

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

In Council Chambers @ 7:00 P.M.

Monday, June 18, 2018

CALL TO ORDER

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

ROLL CALL

Present were President Housh, Vice President Marianne MacQueen and Council members Judith Hempfling, Kevin Stokes and Lisa Kreeger. Also present were Village Manager Patti Bates, acting as Deputy Clerk, and Village Solicitor Chris Conard.

SWEARING IN OF BOARD/COMMISSION MEMBERS

Richard Zopf was sworn in by Council President as an alternate member of the Board of Zoning Appeals, and as a Library Commission full member.

ANNOUNCEMENTS

Hempfling announced that there is a gathering for those protesting taking children from immigrants seeking asylum tentatively planned in Springfield on Saturday.

Housh noted that the annual Gay Pride parade and events will take place all day on June 30.

Stokes noted the next ongoing in the series of Blacks in Yellow Springs tours starting from the First Baptist Church at 1pm on Saturday.

Housh announced the Bicycle Friendly Community event at Yellow Springs Station from 6-7 on June 27th, and at 7pm the unveiling of the draft Active Transportation Plan. This event is geared to gather input from citizens as to their priorities regarding walking, biking and 'rolling' routes in the Village.

Bates announced the July 4th fireworks set for 10pm on that date. The Fourth of July parade will start at am that day.

Housh announced that Stoney Creek Botanicals will host the Chamber of Commerce After Hours on Thursday from 5-7pm.

Housh noted a visit from Michael Schuman, who specializes in local investment, slated for June 26 through 28. Schuman will offer a summary of his visit and his impressions from 8:30-11:30 Thursday in Council Chambers.

CONSENT AGENDA (7:10)

1. Minutes of May 21, 2018 Regular Meeting
2. Minutes of the June 4, 2018 Regular Meeting

MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE. Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a voice vote.

REVIEW OF AGENDA

Hempfling added a recommendation regarding continuation of the JSTF as a Council Commission through the end of the year to Old Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Linda Hoetger re: September as Prostate Cancer Awareness Month
Henry Myers re: DCIC Land Sales

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2018-25 Small Cell Towers. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Conard explained the legislation as follows:

HB 478 is the product of months of negotiations and compromise between local governments and the wireless industry regarding the installation and operation of small cell wireless technology.

Small cells are low-powered antennas that attach to streetlights and poles in the public right-of-way to help upgrade the existing wireless network to support 5G data speeds.

The legislation creates a regulatory framework for the installation of small cells regarding municipal public way usage law. Specifically, HB 478 includes the following guidelines regarding small cell technology:

- Uniform fees to attach to municipal-owned poles and a uniform process for obtaining permits; and
- Tools for local governments to retain control regarding location, construction, and design for small cells.

Proponents of the Bill contend that HB 478 strives to modernize Ohio's wireless infrastructure. However, with that modernization, the Village of Yellow Springs needs to be prepared with codified standards to retain certain control over their public right of ways.

As part of the Village's efforts to retain that control, Council voted and approved Emergency Ordinance 2018-13 in April. The purpose of that Ordinance was to ensure that the Village timely designated underground areas in compliance with HB 478 which required that underground areas be designated three months prior to application.

Since that time, HB 478 has now officially passed both the Ohio House of Representatives and the Senate, and has been signed into law by the Governor. It will go into effect August 1, 2018.

Accordingly, the Village now needs to implement and approve legislation that complies with the remaining requirements of HB 478 in regard to the permit process for small cell facilities, application fees, and design requirements. The ordinance was written in collaboration with the Village Manager, Zoning Administrator and Public Works Superintendent.

Conard noted that the above staff and he are working through the zoning and planning code to assure that there are "no unintended consequences" and that all needs have been addressed.

MacQueen asked about the footprint of the devices, and Conard stated that he will obtain images for this purpose.

Bates noted that municipalities no longer have to permit cell companies to attach to municipal poles, but that the Village will have to permit companies to erect their own poles.

Housh received confirmation that the ordinance does not limit the Village's ability to negotiate future possible attachment agreements with those entities.

Housh wondered why some of the decisions made regarding ordinances have not come before Council or commissions for their input. He asked specifically why the Village Manager or designee have the sole authority to issue permission, rather than involving either Council or the Planning Commission in that process.

Bates noted that she had sought input from Johnnie Burns and from Conard on the matter and felt confident in the process as described, but had not had time to fully vet the language.

Housh commented that he would like to look at the initial ordinance language.

Bates received confirmation from Housh that he would like a Council review on any request for a small cell tower.

Conard responded to a question from Stokes, stating that every effort was made to tailor the code to the Village specifically.

Bates suggested making the use a conditional use so that Planning Commission is brought into the process.

Housh commented that this seemed to him to be a policy change. He asked that Council come prepared to address the question as to whether they are comfortable abdicating the decision on small cell towers to the Village Manager.

Conard stressed that he is working to tailor the legislation to the existing code.

Bates cautioned that there should be a cautious approach so that Council does not step into Planning Commission's purview.

Housh commented that what is removed from the current legislation shows a great deal of attention to the matter from the time of the initial legislation.

Conard agreed to provide further information for the next meeting.

Conard took a list of Council concerns, noting issues as: whether different rates can be negotiated and where should a review process exist, and what entities should be contemplated with regard to that process, and finally, what impact might occur if the Village decides to move forward with a municipal broadband process.

Housh declined to call a vote.

First Reading of Ordinance 2018-26 Forgiveness of First Utility Late Fee Annually. Hempfling MOVED and Stokes SECONDED a MOTION TO APPROVE.

Kreeger introduced the legislation and offered her rationale for supporting the measure.

Bates noted that all three utilities are on a single bill, and noted that two more ordinances will be required.

Housh asked why rate #2 also has the ability to request a waiver.

Conard noted that this is in error, and that only residential customers will be permitted to make the request.

Kreeger noted that this ordinance is a first step in addressing utility concerns in the Village.

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

Reading of Resolution 2018-22 Approving a Request for Proposals to Replace Electric Poles. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Bates explained that the resolution addresses the need for an outside entity to replace 90 electric poles. She noted that it is possible to receive a lower bid on a larger project, which is why the entire project is here addressed.

Stokes wondered if consideration regarding access to the poles for future use (such as broadband) is here addressed.

Bates responded that as long as the pole is of sufficient height, an additional attachment should be possible.

Stokes asked that future uses be considered.

Hempfling asked what is being done about alleyways.

Housh noted that municipal broadband should be facilitated where possible.

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

Reading of Resolution 2018-23 Celebrating Yellow Springs, Ohio as a Bike-Friendly Community. Hempfling MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh CALLED THE VOTE, 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

Housing Advisory Board Report – Process Discussion. MacQueen gave an extensive introduction to the concept of gentrification, based upon a workshop on the matter she had attended with Swinger.

MacQueen commented that Section 8 is a very good way to provide affordable housing, and asked that any encouragement in this direction would be a positive.

MacQueen reported the following information related to the Housing Advisory Board:

MacQueen discussed terminology, noting definitions arrived upon by the HAB for use in discussing affordable housing. She went into detail regarding the impact of these definitions.

Hempfling referenced a document she had provided regarding wage ranges in this area. She noted the 30% guideline for cost of housing does include utilities, and addressed comment to the notion of gentrification.

Hempfling commented in favor of the Home, Inc model.

Hempfling made note of the number of available rentals and the median housing cost for the Village, commenting that housing prices in the Village are very inflated.

HAB has been working on a glossary of housing terms. The group also discussed the *Gentrification* workshop.

HAB has begun preliminary discussions on what will be needed to set Village housing goals and will be talking with Patrick Bowen regarding that before the discussion comes to Council. HAB has begun preliminary conversations about how to proceed with housing on the Glass Farm and who might assist in that planning.

HAB will be reviewing what resource persons might be able to assist in that planning. Other topics of conversation have included possible changes to the zoning code such as clarifying what is already allowed, allowing flag lots and making the PUD and Site Review process more streamlined for desired developments.

MacQueen provided a draft Housing Initiative, and went over the draft in detail, noting the following steps.

1. Gather information and identify the issues
2. Assess resources
3. Develop a Vision and Policy Statement (MacQueen read the statement and sought feedback: Council discussed the language with regard to overarching Council Goals). Council agreed generally that the statement should include housing goals, rather than population goals.
4. Create Housing Targets
5. Develop Strategies to meet the Targeted Goals
6. Create the Housing Initiative Plan
7. Begin Implementation

Stokes received confirmation that MacQueen will be bringing the issue of short term lodging as a discussion topic later in the process.

Draft RFP for Utilities Conservation Education. Bates explained that the initiative is coming from the Energy Board. She noted that the education would include all utilities. Bates noted her concern that the Energy Board has not yet come up with a list of deliverables for inclusion in the RFP.

Bates responded to MacQueen's concern that such educational outreaches often attract persons least in need of assistance, noting that this is meant to provide hand-on information as well as outreach. She commented that high school students would also be trained in some areas and would be empowered to go out into the community to provide assistance.

Kreeger suggested "desired outcome" statements as a means to gather more targeted proposals.

Hempfling agreed to take the document back to Energy Board for additions.

Karen Wintrow asked whether American Municipal Power is still working with Energy Smart. She commented that the administrative piece is the missing link, noting that other communities are utilizing their for-profit providers as resources. She suggested exploring AMP as a resource.

The document will return to Council at a later date.

Kreeger commented that it might be useful to apply for a Miller Fellow to assist with some of the round up program goals.

Housh cautioned that the Village had two Miller Fellows in the past (HRC & CAP) that were not very successful because of the lack of capacity to supervise them. The proposed Miller Fellow would need to be properly supervised or that the effort and expenditure would be lost.

The matter will be discussed at the next meeting.

Justice System Task Force Update. Hempfling asked that the JSTF be given through the end of 2018 to complete its work. She stated that she will be bringing a proposal to Council that the JSTF be made a permanent commission, and asked that the discussion be moved to September.

Housh clarified that there are two matters at hand—the suggestion that the JSTF be given the remainder of the year to complete business and the discussion regarding the JSTF status.

Hempfling stated that the proposal for a permanent commission “will not be coming from the JSTF, but from me.”

Hempfling asked that JSTF have input into a draft proposal for status as a permanent commission.

Stokes asked that the review be slated for October, and that the review be thorough and options be considered.

The discussion item was moved to September.

NEW BUSINESS

Considerations for Purpose of Designated Community Improvement Corporation.

Kreeger introduced the topic, noting the importance of economic development to affordability. She noted the need for inclusive representation and incentives consistent with Council goals.

Kreeger noted that the proposed mission of a DCIC established in Yellow Springs would be to serve as a coordinating and planning entity providing funding and oversight for projects that ensure the economic and cultural vitality of the Village of Yellow Springs for businesses, non-profits, residential and infrastructure development. The goal of increasing the tax base as a major reason to create a DCIC. The DCIC should be inclusive of the entire community and *support the Village Values and annual goals* established by the Village of Yellow Springs.

Kreeger noted that “not less than two-fifths of the governing board of a DCIC must be elected officials representing the participating political subdivisions.” She stated that the entity could operate under the Open Meetings act.

Kreeger noted the following makeup of the membership, not to exceed 11:

- “ Up to four persons representing the Village of Yellow Springs, appointed by the Village;
- “ One representative of the Miami Township Trustees appointed by the MTT;
- “ One representative of the Yellow Springs Exempted School District appointed by the

YSES board;

- “ Five to seven at-large members from business and non-profit organizations that support economic and community development and bring skills or expertise to bear on the success of the corporation.

Kreeger noted a number of areas in which a DCIC would be valuable:

1. Administer the Revolving Loan Fund and other grant programs
2. Collect and distribute net profits taxes anticipated from the Cresco operation
3. Market the CBE and promote Yellow Springs as a business location
4. Fund infrastructure projects including the fiber network
Provide technical assistance to local businesses including development of an incubator/coworking space
5. Fund residential and commercial development
Function as a land bank to facilitate the transition of foreclosed and/or abandoned properties into viable, marketable properties

Kreeger noted that Council would no longer be making direct decisions regarding some of the above, and that parameters for decisions should be thoughtfully addressed in the formation of a DCIC.

Housh noted the ability of a DCIC to obtain grant funding.

In response to a question from Hempfling, Housh commented that the staffing for a DCIC is still in the discussion process.

MacQueen stressed the heavy work load currently carried by staff and urged that this be addressed.

Kreeger noted that there is some interest in a land bank among members of the Economic Sustainability Commission.

Housh urged some caution in determining what aspects a DCIC would address.

Hempfling argued that a DCIC might limit citizen power to influence decision making in a way that decisions coming through Council would not. She asked that Cresco funds going to the DCIC should be limited—that not all of those funds should funnel through a DCIC.

Housh commented that Council has the ability to decide what will go to the DCIC.

Hempfling then observed that the DCIC would have two Council representatives.

Kreeger noted that that the ESC feels strongly that there should be a means for citizen input into the DCIC process.

Housh noted that Michael Schuman will be in town soon and will be able to provide some insight.

Council weighed in on the specific suggestions above (1-5).

Stokes commented specifically on suggestion #2, asking that not all Cresco funds be diverted into the DCIC.

MANAGER’S REPORT

Bates reported on the following:

Implicit Bias Training proposals. A contract was signed with Tiffany Taylor Smith and training dates have been set. All employees will be required to attend 2 sessions, one on August 8th (Session 1) and one on August 15th (Session 2).

Crew quarters should be done by July 1.

The first phase of electric pole replacement will begin Monday. Hi-Tech Electric will be working 7 days a week for 3 weeks. Some work in Keith’s Alley will be done at night. The Village will make every attempt to notify the businesses and residents in Keith’s Alley of the night work.

Tree trimming bids have been posted and bid packets are available at the Administrative Offices.

Crews have begun marking the valves for exercise in preparation of starting unidirectional flushing.

PLANNING AND ZONING

Bates presented Planning and Zoning Inspector Denise Swinger’s report regarding the parking of recreational and other large vehicles on the street. The Planning Commission recommends to Council that the regulation of these parking issues be added under the General Offenses Code for enforcement by the Police Department, which already enforces other parking regulations. This provides consistency in the enforcement of related ordinances.

Council agreed to add this as a future agenda item.

Housh asked that all staff reports be provided monthly.

CHIEF’S REPORT

There was no verbal report.

SOLICITOR’S REPORT

There was no additional report.

BOARD AND COMMISSION REPORTS

MacQueen commented that the Environmental Commission has been discussing the Vernay pollution. She noted that the EPA is slated to review the situation this year.

MacQueen stated that the EC is looking to focus upon remediation of groundwater pollution issues, and that they will be keeping an eye on the Vernay situation.

Hempfling stated that the JSTF will bring back their recommendation regarding Mayor’s Court at a later date. They will also be providing a “notice and comment” in the YS News regarding Police Surveillance to be followed by a recommendation.

The JSTF will also be submitting a recommendation regarding a Police Advisory Board.

Bates responded to a question regarding the Library Commission response to paving their parking lot and some HVAC work stating that this was not based upon a request from the LC, but as a matter of ongoing Village maintenance. The LC is discussing some changes regarding the restroom structure.

Housh urged oversight in making these spending decisions, referencing previous expenditures to the John Bryan Pottery Building. He commented that this is particularly important when there is a commission in place to review those requests.

Housh suggested a survey monkey approach to participation in JSTF queries.

Kreeger noted that a new show will be coming to the JBC Gallery, with a reception on July 6th.

AGENDA PLANNING

- July 2: Utility Affordability Proposal
Village Manager Search Process
Review of Village Goals
OPWC Grant Resolution
Housing Initiative Discussion
2019 Tax Budget
Utility Affordability Policy Statement
- July 16: Proposed Purpose/Structure/Bylaws for Designated CIC
Staff Quarterly Reports
Ordinance Quarterly Supplemental
Biennial Review of JSTF Commission Status
Village Investment Strategy
Landlord Utility Responsibility Discussion
Tree City USA Discussion
- Aug. 20: Resolution Approving Designated CIC Bylaws
Housing Advisory Board Update – Patrick Bowen
Vote 16/Local Gun Control Proposals
Village Commitment to Transparency Discussion

EXECUTIVE SESSION

At 9:51pm, MacQueen MOVED and Hempfling SECONDED a MOTION to ENTER EXECUTIVE SESSION for the Discussion of Potential Litigation. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

At 10:20 pm, MacQueen MOVED to EXIT EXECUTIVE SESSION. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

ADJOURNMENT

At 10:21pm, Stokes MOVED and Hempfling 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: Patti Bates, Deputy Clerk of Council