Ms. Florence Randolph has been busy creating a database of contacts for the department detailing all the available social service agencies within Greene and surrounding counties. Ms. Randolph will be out all next week taking CIT training in Montgomery County.

Bates asked that the Chief begin to report on the number of cases which can legally be sent to Mayor’s Court are being sent to Mayor’s Court each month.

The Chief indicated that he will do this, and noted that 100% of possible cases were sent to Mayor’s Court last month (March).

Stokes received confirmation that the COS’s directory of services will be made generally available once it is completed.

SOLICITOR’S REPORT

There was no Solicitor’s Report.

CLERK’S REPORT

The Clerk noted business as usual.

BOARD AND COMMISSION REPORTS

MacQueen noted that Planning Commission is preparing to revise the Comprehensive Land Use Plan, and is asking for funding for that purpose.

MacQueen MOVED TO APPROVE \$10,000.00 BE SET ASIDE FOR THE PLANNING COMMISSION CLUP REWRITE PROCESS. Housh SECONDED, and the MOTION PASSED 5-0 on a voice vote.

MacQueen asked for any Council suggestion as to how they wished to be included in the process.

Hempfling noted that these have in the past come as recommendations to Council.

MacQueen NOMINATED Nadia Malarkey as a RETURNING FULL MEMBER of the Environmental Commission. Hempfling SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Hempfling noted that Energy Board continues to discuss how to reduce utility costs for citizens.

Regarding the JSTF, Hempfling commented that the group is prepared to bring its recommendation regarding Mayor’s Court to the next Council meeting.

Stokes commented that the Community Access Panel is still on hiatus, and he is recommending that the panel instead be an advisory committee for a period of time. Stokes noted that this is a slow approach to reviving the commission.

Kreeger noted that it is clear what the ESC has been working on.

Regarding the Arts and Culture Commission, Kreeger stated that several members of the ACC will meet with members of the Pottery Shop and will engage them with the ACC so that their activities can be regularly reported upon.

Kreeger NOMINATED John Fleming for a FULL RETURNING MEMBER OF THE ACC. Housh SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Housh NOMINATED Matt Reed as a FULL MEMBER of the Board of Zoning Appeals (BZA), and Richard Zopf as an ALTERNATE MEMBER of the BZA. MacQueen SECONDED, and the MOTION PASSED 5-0 on a voice vote.

AGENDA PLANNING

- May 7: **Second Reading and Public Hearing of Ordinance 2018-14** Amending the Employee Personnel Manual to Add One Holiday to the Recognized Holiday Calendar
Reading of Resolution 2018-13 Forming an Agreement between the Village of Yellow Springs and the Greene County, Ohio Engineer for a Cooperative Paving Program
Reading of Resolution 2018-XX Creating a Glass Farm Management Committee
Reading of Resolution 2018-XX Creating an Economic Development Incentive Policy
JSTF Mayor’s Court Recommendation
Utility Tiering Discussion
Landlord Notification of Late Utility Payment: Policy Discussion
Housing Advisory Board Report Out on Community Conversations/Next Steps
- May 21: **First Reading of Ordinance 2018-XX** Making Sale of Tobacco to Persons Under the Age of 21 a Misdemeanor in the Village of Yellow Springs
HRC Annual Report
JSTF Proposal for Permanent Commission Status
Fees for Event Services Discussion
Diversity Outreach Policy Draft
- June 4: **Second Reading and Public Hearing of Ordinance 2018-XX** Making Sale of Tobacco to Persons Under the Age of 21 a Misdemeanor in the Village of Yellow Springs

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

At 9:32pm, Kreeger MOVED and MacQueen 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:

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council