

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

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

**Monday, May 7, 2018**

**CALL TO ORDER**

Vice President of Council Marianne MacQueen called the meeting to order at 6:01pm.

**ROLL CALL**

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

**EXECUTIVE SESSION**

At 6:01pm, Stokes MOVED and Kreeger SECONDED a MOTION to ENTER EXECUTIVE SESSION to Discuss the Discipline of a Public Employee; Potential Litigation and the Potential Promotion of a Public Employee. The MOTION PASSED 3-0 on a ROLL CALL VOTE.

Council President Housh and Councilperson Hempfling participated by phone following roll call.

At 7:03, Kreeger MOVED to EXIT EXECUTIVE SESSION. Stokes SECONDED, and the MOTION PASSED 3-0 ON A VOICE VOTE.

**ANNOUNCEMENTS**

Bates announced that this week is Spring Cleanup in the Village. Bates also called for any interested parties to volunteer for lead and copper testing with regard to their water.

Stokes announced that Implicit Bias training is in final phase, now that the Village has approved Culture Learning Partners as the provider for both Implicit Bias and Cultural Intelligence training for all Village staff and Council.

Stokes announced that the Police Department has donated 10 bicycles to Antioch College.

**CONSENT AGENDA**

1. Minutes of April 16, 2018 Regular Meeting
2. **Resolution 2018-13** Forming an Agreement between the Village of Yellow Springs and the Greene County, Ohio Engineer for a Cooperative Paving Program
3. **Resolution 2018-15** Authorizing the Village Manager to Enter Into an Agreement with ODOT for Ramp and Dome Repair and Construction for 2018
4. **Ordinance 2018-16** Repealing Chapter 1020.04(a) "Maintenance Requirements" of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Chapter 1020.04(a) "Maintenance Requirements"
5. **Ordinance 2018-17** Repealing Section 1248.01(a) "R-A, Low Density Residential District" of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting a New Section 1248.01(a) "R-A, Low Density Residential District"
6. **Ordinance 2018-18** Repealing Section 1260.04(a)(6) "Uses; Accessory Buildings and Structures" of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting a New Section 1260(a)(6) "Uses; Accessory Buildings and Structures"
7. **Ordinance 2018-19** Repealing Section 1262.02(b) "Procedures: Public Notice" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Replacing it With a New Section 1262.02(b) "Procedures: Public Notice"
8. **Ordinance 2018-20** Repealing Section 1250.03 (a) "Spatial Requirements" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting a New Section 1250.03(a) "Spatial Requirements"
9. **Ordinance 2018-21** Repealing Section 1262.08(e)(1) "Conditional Use Requirements: Residential: Accessory Dwelling Units" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting a New Section 1262.08(e)(1) "Conditional Use Requirements: Residential: Accessory Dwelling Units"

Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE. The MOTION PASSED 3-0 on a voice vote.

**REVIEW OF AGENDA**

A nomination was added to New Business. Ordinance 2018-15 was removed from legislation.

## **PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

NAMI re: Film at Little Art Theater  
NAMI re: Newsletter  
Greene Co. Public Health Dept. re: Hepatitis A  
Mercy Health re: Health Fair/Mobile Mammography Unit  
Macy Reynolds re: Tree City Status  
Chris Zurbuchen re: Map Quilt

## **PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2018-14** Amending the Employee Personnel Manual to Add One Holiday to the Recognized Holiday Calendar.

Bates explained that this legislation amends Section 304 of the Personnel Manual to add December 24<sup>th</sup> to the Observed Holidays of the Village. As previously discussed at Council, this day is generally exceptionally quiet at the Village, with many employees taking vacation days and virtually no citizens coming in for assistance.

MacQueen OPENED THE PUBLIC HEARING. There being no comment, MacQueen CLOSED THE PUBLIC HEARING and CALLED THE MOTION.

Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

MacQueen CALLED THE VOTE, and the MOTION PASSED 3-0 on a ROLL CALL VOTE.

**Reading of Resolution 2018-09** Creating a Permanent Glass Farm Conservation Area Management Committee. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Kreeger asked whether the Management Committee would essentially be a re-purposing of the Beaver Management Task Force.

Bates commented that reliance upon volunteers is unpredictable, and that there had been a commitment made by Council at the start of the Glass Farm wetland preservation effort that some sort of ongoing commitment would be implemented to ensure continuity of maintenance.

Bates explained that, previously, a recommendation from the Environmental Commission was brought to Council by Vice President Marianne MacQueen to establish a Glass Farm Management Committee to oversee the continued maintenance and management of the Glass Farm wetland area.

At that time, a citizen expressed concerns over some of the wording of the resolution as well as a concern that the mandate of the Management Committee may conflict with the Council goal developing housing (or anything else) on the Glass Farm.

The wording has been revised to alleviate the concerns and a second section has been added to ensure that the Management Committee takes direction from Council in managing the area in ways that achieve all of Council's goals. The Village has been in communication with Tecumseh Land Trust, which assures that the wetland can be increased in size, if necessary. Drainage concerns can then be best considered when specific development is proposed and requirements are set forth.

There being no comment from citizens, MacQueen CALLED THE VOTE, and the MOTION PASSED 3-0 on a VOICE VOTE.

**Reading of Resolution 2018-16** Approving an Employment Agreement for the Position of Finance Director.

This legislation authorizes the Village Manager to sign a contract employing Colleen Harris as the Village's new Finance Director. Colleen comes to the Village with 15 years of government finance experience and is currently employed as the Finance Director for the City of New Carlisle.

There being no comment from citizens, MacQueen CALLED THE MOTION. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

MacQueen CALLED THE VOTE, and the MOTION PASSED 3-0 on a VOICE VOTE.

## **CITIZEN CONCERNS**

A candidate for the office of Governor, Larry Neely, spoke to those present, asking for votes on May 8<sup>th</sup>.

## **SPECIAL REPORTS**

HRC Annual Report. Steve McQueen delivered the HRC 2017 summary and asked for a budget of \$8,500.00 to continue the Commission's work in the community. Council will review the request once budget information is provided by the new Finance Director.

## **OLD BUSINESS**

**Housing Advisory Board Report on Community Conversations/Next Steps.** MacQueen introduced the topic, including a proposed series of next steps.

Stokes commented upon the frequency of comment made regarding a perception of negative impact of the greenbelt upon affordable housing.

Kreeger noted the high level of respectful engagement in the process. She noted the need for information on infrastructure related to development. Kreeger stressed the need to coordinate with Village staff, Planning Commission and any needed experts to drive a fully informed approach.

Kreeger noted participant concerns regarding all of Village infrastructure—both that controlled by the Village and privately held property. She commented that the need to address Village assets and to assist citizens in retaining and/or improving those assets is important.

Stokes commented upon the difference in cost and amenities between an apartment in the Village and one in the surrounding area. He noted the need to maintain and repair homes and asked how this can be further encouraged. He stated that there is a need to make housing in the Village a better value overall.

MacQueen responded to a question from Stokes, stating that there were about 180-200 participants in the community conversations overall.

Bates related a situation, noting that there is reluctance on the part of some renters to report substandard housing out of fear that they will be displaced.

MacQueen suggested the need for Council to address concerns raised regarding the greenbelt. She commented that there is a lack of information regarding the three types of Village boundaries: the greenbelt, the urban service boundary and the Village limits.

MacQueen commented that the value of no growth—in either housing or the economy--which has persisted through the years needs to be addressed, seeing this as a greater challenge to housing than the greenbelt.

Stokes brought up the idea of the Antioch College Village, commenting that this idea is well along in process and should be considered. He commented that it is his desire to find out what projects are closest to “putting roofs over people’s heads”.

MacQueen stated that a strategy is to make contact with developers to determine how best they might meet the needs of the Village.

Kreeger asked that definitions for terms like “market rate” and “affordable” be agreed upon early in the process so that there is a common vocabulary for discussing housing issues. She asked that all stakeholders be invested and included in any planning. She noted that any other potential developers should be collaborated with to avoid duplication or over production.

Kevin Magruder responded to Kreeger's comments regarding terms. He commented that “affordability” has become a euphemism for “low income” and suggested that a percentage of median income be used as the guideline instead as a useful way to get everyone on the same page and to be able to have a more precise discussion.

Magruder commented that people's concerns need to be meaningfully addressed, and this can only be done when terms and intentions are clear.

David Turner commented that the housing conversation seems not to have evolved appreciably over several decades, and he would like the discussion to move into action. Turner related that his work brings him into many homes, and that he has at times been disturbed at the conditions he finds. He stated that when he has reported substandard conditions to the Greene County Health Department, they have informed him that they cannot enter a home unless they are invited or unless they have seen something. He suggested a prioritization of housing upkeep.

Matthew Kirk commented that the current situation has arisen out of a broken housing market, which is based upon scarcity. Kirk opined that the Village has chosen neither to expand its borders nor to permit intensification of land use. He suggested that the Village invite developers to the table to suggest possibilities. He stressed that until scarcity is addressed, cost will not come down, and the issue of affordability will remain central.

MacQueen suggested an outline for addressing the housing issues as follows:

- a. Gather information and identify the issues
- b. Develop a Vision and Policy Statement
- c. Create Housing Goals
- d. Develop Strategies to meet the Goals
- e. Assess resources
- f. Create a Housing Plan
- g. Begin implementation

The group asked that the Housing Advisory Board return to Council with a more fleshed out plan based upon the implementation steps. Kreeger requested that specificity of definitions be implemented early in the process.

**Utility Tiering Discussion.** Kreeger introduced the topic as one of overall utility affordability. Kreeger noted the importance of utilities to overall affordability in the Village, and stated that she has gained a great deal more information regarding infrastructure needs for the Village over the next several years, which has caused her to rethink the suggestions that she made at the meeting on April 16<sup>th</sup>.

Kreeger invited others to “follow her journey of discovery” regarding the need for infrastructure improvements and maintenance in the Village. These are items deemed essential either to safety or to prevention of deterioration. Kreeger referenced a document prepared by Johnnie Burns and the Village Manager, which outlines these needs based upon both current population and upon Council’s desire for growth. These needs total over two million dollars, which far exceeds what is currently in the budget.

Kreeger requested a deeper conversation regarding upcoming capital projects, and suggested that this take the form of a special meeting devoted to that topic.

Kreeger stated that she brought up the Burns/Bates report as a way to contextualize her shift in thinking with regard to utility affordability.

Kreeger noted the incoming new Finance Director, stating that financial modeling will be critical to an informed decision regarding utility affordability. For this reason, she said, she is at least temporarily taking off the table her suggestion that 50 Kwh be taken off of each customer’s basic charge.

Kreeger also stated that she has realized that a tiered system based upon greater cost for higher use may in fact harm most those customers least able to absorb the cost, specifically those living in Greene Met housing. Kreeger noted the concern raised at the previous meeting that a tiering system might disincentivize use of electricity, which, while more costly than natural gas, is less polluting.

Kreeger stated that she is still recommending that the Village waive the first utility late fee of each calendar year, and asked Bates for an estimate as to what impact that would have on Village income.

Bates responded that her best estimate was an impact of between six and ten thousand dollars annually.

Kreeger asked that Council implement this policy.

Kreeger asked that Council approve establishment of a Utility Round-Up Advisory Committee for the purpose of equitably vetting potential recipients. She asked that this group be charged with quickly establishing the policies and procedures of a round-up program and establishing a relationship with a 501c3 organization as a flow-through. Kreeger also asked that the group look into an education program around energy efficiency, which could be implemented in parallel.

Kreeger again asked that Council hold a special session to discuss upcoming capital projects since this information will be critical to knowing what may be possible in terms of resources for the round-up and education programs.

Bates agreed that the session is needed. She noted that she has a meeting set up with Susan Jennings of Community Solutions to discuss its possible assistance as a 501c3. She also noted an upcoming meeting with Kat Walter to discuss energy education and efficiency. Finally, Bates will be meeting with a Mills Lawn teacher regarding a possible energy-focused PBL for next year.

Stokes commented that the HRC is beginning work on addressing affordability as well, and asked for approval that this effort continue.

Johnnie Burns explained the increase in reliance upon the west circuit over the last several years (the water plant, the new fire station, the CBE), stating that unless a third circuit is built, this increased draw, once the fire station and CBE are more built out, will cause a drop in power for those entities farthest out, and the farthest out is the water plant. He stated that a middle circuit would pick up and fulfil this need.

Bates commented that any development on the Glass Farm will require a third circuit.

Kreeger received confirmation that there has been a need for a third circuit since the 1990s.

**Incentive Policy.** Kreeger referenced documents that she had provided, noting that a scoring sheet has been created to level the field for potential applicants.

Kreeger stated that unless there are comments or suggestions from Council, she would like the policy to come to the table as legislation on May 21<sup>st</sup>. Kreeger asked that all three attachments be referenced in the legislation.

**NEW BUSINESS**

MacQueen NOMINATED Matthew Lawson for a full position on the Environmental Commission. Kreeger SECONDED and the MOTION PASSED 3-0 on a voice vote.

**MANAGER’S REPORT**

Bates noted that political signs are not permitted in Village rights of way.

Bates noted that the new crew quarters are nearing completion.

**CHIEF’S REPORT**

Chief Carlson reported that Florence Randolph is rapidly coming up to speed and is filling a need in her outreach activities.

Chief Carlson noted that new officers Rafoul and Neal are doing well in their training.

**SOLICITOR’S REPORT**

Conard noted that the small cell tower legislation was indeed passed at the State level and will go into effect in July.

**CLERK’S REPORT**

The Clerk reported that there has been a significant increase in public records requests, and that those are coming primarily from three individuals. She noted that a total of about 45 hours in staff time has been consumed in a one-month period in fulfilling these requests.

Council commented upon the impact on staff time.

Conard noted that public records requests are an ongoing challenge for most communities. He noted that it is not the responsibility of the municipality to translate the requests, and that this is one of the most challenging aspects of completing the requests.

The Clerk noted that the best way to get what one needs as a requester is to ask directly and to ask for assistance in making the request if needed.

Kreeger commented that she hoped the requesters are balancing what good they hope to do against the work created.

**AGENDA PLANNING**

**\*Future Agenda items are noted for planning purposes only and are subject to change.**

- May 21:       **Second Reading and Public Hearing of Ordinance 2018-16** Repealing Chapter 1020.04(a) “Maintenance Requirements” of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Chapter 1020.04(a) “Maintenance Requirements”  
                  **Second Reading and Public Hearing of Ordinance 2018-17** Repealing Section 1248.01(a) “R-A, Low Density Residential District” of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting a New Section 1248.01(a) “R-A, Low Density Residential District”  
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                  **Second Reading and Public Hearing of Ordinance 2018-21** Repealing Section 1262.08(e)(1) “Conditional Use Requirements: Residential: Accessory

Dwelling Units” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting a New Section 1262.08(e)(1) “Conditional Use Requirements: Residential: Accessory Dwelling Units”

**Resolution 2018-14** Creating an Economic Development Incentive Policy  
Tobacco 21 Discussion

Utility Round-Up

Resolution for Pole Replacement

Ms. Wilson’s 4<sup>th</sup> Grade Class Presentation

JSTF Proposal for Permanent Commission Status

JSTF Mayor’s Court Recommendation

Diversity Outreach Hiring Policy Draft

Fees for Event Services Discussion

June 4: **First Reading of Ordinance 2018-22** Making Sale of Tobacco to Persons under the Age of 21 a Misdemeanor in the Village of Yellow Springs  
Small Cell Tower Legislation

June 18: **Second Reading and Public Hearing of Ordinance 2018-22** Making Sale of Tobacco to Persons under the Age of 21 a Misdemeanor in the Village of Yellow Springs

ESC Presentation on Designated Community Improvement Corporation  
Progress and Next Steps

July 2:

July 16: ESC Presentation of Bylaws for DCIC

Aug. 20: Resolution Approving DCIC Bylaws

**ADJOURNMENT**

At 9:11pm, Kreeger MOVED and Stokes 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:*

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Brian Housh, Council President

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Attest: Patti Bates, Deputy Clerk of Council