

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

In Council Chambers @ 6:00 P.M.

Monday, July 2, 2018

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 6:00pm.

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, and Village Solicitors Chris Conard and Jennifer Griewe.

EXECUTIVE SESSION

At 6:01, Kreeger MOVED to Enter Executive Session For the Purpose of the Discussion of Ongoing and Potential Litigation. MacQueen SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

At 6:54pm, Kreeger MOVED and Hempfling SECONDED a MOTION TO ENTER REGULAR SESSION. The MOTION PASSED 5-0 on a VOICE VOTE.

ANNOUNCEMENTS

MacQueen announced the particulars of the Fourth of July Parade and fireworks activities.

MacQueen announced a showing of "Call of the Little Miami" at the Clifton Opera House on July 13th.

Kreeger announced the opening of the new John Bryan Community Gallery art exhibit on July 6th.

Bates announced that Miller Pipeline will be in the Village doing work on behalf of Vectren and listed the areas of town where this work will be occurring. She then noted the ordinance governing upkeep of alleyways, reminding abutting property owners that they are responsible for upkeep of their halves of the alleys.

Housh noted that YS Pride was a great event. He suggested that perhaps the Village could be more actively involved in supporting events of this type that are directly related to Village Values, noting a precedent in Huntington, WV. Housh suggested that perhaps our Community Outreach Specialist could be the Village liaison for this signature local celebration.

Housh noted his presentation of a resolution to the Hugh O'Brian Youth (HOBY) organization, which was hosted by Antioch College and in the Village assisting with projects and will return next year to do the same. He commented that the Village could benefit from the activities next year and lauded the group for its work and enthusiasm. Housh also suggested that the Council Clerk could act as a liaison with HOBY to improve the engagement with the Village.

Housh noted that this is the 20th anniversary of the Women's Park and highlighted this area as a unique and important community asset.

CONSENT AGENDA (7:10)

1. Minutes of June 18, 2018 Regular Meeting
2. Resolution 2018-26 Approving Check Signing Privileges for US Bank/General Checking and Guaranteed Deposits

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

Stokes added a nomination to HRC to New Business. MacQueen added the recommendation regarding Mayor's Court to Old Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

- Patti Dallas re: Affordable Housing
- Liz Porter re: Corporal Meister
- Jessica Thomas re: Corporal Meister

Dan and Libby Rudolf re: Corporal Meister
Judith Hempfling re: JSTF Recommendation Process
Village Manager re: Brief on Recent Article
Ohio EPA re: Notification

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2018-25. Repealing Chapter 876
Wireless Services of the Codified Ordinances of Yellow Springs, Ohio and Enacting New Chapter 876
Small Cell Facilities & Wireless Support Structures and Declaring an Emergency. MacQueen
MOVED and Stokes SECONDED a MOTION to APPROVE.

Conard discussed the ordinance as follows: at the last Council meeting there were a number of questions regarding this legislation, which we would like to address as well as general concepts about its required implementation in light of Ohio House Bill 478 (HB 478) being signed into law and becoming effective on July 31, 2018.

As background on small cell facility deployment in Ohio, in 2016, Senate Bill 331 (SB 331) was signed into law affecting Ohio Municipalities' rights to control the installation of small cell facilities. SB 331 allowed wireless service providers the right to attach small cell facilities to traffic lights, utility poles, street signs and structures in public rights-of-way without any approval from local government. As a result of SB 331, a number of cities and villages contested its legality in a series of appeals and months of litigation.

The purposes are important in understanding the effect and implementation of small cell facilities. HB 478 further outlines what Municipalities can and cannot do in regard to regulation. The overarching goal of the Bill is to allow small cell operators to install small cell facilities in public rights-of-way to facilitate cellular technology, while also allowing Municipalities the ability to adopt design and placement guidelines and permitting procedures.

Griewe explained that the Public Works Director will have the first review of applications for small cell towers. She noted that the Village will be limited in when it can deny applications, but that placement has been steered towards alleys and existing poles to limit the impact.

Griewe responded to a question from Housh, stating that if a Village pole does not have the integrity to support the cell tower, the cell company can place a pole that will accommodate both the tower and the Village needs, at the cell company's expense, and the pole remains the property of the Village.

Griewe noted that the company can also place its own pole, though the hope would be that the poles would be located in alleys.

Conard commented that anything that the PW Director cannot determine would go to the Village Manager for a determination.

Housh asked why the approval process now does not pass through Council.

Conard stated that burdening Council is not necessary, and can likely be worked out through Public Works. He commented that the earlier process involving Council was coming from larger communities.

Housh OPENED THE PUBLIC HEARING.

Megan Bachman, Yellow Springs News, asked whether residents in the area of a tower placement would be contacted.

Swinger commented that because this is not contained in the zoning code, there is no system for notification or citizen objection. She commented that most cell companies are responsive to the community in which they are locating.

Bates noted that there are FCC standards for public health included in the legislation at the State level.

Swinger noted that the technology is 5G, and commented upon the capacity this could allow.

Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE.

The MOTION PASSED 5-0 on a ROLL CALL VOTE.

First Reading of Ordinance 2018-27 Annual Late Fee Utility Forgiveness Upon Customer Request. MacQueen MOVED and Stokes SECONDED a MOTION to APPROVE.

Kreeger introduced the legislation as a first step in addressing utility concerns in the Village.

The Clerk noted that the ordinance is an entirely new ordinance, which creates a new section and will cover the entirety of the bill.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2018-24 Approving the Finance Director's 2019 Tax Budget for the Village of Yellow Springs. MacQueen MOVED and Stokes SECONDED a MOTION to APPROVE.

Finance Director Colleen Harris introduced the legislation, noting that this is an annual resolution required by the Auditor to confirm the amount of property tax the Village can receive. The resolution confirms the Village's additional income so that the county can determine that the Village will have enough revenue coming in annually to support its needs.

Harris confirmed that this budget does not contain detail, but that will be gone over in the budget process in the Fall.

Villager Janice Johnson received confirmation that this is the Village's unique budget, not based on that of New Carlisle.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Reading of Resolution 2018-25 Authorizing the Village Manager to Submit a Grant to the Ohio Public Works Commission. Kreeger MOVED and MacQueen SECONDED a MOTION to APPROVE.

Bates commented that the application is due in July, results arrive in October, and funds are disbursed in about July of the following year.

Bates commented upon the importance of rapid identification of leaks and easier location and read of meters with the remote read meters.

Carlos Landaburu received confirmation that the total proposed cost is \$818,480.79, and the Village portion would be 16% of that amount.

Connie Schultz asked whether homeowners would be permitted to refuse the meters if they had health concerns regarding EMFs, and was told that this had been discussed before the Village implemented the remote meter system.

MacQueen and Housh noted that research into this topic had been done extensively when the Village implemented the system, and the results were that this systems were safe.

Mark Holzer commented that the Village had stated that all water meters would be required to be placed outside about 15 years ago, and that funds had been appropriated at that time.

Bates commented that meters do have to be moved outside if significant renovations are made to the meter area.

Sharon Mohler commented on meters generally.

Housh MOVED that language stating that the grant will cover all but the matching funds be added to the resolution. SECONDED, and the MOTION TO AMEND the RESOLUTION PASSED 5-0 on a VOICE VOTE.

Housh CALLED THE VOTE, and the MOTION TO APPROVE PASSED 5-0 ON A VOICE VOTE.

CITIZEN CONCERNS

A number of citizens spoke regarding the recommended discipline of Corporal Meister. Housh asked citizens to limit their comments to two minutes so that all can speak.

Pan Reich read a statement objecting to the proposed discipline of Corporal Meister, characterizing it as nefarious.

Liz Porter likewise stated her support of Corporal Meister, characterizing him as a model of community policing and questioning how the Police Department is conveying the model of community policing to its officers.

Gail Pettigrew spoke of the difference in disciplinary approaches and how these might work more effectively. She characterized Meister's actions as community policing, and stated that he is being outrageously punished.

Sharon Mohler commented that an officer who lives here "will not be a bully." She commented that "there is no transparency."

Alisa Meier alleged that there is bullying in the PD and opined that this would translate into PD interaction with citizens.

Uta Schenk stated that young people need to be able to believe that officers are approachable if they are to trust them and be able to use them as resources, particularly if they are struggling with mental health issues or have experienced violence. She spoke favorably of Corporal Meister.

Carlos Landaburu characterized the proposed discipline as "way out of proportion," stating that "he (Meister) should be commended."

Jessica Thomas stated that Meister characterized the kind of officer needed in the Village, and asked that the JSTF work with the Village Manager to develop a best practice approach, "based on the types of things Dave does in this community."

Matt Raska berated Council for having "done nothing" and having "fixed nothing" since the New Year's Eve incident.

Kreeger responded to citizen comments, stating that she is looking to the future, listening to citizen input, and working to preserve trust in Council and in the PD.

Stokes stated that he was troubled that the community "knows what we know" about an internal disciplinary issue. He opined that a reasonable person who knew the entire story, and who loved Dave Meister, would agree with Chief Carlson's actions. He asked that citizens respect the process, and reiterated that very few persons know "the whole story."

Hempfling noted that there is an ongoing investigation, and that she will, therefore, not comment on the situation specifically. She spoke of the importance of trust, and commented that it is more complex to interact with people one knows, and that Meister does know the community well. She asked for reflection regarding how best to deal with a sensitive OVI traffic stop, given the mandate for community policing.

Hempfling commented upon the ugly nature of recent social media commentary, and encouraged the community not to engage in this type of fear mongering and negativity. "We have to be able to talk to one another with respect," she said.

MacQueen disputed the comment that nothing has changed, stating that she had been in the center of events during the New Year's Eve incident, and that the situation is "not about David Meister as a committed community member or police officer committed to community policing." "Can you," she asked, "imagine that you do not have all of the information, and that much of what you do know is incorrect." There are two people who have been "after this Village" in their level of public records requests, and neither reside in Yellow Springs, and MacQueen questioned their motivations.

MacQueen commented that Council is trying to make change and that everything will not always go smoothly. She stated that she is privy to information, and commented that the process should be permitted to proceed and that the matter is appropriately handled internally and not decided as a community.

Housh referenced his public statement, highlighting that Meister "is an integral part of our police team." He commented that Council efforts have consistently been focused upon building a local mentality, and that effort is ongoing. There is a significant amount of misinformation and, in some cases, purposeful disinformation, Housh said, "which has led to misunderstanding."

Housh referenced the JSTF, community collaborations, the creation of the Guidelines for Village Policing, and stated that a great deal has changed, but that this is occurring in an environment nationally in which officers are poorly trained "and we are trying to retrain them in Yellow Springs. Housh noted the required trainings for officers in the Village and stated that "we are doing everything we can to rehabilitate the situation."

Bates clarified that Meister has not been suspended at this time. She commented upon release of information, stating that all Village employees are prohibited from discussing disciplinary actions while they are ongoing. This is an ongoing matter, Bates stated, and in the public arena this is a lengthy process under the law.

Housh responded to an earlier comment, stating that Council has gotten övery involved in policing,ö and are not going to back off. Council's commitment to being involved continues, he stated, and he asked that citizens continue to comment to Council outside of the meeting.

Donna Silvert asked about a timeline.

Conard commented that Corporal Meister is represented by Counsel, and that dialogue between the Village and Meister is ongoing. We are following the processes required by the handbook, Conard stated, and there is no advantage rushing the process. The process will be fair, Conard stated.

Bates commented that she does not like to discipline team members, and stated that neither she nor Carlson are enjoying the process.

Hempfling commented that conversation is important to the community and to the PD.

Unsolicited comments were shouted from the audience by several community members.

Housh expressed appreciation for the expression of concern.

Pan Reich stated öthere are things you don't know,ö and asked Council to ödig deeper.ö

SPECIAL REPORTS

There were no Special Reports

OLD BUSINESS

Utility Affordability Discussion. Kreeger referenced the draft guidelines for this discussion, noting that it is envisioned as an opt-in program.

Kreeger noted that qualification for the program would be determined by an outside entityö a non-profit partner--, and the household would have to be at 80% of Average Median Income, and would require that the customer enter into a payment program. There would also be Village-led educational outreach to the community to continue to address the root causes of high utility cost.

Kreeger noted that there are decisions to be made regarding the accounting for such a program.

Kreeger stated that a non-profit partner is still being sought.

Council discussed the öonce per yearö caveat, and the amount able to be provided per customer, with Kreeger noting that this is a work in progress and will continue to be examined.

MacQueen suggested persons from the Senior Center as a non-profit group able to vet eligibility.

Bates noted an upcoming meeting with the Community Foundation that may result in a partner option.

Housh asked that some of the funds received be targeted towards energy education and efficiency programming.

Housh noted that affordability for moderate income persons still needs to be addressed.

Kreeger noted that maybe an energy audit could not be compelled, although maybe a payment plan could.

Bates brought up the matter of a Miller Fellow as relevant to the Utility Round Up discussion.

Bates suggested that Nathalee Hutchins have direct oversight for this person. She noted that there is a cost associated. Bates also commented upon the öCreative Collaborativeö of Antioch students as a possible option other than a Miller Fellow.

MacQueen expressed support for the Miller Fellow application, and Housh concurred.

Housing Advisory Board Update. MacQueen asked for feedback and approval of the öVision and Policy Statementö.

Council discussed the statement, concluding that they would like the diversity sentence made more compatible with the Council Goals/Values statement and with the HRC mission statement.

The statements were acknowledged to be different, and this was discussed, with the conclusion that Housh would update the statements to be consistent per the discussion.

Hempfling MOVED to include the most inclusive possible statement in the housing document. Kreeger SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Housh reminded Council that Greene County Regional Planning is an excellent resource for the Village.

Review of Village Council Goals. Housh commented that the Village is making significant progress on its 2018 goals. He flagged some questions, and suggested that a discussion be moved to the July 16th meeting. This strategy was agreed upon.

MacQueen asked for more input from staff with regard to goals.

Housh reminded Council of the need to clearly identify the Urban Services boundary.

JSTF Recommendation regarding Citations to Mayor's Court. Kreeger pointed out that Chief Carlson had vetted the JSTF document, but that his numbering system appears different from the system used by the JSTF. She asked that the system be synced up for clarity, and opined that this should not be an overwhelming task.

MacQueen commented that she is not certain that officers are being trained to cite all cases that can be to Mayor's Court, and asked that this please happen.

Bates explained why some cases go to Xenia, and the rationale behind these decisions and how to track these. She confirmed that this is being covered in training.

Kreeger suggested that the rationale as to where cases are cited be included in the ticket information for ready access.

NEW BUSINESS

Tecumseh Land Trust Request for Donation. Council discussed sponsoring the annual TLT Auction. Hempfling MOVED to APPROVE the sponsorship in the amount of \$250.00. Kreeger SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Glass Farm Management Committee Alternate Liaison. Housh suggested that the GFMC needs an alternate.

MacQueen commented that this committee is discussed at EC meetings, and that Kreeger is the Alternate to the EC.

Kreeger agreed to serve as the Alternate to the GFMC.

Village Manager Search Process. Hempfling suggested obtaining the documents from prior searches and using those as a starting point.

MacQueen asked that a timeline be created.

Stokes asked that the "Art Rooney Rule" be used to assure that at least one minority candidate is interviewed.

Council will bring this to the meeting on July 16th.

HRC Nomination. Stokes NOMINATED Debra Williamson as a full member of the HRC. Housh SECONDED, and the MOTION PASSED 5-0 on a voice vote.

MANAGER'S REPORT

Bates reported on the following:

Implicit Bias training is set for August 8th (Session 1) and August 15th (Session 2).

The contract with Rumpke Waste Removal expires August 31st and is eligible for 2 more one-year renewals under the current contract. Staff recommends renewal of the contract and, if Council agrees, legislation to that effect will be brought to the next meeting, along with a contract addendum re same. Under

the current contract, the increase is 3%, resulting in an increase on individual bills of \$.34 for Tier 1, \$.37 for Tier 2 and \$.40 for Tier 3.

Crew quarters are completed and are now being cleaned.

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

SOLICITOR'S REPORT

There was no additional report.

CLERK'S REPORT

There was no report.

COMMUNITY OUTREAC COORDINATOR'S REPORT

April activities included CPR, Rape Culture, Suicide Prevention QPR, CPR, CIT Training.

May activities include Drug Free Coalition participation, YSHS Seatbelt Challenge, research for YSH SRO, speaking at JAMA Community Conversation and an interview with Adriane Miller for an article in the Mental Health Board Newsletter.

June activities included Mental Health First Aid recertification, Ripple Effect suicide file discussion panel, Restorative Justice Training and speaking at Antioch College Community Council Talk and creating an ongoing plan for a program of interacting with the students and community members.

Council queried Ms. Randolph regarding her report and activities.

Ken Odiorne commended Council and the YSPD for implementing the position.

AGENDA PLANNING

- July 16: Resolution re: Rumpke Contract Renewal
Ordinance re: Quarterly Supplemental
Council Goals
Housing Advisory Board
Proposed Purpose/Structure/Bylaws for Designated CIC
Staff Quarterly Reports
Village Investment Strategy
Landlord Utility Responsibility Discussion
Tree City USA Discussion
- July 30: Special Council Work Session with Staff: Infrastructure Update
- Aug. 20: Resolution Approving Designated CIC Code of Regulations
Housing Advisory Board Update ó Patrick Bowen
Vote 16/Local Gun Control Proposals
Village Commitment to Transparency Discussion
- Sept. 4: Mayor's Court Recommendation with Updated Charges List
RV Parking Regulation Recommendation from PC
- Sept. 17: Biennial Review of JSTF Commission Status

ADJOURNMENT

At 9:58pm, Kreeger MOVED and Stokes 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