

**COUNCIL OF THE VILLAGE OF YELLOW SPRINGS
REGULAR COUNCIL MEETING
AGENDA**

IN COUNCIL CHAMBERS @ 6:30 P.M.

Monday, August 20, 2018

Comments from the Public are welcomed at two different times during the course of the meeting: (1) Comments on items not on the Agenda will be heard under Citizens Concerns, and (2) Comments on all items listed on the Agenda will be heard during Council's consideration of said item. A Sign-In sheet will be made available on the small table at the rear of the Council Chambers. Please write your name and the topic you wish to discuss. NOTE: Agenda items may be changed at the pleasure of Council during Review of Agenda. This is done with attention to the need to give the public time to engage, and is kept to a minimum.

CALL TO ORDER (6:30)

ROLL CALL

EXECUTIVE SESSION

For the Purpose of the Discussion of Ongoing and Potential Litigation

SWEARING IN OF BOARD AND COMMISSION MEMBERS

ANNOUNCEMENTS (7:00)

CONSENT AGENDA (7:10)

1. Minutes of July 17, 2018 Regular Meeting
2. Minutes of July 30, 2018 Special Council Work Session

REVIEW OF AGENDA (7:15)

I. PETITIONS/COMMUNICATIONS (7:20)

The Clerk will receive and file:

Zo Van Eaton-Meister re: Corporal Meister
Pan Reich re: Corporal Meister
Christine Roberts re: Corporal Meister
Barbara Mann re: Sidewalks
Wayne Gulden re: Noise
Rachel McKinley re: Treasurer's Report
Environmental Commission re: Stormwater Informational Flier
Chris Zurbuchen re: Glass Farm Interactive Map

II. PUBLIC HEARINGS/LEGISLATION (7:25)

Reading of Resolution 2018-27 Approving a One-Year Contract Extension with Rumpke for Waste Services

Reading of Resolution 2018-31 Adopting a Housing Initiative Values Statement for the Village of Yellow Springs

First Reading of Ordinance 2018-29 Approving Amendments to Part Ten – Streets, Utilities And Public Services Code, Title Six – Other Services of Chapter 1060 – Storage and Collection of Garbage and Other Wastes, Regulating Charges Related to the Services to the Village of Yellow Springs, Ohio

III. CITIZEN CONCERNS (7:35)

This time is held for citizens wishing to comment upon items NOT listed on the agenda. Comments are limited to 3 minutes, please.

IV. SPECIAL REPORTS (7:45)

Vernay Property Clean Up Update (Duard Headley, 5 min.)
Village of Yellow Springs Housing Initiative Update (Patrick Bowen, 60 min.)

V. OLD BUSINESS (8:50)

Update re: Designated CIC Code of Regulations (Kreeger, 10 min.)
Village Manager Search Process Proposal (MacQueen, 10 min.)

VI. NEW BUSINESS (9:10)

Sample Surveillance Technology Discussion (Hempfling, 10 min.)

VII. MANAGER'S REPORT (9:20)

VIII. SOLICITOR'S REPORT (9:25)

IX. CLERK REPORT (9:30)

X. FUTURE AGENDA ITEMS (9:35)*

Sept. 4: Resolution 2018-32 Approving a Contract with XX for Sidewalk Repair
Resolution 2018-33 Affirming Council's Priority TLT Land Purchase Goals
Consideration of Rezoning Request for Antioch College (ED to PUD)
Draft Resolution Approving a Designated CIC Code of Regulations
Mayor's Court Recommendation with Updated Charges List
JSTF Report on Best Practices for Community Police Advisory Boards
Village Commitment to Transparency Discussion
Vote 16/Local Gun Control Proposals
RV Parking Regulation Recommendation from PC
Sept. 17: 2018-XX Approving a Designated CIC Code of Regulations
Biennial Review of JSTF Commission Status
Tree City USA Ordinance
Resolution Approving an RFP for Infrastructure Improvement

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

ADJOURNMENT

The next regular meeting of the Council of the Village of Yellow Springs will be held at 7:00 p.m. on **Tuesday, September 4, 2018** in Council Chambers, John Bryan Community Center, 100 Dayton Street.

The Village of Yellow Springs is committed to providing reasonable accommodations for people with disabilities. The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the Village Clerk of Council's Office at 767-9126 or via e-mail at clerk@yso.com for more information.

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

In Council Chambers @ 5:00 P.M.

Monday, July 30, 2018

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 5:00 pm.

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, Public Works Director Johnnie Burns, Water and Wastewater Treatment Superintendent Brad Ault, Electric and Water Distribution Foreman Ben Sparks, Wastewater Collection/Streets/Parks Foreman Tanner Bussey, Finance Director Colleen Harris and Planning and Zoning Inspector/ED Liaison Denise Swinger.

PETITIONS/COMMUNICATIONS

MacQueen noted letters from Jennifer Horner and Dora Voudries regarding stormwater drainage on North Winter Street.

ANNOUNCEMENTS

Housh announced the presentation of the Village Inspiration and Design Award at the Women's Park on Wednesday, August 1st at 6:00 PM.

Bates wished Hempfling a Happy Birthday later in the week.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2018-28 Approving a Supplemental Appropriation for Second Quarter of 2018.

MacQueen MOVED to APPROVE the legislation and Hempfling SECONDED. Harris explained the legislation. Housh opened the public hearing. No comments were heard, Housh closed the public hearing. The vote was called, all ayes by roll call vote.

Reading of Resolution 2018-29 Authorizing the Village Manager to Forgive Yellow Springs Home, Inc. for all Necessary Tap Fees and Zoning Fees for Up to Six (6) Permanently Affordable Homes to be Constructed at 1113 Xenia Avenue.

Housh called for a motion; Hempfling MOVED to APPROVE the legislation, MacQueen SECONDED.

Housh explained that this request supports Home, Inc's grant application as a Village donation, and follows past practice of the Village to forgive these fees.

Housh called for any other comments and none were heard. Housh called for all in favor; all ayes by voice vote.

The work session then followed the agenda as previously set.

In a further discussion of affordability incentives, Housh noted that Council should consider creating a specific budget line for incentives awarded by Council. Housh further noted that the tap fees and zoning fees awarded to Home, Inc. should come from Council budget lines.

ADJOURNMENT

At 8:40 pm, Stokes 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: Patti Bates, Deputy Clerk of Council

**Council for 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 Grewe.

EXECUTIVE SESSION

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

At 7:05pm, MacQueen MOVED and Kreeger SECONDED a MOTION TO ENTER REGULAR SESSION. The MOTION PASSED 5-0 on a VOICE VOTE.

SWEARING IN OF BOARD AND COMMISSION MEMBERS

Deborah Williamson was sworn in as a full member of the Human Relations Commission.

ANNOUNCEMENTS

Kreeger announced the following arts news: a performance art piece by Paul Lazar set for July 20th at the Foundry Theater; A Midsummer Night's Dream, performed by the Yellow Springs Theater Company with music performed by the Community Orchestra for July 20 and 21, and the Arts and Culture Commission presentation of the most recent VIDA award to the Women's Park. That ceremony will occur on August first. Finally, Kreeger noted the John Bryan Center Gallery opening for "Remembering" set for September 12, and "Porchfest" coming up on October 6th.

Stokes noted the Young People of Color Fourth Annual Swim Party set for July 20th.

Bates noted work occurring in Keith's Alley the night of the 18th, and that letters have been sent to residents adjacent.

MacQueen made noted of the work accomplished by staff at the Village's newest nature preserve, the Glass Farm.

Announced the Pan Ohio Red Cross Hope Ride passing through the Village on July 26th.

CONSENT AGENDA (7:10)

1. Minutes of July 2, 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

MacQueen added an HRC item to New Business. Hempfling asked that her letter to Council be added to Old Business. Stokes added Anti-Bias Training to Old Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Donna Caslin re: Corporal Meister
Kathryn Van der Heiden re: Corporal Meister
Kori Whitaker re: Arbor Care
MVRPC re: YS Complete Streets Program
Johnnie Burns re: "Door Knocker"
Judith Hempfling re: Corporal Meister
Kevin Stokes re: YPOC Swim Event

The issue of trimming vegetation was discussed at some length.

Leslie Scheper commented that the Police Chief used to remind Villagers of this need.

Megan Bachman, YS News, received confirmation that this reminder work would now be done by the Village Crew during their regular rounds by way of a door hanger.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2018-27 Annual Late Fee Utility Forgiveness Upon Customer Request. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

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

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

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

First Reading of Ordinance 2018- 28 Approving a Supplemental Appropriation for the Second Quarter of 2018. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Bates noted that the supplemental is a regular item of business on a quarterly basis. She noted the cost of the emergency purchase of the new lift station generator as one item, the ADA curb and ramp project match as another.

Bates commented that the ADA project 25% match will likely not be spent, but has to be appropriated.

Housh received clarification that the Water Capital Improvement Fund expenditure was not shown because Colleen Harris had received reimbursement for the unidirectional flushing machine purchase and did not need to bring the expense forward.

Housh asked that he receive clarification regarding the YS-Clifton Connector fund.

Housh did not call the vote on the first reading.

Reading of Resolution 2018-28 Authorizing the Village Manager to Enter into an Agreement with Gray's Tree Experts for 2018 Utility Line Clearance (Section 1) of the Village. Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Burns explained that the Village received three responses to the RFP, and that Grey's Tree Service had been the lowest and best, and has currently been thoroughly vetted.

Robin Richardson Coy asked how far under the next bid that lowest bid had been.

Bates stated that the bids had been, \$92,000; \$97,000.00 and \$338,000.00.

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

CITIZEN CONCERNS

Wayne Gulden commented on noise levels in the Village, noting that events "seem to be getting louder and longer". Gulden asked for explanations regarding rules for events as well as noise levels permitted. He asked that a discussion regarding acceptable noise levels take place.

Bates noted that events on Village property follow a process, which she described, and stated that music/noise are to cease at 11pm for any event. She stated that there is a noise ordinance that sets a decibel limit.

Gulden complained that the police had been called, but that they had not taken action.

Kreeger responded with information about different types of speakers, acknowledging the challenges with differing sound systems. She assured Gulden that the ACC is committed to responding to the issue, and is aware of the concern.

Housh commented that the issue of notification of neighbors is also being addressed.

Hempfling noted that knowing what the event is all about helps with understanding, commenting in favor of more information for the public.

Pastor Randolph challenged Council and those listening to contribute to the effort on the part of the First Baptist Church to supply 75 filled backpacks to Village children to return to school prepared and announced a backpack preparation festival with food and entertainment set for August 11.

Stokes noted that HRC is collecting donations for school supplies around town.

Bates suggested that HRC coordinate with the Baptist Church on the project.

Robin Richardson Coy noted that she lives outside the Village, stating that she had had a very good experience with Arbor Care, and asking the Village to reconsider.

Mike Scheper asked whether Grey's Tree Service has a hold harmless verbiage. This was confirmed.

SPECIAL REPORTS

There were no Special Reports

OLD BUSINESS

Council 2018 Goals Review. Housh noted that he had coded in the goals as either complete, in progress, or lacking a plan. He noted that some resources are marked for consideration as to whether they were still contributing.

Housh noted that the Energy Efficiency program is not progressing. This was discussed.

Housh stated that he would like the suggested RFP for Energy Efficiency Education to be vetted by, if not Energy Board, than an advisory body before it is sent out.

There was some discussion around the idea of promoting infill under the housing goal.

Some minor wording changes were made.

Council discussed priorities with regard to land conservation and areas identified as possible for housing.

Council heard from Tecumseh Land Trust Director Krista Magaw regarding upcoming outreach and grant funds available. She noted the need to understand Council's priorities as soon as possible. Magaw made a suggestion regarding a potential property purchase as an addition to the greenbelt.

Magaw asked that a decision be made regarding priorities if possible by mid-September, and Housh stated that Council will attempt to accomplish this, and that discussion was set for the September 4th meeting.

With regard to the Economic Development goal, Kreeger suggested a closer collaboration with Antioch College as an incubator to achieve some of these goals.

Hempfling asked that the community conversations action be removed from the JSTF goal.

Housh asked that Council consider an Active Transportation Committee that is tied to Council.

Kreeger commented that Council should take stock of existing and potential boards and commissions to see whether these are still needed/may be needed.

Leslie Scheper asked whether Council has considered lowering rates or talking to DP&L.

Housh suggested she attend the infrastructure meeting on July 30th.

MacQueen commented on the reason that utilities are more costly in the Village, noting the priority for renewable energy, and the desire for owning its own utilities.

Scheper commented that people are able to do this on their own, and shouldn't have a government entity making that decision for them and making utilities unaffordable.

Village Manager Search Process. Housh commented that he did not see the need to bring in a consultant to the process, but would like to see Council form a subcommittee to vet the information and bring a process forward.

MacQueen commented that assistance from an outside firm to conduct initial vetting of candidates and to perform outreach tasks would be valuable. She projected more than six months for the process, and offered to work on a timeline. Stokes offered to work with her.

Hempfling questioned involving citizens early in the process, stating that the process should be Council driven.

Kreeger asked that a discussion regarding what worked and what did not might be useful.

Proposed Purpose/Structure/Code of Regulations for Designated CIC. Kreeger explained the document provided, highlighting the need for feedback regarding the direction of the process at this point.

Kreeger noted concerns held by committee members, and asked for feedback on these.

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 is a major reason to create a DCIC. Kreeger reminded Council that the underlying purpose of the DCIC is to enhance Council's goals, and that a myriad of strategies are open for consideration under the DCIC model.

Hempfling expressed discomfort with the DCIC model as presented, opining that citizens are less able to influence a DCIC board, and that this ultimately reduces citizens' voice.

Kreeger disagreed, noting that DCIC's are flexible, and that they can be required to follow Sunshine Law and/or to have rules under which some decisions revert to Council. She noted that this would slow down the process, which runs counter to the desire to have a DCIC, but stressed that these are possible options as means to increase citizen participation.

Hempfling commented again that she wanted to see Council in control of the DCIC.

Kreeger responded, commenting that for Village owned property, Council would always retain control over final decisions.

MacQueen asked for scenarios as examples as to how that control and/or citizen voice might play out.

Housh commented that the DCIC is "about coordinated strategic planning". He suggested 10 members rather than 11, and suggested that two Council members collaborate to start a formal outreach to the other entities vested in the potential DCIC.

Housh suggested that the next step is a joint public meeting with the three public entities—the Village, Miami Township Trustees and the School Board—to discuss the purpose and authority of the board.

Kreeger suggested that a code of regulations be drafted prior to the meeting being called.

Conard responded to a question from Hempfling, stating that the three public entities can define common points of interest for moving forward, and the makeup of the board will determine which body has greater control. He noted that Council has control over that makeup to some extent.

Hempfling expressed discomfort with having a joint meeting.

Stokes noted that Council has long desired a joint meeting as a way to better understand each entities' priorities and concerns, and expressed that it is beneficial to share information early on rather than after concepts are formed.

Kreeger expressed support for a conversation with stakeholders. She commented that the Village as a whole has not been diligent in communicating between stakeholders, noting the recent utility increases, the failed school levy, the new fire station levy and the lack of collaboration in those efforts which may have adversely affected all entities.

Kreeger noted that representatives from the Township and the School Board have been attending ESC meetings and are informed and communicating back to their bodies.

Kreeger asked Housh to work with her on writing the draft code of regulations, and this was agreed upon.

Village Investment Strategy. Kreeger noted continuing meeting of the Finance Advisory Committee, and reported that additional funds will be transferred to Star Ohio. Kreeger noted recent conversations regarding local investment, and stated that the Village is looking into investing in the Credit Union and through the YS Community Foundation. Council can expect a more detailed review

in late October.

Housh stated that the transfer to Star Ohio could potentially quadruple the amount of money available in the General Fund.

Tree City USA Discussion. Bates provided information on becoming a Tree City as follows:

To become a Tree City, the Village must meet four standards. The Village must have a Tree Board or Department, a standard that could easily be met by Council establishing a new Tree Board, which would likely incorporate the existing Tree Committee.

The second standard involves enacting a tree care ordinance.

The third standard is to establish a forestry program with at least \$2.00 per capita budgeted for tree installation and maintenance. While the Village would have to formalize this budget in annual required reports to the Arbor Day Foundation, the current budget already far exceeds this in annual tree care costs.

The final standard is to have an annual Arbor Day observance and proclamation.

Anna Bellasari commented that the move to Tree City status would improve communication between the Village and the Tree Committee. She noted that the Tree Committee is aging, and that there are fewer and fewer sites in the Village available for planting. The change in status would make more assistance available to the committee.

Bellasari noted that the Tree Committee already has a forestry program in place, and would simply need a board formed and an ordinance drawn up.

Bellasari stated that the Tree Committee now has an annual Arbor Day event with Mills Lawn, and offers educational information as well. She asked that Council support the request.

MacQueen cautioned against formation of another commission as potentially burdensome and suggested outreach to students.

Housh suggested that review of all boards and commissions might be in order.

Kreeger suggested greater collaboration with Antioch College.

Bates offered to write the ordinance and complete the application as a way to start things moving forward.

Housing Advisory Board Update. MacQueen reported that the HAB will be meeting with Patrick Bowen Tuesday to identify potential properties for development. MacQueen asked that a Housing Vision and Values Statement be brought back as a resolution for August 20th.

Implicit Bias Training. Stokes reported that Implicit Bias training will be implemented for all Village employees in early August. He encouraged everyone to participate in an online questionnaire as informative regarding bias. Stokes shared information regarding the approach to training that will be taken, including an assessment followed by two half-day sessions, with follow up coaching available. Stokes commented that he would like the Village to show leadership as a diverse and knowledgeable employer.

NEW BUSINESS

Hempfling Letter Regarding Meister Discipline. Hempfling commented upon her letter, stating that Council's primary role is to represent citizens. Hempfling commented her belief that "significant mistakes have been made by many parts of the Village organization", some longstanding and some recent, related to Human Resources policies.

Hempfling stated that "there is a lot to figure out" with regard to the Village's stance on policing and the police department.

Hempfling compared the Village structure to a nursing protocol, opining that while an individual may have made mistakes, the problems lie as much with the organization as with the individual. Hempfling asked that Council stop funding for the Solicitor to continue "to do this disciplinary track" and that Council President work with the Chief and the Village Manager to resolve the situation in a more positive manner. She noted the potential need to update the Employee Handbook.

MacQueen commented that the situation is complex, and that what can be shared publically is

only a small part of the situation. MacQueen asked rhetorically whether the police discipline policy could be better, commenting that she is not an expert and believed it was not the job of anyone other than the Village Manager to make that determination.

MacQueen opined that the situation has resulted in negative and even nasty personal attacks and comments in social media, and expressed concern over the effect that this could have upon the morale in the police department. The PD needs to be able to function as a team, she commented, and this situation may have created divisiveness. The negotiation process between the officer in question and the Village needs to be allowed to come to fruition.

Stokes expressed agreement with MacQueen, reiterating the importance of allowing the process to play out. Stokes commented that all parties are acting in the most honorable manner possible.

Kreeger commented on the movement in the nursing industry to create a “just culture”. One reason this works is that people are able to feel safe expressing themselves when things go wrong. Involved persons are held to high levels of confidentiality, she said. What has been disorienting here, Kreeger said, is that this situation is being tried in a public forum in a highly uncivil manner.

Kreeger stated that she too views herself as a public servant and in that vein is working to gather the opinion of her constituents. The result of this work, she commented, is that while comment about Corporal Meister is highly favorable, Chief Carlson is likewise viewed as a valued and respected member of the community. There is concern that a toxic environment is being created as a result of cyber bullying. This is damaging our community, Kreeger stated. She noted that she sees efforts being made to improve policing in the community. If there is a failure, she said, it is that these genuine efforts have not been given the time they need to fully take hold.

Kreeger stated her agreement that this is an opportunity to improve Human Resources practices and the amount of ongoing feedback and coaching available to employees. After the disciplinary process plays out, Kreeger commented, there may be the opportunity to address these issues.

Housh then opened the floor for public comment.

Leslie Scheper asked what prompted the discipline and who objected to his (Meister) handling of the situation. She asked whether Meister had been permitted to exercise discretion and whether this was the problem.

Ken Odiorne commented positively on the efforts of Council and the JSTF in attempting to improve Village policing. He then commented that “the organization is corrupt” with regard to policing. He asked that Council allow “back off Corporal Meister” and that Carlson’s contract be allowed to expire. He disagreed at the characterization of cyber bullying. HE than asked for a “civilian review board”.

Robin Coy stated that there is a national distrust of police officers and that despite that, Meister is trusted.

Carlos Landaboro asked that the discipline against Meister be dropped and perhaps reinstated with civilian participation.

Pan Reich stated that “people are afraid and passionate” and that their comments might appear to be cyberbullying but are not. Reich stated his familiarity with effective management best practices and offered a criticism of Carlson’s disciplinary process. Reich asserted that Sergeant Watson still likely holds a grudge, noting that she nor Carlson have placed complimentary comments in Meister’s file, and that Watson has signed off on four complaints in the file.

Kreeger commented that assumptions seem to be being made that to permit the hearing process to continue is actually proceeding with the discipline, rather than simply a continuation of the hearing process.

Scheper stated that this does seem to be the case.

Bates explained the process for discipline, noting that at this point there is a recommendation for discipline, and that the current stage is not yet even to the pre-disciplinary hearing.

MacQueen spoke strongly about the accusation made regarding corruption, stating that she and all of Council take these accusations very seriously. She asked that, if anyone believe this to be true, they should bring evidence of such to Council, who will not tolerate it.

Hempfling MOVED to cease funding for the Solicitor on this disciplinary track, and that the Council President, the Village Manager and the Chief reset and resolve the situation. The MOTION

FAILED for lack of second.

Housh commented he agrees with Hempfling in that Council can do better with regard to their oversight of Village human resources policies. However, he commented, the “cherry-picking” of information in the situation is problematic. Housh opined that there must be a balance between leniency and safety in policing, and that in the situation in question, there were issues where discipline was appropriate. He stated his unwillingness to make any decisions until the hearing process is completed.

Housh noted the abundance of time devoted to the issue in asserting the importance of a fair process and the value that Council places upon Corporal Meister’s service.

Housh noted that an outcome of well-enacted discipline is that it provides opportunity for learning and growth, and noted that Council is heavily involved in a way that it normally would not be in a disciplinary issue because they are committed to a good overall outcome of the situation.

Social Media. MacQueen asked whether HRC might be an appropriate group to help address social media as both an asset and a potential detriment to civility and communication. Stokes stated his agreement with this request.

Landlord Utility Responsibility Discussion. Bates explained the process whereby landlords are informed of delinquent bills. These are not sent out until no bill has been paid for two months, ten days after which notice a disconnection will occur if payment is not made.

Housh asked whether landlords can ask to be informed of earlier missed payments and was told that they are not.

Hempfling commented that the process is anti-renter. Hempfling commented that the Village could require deposits or other things as safeguards. She asserted that receiving disconnect letters could damage the relationship between a renter and rentees.

Hempfling commented that the Dunphys do not allow renters to enter into a payment plan with the Village. She commented that if a landlord is stuck with a business renter’s bill it could be a lot, and that utility providers normally make allowance for this loss. Hempfling suggested a downpayment be required to cover delinquencies.

Kreeger asked whether Hempfling is objecting to the landlord notification itself or to landlord accountability. She asked whether Hempfling is asking that responsibility be returned to the renter and received confirmation.

MacQueen commented that she supports the policy as it stands. She stated that having a realtor who does not permit tenants to enter into payment plans with the Village is problematic, but is not the Village’s problem to resolve.

Bates commented that the payment plan option exists for those struggling with a difficult circumstance such as job loss or illness.

Bates responded to a question regarding the annual loss to the Village due to non-payments, and recalled this as in the neighborhood of \$13,000.00.

Stokes noted that by the time of landlord notification, the renter has already received two letters offering payment plan options.

Housh commented that the choice is whether all customers shoulder the effect of non-payment or whether landlords shoulder that cost. He expressed understanding the embarrassment of a landlord receiving the shutoff notice. He stated his support for incentivizing landlords to be supportive and helpful in such situations. He noted not being ready to make a change to the policy.

MANAGER’S REPORT

Staff Quarterly Reports.

Quarterly Financials. Kreeger asked whether there are triggers when expenses are off target.

Bates responded that she and Harris discuss these when they occur and make adjustments where needed.

Housh asked that a one-page narrative accompany the financials.

Stokes MOVED to approve the quarterly financials. Hempfling SECONDED. The MOTION PASSED 4-0 with MacQueen abstaining due to not having reviewed the documents.

SOLICITOR’S REPORT

There was no additional report.

CLERK’S REPORT

There was no report.

BOARD AND COMMISSION REPORTS

MacQueen commented that there needs to be greater clarity regarding Planning Commission’s role vis a vis the Housing Advisory Board, and that she plans to obtain this clarification and bring further information to Council’s August 20th meeting.

Kreeger noted a proposal in the packet for restoration of the jungle mural in Keith’s Alley. The ACC is asking for permission to apply for a Community Foundation grant, and will also seek private donations. Any ACC contribution will follow the fundraising efforts.

Kreeger noted work starting on concepts for a mural at the pool. Housh noted that historical themes will be looked at.

Hempfling commented that Energy Board is looking at expanding local sites and asked whether this should be brought forward.

Housh asked that any such effort coincide with Council Goals and suggested bringing the idea to the infrastructure meeting.

Hempfling asked to bring a draft surveillance ordinance to Council on August 20th with a final recommendation. Housh moved this to September 4th.

Hempfling noted that Pat DeWees’ recommendation regarding a Citizen Review Board be brought to the September 4th meeting.

FUTURE AGENDA ITEMS

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| Aug. 20: | Resolution Approving Designated CIC Code of Regulations
Resolution 2018-27 Approving a One-Year Contract Extension with Rumpke Waste Services
Resolution Adopting a Housing Initiative Values Statement for the Village of Yellow Springs
Resolution Approving a Contract with XX for Sidewalk Repair
Housing Advisory Board Update – Patrick Bowen
Draft Resolution Approving a Designated CIC Code of Regulations
Vote 16/Local Gun Control Proposals
Village Commitment to Transparency Discussion |
| Sept. 4: | Resolution 2018-33 Affirming Council’s Priority TLT Land Purchase Goals
Consideration of Rezoning Request for Antioch College (ED to PUD)
Mayor’s Court Recommendation with Updated Charges List
JSTF Report on Best Practices for Community Police Advisory Boards
Village Commitment to Transparency Discussion
Vote 16/Local Gun Control Proposals
RV Parking Regulation Recommendation from PC |
| Sept. 17: | 2018-XX Approving a Designated CIC Code of Regulations
Biennial Review of JSTF Commission Status
Tree City USA Ordinance
Resolution Approving an RFP for Infrastructure Improvement |

ADJOURNMENT

At 11:09pm, Hempfling 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:

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council

**VILLAGE OF YELLOW SPRINGS
RESOLUTION 2018-27**

**APPROVING A ONE-YEAR EXTENSION OF THE EXISTING CONTRACT WITH
RUMPKE WASTE SERVICES**

Whereas, the Village of Yellow Springs sought competitive bids for refuse and recycling services in 2015, and,

Whereas, the Village of Yellow Springs selected Rumpke as our service provider as part of that competitive bidding process, and,

Whereas, Rumpke has provided adequate service to the Village and its residents and businesses and has been responsive in addressing any issues; and

Whereas, the Village of Yellow Springs desires to extend the contract for two (2) years by exercising the option detailed in the contract;

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY RESOLVES THAT:**

Section 1. The Village Manager is hereby authorized to sign a two-year extension to Rumpke for refuse and recycling services, rates in accordance with Exhibit A hereto attached.

Brian Housh, President of Council

Passed:

Attest: _____
Judith O. Kintner, Clerk of Council

ROLL CALL

Brian Housh _____

Marianne MacQueen _____

Judith Hempfling _____

Kevin Stokes _____

Lisa Kreeger _____

ADDENDUM

This document serves to add the following to the contract dated September 8, 2015 (the “Contract”) between the Village of Yellow Springs, Ohio (the “Village”) and Rumpke of Ohio, Inc. (the “Contractor”).

It is hereby agreed as follows:

Effective September 1, 2018 and continuing through August 31, 2020 Rumpke shall continue to provide weekly solid waste collection and curbside recycling collection services for all single-family, multi-family and commercial units within the Village of Yellow Springs. Rumpke shall invoice the Village according to the following tier system and commercial rate schedule as follows:

Service A - Residential Service

<i>Contract Period</i>	<i>Tier 1 (Per Unit/Month)</i>	<i>Tier 2 (Per Unit/Month)</i>	<i>Tier 3 (Per Unit/Month)</i>
September 1, 2018 to August 31, 2019	\$11.69	\$12.81	\$13.93
September 1, 2019 to August 31, 2020	\$12.04	\$13.19	\$14.35

Service A - Commercial Services – Four Cubic-Yard Container

<i>Contract Period</i>	<i>Per Container/Month</i>
September 1, 2018 to August 31, 2019	\$73.00
September 1, 2019 to August 31, 2020	\$75.00

Service B – Recycling

All rates quoted above under Residential Service include weekly curbside recycling collection. Each residence will be provided with one (1) 65-gallon recycling cart to hold their commingled recyclables.

Service C – Excess Garbage and/or Refuse

<i>Contract Period</i>	<i>Per Sticker</i>
September 1, 2018 to August 31, 2019	\$1.45
September 1, 2019 to August 31, 2020	\$1.50

Service D – Municipal Service

<i>Contract Period</i>	<i>Service</i>	<i>Per Container/Month</i>
September 1, 2018 to August 31, 2020	Business District Sidewalk (45-Gallon Containers)	No Charge
September 1, 2018 to August 31, 2020	Municipal Property (45-Gallon Containers)	No Charge
September 1, 2018 to August 31, 2020	Public Facilities (4YDs)	No Charge
September 1, 2018 to August 31, 2019	(1) 40YD – Wood (1) 40YD – Metal Public Works Facility	\$292.00/Load – Metal \$292.00/Load - Wood
September 1, 2019 to August 31, 2020	(1) 40YD – Wood (1) 40YD – Metal Public Works Facility	\$301.00/Load – Metal \$301.00/Load - Wood

Service E – Spring Clean-Up

<i>Contract Period</i>	<i>Per Ton</i>
September 1, 2018 to August 31, 2019	\$195.00
September 1, 2019 to August 31, 2020	\$201.00

Service F – Yardwaste Collection

<i>Contract Period</i>	<i>Per Rumpke Paper Bag</i>
September 1, 2018 to August 31, 2019	\$2.30
September 1, 2019 to August 31, 2020	\$2.35

Rates quoted above will be subject to a fuel surcharge to be added to the monthly invoice based on the attached current Rumpke Corporate Fuel Surcharge Table. This fuel surcharge will be adjusted on a monthly basis based on the Department of Energy's Energy Information Administration (DOE/EIA) highway diesel price index reading for the Midwest region on the last Monday of the month.

All other terms and conditions of the original contract dated September 8, 2015 shall remain unchanged.

The Contractor agrees to comply with all Federal, State and local laws and regulations in the collection, removal, and disposal of all such waste material. In the event that the Contractor incurs increased costs (such as, but not limited to, tipping fees, disposal fees, or new or increased surcharges, fees or taxes as a result of imposition of new governmental regulations not in effect at the time of acceptance of said contract and which regulate the type of material collected, the location for disposition of such material, or the payment of fees for disposing of such materials) then the Village shall, after negotiation with Rumpke and approval by the Village Council, adjust the unit cost by an amount commensurate with the increased per unit operating cost incurred by Rumpke.

In the event that either party is unable to perform any of its obligations under this contract or to enjoy any of its benefits because of (or if failure to perform the services is caused by) war, Acts of God, natural disaster (such as floods, earthquakes, tornadoes, hurricanes, blizzards, windstorms, high water table, unusually severe weather), fires, quarantine, labor disputes or strikes, explosion, shortage or failure in the supply of fuel, electric current or other public utility not caused by Contractor's actions, actions or decrees of governmental bodies not caused by Contractor's actions, or any other cause beyond the control of the parties (hereinafter referred to as a "Force Majeure Event"), the party who has been so affected shall immediately give notice to the other party. Upon receipt of notice, all obligations under this contract shall be immediately suspended. If the period of

nonperformance exceeds thirty (30) days from the receipt of notice of the Force Majeure Event, either party may terminate this contract.

The term of this contract extension shall be for two (2) years effective September 1, 2018 and continuing through August 31, 2020. This contract may be renewed for additional option years upon mutual written agreement of both parties.

**VILLAGE OF
YELLOW SPRINGS, OHIO**

RUMPKE OF OHIO, INC.

Village Manager

William J. Rumpke, Jr., President

Witness

Witness

Date

Date

**VILLAGE OF YELLOW SPRINGS
RESOLUTION 2018-31**

**ADOPTING A HOUSING VISION AND VALUES STATEMENT FOR THE VILLAGE OF
YELLOW SPRINGS**

WHEREAS, Yellow Springs Village Council is committed to the provision and nurturance of a welcoming community; and,

WHEREAS, This effort requires, in part, the availability of diverse housing stock; and

WHEREAS, Council acknowledges the need for an intentional and informationally grounded approach to increasing housing stock,

NOW, THEREFORE, BE IT RESOLVED by Council for the Village of Yellow Springs that

Section 1. The Housing Vision and Values Statement, here attached as Exhibit A is hereby adopted.

Signed: Brian Housh, President of Council

Passed:

Attest: Judy Kintner, Clerk of Council

Housh __

MacQueen _____

Hempfling__

Stokes__

Kreeger__

Yellow Springs Housing Vision and Values Statement

Yellow Springs has a housing stock that enables a diverse community to live and work here. The Yellow Springs Village Government, with community members, is committed to being a welcoming community which is environmentally and economically sustainable. This requires housing that enables people of diverse races, ages, sexual orientations, gender identities, ethnicities, economic statuses, physical & mental abilities, religious affiliations, skills and lifestyles to afford to live here. We aim for a balanced population across the age spectrum, valuing seniors as well as children and those in between, single people as well as families. We understand that each Villager contributes to the wholeness and health of the community and are particularly committed to those struggling to remain in Yellow Springs because of affordability challenges. We also welcome newcomers wishing to move to our community. We encourage housing and workplaces that allow Villagers to live and work here. We recognize that, while homeownership is a goal for many, there are many others for whom renting is the best option and we seek a balance of both. Mixed income housing and increased density in all new development will be essential to reach our goals of promoting affordability and healthy neighborhoods.

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-29**

**APPROVING AMENDMENTS TO PART TEN – STREETS, UTILITIES AND PUBLIC
SERVICES CODE, TITLE SIX – OTHER SERVICES OF CHAPTER 1060 – STORAGE AND
COLLECTION OF GARBAGE AND OTHER WASTES, REGULATING CHARGES RELATED
TO THE SERVICES TO THE VILLAGE OF YELLOW SPRINGS, OHIO.**

WHEREAS, the Village of Yellow Springs provides solid waste services to properties through the Village; and

WHEREAS, in 2015 the Village signed a contract with Rumpke for the collection of garbage and other wastes which included changes to the cost of said services; and

WHEREAS, said contract allowed for periodic extensions of the contract at specific stated rates; and

WHEREAS, Chapter 1060 of the Codified Ordinances of Yellow Springs, Ohio, outlines the fees the Village will charge its customers for these services; and

WHEREAS, Chapter 1060 needs to be amended to reflect these increased costs,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS,
OHIO HEREBY ORDAINS THAT:**

Section 1. Existing Section 1060.05 (a) Charges of Chapter 1242 of the Codified Ordinances is hereby repealed in its entirety.

Section 2. A new Section 1060.05 (a) is hereby enacted to read as follows:

(a) Charges.

(1) The base charges for the collection and disposal of garbage, refuse and/or recyclables shall be in accordance with the following monthly rate schedule. (Note: the reference to quantities below are exclusive of bulk items from residential premises and of the volume of recyclables from recycling bins provided to all customers).

A. Monthly Charge per Volume of Garbage Collected Weekly – Residential Service:

September 1, 2018-August 21, 2019

Tier 1 (Not more than 35 Gallons)	\$11.69 Per Unit/Month
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Tier 2 (Not more than 65 Gallons)	\$12.81 Per Unit/Month
-----------------------------------	------------------------

Tier 3 (Not more than 120 Gallons)	\$13.93 Per Unit/Month
------------------------------------	------------------------

September 1, 2019-August 31, 2020

Tier 1 (Not more than 35 Gallons) \$12.04 Per Unit/Month

Tier 2 (Not more than 65 Gallons) \$13.19 Per Unit/Month

Tier 3 (Not more than 120 Gallons) \$14.35 Per Unit/Month

B. Commercial Services – Four Cubic-Yard Container:

September 1, 2018- August 31, 2019 \$73.00 Per Container/Month

September 1, 2019-August 31, 2020 \$75.00 Per Container/Month

C. Recycling: All rates quoted above under Residential Service include weekly curbside recycling collection. Each resident will be provided with one (1) 65-gallon recycling wastewheeler to hold their commingled recyclables.

D. For the purpose of excess containers of garbage or refuse, the Village Manager is authorized to provide additional stickers for containers or bags, available at the Village Utilities Office. Cost for said stickers shall be:

September 1, 2018- August 31, 2019 \$1.45/sticker

September 1, 2019- August 31, 2020 \$1.50/sticker

E. Yard waste shall be collected on the last Friday of every month, April to November. Yard waste must be in a Rumpke-provided bag. The Village Manager is authorized to provide such bags to the public. Bags shall be made available at the Village Utilities Office. Cost for said bags shall be:

September 1, 2018-August 31, 2019 \$2.30/bag

September 1, 2019-August 31, 2020 \$2.35/bag

F. The fuel surcharge will be adjusted on a monthly basis based on the Department of Energy's Energy Information Administration (DOE/EIA) highway diesel price index reading for the Midwest region on the last Monday of the month. A fuel surcharge will be added to the monthly rates in accordance with that information.

(a) All surcharges incurred by the Village for the disposal of vehicle tires, appliances containing chlorofluorocarbon, etc., shall be billed at cost.

(b) One-time collections and special services (e.g., large volume users, multiple collections per week, off-street commercial collections, etc.) shall be billed at the costs incurred by the Village plus a 10% processing fee.

(5) The Village shall provide an annual clean-up to customers of the Village Solid Waste Service. The Village Manager shall establish rules and the time of the clean-up. The cost of the service shall be an additional fee, set annually by Council, per account, to be billed separately on the bill or a notice. Cost shall be \$195/ton, plus fuel surcharges for the period September 1, 2018-August 31, 2019, and shall be \$201.00/ton for the period of September 1, 2019-August 31, 2020.

Section 3. This ordinance shall be passed as an emergency as relates to the safety, health and welfare of the Village and its citizens and will become effective and in full force effective September 1, 2018.

Brian Housh, President of Council

Passed:

Attest: _____

Judy Kintner, Clerk of Council

ROLL CALL:

Brian Housh _____	Marianne MacQueen _____	Judith Hempfling _____
Kevin Stokes _____	Lisa Kreeger _____	

Update to YS Village Council on Vernay Labs Former Dayton Street Facility Final Corrective Measures Plan (CMP, aka Remediation Plan)

Document Description

- This update is intended to provide the Village Council high level information on the timeline and measures within the Corrective Measures Plan for the Vernay Labs former Dayton Street Facility in Yellow Springs.
- It is not intended to provide an in-depth education on the contamination of Vernay Dayton Street facility and surrounding area or the proposed clean-up plan.

Executive Summary

In April of this year Vernay Labs submitted amendments to their draft Corrective Measures Plan (CMP, aka remediation plan) to remediate the soil and groundwater contamination resulting from activities at their Dayton Street facility prior to its closure in 2005. The EPA is currently reviewing those amendments and the overall plan. If and when the EPA accepts the plan and issues a "Statement of Basis", there will be a 30-day public comment period. Following this comment period, the CMP could be implemented without further significant opportunity for the public to influence the outcome of the cleanup. If the EPA does not accept the proposed amendments, Verney will be required to submit additional or updated amendments for EPA review and potential approval.

The Environmental Commission has reviewed much of the wealth of information available about the Verney Dayton Street site and the CMP proposed by Verney. There are some positive aspects of the CMP, including continued operation of the 4 active groundwater extraction wells and a proposal to remove the most contaminated soil on the Vernay property. However, there are reasons to have significant concerns about the shortcomings of the plan. These shortcomings could have long-lasting implications for Yellow Springs. Concerns with the CMP include the lack of any active offsite remediation measures, uncertainty about the specifics of the onsite remediation measures, uncertainty about the timelines for the remediation measures achieving their intended results and the potential for the Vernay site to have use restrictions for a long time into the future. It is important that the village government plays an active role in helping to ensure that the final CMP remediates the onsite and offsite contamination of the Vernay site to ensure the health and safety of those who live and visit our village.

Note: The village staff has reviewed the information contained in this document, and their thoughts and concerns have been incorporated into it.

Timeline

Below are of some key events to date and key events going forward with an estimate of when they might happen.

Events to Date

- **1999** - Initial assessment of Vernay Dayton Street Facility reveals onsite soil contamination and points to offsite contamination which is confirmed by later offsite sampling.

- **Various:** 4 Ground water extraction wells installed one in March 2000, one in January 2003, two additional in 2011.
- **September 2002** - Vernay agrees to an Administrative Order on Consent (Consent Order) to complete a United States Environmental Protection Agency (USEPA) Resource Conservation and Recovery Act (RCRA) Corrective Action for the Dayton Street facility.
- **2005** – Manufacturing operations cease at the Dayton Street facility.
- **March 2009** - Vernay submits the draft Corrective Measures Plan (CMP) for EPA Review
- **2012** - EPA requests additional vapor intrusion testing to evaluate CMP
- **April 2018** - Vernay submits amendments to the draft CMP
- **July 2018** - vapor intrusion study results were to be published in the quarterly updates submitted to the EPA by Vernay.

Future Steps with Estimated Durations

- **April - Fall 2018 (estimated)** - EPA reviews amendments and issues a "Statement of Basis" or asks for modifications to the proposed CMP Amendments.
- **30 days after EPA Statement of Basis** – Public comment period on the Statement of Basis
- **90-120 days after EPA Statement of Basis** – EPA issues Notice of Final Decision
- **90- 270 Days after EPA Final Decision** – estimated timeline to complete the actions proposed in the CMP Amendment submitted in April 2018.
- **Undetermined** - If the USEPA asks for modifications to the proposed CMP Amendments, Vernay has to then address the issues identified by EPA and resubmit additional amendments. These will go through this same review process which began in April of this year with similar timelines from when the further CMP Amendments are submitted.

Summary of Proposed Corrective Measures Plan (CMP) and High-level evaluation

This evaluation includes some of the key positive aspects and concerns with the Proposed CMP. It is not meant to be a comprehensive evaluation of the CMP.

Measures included in the CMP

- Soil source hot spot areas excavation
- Disconnect, cap and reroute storm sewer with hot spot excavations
- Ground water source control
- Monitored natural attenuation beyond the ground water capture zone
- Institutional controls to mitigate potential exposure pathways
- Closure of remaining private wells in the Ground Water Management Zone (GMZ), as agreed
- Annual well survey in the GMZ in conjunction with seeking a Village ordinance prohibiting installation of new wells in the GMZ
- Continued operation and maintenance of the ground water source control and remediation system
- Performance monitoring
- Periodic reporting and evaluation
- Contingency actions

Some Good Aspects of the Proposed CMP

- Soil hot spot extraction and removal of the several contaminated areas on site. If done well this could eliminate a significant portion of the overall contamination.
- Continued operation of the groundwater extraction wells with treatment of the extracted water. This is intended to prevent migration of the pollutants offsite through movement of groundwater.

Some Concerns with the Proposed CMP

- Specifics of hot spot soil extraction and removal are lacking making it impossible to evaluate the effectiveness of this remediation element.
- Concerns that existing groundwater extraction wells are not effectively stopping contamination from leaving Vernay owned property.
- No offsite remediation measures, although some contamination continues to spread.
 - o Vernay has proposed only taking active cleanup measures for contamination on the property they own.
 - o Most significant for the plume that extends to Green Street.
 - o The plume that extends to Green street will spread and become less concentrated over a long time period (decades or 10's of decades)
- Concern about rerouting/exclusion of parts of the stormwater system and other infrastructure. The existing stormwater system is designed intentionally to address the specifics of that area including underground springs and other site-specific considerations.
- Vapor intrusion results had not been published prior to the report
- Uncertainty about contamination of bedrock and its treatment is not addressed.
- Cedarville Aquifer
 - o Uncertainty about the isolation (containment) of the Cedarville aquifer is not addressed.
 - o Restoration of the onsite Cedarville aquifer to non-potable standards not drinking water standards.
- Proposal to apply for storm water discharge of extracted ground water instead of through sanitary sewer, which poses potential risks to local streams. Discharging through the sanitary sewer provides important additional treatment at the village waste water treatment plant to the extracted contaminated and filtered groundwater. Discharging into the storm sewer would route it past our wellhead through the village via Dewine pond and the little Miami River.
- Proposed reduction in number of monitoring wells to only two offsite wells provides limited oversight of contamination plume and the effectiveness of corrective measures.
- Uncertainty of timeline for remediation of onsite contamination to achieve levels defined as safe by USEPA.
- The proposed definition of effectiveness of measures includes "stable" concentrations of contaminants even if they are above EPA acceptable levels. Only decreasing concentrations should indicate that corrective measures are being effective.
- Potential for contamination to remain for a long time (decades or 10's of decades).
- Further actions that would be pursued if current actions are not effective are too narrowly defined and should include further soil treatment and wells as other options.

Other Concerns

No investigation of the contamination found on High Street near the old YSI facility. Six of the same chemicals that are associated with the Dayton street Vernay facility contamination were found there in 2002. 1,1,1-trichloroethene (TCE) was found at twice the concentration that is considered safe for groundwater. This is one of the two major contaminants in the Vernay site and plume extending

to Green street and was not a chemical used by YSI on High Street. Vernay characterizes this as a separate source for contaminants, yet this has not been established.

Some Reasons Why the YS Village Government Should Be Concerned About the CMP.

- There were two primary issues with the chemical releases at the Dayton Street facility
 - o Underground plume that resulted and is the primary focus of the CMP
 - o Potential contamination of storm water and waste water systems and immediately surrounding soil due to leaks from those systems.
- Villagers and employees could be exposed to contamination in village owned infrastructure.
- Potential future use of the land (i.e., redevelopment) hinges on adequate and appropriate cleanup.

Communication with Villagers

YSEC would like to hold an event to help inform and educate villagers on the current situation and CMP. Content would be largely along the lines of this update. The timing of the event will be based upon if/when the USEPA issues a Statement of Basis.

Yellow Springs, OH
Bowen National Research – Housing Development Goal Recommendations

To: Marianne Macqueen, Housing Advisory Board

From: Patrick Bowen, Bowen National Research

Date: August 7, 2018

1. Introduction:

The purpose of this memo is to provide supplemental recommendations for possible housing development goals for the Village of Yellow Springs to consider. This includes goals by targeted income level, bedroom type and age segments. The recommended goals are provided for rentals and for-sale housing separately.

It is important to point out a few key aspects of these particular goal recommendations and any goals that the Village of Yellow Springs ultimately adopts. First, these goals should be used to help set policy and incentives that will encourage development of certain housing product that meets both housing needs and community objectives. Second, the market has the ability to exceed the goals outlined in this memo and that these goals should not necessarily be considered as caps or limits to development. Finally, the village needs to remain flexible in its approach to supporting and encouraging certain types of residential development to correspond to changing housing market conditions, changes in demographic trends, financial and economic fluctuations and potential changes in community desires.

2. How to set targeted goals:

It is recommended that housing goals should be set through a combination of quantified demand estimates shown in the Housing Needs Assessment (HNA) and stated community goals. Using the HNA estimates as a baseline for setting quantifiable goals, YS can adjust the initial goals by including community objectives that account for citizen and stakeholder input. The following table summarizes the initial HNA estimates for the number of housing units needed by various income levels over the next five years, based on current trends and conditions.

2017 - 2022 Rental Demand Potential by Income Level & Rent Yellow Springs Primary Study Area					
Household Income Range	< \$20K	\$20K-\$34K	\$35K-\$49K	\$50K-\$74K	\$75K+
Rent Affordability	< \$500	\$500-\$874	\$875-\$1,249	\$1,250-\$1,849	\$1,850+
HNA – Demand Potential (Based on Current Trends)	111	83	11	58	39
2017-2022 For-Sale Housing Demand by Income Level & Price Point Yellow Springs Primary Study Area					
Household Income Range	\$30K-\$49K		\$50K-\$74K	\$75K+	
Housing Price Affordability	\$100K-\$149K		\$150K-\$224K	\$225,000+	
HNA - Support for New Units (Based on Current Trends)	40		22	128	

Comment: *Based on the Housing Needs Assessment, there is a potential need for approximately 300 rental housing units and approximately 200 for-sale housing units over the next five years, with rentals primarily needed for lower-income households and for-sale housing that is focused on high-income households. Regardless, development goals should encourage development that supports a balanced market. We have provided various potential housing goals by bedroom type, age groups and income levels below.*

Bedroom Types

Based on the distribution of the existing housing supply by bedroom type, the number of vacant units by bedroom type, the distribution of household sizes (number of people per household) of YS compared with surrounding areas, and community input, we have provided goals for the number of new units by bedroom type that should be considered.

Rental Household Sizes by Geography					
GEOGRAPHY	1-Person	2-Person	3-Person	4-Person	5-Person
Yellow Springs	54.1%	23.8%	16.1%	6.0%	0.0%
Secondary Study Area (Surrounding Area, Excludes YS)	40.3%	25.5%	15.3%	10.1%	8.8%
Dayton MSA	41.9%	25.7%	14.5%	10.3%	7.6%
State of Ohio	41.9%	26.2%	14.5%	9.7%	7.6%
Yellow Springs Goal – 5-Year	51%-53%	24%-25%	15%-16%	7%-8%	3%-4%
Yellow Springs 5-Year Goal New Rental Units	One-Bedroom		Two-Bedroom		Three-Bedroom+
	~100		~140		~60

Owner Household Sizes by Geography					
GEOGRAPHY	1-Person	2-Person	3-Person	4-Person	5-Person
Yellow Springs	28.9%	43.3%	12.7%	13.0%	2.0%
Secondary Study Area (Surrounding Area, Excludes YS)	26.0%	39.8%	15.4%	11.7%	7.1%
Dayton MSA	26.1%	39.2%	15.2%	12.0%	7.5%
State of Ohio	24.0%	38.9%	15.5%	13.2%	8.5%
Yellow Springs Goal – 5-Year	27%-28%	41%-42%	13%-14%	12%-13%	3%-5%
Yellow Springs 5-Year Goal New For-Sale Units	One-Bedroom		Two-Bedroom		Three-Bedroom+
	~40		~80		~80

Comment: *YS lacks larger family renter and owner households. The community will need to add family-oriented housing if YS wants a more balanced distribution of household types. At the same time, smaller bedroom types should also be part of housing development due to the large number of smaller family and single-person households in the market, particularly seniors.*

Household Age Groups

The following table summarizes the distribution of households by age for Yellow Springs compared with surrounding communities and concludes with potential goals of housing by different age groups.

Rental Household by Age by Geography							
GEOGRAPHY	<25	25-34	35-44	45-54	55-64	65-74	75+
Yellow Springs	4.5%	23.9%	18.4%	16.2%	28.1%	3.7%	5.1%
Secondary Study Area (Surrounding Area, Excludes YS)	17.9%	23.9%	16.9%	16.7%	11.1%	5.9%	7.6%
Dayton MSA	12.7%	24.7%	18.3%	17.8%	13.0%	6.5%	7.0%
State of Ohio	12.5%	24.5%	18.4%	17.6%	12.4%	6.6%	8.0%
Yellow Springs Goal – 5-Year	7%-8%	24%-25%	17%-18%	16%-17%	23%-24%	5%-6%	6%-7%
Yellow Springs 5-Year Goal New Rental Units	Millennials/Young Adults & Families		Middle-Aged, Established Families		Older Adults, Empty Nesters & Seniors		
	~120		~100		~80		

Owner Household by Age by Geography							
GEOGRAPHY	<25	25-34	35-44	45-54	55-64	65-74	75+
Yellow Springs	0.4%	2.5%	11.1%	21.2%	23.4%	19.6%	21.8%
Secondary Study Area (Surrounding Area, Excludes YS)	1.2%	9.4%	14.4%	21.1%	23.1%	16.0%	14.8%
Dayton MSA	1.1%	9.2%	15.4%	22.5%	22.1%	15.3%	14.3%
State of Ohio	1.0%	9.7%	16.7%	23.2%	22.0%	14.3%	13.0%
Yellow Springs Goal – 5-Year	0.5%-1.0%	4%-5%	12%-13%	21%-22%	22%-23%	17%-18%	20%-21%
Yellow Springs 5-Year Goal New Owner Units	Millennials/Young Adults & Families		Middle-Aged, Established Families		Older Adults, Empty Nesters & Seniors		
	~70		~70		~60		

Comment: YS has a disproportionately low share of young adult and young family households (generally under age 35). In order to make the community more balanced, it will need to encourage development of housing that appeals to young professionals/millennials and younger families. It will be important that YS doesn't lose sight that its large base of senior residents are becoming older and will require housing to meet their changing housing needs (downsizing, mobility limitations, financial constraints, etc.).

Household Income Groups

The table below compares the share of households by income for renter and owner households for Yellow Springs and the surrounding areas, and concludes with recommended housing goals by various income ranges and corresponding levels of affordability (rents and home prices).

Rental Household by Income by Geography – Share of Renter Households					
Household Income Range	< \$25K	\$25K-\$34K	\$35K-\$49K	\$50K-\$74K	\$75K+
Yellow Springs	41.7%	16.0%	8.4%	20.6%	13.4%
Secondary Study Area (Surrounding Area, Excludes YS)	43.6%	12.9%	15.2%	14.7%	13.6%
Dayton MSA	42.2%	14.8%	15.4%	14.4%	13.3%
State of Ohio	42.6%	14.3%	15.3%	15.2%	12.7%
Yellow Springs Goal – 5-Year	41%-42%	14%-15%	11%-12%	17%-18%	12%-13%
Total Potential PSA (Yellow Springs) Support for New Units	111	83	11	58	39
Yellow Springs 5-Year Goal New Rental Units	~100	~70	~40	~50	~40

2017-2022 For-Sale Housing Demand by Income Level & Price Point Yellow Springs Primary Study Area			
Household Income Range	\$30K-\$49K	\$50K-\$74K	\$75K+
Housing Price Affordability	\$100,000-\$149,999	\$150,000-\$224,999	\$225,000+
Yellow Springs	13.0%	21.4%	57.1%
Secondary Study Area (Surrounding Area, Excludes YS)	18.3%	20.6%	43.3%
Dayton MSA	17.7%	20.8%	44.6%
State of Ohio	17.5%	20.3%	45.4%
Yellow Springs Goal – 5-Year	14%-15%	20%-21%	53%-54%
Total Potential PSA (Yellow Springs) Support for New Units	40	22	128
Yellow Springs 5-Year Goal New For-Sale Units	~50	~40	~110

NOTE: Demand for for-sale housing priced below \$100,000 is not shown

Comment: YS distribution of renter households by income is generally comparable to the surrounding area and region. The biggest challenge facing YS in terms of households by income level is the fact that low-income renter households have limited housing options available to them. All subsidized rental units in YS are occupied, as are all Low-Income Housing Tax Credit units in the region (there are no LIHTC units in YS). There is pent-up demand for such units, as evidenced by the long wait lists at most properties. YS would benefit from the introduction of additional subsidized and/or LIHTC units that could serve many of the lower-income households in the area, particularly those in the Service industries.

3. Strategies to Meet Housing Needs:

- ***Identify and Outreach to Development Community*** – Research and identify potential residential developers active in the region. Put list of potential developers together that can serve as baseline for developers that the Village may want to begin dialogues with and/or developers that may ultimately receive RFPs from the Village. Determine what these developers bring to the table (abilities, experience, interests, and resources) and what help they may seek from the Village.
- ***Identify Housing Professionals with Experience in Housing Funding Resources*** – Research and identify housing professionals in the region and Ohio that are knowledgeable and experienced in financial resources that support residential development, both from the developer's side and government's perspective. This may include grant writers, housing consultants, state and federal agency representatives, and private sector financial experts (investors, syndicators, and lenders). Begin outreach to such individuals and organizations to educate Village on potential funding sources.
- ***Seek Outside Expert Input on Glass Farm Design & Plan*** - Consider retaining a planning firm to help establish framework for residential potential for glass farm site. Input from area developers should also be solicited to identify development challenges or concerns. Given the relatively large size of the site and broad housing needs of the community, YS should strive for mixed-income and multigenerational product at this site.
- ***Consider Initial Incentives to Encourage Developers into the Market*** – As new large-scale residential development has been limited for many years in YS, developers may be hesitant to come into YS. In the short-term, the village may want to incentivize developers through tax abatements, ground leases, waived or discounted development fees, etc., at least until some synergy is underway. Consider the use of development incentive tools such as density bonuses, inclusionary zoning and others to guide development towards community goals.
- ***Leverage the Downtown as an Asset*** - Downtown is one of the biggest assets of YS and should be leveraged to encourage new residential development that is within walking distance of the downtown. Ideally, housing that appeals to millennials should be supported and encouraged, though a multi-generational housing project could be supported.
- ***Support broad housing continuum*** – It will be important that housing goals, policies and incentives are established that both serve to support current residents and their housing needs (current and changing) and future residents, particularly those that are specifically targeted. Any approach needs to address the broad spectrum of housing so that housing choices remain available to current residents seeking to make changes (due to marriage, having children, divorce, increase/decrease in income, becoming empty nesters, retirees, physical/mobility needs, etc.) and to attract a diverse mix of non-residents to the community.

8/15/18

TO: Yellow Springs Village Council

FROM: Marianne MacQueen and Kevin Stokes

RE: Recommendations for the 2018-2019 VM Hiring Process

1. Use a modified process from 2014 which seemed to work well.
 - a. Get feedback from Judy Kintner, Brian Housh and Gerry Simms on what worked well and what we might want to change.
 - b. Update information, focus and concerns as needed.
2. Use a consulting firm to help as in 2014. Other things being equal use the same firm.
 - a. We need all the help we can get given all the other activities in which we are engaged.
 - b. The cost apparently was \$10,000 and well worth it. We might want to agree on that amount as a cap.
3. Include a rigorous affirmative aspect to the outreach and ensure that at least one selected candidate is a person of color. Ensure that the consultant has this as a data point in the outreach effort.
4. Choose two Council members and include Judy Kintner and Patti Bates in the process as well as a community members.
 - a. Kevin is interested in being on the committee.
 - b. Council should discuss the criteria and process for selecting community members.
5. Confirm the general process in September and begin in October.
 - a. Meet with Judy, Brian and Gerry to get feedback; discuss citizen involvement in September.
 - b. Ensure that the process has been approved, the consultant in place and the search committee has been selected and has met before Thanksgiving or mid-December.
6. Assume at least four to six weeks of overlap between Patti and the new VM so that the new VM would start sometime between mid-May and the beginning of June.
 - a. The two Council members leading the VM search process will discuss the transition time needed with Patti who has indicated she thinks a longer time would be better.
 - b. Patti will develop a written transition plan and work with the two Council members on the VM search committee to ensure a smooth transition.

TECHNOLOGY 101



TECHNOLOGY 101

The proliferation in local police departments' use of surveillance technology, which in most places has occurred without any community input or control, presents significant threats to civil rights and civil liberties that disproportionately impact communities of color and low-income communities. The nationwide "Community Control Over Police Surveillance" effort is looking to change that through legislation mandating that local communities are given a meaningful opportunity to review and participate in all decisions about if and how surveillance technologies are acquired and used locally.

Here is a list of costly and invasive surveillance technologies that might be recording you, your family, and your neighbors right now.

STINGRAYS

Also known as cell-site simulators or international mobile subscriber identity (IMSI) catchers, [the device](#) mimics a cell phone communications tower, causing your cell phone to communicate with it. This communications link gives the Stingray the ability to track your location and intercept data from your phone, including voice and typed communications. These devices can disrupt your regular phone service, including making 911 calls.

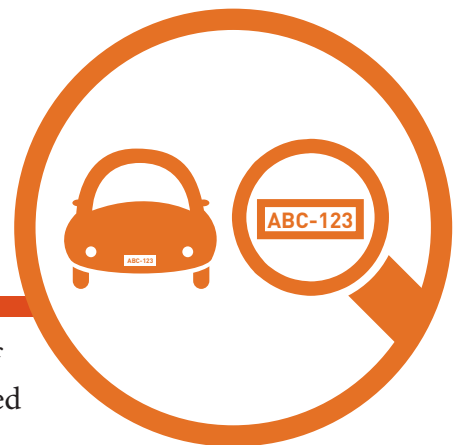


The Hailstorm, the latest version of the Stingray, sells for \$169,602 per unit. Operational costs are additional and significant.

Whenever a Stingray is used to locate a phone, it also collects information about hundreds or thousands of other phones and their users. The technology is often used without a warrant, and judges are often kept in the dark about its capabilities and limitations. It is very difficult to detect when Stingrays are being used and to ensure they are not being deployed in a discriminatory manner.

AUTOMATIC LICENSE PLATE READERS (ALPR)

Mobile or fixed-location cameras that are used to take photographs of license plates, digitize them, and then store, process, and search captured data in real time or over the course of months or even years.



The data collected by ALPRs is often retained by police departments for considerable periods of time. This allows the government to [track where people travel](#) in their cars, including what doctors they go to, what political or religious meetings they attend, and where they sleep at night. Some private companies provide ALPRs to the police free of charge in return for access to the data they collect and the ability to collect fees from private citizens later, such as a vehicle owner they identify as owing outstanding court fees.

ELECTRONIC TOLL READERS OR E-ZPASS PLATE READERS

Electronic toll readers, such as E-ZPass, use radio-frequency identification (RFID) to allow for the collection of tolls using a transponder placed inside a car. They also allow for monitoring of traffic patterns. Although the devices are sold as toll-payment devices, they are frequently used for [non-toll purposes](#) without the badge holder's knowledge or permission.

The data captured by electronic toll readers can be stored for an extended period of time and used to create a record of where people travel. The transponders can be read and cars identified in any location there is a RFID receiver, not just at toll booths, which enables the government to develop detailed tracking databases.



CLOSED-CIRCUIT TELEVISION CAMERAS

(CCTV; VIDEO SURVEILLANCE)

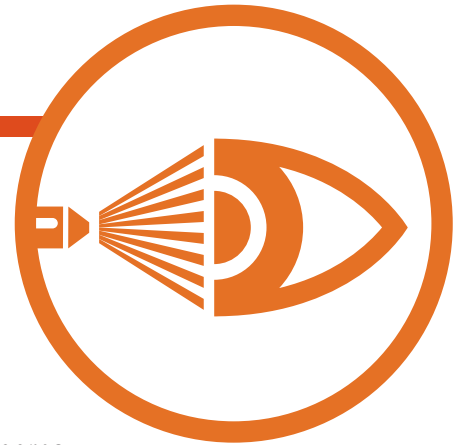
CCTV cameras are video cameras that transmit their signal to a limited number of external monitors or computers. They are frequently used by the police to monitor communities remotely. CCTV is also widely used by private entities for [security and monitoring purposes](#).

Despite proof that they are [ineffective in reducing crime](#), CCTV cameras remain over-deployed in areas that are deemed by police to be “high crime,” often code for communities of color and low-income communities. CCTV allows the police to monitor residents around the clock in public locations. In communities that are already over-policed, being under the constant, watchful eye of the police greatly increases the risk of having an adverse encounter with the police for every member of the public.



BIOMETRIC SURVEILLANCE TECHNOLOGY

Biometric technologies allow a person to be identified using a [physical trait](#). No longer limited to fingerprints and DNA, publicly known [traits such as a person's face or voice](#) can now be run against Department of Motor Vehicle, social network, and other databases to secretly identify and track almost every American. Biometric surveillance technology includes facial, voice, iris, and gait-recognition software and databases.



Used in combination with other surveillance technologies, like CCTV cameras, this tool can completely undermine the ability of person to travel in public or gather with friends anonymously. If video data is stored, this technology can reconstruct anyone's travel history. Technological limitations and biased engineering practices have made facial recognition technology far less accurate in identifying faces of persons of color. This produces more false positives and increases the likelihood that a person of color will unjustifiably draw the attention of law enforcement.

GUNSHOT DETECTION AND LOCATION HARDWARE AND SERVICES (SHOTSPOTTER)

Gunshot detectors, like ShotSpotter, are essentially microphones that are designed to detect the sound of a gunshot. By placing them throughout an area, the microphones are able to triangulate a gunshot and provide police with a limited geographic location from which a gunshot emanated.



While gunshot detectors have a useful law enforcement application, [concerns arise](#) from what the devices actually are: microphones that can be used to listen in on a community remotely. If limited solely to detecting and reporting on the locations of gunshots, the devices are not problematic. However, if these secretly operated microphones can be remotely activated and used to listen in on the communities in which they are placed, they can represent another form of [general mass surveillance](#). Only with strict limitations and auditing can we be sure this technology is not abused, and such oversight commonly does not exist.

X-RAY VANS

(Z BACKSCATTER VANS)

The [mobile technology](#) uses x-ray radiation to see what no human eye can, such as underneath clothing and car exteriors. An investigative report has shown that these machines [may expose](#) people “to ionizing radiation, which can mutate DNA and increase the risk of cancer.”



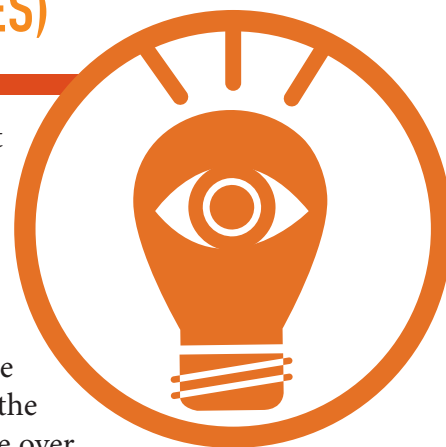
Government purchasers of these vans have not disclosed exactly how they are using them. If they are being used on public streets in non-emergencies and without a warrant, that would be a major constitutional violation and a possible threat to public health. Unless they have probable cause to search a specific vehicle, government agencies should not be roaming U.S. streets conducting backscatter X-ray scans of vehicles and their occupants or bystanders, like pedestrians and cyclists, without their knowledge or consent.

SURVEILLANCE ENABLED LIGHT BULBS

(SURVEILLANCE CAPABLE BULBS OR FIXTURES)

LED surveillance light bulbs, which are presented as energy efficient upgrades to existing incandescent light bulbs, can actually conceal tiny cameras and microphones that can stealthily monitor their surroundings and transmit their feeds back to a central monitoring station.

If these bulbs are installed on municipal streetlamps and put into widespread use, privacy would become as antiquated an idea as the old-fashioned light bulbs the LEDs are replacing. Mass adoption of the technology would throw surveillance nets of almost unprecedented scope over entire communities or cities.



Though marketed as an energy efficient light bulb with built-in monitoring technology, this technology is far more akin to a [mass surveillance](#) device being disguised as a light bulb. In truth, the product has a broad surveillance capabilities and far lesser comparative utility as a lighting device.

HACKING SOFTWARE AND HARDWARE

These tools allow law enforcement officials or other government actors to gain access to a person's personal computing equipment (including laptops and cell phones) and password-protected websites or accounts (like cloud storage or social media accounts). They can enable hacking to be performed in person and [remotely without the permission](#) of the account holder or service operator.



“Hacking” technology is surveillance because a government that hacks into a private computer or account intends to surveil the private contents of the hacked computer or account without the owner's permission or knowledge. Using hacking software or hardware is like picking a lock to break into someone's house — the act is an integral part of the unlawful entering.

Most hacking tools depend on vulnerabilities in commonly used computer software and services. When our government and police use hacking tools, which exploit these vulnerabilities rather than addressing them, they not only leave the systems open to their own intrusions but also to intrusions by hackers, criminals, and foreign governments.

SOCIAL MEDIA MONITORING SOFTWARE OR SMMS

(DIGITAL STAKEOUT; XI SOCIAL DISCOVERY; GEOFEEDIA; DATAMINR; DUNAMI; SOCIOSPYDER)

[This software](#) can be used to covertly monitor, collect, and analyze individuals' social media data from platforms like Twitter, Facebook, and Instagram. It can identify social media posts and users based on specific keywords; geographically track people as they communicate; chart people's relationships, networks, and associations; monitor protests; identify the leaders of political and social movements; and measure a person's influence.



The technology is also promoted as a predictor of future events, including threat assessment.

Instead of relying on criminal activity to prompt investigations, SMMS is used to cast nets so wide it encompasses the entire internet, sweeping in scores of innocent people. Moreover, the technology has been used to disproportionately target persons of color, including Black Lives Matter activists. As the public grows increasingly aware of the government's monitoring of social media, SMMS has the potential to drastically discourage free speech on the internet.

THROUGH-THE-WALL SENSORS/RADAR (TTWS)



This technology uses radar or similar technology to peer [through walls of a building](#). Currently, the technology is precise enough to ascertain how many people are in a particular room within a dwelling unit and, over time, the clarity of the image produced may be able to determine the identities of a building's occupants.

The Xaver 400, the latest version of the TTWS model sold by Camero-Tech, sells for \$47,500 per unit. Operational costs are additional and significant.

While this technology may have beneficial uses, no uses are appropriate without a warrant. As the technology advances, this tool may increasingly be deployed as an improper tool for looking into private homes without court oversight.

POLICE BODY CAMERAS



This [wearable video and audio recording technology](#) captures police interactions with the public from an angle approximating a police officer's point of view. Device functionality, operations, and reliability can vary significantly based on the manufacturer and operating software.

According to a February 2015 [news report](#), the most popular seller of

police body cameras and related services, Taser, offered the City of San Diego a five-year contract that included the purchase of 1,000 cameras for \$267,000 and another \$3,600,000 for data storage contracts, software licenses, maintenance, warranties, and related equipment. This figure does not include internal operations cost, which are significant.

While wearable cameras have the potential to promote officer/public safety and provide greater police transparency and accountability, they can also present a significant threat to privacy. The utility of these devices is largely determined by the policies that govern their operations. With the wrong policies in place, body cameras can be turned from a transparency and accountability tool into a police propaganda and mass surveillance tool.

PREDICTIVE POLICING SOFTWARE

Predictive policing software uses mathematical and analytical techniques to attempt to predict future criminal activity, offenders, and victims.

In 2014, predictive policing software manufacturer PredPol offered the Orange County Sheriff's Office a discounted rate of \$103,000 for an annual subscription to use their predictive policing software. This rate does not include other, significant personnel, data, and technology-related costs.



The predictive policing model is [deceptive and problematic](#). Inputting historically biased data into a computer and then running it through an algorithm produces biased results that will merely continue the trend of over-policing communities of color and low-income communities. This highly untested technology raises additional questions, such as how accurate the algorithms are that extract information from the data. These tools are often proprietary, with their algorithms, data inputs, and source code being shielded from public review and oversight.

For more information visit www.communityCTRL.com

FOR DISCUSSION AT THE JUNE 12, 2018 YSJTF MEETING:

The Yellow Springs Justice System Taskforce recommends that the Yellow Springs Village Council adopt the Ordinance, attached below, “To Promote Transparency and Protect Civil Rights and Civil Liberties with Respect to Surveillance Technology”.

Police departments around the country are rapidly adopting surveillance technologies that could have significant impact on civil rights and civil liberties. This ordinance neither approves nor disapproves any specific technology or use of technology but requires that before any such technology is sought, acquired, or used by the Village that the Village Council approve that action subject to conditions on use, after a public hearing. It also includes data collection and reporting requirements.

**An Ordinance to Promote Transparency and Protect Civil Rights and Civil Liberties
With Respect to Surveillance Technology**

WHEREAS, the Village Council finds it is essential to have an informed public debate as early as possible about decisions related to surveillance technology.

WHEREAS, the Village Council finds that no decisions relating to surveillance technology should occur without strong consideration being given to the impact such technologies may have on civil rights and civil liberties, including those rights guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution.

WHEREAS, the Village Council finds that decisions regarding if and how surveillance technologies should be funded, acquired, or used, and whether data from such technologies should be shared, should not be made until meaningful public input has been solicited and given significant weight.

WHEREAS, the Village Council finds that legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect civil rights and civil liberties before any surveillance technology is deployed; and

WHEREAS, the Village Council finds that, if a surveillance technology is approved, data reporting measures must be adopted that empower the Village Council and public to verify that mandated civil rights and civil liberties safeguards have been strictly adhered to.

THEREFORE BE IT RESOLVED, that the Village Council adopts the following:

Section 1. Village Council Approval Mandatory for Surveillance Technology Funding, Acquisition, or Use

(A) A Village entity must obtain Village Council approval, after a public Village Council hearing at which the public is afforded an opportunity to provide input prior to engaging in any of the following:

- (1) Seeking funds for new surveillance technology, including but not limited to applying for a grant, or soliciting or accepting state or federal funds or in-kind or other donations;
- (2) Acquiring or borrowing new surveillance technology, whether or not that acquisition is made through the exchange of monies or other consideration;
- (3) Using new or existing surveillance technology for a purpose or in a manner not previously approved by the Village Council in accordance with this Act, including the sharing of surveillance data therefrom; or
- (4) Soliciting proposals for or entering into an agreement with any other person or entity to acquire, share or otherwise use surveillance technology or surveillance data.

Section 2. Surveillance Impact Report and Surveillance Use Policy Submission

- (A) As a part of the process of seeking Village Council approval, pursuant to Section 1(A), to fund, acquire, or use surveillance technology or to enter into an agreement concerning such funding, acquisition, or use, a Village entity shall submit to the Village Council and make publicly available a Surveillance Use Policy concerning the technology at issue.
- (1) No use of surveillance technology by a Village entity pursuant to Section 1(A) shall be permitted without the Village Council's express approval of the related Surveillance Use Policy submitted by the Village entity pursuant to Section 2(A).
 - (2) Prior to approving or rejecting a Surveillance Use Policy submitted pursuant to Section 2(A), the Village Council may request revisions be made by the submitting Village entity.
- (B) Surveillance Use Policy: A Surveillance Use Policy submitted pursuant to Section 2(A) shall be a publicly-released, legally enforceable written policy governing the Village entity's use of the surveillance technology that, at a minimum, includes and addresses the following:
- (1) Purpose: Describes the surveillance technology, the fiscal impact of the technology, and the specific purpose(s) the surveillance technology is intended to advance.
 - (2) Authorized Use: Details what specific capabilities and uses of the surveillance technology authorization is being sought;
 - (3) Adverse Impact Safeguards: Details any adverse impacts the use of the technology may have on civil rights and liberties, and
 - (a) What safeguards to prevent such impacts that will be implemented; and
 - (b) What potential uses of the surveillance technology will be expressly prohibited, such as the warrantless surveillance of public events and gatherings;
 - (4) Data Collection and Review:
 - (a) What types of surveillance data will be collected, captured, recorded, intercepted, or retained by the surveillance technology;
 - (b) How and under what circumstances the data collected, captured, recorded, or intercepted by the surveillance technology will be analyzed and reviewed; and

- (c) How inadvertently collected surveillance data will be expeditiously identified and deleted.
- (5) Data Retention: Insofar as the privacy of the public can be severely compromised by the long-term storage of mass surveillance data, what rules and procedures will govern the retention of surveillance data, including those governing:
- (a) For what limited time period, if any, surveillance data will be retained;
 - (b) What specific conditions must be met to retain surveillance data beyond the retention period stated in Section 2(C)(5)(a);
 - (c) By what process surveillance data will be regularly deleted after the retention period stated in Section 2(C)(5)(a) elapses;
- (6) Surveillance Data Sharing: If a Village entity is seeking authorization to share access to surveillance technology or surveillance data with any other governmental agencies, departments, bureaus, divisions, or units, it shall detail:
- (a) With which governmental agencies, departments, bureaus, divisions, or units it is seeking approval to (i) share surveillance technology, and (ii) share surveillance data;
 - (b) How such sharing is necessary for the stated purpose and use of the surveillance technology;
- (7) Auditing and Oversight: What mechanisms will be implemented to ensure the Surveillance Use Policy is followed.
- (8) Complaints: What procedures will be put in place by which members of the public can register complaints or concerns, or submit questions about the deployment or use of a specific surveillance technology, and how the Village entity will ensure each question and complaint is responded to in a timely manner.

Section 3. Review of Preexisting Uses Mandatory

No later than one hundred twenty (120) days following the effective date of this Act, any Village entity seeking to continue the use of any surveillance technology that was in use prior to the effective date of this Act, or the sharing of surveillance data therefrom, must commence a Village Council approval process in accordance with Section 1(A)(3). If the Village Council has not approved the continuing use of the surveillance technology, including the Surveillance Use Policy submitted pursuant to Section 2(A), within one hundred eighty (180) days of their submission to the Village Council, the Village entity shall cease its use of the surveillance technology and the sharing of surveillance data therefrom until such time as Village Council approval is obtained in accordance with this Act.

Section 5. Standard for Approval

The Village Council shall only approve a request to fund, acquire, or use a surveillance technology if it determines the benefits of the surveillance technology outweigh its costs, that the proposal will safeguard civil liberties and civil rights, and that the uses and deployments of the surveillance technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact

on any community or group. To assist the public in participating in such an analysis, all approved Surveillance Use Policies shall be made available to the public, at a designated page on the relevant Village entity's public website, for as long as the related surveillance technology remains in use. An approval for the funding, acquisition and/or use of a surveillance technology by the Village Council, where a risk of potential adverse impacts on civil rights or civil liberties has been identified in the Surveillance Impact Report pursuant to 2(B)(3) shall not be interpreted as an acquiescence to such impacts, but rather as an acknowledgement that a risk of such impacts exists and must be proactively avoided.

Section 6. Annual Surveillance Report

(A) A Village entity that obtains approval for the use of a surveillance technology must submit to the Village Council, and make available on its public website, an Annual Surveillance Report for each specific surveillance technology used by the Village entity within twelve (12) months of Village Council approval, and annually thereafter on or before March 15. The Annual Surveillance Report shall, at a minimum, include the following information for the previous calendar year:

- (1) A summary of how the surveillance technology was used;
- (2) Whether and how often collected surveillance data was shared with any external persons or entities, the name(s) of any recipient person or entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);
- (3) A summary of complaints or concerns that were received about the surveillance technology;
- (4) The results of any internal audits, any information about violations of the Surveillance Use Policy, and any actions taken in response;
- (5) An analysis of any discriminatory, disparate, and other adverse impacts the use of the technology may have had on the public's civil rights and civil liberties, including but not limited to those guaranteed by the First, Fourth, and Fourteenth Amendment to the United States Constitution; and
- (6) Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.

(B) Within 60 days of submitting and publicly releasing an Annual Surveillance Report pursuant to Section 6(A), the Village agency shall hold a well-publicized and conveniently located community engagement meetings at which the general public is invited to discuss and ask questions regarding the Annual Surveillance Report and the Village agency's use of surveillance technologies.

(C) Based upon information provided in the Annual Surveillance Report, the Village Council shall determine whether each surveillance technology identified in response to Section 6(A), has met the standard for approval set forth in Section 4. If it has not, the Village Council shall direct the use of the surveillance technology be discontinued or shall require modifications to the Surveillance Use Policy that will resolve the observed failures.

Section 7. Annual Public Reporting

Not later than April 15 of each year, the Village Council or its appointed designee shall release an annual public report, in print and on its public website, containing the following information for the proceeding calendar year:

- (A) The number of requests for approval submitted to the Village Council under this Act for the funding, acquisition, or new use of surveillance technology;
- (B) The number of times the Village Council approved requests submitted under this Act for the funding, acquisition, or new use of surveillance technology;
- (C) The number of times the Village Council rejected requests submitted under this Act for the funding, acquisition, or new use of surveillance technology;
- (D) The number of times the Village Council requested modifications be made to Surveillance Impact Reports and Surveillance Use Policies before approving the funding, acquisition, or new use of surveillance technology; and
- (E) All Annual Surveillance Reports submitted pursuant to Section 6. Printed copies of the public report may contain pinpoint references to online locations where the Annual Surveillance Reports are located, in lieu of reprinting the full reports.

Section 9. Penalties.

- (A) Any violation of this Act, including but not limited to funding, acquiring, or utilizing surveillance technology that has not been approved pursuant to this Act or utilizing surveillance technology in a manner or for a purpose that has not been approved pursuant to this Act, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, writ of mandate, or evidence suppression in any court of competent jurisdiction to enforce this Act.
- (B) Municipal employees or agents, except in response to a declared municipal, state, or federal state of emergency, shall not use any surveillance technology except in a manner consistent with policies approved pursuant to the terms of this Act, and may in no circumstances utilize surveillance technology in a manner which is discriminatory, viewpoint-based, or violates the laws or constitutions of the State of Ohio or the United States of America.
- (C) Any person who knowingly violates this Act may be punished by a fine not exceeding \$1,000 per violation.

Section 10. Conflicting Contractual Agreements Prohibited

It shall be unlawful for the Village or any Village entity to enter into any contract or other agreement that conflicts with the provisions of this Act, and any conflicting provisions in such contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable. Conflicting provisions in contracts or agreements signed prior to the enactment of this Act shall be deemed void and legally unenforceable to the extent permitted by law.

Section 11. Certain Public-Private Contracts Prohibited

It shall be unlawful for the Village or any Village entity to enter into any contract or other agreement that facilitates the receipt of surveillance data from, or provision of surveillance data to any non-

governmental entity in exchange for any monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts. Any contracts or agreements signed prior to the enactment of this Act that violate this section shall be terminated as soon as is legally permissible.

Section 12. Definitions

For the purposes of this Act:

- (A) “Discriminatory” shall mean (1) disparate treatment of any individual(s) because of any real or perceived traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of Ohio or the Village Charter or any law of the Village of Yellow Springs or because of their association with such individual(s), or (2) disparate impact on any such individual(s) having traits, characteristics, or status as described in subsection (1).
- (B) “Disparate impact” shall mean an adverse effect that is disproportionately experienced by individual(s) having any traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of Ohio or the Village Charter or any law of the Village of Yellow Springs than by similarly situated individual(s) not having such traits, characteristics, or status.
- (C) “Surveillance data” shall mean any electronic data collected, captured, recorded, retained, processed, intercepted, analyzed, or shared by surveillance technology.
- (D) “Surveillance technology” shall mean any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.
 - (1) “Surveillance technology” includes, but is not limited to: (a) international mobile subscriber identity (IMSI) catchers and other cell site simulators; (b) automatic license plate readers; (c) electronic toll readers; (d) closed-circuit television cameras; (e) biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases; (f) mobile DNA capture technology; (g) gunshot detection and location hardware and services; (h) x-ray vans; (i) video and audio monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; (j) surveillance enabled or capable lightbulbs or light fixtures; (k) tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network; (l) social media monitoring software; (m) through-the-wall radar or similar imaging technology, (n) passive scanners of radio networks, (o) long-range Bluetooth and other wireless-scanning devices, (p) radio-frequency I.D. (RFID) scanners, and (q) software designed to integrate or analyze data from Surveillance Technology, including surveillance target tracking and predictive policing software. The enumeration of

surveillance technology examples in this subsection shall not be interpreted as an endorsement or approval of their use by any Village entity.

- (2) “Surveillance technology” does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined in Section 12(E): (a) routine office hardware, such as televisions, computers, and printers, that is in widespread public use and will not be used for any surveillance or surveillance-related functions; (b) Parking Ticket Devices (PTDs); (c) manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (d) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (e) Village agency databases that do not and will not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology; and (f) manually-operated technological devices that are used primarily for internal Village entity communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems.

(E) “Viewpoint-based” shall mean targeted at any community or group or its members because of their exercise of rights protected under the First Amendment of the United States Constitution.

(F) Village entity” shall mean any government, agency, department, bureau, division, or unit of the Village of Yellow Springs.

Section 13. Severability

The provisions in this Act are severable. If any part or provision of this Act, or the application of this Act to any person or circumstance, is held invalid, the remainder of this Act, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

Section 14. Effective Date

This Act shall take effect on [DATE].

**Proposed Ordinance to Promote Transparency and Protect Civil Rights and Civil
Liberties
With Respect to Surveillance Technology**

**THIS PROPOSED ORDINANCE WAS ORIGINALLY ADOPTED AT THE JUNE 12, 2018
YELLOW SPRINGS JUSTICE TASKFORCE MEETING. AFTER PUBLIC COMMENT IT
WAS AMENDED TO INCLUDE THE SUGGESTIONS RECEIVED FROM THE VILLAGE
MANAGER AND SOLICITOR AND WAS ADOPTED AGAIN UNANIMOUSLY AT THE
YSJFS MEETING, JULY 10, 2018.**

**The Yellow Springs Justice System Taskforce recommends that the Yellow Springs Village
Council adopt the Ordinance, attached below, “To Promote Transparency and Protect Civil
Rights and Civil Liberties with Respect to Surveillance Technology.”**

**Police departments around the country are rapidly adopting surveillance technologies that
could have significant impact on civil rights and civil liberties. This ordinance neither approves
nor disapproves any specific technology or use of technology but requires that before any such
technology is sought, acquired, or used by the Village that the Village Council approve that action
subject to conditions on use, after a public hearing. It also includes data collection and reporting
requirements.**

**An Ordinance to Promote Transparency and Protect Civil Rights and Civil Liberties
With Respect to Surveillance Technology**

WHEREAS, the Village Council finds it is essential to have an informed public debate as early as possible about decisions related to surveillance technology.

WHEREAS, the Village Council finds that no decisions relating to surveillance technology should occur without strong consideration being given to the impact such technologies may have on civil rights and civil liberties, including those rights guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution.

WHEREAS, the Village Council finds that decisions regarding if and how surveillance technologies should be funded, acquired, or used, and whether data from such technologies should be shared, should not be made until meaningful public input has been solicited and given significant weight.

WHEREAS, the Village Council finds that legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect civil rights and civil liberties before any surveillance technology is deployed; and

WHEREAS, the Village Council finds that, if a surveillance technology is approved, data reporting measures must be adopted that empower the Village Council and public to verify that mandated civil rights and civil liberties safeguards have been strictly adhered to.

THEREFORE, BE IT RESOLVED, that the Village Council adopts the following pursuant to the home rule power of the Village:

Section 1. Village Council Approval Mandatory for Surveillance Technology Funding, Acquisition, or Use

- (A) A Village entity must obtain Village Council approval, after a public Village Council hearing at which the public is afforded an opportunity to provide input prior to engaging in any of the following:
- (1) Seeking funds for new surveillance technology, including but not limited to applying for a grant, or soliciting or accepting state or federal funds or in-kind or other donations;
 - (2) Acquiring or borrowing new surveillance technology, whether or not that acquisition is made through the exchange of monies or other consideration;
 - (3) Using new or existing surveillance technology for a purpose or in a manner not previously approved by the Village Council in accordance with this Act, including the sharing of surveillance data therefrom; or
 - (4) Soliciting proposals for or entering into an agreement with any other person or entity to acquire, share or otherwise use surveillance technology or surveillance data.

Section 2. Surveillance Impact Report and Surveillance Use Policy Submission

- (A) As a part of the process of seeking Village Council approval, pursuant to Section 1(A), to fund, acquire, or use surveillance technology or to enter into an agreement concerning such funding, acquisition, or use, a Village entity shall submit to the Village Council and make publicly available a Surveillance Use Policy concerning the technology at issue.
- (1) No use of surveillance technology by a Village entity pursuant to Section 1(A) shall be permitted without the Village Council's express approval of the related Surveillance Use Policy submitted by the Village entity pursuant to Section 2(A).
 - (2) Prior to approving or rejecting a Surveillance Use Policy submitted pursuant to Section 2(A), the Village Council may request revisions be made by the submitting Village entity.
- (B) Surveillance Use Policy: A Surveillance Use Policy submitted pursuant to Section 2(A) shall be a publicly-released, legally enforceable written policy governing the Village entity's use of the surveillance technology that, at a minimum, includes and addresses the following:
- (1) Purpose: Describes the surveillance technology, the fiscal impact of the technology, and the specific purpose(s) the surveillance technology is intended to advance.
 - (2) Authorized Use: Details what specific capabilities and uses of the surveillance technology authorization is being sought;

- (3) Adverse Impact Safeguards: Details any adverse impacts the use of the technology may have on civil rights and liberties, and
 - (a) What safeguards to prevent such impacts that will be implemented; and
 - (b) What potential uses of the surveillance technology will be expressly prohibited, such as the warrantless surveillance of public events and gatherings;
- (4) Data Collection and Review:
 - (a) What types of surveillance data will be collected, captured, recorded, intercepted, or retained by the surveillance technology;
 - (b) How and under what circumstances the data collected, captured, recorded, or intercepted by the surveillance technology will be analyzed and reviewed; and
 - (c) How inadvertently collected surveillance data will be expeditiously identified and deleted.
- (5) Data Retention: Insofar as the privacy of the public can be severely compromised by the long-term storage of mass surveillance data, what rules and procedures will govern the retention of surveillance data, including those governing:
 - (a) For what limited time period, if any, surveillance data will be retained;
 - (b) What specific conditions must be met to retain surveillance data beyond the retention period stated in Section 2(C)(5)(a);
 - (c) By what process surveillance data will be regularly deleted after the retention period stated in Section 2(C)(5)(a) elapses;
- (6) Surveillance Data Sharing: If a Village entity is seeking authorization to share access to surveillance technology or surveillance data with any other governmental agencies, departments, bureaus, divisions, or units, it shall detail:
 - (a) With which governmental agencies, departments, bureaus, divisions, or units it is seeking approval to (i) share surveillance technology, and (ii) share surveillance data;
 - (b) How such sharing is necessary for the stated purpose and use of the surveillance technology;
- (7) Auditing and Oversight: What mechanisms will be implemented to ensure the Surveillance Use Policy is followed.
- (8) Complaints: What procedures will be put in place by which members of the public can register complaints or concerns, or submit questions about the deployment or use of a specific surveillance technology, and how the Village entity will ensure each question and complaint is responded to in a timely manner.

Section 3. Review of Preexisting Uses Mandatory

No later than one hundred twenty (120) days following the effective date of this Act, any Village entity seeking to continue the use of any surveillance technology that was in use prior to the effective date of this Act, or the sharing of surveillance data therefrom, must commence a Village Council approval process in accordance with Section 1(A)(3). If the Village Council has not approved the continuing use of the surveillance technology, including the Surveillance Use Policy submitted pursuant to Section 2(A), within one hundred eighty (180) days of their submission to the Village Council, the Village entity shall cease its use of the surveillance technology and the sharing of surveillance data therefrom until such time as Village Council approval is obtained in accordance with this Act.

Section 5. Standard for Approval

The Village Council shall only approve a request to fund, acquire, or use a surveillance technology if it determines the benefits of the surveillance technology outweigh its costs, that the proposal will safeguard civil liberties and civil rights, and that the uses and deployments of the surveillance technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or group. To assist the public in participating in such an analysis, all approved Surveillance Use Policies shall be made available to the public, at a designated page on the relevant Village entity's public website, for as long as the related surveillance technology remains in use. An approval for the funding, acquisition and/or use of a surveillance technology by the Village Council, where a risk of potential adverse impacts on civil rights or civil liberties has been identified in the Surveillance Impact Report pursuant to 2(B)(3) shall not be interpreted as an acquiescence to such impacts, but rather as an acknowledgement that a risk of such impacts exists and must be proactively avoided.

Section 6. Annual Surveillance Report

(A) A Village entity that obtains approval for the use of a surveillance technology must submit to the Village Council, and make available on its public website, an Annual Surveillance Report for each specific surveillance technology used by the Village entity within twelve (12) months of Village Council approval, and annually thereafter on or before March 15. The Annual Surveillance Report shall, at a minimum, include the following information for the previous calendar year:

- (1) A summary of how the surveillance technology was used;
- (2) Whether and how often collected surveillance data was shared with any external persons or entities, the name(s) of any recipient person or entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s);
- (3) A summary of complaints or concerns that were received about the surveillance technology;
- (4) The results of any internal audits, any information about violations of the Surveillance Use Policy, and any actions taken in response;
- (5) An analysis of any discriminatory, disparate, and other adverse impacts the use of the technology may have had on the public's civil rights and civil liberties, including but not limited to those guaranteed by the First, Fourth, and Fourteenth Amendment to the United States Constitution; and

- (6) Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year.
- (B) Within 60 days of submitting and publicly releasing an Annual Surveillance Report pursuant to Section 6(A), the Village Council shall hold two public input sessions on the report as part of two regular Council meetings. The public input sessions shall be well-publicized and the general public will be invited to discuss and ask questions regarding the Annual Surveillance Report and the Village agency's use of surveillance technologies. The public will also be encouraged to submit written comments or questions which will be addressed at the public input sessions.
- (C) Based upon information provided in the Annual Surveillance Report, the Village Council shall determine whether each surveillance technology identified in response to Section 6(A), has met the standard for approval set forth in Section 4. If it has not, the Village Council shall direct the use of the surveillance technology be discontinued or shall require modifications to the Surveillance Use Policy that will resolve the observed failures.

Section 7. Annual Public Reporting

Not later than May 15 of each year, the Village Council or its appointed designee shall release an annual public report, in print and on its public website, containing the following information for the proceeding calendar year:

- (A) The number of requests for approval submitted to the Village Council under this Ordinance for the funding, acquisition, or new use of surveillance technology;
- (B) The number of times the Village Council approved requests submitted under this Ordinance for the funding, acquisition, or new use of surveillance technology;
- (C) The number of times the Village Council rejected requests submitted under this Ordinance for the funding, acquisition, or new use of surveillance technology;
- (D) The number of times the Village Council requested modifications be made to Surveillance Impact Reports and Surveillance Use Policies before approving the funding, acquisition, or new use of surveillance technology; and
- (E) All Annual Surveillance Reports submitted pursuant to Section 6. Printed copies of the public report may contain pinpoint references to online locations where the Annual Surveillance Reports are located, in lieu of reprinting the full reports.

Section 9. Penalties.

- (A) Any violation of this Ordinance, including but not limited to funding, acquiring, or utilizing surveillance technology that has not been approved pursuant to this Ordinance or utilizing surveillance technology in a manner or for a purpose that has not been approved pursuant to this Ordinance, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, writ of mandate, or evidence suppression in any court of competent jurisdiction to enforce this Ordinance.

(B) Municipal employees or agents, except in response to a declared municipal, state, or federal state of emergency which satisfies the requirements of Section 12 of this Ordinance, shall not use any surveillance technology except in a manner consistent with policies approved pursuant to the terms of this Ordinance and may in no circumstances utilize surveillance technology in a manner which is discriminatory, viewpoint-based, or violates the laws or constitutions of the State of Ohio or the United States of America.

(C) Any person who knowingly violates this Ordinance may be punished by a fine not exceeding \$1,000 per violation.

Section 10. Conflicting Contractual Agreements Prohibited

It shall be unlawful for the Village or any Village entity to enter into any contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting provisions in such contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable. Conflicting provisions in contracts or agreements signed prior to the enactment of this Ordinance shall be deemed void and legally unenforceable to the extent permitted by law.

Section 11. Certain Public-Private Contracts Prohibited

It shall be unlawful for the Village or any Village entity to enter into any contract or other agreement that facilitates the receipt of surveillance data from, or provision of surveillance data to any non-governmental entity in exchange for any monetary or any other form of consideration from any source, including the assessment of any additional fees, interest, or surcharges on unpaid fines or debts. Any contracts or agreements signed prior to the enactment of this Ordinance that violate this section shall be terminated as soon as is legally permissible.

Section 12. Emergencies.

Where, (A) a state of emergency has been declared by the authorized local official, Governor, or President (B) such an emergency presents an imminent risk to life, and (C) the chief of police determines that the use of unapproved surveillance technology is necessary to the protection of life, the unapproved technology may be used without Council approval for a period of not more than 96 hours following the declaration of such an emergency, provided that doing so is consistent with all other governing laws and regulations.

Section 13. Definitions

For the purposes of this Ordinance:

(A) “Discriminatory” shall mean (1) disparate treatment of any individual(s) because of any real or perceived traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of Ohio or the Village Charter or any law of the Village of Yellow Springs or because of their association with such individual(s), or (2) disparate impact on any such individual(s) having traits, characteristics, or status as described in subsection (1).

- (B) “Disparate impact” shall mean an adverse effect that is disproportionately experienced by individual(s) having any traits, characteristics, or status as to which discrimination is prohibited under the Constitution or any law of the United States, the constitution or any law of the State of Ohio or the Village Charter or any law of the Village of Yellow Springs than by similarly situated individual(s) not having such traits, characteristics, or status.
- (C) “Surveillance data” shall mean any electronic data collected, captured, recorded, retained, processed, intercepted, analyzed, or shared by surveillance technology.
- (D) “Surveillance technology” shall mean any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, or similar information or communications specifically associated with, or capable of being associated with, any specific individual or group; or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.
- (1) “Surveillance technology” includes, but is not limited to: (a) international mobile subscriber identity (IMSI) catchers and other cell site simulators; (b) automatic license plate readers; (c) electronic toll readers; (d) closed-circuit television cameras; (e) biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases; (f) mobile DNA capture technology; (g) gunshot detection and location hardware and services; (h) x-ray vans; (i) video and audio monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; (j) surveillance enabled or capable lightbulbs or light fixtures; (k) tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network; (l) social media monitoring software; (m) through-the-wall radar or similar imaging technology, (n) passive scanners of radio networks, (o) long-range Bluetooth and other wireless-scanning devices, (p) radio-frequency I.D. (RFID) scanners, and (q) software designed to integrate or analyze data from Surveillance Technology, including surveillance target tracking and predictive policing software. The enumeration of surveillance technology examples in this subsection shall not be interpreted as an endorsement or approval of their use by any Village entity.
- (2) “Surveillance technology” does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined in Section 12(E): (a) routine office hardware, such as televisions, computers, and printers, that is in widespread public use and will not be used for any surveillance or surveillance-related functions; (b) Parking Ticket Devices (PTDs); (c) manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (d) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (e) Village agency databases that do not and will not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by

surveillance technology; and (f) manually-operated technological devices that are used primarily for internal Village entity communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems.

(E) “Viewpoint-based” shall mean targeted at any community or group or its members because of their exercise of rights protected under the First Amendment of the United States Constitution.

(F) Village entity” shall mean any government, agency, department, bureau, division, or unit of the Village of Yellow Springs.

Section 14. Severability

The provisions in this Act are severable. If any part or provision of this Act, or the application of this Act to any person or circumstance, is held invalid, the remainder of this Act, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

Section 15. Effective Date

This Act shall take effect on [DATE].



Manager's Report, August 20, 2018

Implicit Bias Training

All Council and staff members have completed two sessions of Implicit Bias Training with instructor Tiffany Taylor-Smith. This is the beginning of Village efforts to increase cultural awareness and inclusiveness throughout Village government.

Rumpke Contract

The Rumpke contract expires August 31 of this year. In tonight's packets are both a resolution authorizing me to sign the contract, as well as an ordinance putting the new rates into effect September 1, 2018. This is a two-year extension of the contract and sets the rates for the duration of the contract, at which time a Request for Proposals will be required to bid the process competitively. Due to the late date at which we received Rumpke addendum, I ask that Council read this ordinance as an emergency to put the rates into place September 1, 2018.

Sidewalks

Staff would like to bring before Council on Sept. 4th a resolution to contract with Precision Concrete Cutting to perform their grinding procedure on a portion of the sidewalks in town. We would like to let a smaller contract first to ensure that we are getting the expected results, before letting a larger contract.

Ribbon-cutting at the Water Plant

We need to consider dates for the ribbon-cutting ceremony at the Water Plant. We suggest the 18th of September, but can make the 19th or 20th work, as well.

Vacation

As council knows, with vacations and conferences approaching, my schedule will be somewhat erratic for the next six weeks. If I am not here, Public Works Director Johnnie Burns will be overseeing Village operations. Please contact him with any concerns.

PUBLIC WORKS UPDATE

The Bryan Center parking lot will be closed for 2-3 days in September for repaving and striping. Please park in the public lot at 102 Dayton Street during this time. We will announce the specific dates as soon as we have them.

Tree trimming on the south end of the Village has begun. Contractor Gray's Tree Service will be notifying residents via door knockers if they need to access your property.

Hi-Tech Electric should be finishing next week on the first round of contracted pole replacement.

Crews have begun marking the valves for exercise in preparation of starting unidirectional flushing. Valve exercising should start the week of the August 27th and residents may experience discolored water during this time.

Miller Pipeline is still working for Vectren Energy on a gas line replacement project in the Village, starting this week. Areas involved include: N. Stafford between Pleasant and Dayton; N. High between Pleasant and Dayton; N. Winter between Pleasant and Dayton; Lincoln Court, Union Street; Pleasant Street from Stafford to High.

Paving on East Limestone, Railroad Street and Corry from Dayton Street to the Glen Helen entrance will be in mid-September. We will announce specific dates when we have them.

Gaunt Park Pool will be closing after Labor Day. There are two fundraising events: an adult swim on Sept. 2nd until 9:30 PM and a doggie swim on Sept. 3rd until 9:30 PM. Pool passes will not be accepted for these two events.

PLANNING AND ZONING

The Planning Commission has begun work on the update to the Comprehensive Land Use Plan and also continues to hear a large number of conditional use permits. Applications for numerous types (conditional use, accessory dwellings, fences, working in right-of-way, etc.) continue to flow in.

Zoning continues to work on the high grass complaints, which seem to be quite numerous this year. We have also had complaints of property owners not maintaining alley rights-of-way.

A reminder to everyone who owns/maintains property along an alleyway or a sidewalk: it is your responsibility to ensure that those areas are passable for pedestrians, cyclists and vehicles. Please take a look around your property and make sure this is happening. Thank you, in advance, for doing this!

The Village is hanging door hangers printed which note several possible zoning violations. If you find one of these hanging on your door, please contact the Zoning Office at 767-1702.

FINANCE

Lodging Tax: 29 transient lodging permits were issued in the beginning of this year. Lodging Tax collected from the period of January 1, 2018 through June 30, 2018 were due to be reported and paid to the Village by July 31, 2018.

17 of the permit holders have filed and paid their 3% tax. The remaining 12 permit holders will be receiving a reminder notice in the mail. I will follow up at the end of the month to see if any remaining permit holders may need a second reminder that may include a late filing penalty. Collections so far total \$21,163.00.

Utility Billing Updates: The Utility Department Team are always looking for ways to continue to provide the best Customer Service and look at options to save the Village money. Starting this month the utility bills will have the remit to address changed from the US Bank Lock Box in Cincinnati to our address here. The Utility Ladies, NathaLee and Kasee will be opening and receipting the estimated 500 payments in house. In addition to reducing the bank fees, both ladies have commented to me that they also feel this change can benefit the resident by receiving and posting their payments in a timelier fashion. Thank you ladies for taking on the extra work to better provide that great customer service to our residents.

POLICE DEPARTMENT

The Police Department continues to work on pending cases and to develop further Community Outreach programs.

I am happy to answer any questions. Thank you! Patti Bates

Planning & Zoning Monthly Report

	Jan-2018	Feb-2018	Mar-2018	Apr-2018	May-2018	Jun-2018	Jul-2018	Aug-2018	Sep-2018	Oct-2018	Nov-2018	Dec-2018	Sub Totals		
Single-Family Dwelling	0	2	1	0	0	0	1						4		
Two-Family Dwelling	0	0	1	0	0	0	0						1		
Single-Family Attached	0	0	1	0	0	0	0						1		March-4 unit
Multi-Family/Commercial	0	0	0	0	0	0	0						0		
Accessory Dwelling Unit	0	0	1	0	1	1	0						3		March-Holyoke Acc Struc w/ADU Apr-Pleasant St Acc Struc w/ADU
Accessory Structure	0	1	1	0	4	2	3						11		March-Cannon Acc Struc-solar June-Pool June-Pool House
Addition	0	1	0	1	1		0						3		
Fence	0	1	2	1	7	2	4						17		
Sign	0	2	1	1	2	0	0						6		Feb -2 signs w/1 permit #
Minor Subdivision	0	0	0	0	0	0	0						0		
Replat	0	1	1	0	3	1	1						7		
Conditional Use Hearing*	0	2	1	1	2	0	1						*7		
Variance Hearing*	0	0	0	0	0	0	0						*0		
Change of Use	2	1	1	0	0	0	1						5		
PND/PUD/Subdivision	0	0	0	0	0	0	0						0		
Transient Guest Lodging	14	8	1	0	2	2	2						29		
Working in the ROW	1	0	0	5	3	3	1						13		
Map/Text Amendment*	0	3	0	9	0	0	1						*13		
Zoning Compliance*	1	0	0	0	0	0	0						*1		
Meetings*	21	24	16	19	22	18	15						*135		
Violations*	0	23	1	0	0	17	11						*52		22 letters sent in Feb. re: snow removal on Corry by Hyde Rd and Birch St
GC Recorder Filings*	0	0	0	0	0	0	0						*0		feb. Vege in ROW
Other*			1	1	0	2	0						*4		March-solar IC agreement April-WSU Intern Table 2-5pm
Total Permits	17	17	11	8	23	11	13						100		Gentrification & Groundwater Workshops
Total Meetings-to-date		120													
Total Permits-to-date		87													
Total Violations-to-date		41													

* Means a Non-Permit Category

Yellow Springs Police Department Activity Report

	Jan-2018	Feb-2018	Mar-2018	Apr-2018	May-2018	Jun-2018	Jul-2018	Aug-2018	Sep-2018	Oct-2018	Nov-2018	Dec-2018
Total Calls	587	564	548	561	579	604	776					
Village Policing Calls	15	21	33	21	22	24	14					
Stolen Property Value	\$400.00	\$817.00	\$15.00	\$2,300.07	\$100.00	\$1,100.00	\$1,365.00					
Recovered Property Value	\$0.00	\$0.00	\$15.00	\$655.00	\$0.00	\$0.00	\$565.00					
Domestic Violence	0	0	0	1	0	2	1					
Domestic Disputes	1	0	1	1	1	1	1					
Property Damage Crashes	2	1	0	1	3	3	2					
Injury Crashes	1	0	0	0	0	0	1					
Hit/Skip Crashes	2	0	0	0	2	3	2					
Drug Overdoses	1	0	0	1	0	0	1					
Narcan Uses	2	0	0	0	0	0	12					
Total Offenses Reported	125	135	109	146	158	163	219					
Total Citations Issued	63	64	64	95	67	159	191					

Total Calls Year-to-Date	4219
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2018 Mayor's Court & Traffic Violations Bureau

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
Total Charges from PD	36	26	29	49	34	98	67						339
Charges sent to MC	20	20	15	18	18	76	43						210
Percentage of charges sent to MC	56%	77%	52%	37%	53%	78%	64%						62%
Total Incidents	24	21	23	27	26	42	50						213
Total Incidents to MC	19	17	14	14	16	30	34						144
Percentage of Incidents to MC	79%	81%	61%	52%	62%	71%	68%						68%
Total Charges in MC	20	20	15	18	18	76	43						210
Traffic	8	12	5	7	5	27	28						92
Criminal	1	3	2	1	3	2	3						15
Parking	11	5	8	10	10	47	12						103
Payments/Revenue													
Traffic/Criminal	\$ 395.00	\$ 1,738.00	\$ 1,215.00	\$ 1,878.00	\$ 728.00	\$ 1,622.00	\$ 2,495.00						\$ 10,071.00
Parking Tickets	\$ 335.00	\$ 40.00	\$ 95.00	\$ 265.00	\$ 235.00	\$ 660.00	\$ 200.00						\$ 1,830.00
Weddings	\$ 100.00	\$ -	\$ 50.00	\$ 100.00	\$ 100.00	\$ 50.00	\$ 50.00						\$ 450.00
TOTAL	\$ 830.00	\$ 1,778.00	\$ 1,360.00	\$ 2,243.00	\$ 1,063.00	\$ 2,332.00	\$ 2,745.00						\$ 12,351.00
Expenses pd to State/Co													
Victims of Crime	\$ 18.00	\$ 99.00	\$ 63.00	\$ 81.00	\$ 45.00	\$ 90.00	\$ 104.00						\$ 500.00
Drug Law Enforcement	\$ 7.00	\$ 31.50	\$ 24.50	\$ 24.50	\$ 14.00	\$ 38.50	\$ 35.00						\$ 175.00
Indigent Defense Support Fund	\$ 50.00	\$ 255.00	\$ 195.00	\$ 225.00	\$ 124.50	\$ 280.50	\$ 390.00						\$ 1,520.00
Indigent Drivers Alcohol Treatment	\$ 3.00	\$ 14.50	\$ 10.50	\$ 10.50	\$ 7.50	\$ 15.00	\$ 15.00						\$ 76.00
Expungement - Local	\$ -	\$ -	\$ -	\$ -	\$ 20.00	\$ -	\$ -						\$ 20.00
Expungement - State	\$ -	\$ -	\$ -	\$ -	\$ 30.00	\$ -	\$ -						\$ 30.00
TOTAL	\$ 78.00	\$ 400.00	\$ 293.00	\$ 341.00	\$ 241.00	\$ 424.00	\$ 544.00						\$ 2,321.00
Revenue for Village	\$ 752.00	\$ 1,315.69	\$ 1,067.00	\$ 1,902.00	\$ 822.00	\$ 1,908.00	\$ 2,201.00						\$ 9,967.69
Computer Fund	\$ 29.00	\$ 100.00	\$ 80.00	\$ 91.00	\$ 40.00	\$ 149.00	\$ 200.00						\$ 689.00
Bank Fees	0	\$ (62.31)	0	0	0	0	0						\$ (62.31)
General Fund	\$ 723.00	\$ 1,278.00	\$ 987.00	\$ 1,811.00	\$ 782.00	\$ 1,759.00	\$ 2,001.00						\$ 9,341.00

8-20-2018

To: Council

From: Judy Kintner

Re: Clerk's Report

Thank you to Council and to Patti and Ruthe Ann for making it possible for me to escape to a far away island for two weeks! It was foggy and beautiful.

We have an offer in to an individual for the assistant position to help both Planning and Zoning and the Clerk's office and I am very hopeful that a large backlog of filing will soon begin to diminish. I will provide more information as this situation is firmed up.

School begins this Friday, and kids will again be commuting to and from in various degrees of awareness and distraction. Let's all up the caution factor a bit and be ready for the darting and weaving people among us.

--Judy Kintner

In last week's News there were several complaints about the noise from the Springsfest music festival. I was intrigued that an officer "found that the live music didn't violate the village's noise ordinance." I assume that noise ordinance was 634.04(a), which sets the max dBA level at 65 for daytime, decreasing to 45 dBA after 10 PM.

The noise was enough of a nuisance that I dug out my sound meter. At our property line it was consistently above 68 dBA, regularly peaking into the low 70's. Immediately across from the concert at the train station it was regularly above 78 dBA, regularly peaking into the low 80's.

Did the officer use a sound meter? Or did the permit allow unlimited dBA's, thus avoiding the normal limits, as allowed by 634.06(g)? It's scary that whoever has their hand on the volume control is granted a license to inflict discomfort and even pain. Did the permit actually end at 9 as reported in the News or did the officer get it wrong? The festival was advertised to end at 11 PM and actually ended at 11:05. Is there any place these permits are published? Especially ahead of time?

The sense I get from this and other events is that Yellow Springs, in its quest to be a tourist destination, provides no recourse for those of us who actually live here when the noise becomes a nuisance. I understand that we may, out of economic necessity, have to suffer some amount of nuisance. What I don't recall is anyone having a discussion about how much nuisance is too much. Perhaps it is time for us to have that discussion.

Wayne Gulden
Bette Kelley
224 Corry Street
Yellow Springs, OH 45387
937-767-1910

Dear Yellow Springs Village Council:

First of all I would like to thank you all for your service. There are numerous issues which demand your attention and often in a contentious manner. Working with the public is a challenge, especially when people neglect to be kind and fail to show appreciation.

I am writing this open letter that I had initially shared with the Yellow Springs News last week in its first draft unedited. The urgency that compelled me to give them my rough draft was mostly that I wanted their feedback. Publishing it was not something that I felt confident would be safe as a spouse of a village peace officer but ultimately I think it was wise on their part. Timing is essential at this juncture. It was the right choice on their part.

I would like to address the rapid turnover in the Yellow Springs Police Department. There have been at least a half a dozen officers that have resigned just in the short space of time since Dave Hale's abrupt departure in the early days of 2017. There are only six full time officers in the department at this time, two of which are now Corporals, so a more precise count would be just four full time peace officers, then there are the two sergeants & the chief that run the operation as well as two part timers: Essentially a total of six officers and five supervisors, eleven total. We have had at least nine officers leave in less than the past twenty four months. My husband was hired just over eight years ago and to this date there is one full timer that was there the day he started that still remains on the police force now: That would be Naomi Watson, formerly known as Naomi Penrod. Sgt. Dennis Nipper has since retired, continuing to be one of the two part time peace officers remaining.

There was an interdepartmental investigation launched into quite serious accusations against Retired Sgt. Nipper on Dec. 22, 2015 for which he was put on an unpaid administrative leave that lasted over half a year. Ultimately he was exonerated and essentially there was nothing discovered. On the day that the leave was initiated (without any explanation given) Sgt. Josh Knapp brutally arrested Jane Nipper when she confronted Chief Hale inquiring about the nature of the administrative leave and the pending investigation. It was later deemed by a judge in a court of law that there were zero grounds for the arrest, yet there was never any type of reprimand for Sgt. Knapp or even an apology given. Additionally none of the multiple outdoor surveillance cameras ever produced a single video of the incident (from which she suffered physical injuries that required medical treatment) into evidence. There is some footage that was released of the Sergeant continuing to berate, intimidate and verbally abuse his severely traumatized prisoner as she was held in captivity inside the police department, still in handcuffs (which are usually removed once the arrested individual is detained and placed in custody.)

My husband, Corporal Dave Meister is currently experiencing nothing but contention from his supervisors. He has been ensnared in a bitter cutthroat competition (with the very people who have power over him) simply to preserve his job of protecting and serving his community. He is a model employee with an exemplary work history and a stellar reputation. In his entire career here or anywhere else there has never been a formal citizen complaint filed against him. Nor

had there ever been a situation in which a supervisor had to give him a written reprimand for anything. That all changed around five years ago when the two current sergeants were promoted into their roles as his supervisors by then Chief Pettiford, The series of reprimands are almost entirely from Sgt. Naomi Watson. There is only one that is not. It was one of the very first and it was initiated by Sgt. Josh Knapp. These reprimands are harsh, petty and extreme.

One example is a case of a missing iguana. A couple had broken up, one of them moved out of their shared residence and their pet lizard (of which they had been arguing about the custody) was absent from its glass cage. Corporal Meister had removed a pad of paper from the scene, after it had been photographed, which he then delayed entering into evidence until the following morning. Sgt. Knapp, rather than counseling him on the chain of command in this case chose the most extreme form of disciplinary action allowable.

The abuse of power is obvious. Dave is a conscientious individual who desires and expects constructive criticism from anyone who feels compelled to offer it, especially a supervisor. That is not what any of these current investigations or proposed disciplines are about. They are not designed to help improve skills or strengthen abilities. The occupying leadership quite simply has been trying to drive Dave to quit or get fired just as they have succeeded with the rest of the entire department that was there eight years ago. It has risen to an even more heightened level this past year and a half and it still continues to escalate in an extremely contentious and hostile work environment.

Public safety is what is really at stake here. Corporal Meister has single handedly saved lives, arrested multiple armed bank robbers without incident or harm to anyone involved. He is well liked and strongly educated, both tactically and vigorously academically. The Evergreen State College where he received his Bachelor's Degree of Science had an extremely elite program that the majority of students dropped out of rather than completed. Before he even graduated, he had become a renowned leading expert in the specialized scientific field of studying bats. His research helped to recognize their integral importance in the ecosystem of the Puget Sound, protecting them from the dangers associated with the impending growth explosion and over development at that time. His methodical objective expertise translates seamlessly into the safe supervision of the handling of volatile situations, approaching difficult individuals, managing people in crisis, and taking charge in unpleasant and sometimes dangerous events.

There is simply no way for the department to move forward and be functional in the service and protection of our village, especially the most vulnerable individuals (I am referring specifically to the children in our schools) with the current leadership in the Yellow Springs Police Department. The Sergeants & Chief have created a hostile work environment. They have each individually, as well as together, directly threatened Corporal Meister on numerous occasions. The bullying, undermining, sabotage and retaliatory treatment need to be formally and thoroughly investigated. Dave has been extremely patient and cooperative having faith in his superiors, trusting that they have been giving their best efforts and believing that they will improve over

time but their dishonorable treatment of him and utter lack of decency has only continued to deteriorate while the welfare of the community we live in is what hangs in the ballance.

Respectfully Yours,
Zo Van Eaton-Meister

August 17, 2018

Judy Kintner, YSO Village Clerk

From: Pan R <pan.climbon@gmail.com>
Sent: Sunday, July 15, 2018 8:50 PM
To: Judy Kintner, YSO Village Clerk
Subject: Letter for Village Council

Judy, please give the following letter to our Village Council; it's timely and I greatly appreciate your efforts to include this for them for their meeting tonight.

Dear YS Village Council,

I remain gravely concerned in regard to our police department's deviation from industry standard effective personnel practices as well as allowing what can only be described as bullying to continue.

Chief Brian Carlson cites past disciplinary occurrences as his justification for his heavily punitive response to Cpl Dave Meister's two March incidents of lenient compassion. Also, Brian's statement, "Dave is not ready for the supervisory role," is simply not justified as the minor infractions within his file do not reflect his ability to supervise other police officers. Also note, that Brian has kept Dave in the officer-in-charge role over the night-shift since he became chief.

I've worked in management positions for over 15 years for our region's largest health care organization and second largest employer and my experience, education and management-specific training has made me intimately familiar with effective management best practices as well as pitfalls of the inexperienced to be avoided. A progressive disciplinary system directs that minor-to-moderate infractions older than one year do not justify increased severity of discipline and that one's focus should be modifying employee behavior through frequent communication. Critical to the process is positive feedback for desired behavior to avoid a creating a culture of fear. All of Dave's previous infractions are much older than a year, except for the April, 2017 (11 months past) discipline involving a youth on probation who was seen by Naomi playing in the Bryan Center gym, which Dave managed by calling the mother, rather than the probation officer.

Sgt Naomi Penrod Watson has professed that she has moved on from any feelings of ill-will towards Dave since the aftermath of Dave's involvement in past-Chief Pettiford's termination. However, her behavior clearly demonstrates otherwise. Before Naomi's promotion, Dave had no infractions in his file for nearly 5 years and now he has four, with others pending and all are from Naomi. Even more telling is that the only positive commendations within Dave's file have come only from several private citizens. Dave is our most decorated and appreciated officer, from changing tires of seniors, to saving drowning people, to volunteering his off-time to serve our community as an EMT and firefighter, to catching armed bank robbers in the act, and yet neither Naomi nor Brian have ever felt motivated to document any positive recognition about his work? Even Brian agreed that Dave's communication style is excellent, yet Naomi ranked this section of Dave's yearly evaluation as only, "average?" How much time has she spent closely examining Dave's records compared to the rest of the department? These are classic hallmarks of unfair targeting.

Dave's only yearly evaluations were in 2014 and 2015, he's received none under Chief Brian, a violation of village policy which is unfortunate as such a review would have given Brian the vehicle to offer clear direction and feedback as to his expectations. Best practice of providing feedback and opportunities for communication really should be much more frequent than yearly.

While Brain has made some excellent changes for our YSPD and has been very responsive and accessible to citizens, his failure to provide regular feedback of both employee challenges and positive recognition has led to unclear expectations and his seeming misunderstanding of the progressive disciplinary process and it's function, has fostered a toxic culture that seems focused on punishment, rather than guidance, teaching and effective employee behavior modification.

Our Village Manager hired an excellent and compassionate part-time police officer with no experience or education in the management, nor even supervision, of diverse groups of professionals to be the manager of our police department. My challenge to her is to now provide the greatly needed mentoring and formal training in management principals that Chief Brian Carlson deserves and needs to succeed. More immediately, I encourage you all to recognize that our village government has a lions share of both ethical and legal responsibility in creating this unfortunate situation and also to recognize that demoting Dave from his corporal position will not serve our village's best interests. He's also deserving of your protection from unfair targeting or retaliation.

Respectfully,
J. Pan Reich RN, EMT-P

Christine Roberts
228 N. High Street
Yellow Springs, Ohio
July 16, 2018

Yellow Springs Village Council
Brian Carlson, Chief of Police
Patti Bates, Village Manager

Trusted Village Leadership,

I hope the situation with Dave Meister can be resolved with compassion towards all, and not with punishment. While this current disciplinary action towards him might have seemed like a good idea at the time, possibly as a way to bring balance to the police “team”, I believe in actual practice, it has created more trouble for the department, and high expenses for our village.

I ask that this disciplinary action be dropped, and more dialogue commence instead.

The change at our Police Department, from the confusion of our New Year’s Eve debacle, and punitive style that emerged with new leadership and new police officers coming to town, transitioning to a more community policing style, which we citizens prefer and have grown accustomed to from previous administrations, is not an easy metamorphosis. Though I understand some leaders feel that they need to take action, sometimes this is not the way. Changes of this magnitude cannot be beaten into the police force. Talking and training, listening and learning and giving the process time to evolve, may be uncomfortable and slow, but in this challenge, I believe that more compassion and less punishment is the way forward for our Yellow Springs Police Department.

Sincerely,
Christine Roberts,
Citizen

From: Barbara Mann <bmann4@woh.rr.com>

Sent: Tuesday, August 14, 2018 10:50 AM

To: Brian Housh, YSO Village Council

Cc: bmann7856@gmail.com

Subject: Village Infrastructure

Hi, Brian – I was pleased to read in last week's Yellow Springs News that Council is taking a hard look at infrastructure, including sidewalks, and prioritizing things to do first. As you know, sidewalks are really important to me as a handicapped person who rides a mobility scooter (on the sidewalks, as much as possible). I really hope, though, that Council will not eventually shift responsibility for sidewalk repair back to the homeowners who are unfortunate enough to have sidewalks going through their property. Sidewalks are in a strange never-never land. They are public pathways, but are often treated as if they are private. Requiring individual homeowners to maintain the public sidewalks that abut their property is a little like requiring those homeowners to be responsible for paving the street in front of their houses. Since the sidewalks are intended to be used by everyone, the responsibility for maintaining them should be spread around to everyone. I happen to live on a street that is a major thoroughfare for kids on foot and on bicycles going to and from the high school and middle school. The sidewalks make it possible for these kids to stay out of traffic and safely negotiate their way to and from school. People using the recreational facilities at Gaunt Park also use the sidewalk in front of my house. During the summer, there's a fair amount of foot traffic to and from the park. Once the sidewalks are repaired, which I hope gets high priority from Council, foot and rolling traffic on the sidewalks will almost undoubtedly increase, making the need for regular maintenance even more critical. Shifting the responsibility for maintenance back to the individual homeowners is not only unfair, it also just about guarantees that the sidewalks will once again deteriorate.

Please feel free to share this email with other Council members.

Barbara Mann, Ph.D.

120 W. South College St.

Yellow Springs Arts Council Presents:

GLASS FARM

~a blank canvas

Art Quilt

Map

Design

Experience

by Chris Zurbuchen

Glass Farm ~ a blank canvas

Inter-active, multi-media art show

September 6 to October 22, 2018

M-TH 9-9 F 9-5

Reception 5-8

Wednesday, September 12, 2018

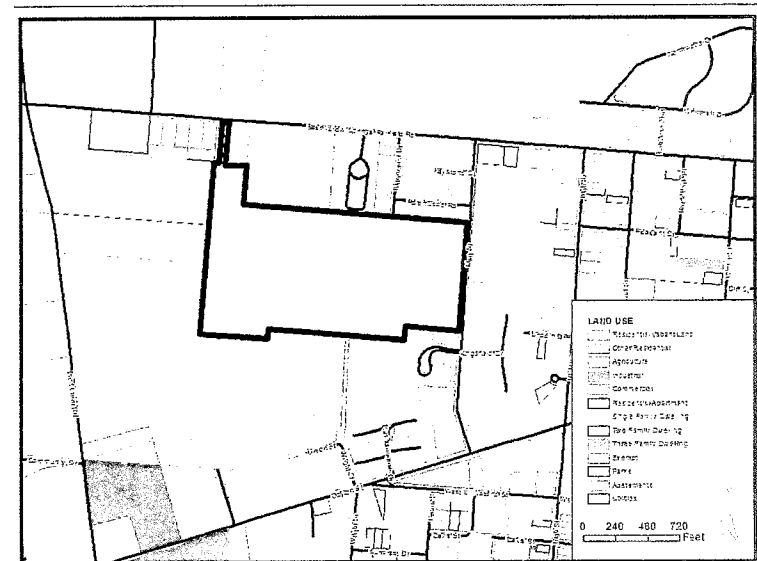
The Alcove Gallery

Antioch University Midwest

900 Dayton St.

Yellow Springs, Ohio 45387

ysartscouncil.org





Village of
Yellow Springs

Protecting
Yellow

Springs'

Waterways



**What Every Community
Member Should Know**

What is Stormwater?

Causes and Effects:

Stormwater is the accumulation of rainfall and snowmelt that flows over ground surfaces. Sidewalks, pavements, impermeable rooftops and sloped lawns result in an overflow of water spillage. Urban environments, such as Yellow Springs, make it difficult for stormwater to permeate compact surfaces and therefore unable soak into the ground.

Developed areas and risks.

- With fewer green spaces, developed areas result in hardened surface converting huge amounts of rainwater directly into runoff.
- Pollutants such as, oil, pesticides, fertilizers, animal waste and other contaminants get deposited into our waterways.
- Increasing urban environments pose significant challenges to conventional stormwater management.
- Stormwater is now the leading cause of water pollution.

In close proximity to waterways, developed areas create an environment for stormwater to carry pollutants to our rivers, lakes and large waterways. This can result in the depletion of aquatic life and higher pollutants in fish.



How does stormwater damage effect the average taxpayer?

When our waterways are polluted, citizens pay the cost, both environmentally and economically. Flooding can result in homeowner damage to properties, basements and in extreme cases, tilting of homes. Merchant prices and insurance rates can increase. Sediment and pollution laden water is more expensive to treat before it can be used for drinking water. Tourism and recreation businesses suffer along with residents when swimming, fishing and other waterway activities become polluted. Because everyone plays a role in creating the pollution in stormwater runoff, we all have a role in cleaning it up.

What You Can Do

The protection of our community's waterways depends on your efforts to prevent pollution. Here are some actions you can take to help protect the Yellow Springs waterways and supply:

Innovative approaches for stormwater runoff.

- Connect roof water downspouts to rain barrels or a storage tank. Use collected water for watering indoor and outdoor plants, this will help keep water bills down.
- Plant and maintain trees on property for stormwater reduction. *Site for pre-existing underground infrastructure e.g. sewers and septic systems.OHIO811/8-1-1
- Rain gardens, planted with native vegetation, will help to reduce stormwater runoff by soaking up excess water.
- Reduce Impermeable surfaces where possible

Note: By Reducing the amount of pesticides and fertilizers on lawns and animal waste, we can help mitigate the the amount of contaminants in our waterways.



Get Involved

Residents of Yellow Springs are encouraged to take modest steps to help alleviate some of the negative impact that stormwater has on our waterways, roads, and personal property. By taking some small, though key steps to create an environment that will allow for rainwater to flow naturally, we can enable a cleaner environment for the present and future generations while reinforcing economic stability.

Attend public hearings or meetings on this topic to express your concerns. This will help keep community as well as government agencies aware and involved in the restoration of public water. Reporting stormwater violations when you spot them to your local government can help mitigate further damage. Keep friends and family aware.



For More Information

- Contact the Ohio EPA with questions about stormwater runoff and further ways to help reduce pollutants in our waterways: <http://www.epa.state.oh.us/>
- The Little Miami Watershed Network <http://www.mylittlemiami.org>
- Get involved with The Little Miami River Cleaners by visiting <http://www.lmrivercleaders.org>



From Judith Hempfling, August 20, 2018

Justice System Task Force Work Topics

Topic	Summary
August September 2018 Surveillance technology guidelines and policy	Proposed ordinance re transparency and protection of civil rights and civil liberties and adoption and use of surveillance technologies by the YSPD
September October 2018 -Justice System Task Force Biannual Report -Justice System Commission	-Short summary of JSTF activities, accomplishments, and continuing work. -Proposal to establish a Justice Systems Commission to continue JSTF work to establish a model Village justice system
Civilian Review Board	Civilian Review Board Report and Recommendation that Council create a special committee tasked with a) conducting in-depth research into the feasibility of a Citizen Review Board and b) developing a proposal for citizen complaint process external to the YSPD.
Mayor's Court: establish a diversion and restorative justice (DRJ) program (MC Rec #2)	Recommendation to establish a DRJ in Mayor's Court; legal requirements indicate need for legal counsel with the authority to review and amend charges, present cases to the Court, and administer a DRJ program.
Mayor's Court: assignment of misdemeanor cases (MC Rec #1)	Recommendation for a Resolution directing police to charge all misdemeanor cases to MC that legally can be charged to that Court. (has been heard once by Council)
Mayor's Court: provide a public defender for indigents (MC Rec #3)	Recommendation re working w/ Greene Co Public Defender to establish a process for public defender assignments to YS Mayor's Court and/or other processes for providing PD support to indigents.
Disparate impacts of Justice System on the Poor	

The Justice System Task Force is working on the following topics and recommendations to complete by the end of 2018 when JSTF will come to an end. I am sharing this information with Village Council to consider our schedule on moving these items forward.

**Village of Yellow Springs
Treasurer's Report for 2nd Quarter 2018**

Submitted July 30, 2018

I have been in touch with the new finance director, Colleen Harris. We had two CD's mature in July 2018. Rather than reinvest in new CDs at Huntington, Colleen requested that I move the proceeds from the matured CDs to Star Ohio. Patti and I agreed that this transfer was a prudent investment. The transfer of \$500,000 was completed last week.

I hope to address my continuing concerns about the amount of funds held in the checking accounts with Patti Bates, Colleen Harris and Lisa Kreeger. We have a meeting scheduled for Monday, August 6th. As illustrated in the US Bank Earnings Credits & Service Charges report, the US Bank earnings credit has exceeded the bank service charge for the past 4 months. This indicates we are missing out on investment opportunities. If the other attendees of next week's meeting concur, I hope to move funds from US Bank to Star Ohio. This is something I have been recommending for quite a while. However, I need the other Investment Committee members to agree to transfer a specific amount. As of June 30, the balance in the checking accounts dipped below \$5,000,000 so we may not have as big an earnings credit for July. Cash flow needs will be a topic of conversation in the upcoming meeting.

As treasurer, I have the responsibility to oversee Village financial investments and produce quarterly reports to Council. Please feel free to reach out to me with any questions or concerns you may have regarding the Investment Policy, the quarterly reports or investments in general. I have an extensive financial services background and I attend continuing investment training at least once a year on behalf of the village. I will be attending this year's CPIM training in August. If I can be of service to Council in any other way, please let me know.

Respectfully Submitted,

Rachel McKinley
Treasurer, Village of Yellow Springs
RMcKinley@vil.yellowsprings.oh.us
Cell: 937-347-7165

US Bank Earnings Credits & Service Charges

Village of Yellow Springs

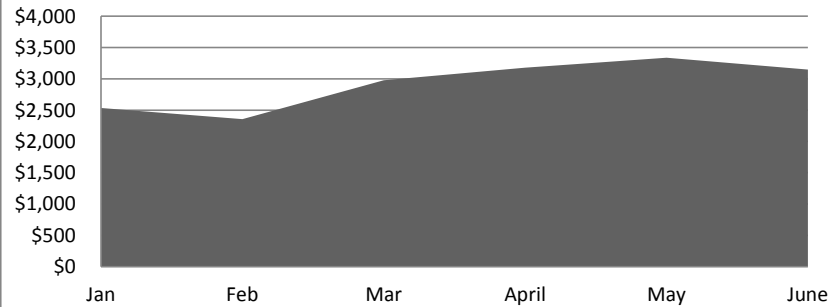
2018

Second Quarter (YTD)

	AVERAGE	EARNINGS	EARNINGS	INTEREST PAID	BANK	NET
MONTH	BALANCE	CREDIT RATE	CREDIT	ON BALANCE	SERVICE CHARGE	SERVICE CHARGE
JAN	3,977,968	0.75%	\$2,534	0	2,742	208
FEB	4,094,710	0.75%	\$2,356	0	2,649	293
MAR	4,674,319	0.75%	\$2,977	0	2,752	(225)
APR	5,155,296	0.75%	\$3,178	0	2,773	(405)
MAY	5,238,900	0.75%	\$3,337	0	2,936	(401)
JUN	5,107,443	0.75%	\$3,148	0	2,889	(259)
TOTAL YTD			\$17,530	\$0	\$16,741	(\$789)
Monthly Average	\$4,708,106		\$2,922	\$0	\$2,790	(\$132)

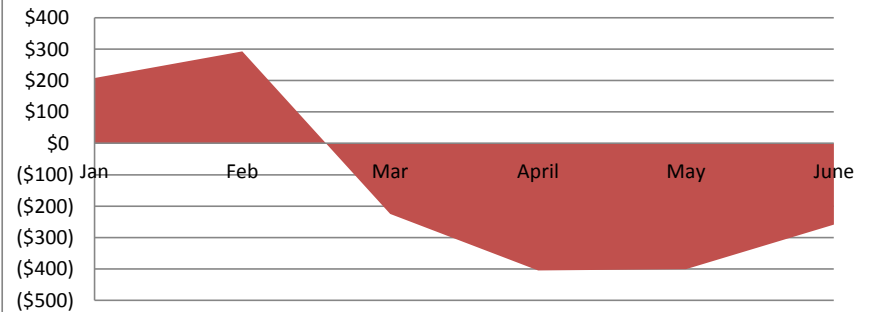
Earnings Credit

■ Dollars



Net Service Charge

■ Dollars



INVESTMENT SUMMARY

Village of Yellow Springs

June 2018- YTD

	Total Investments		Huntington (Investment Only)		Star Ohio/Star Plus (Investment Only)		US Bank CKG Accts
	Balance	Earnings	Balance	Earnings plus Accd Int	Balance	Earnings	Balance
Beginning Balance	\$ 7,980,887.24		\$ 2,159,377.34		\$ 1,622,266.98		\$ 4,199,242.92
JANUARY	\$ 7,665,478.26	\$ 4,212.57	\$ 2,161,623.67	\$ 2,246.33	\$ 1,624,233.22	\$ 1,966.24	\$ 3,879,621.37
FEBRUARY	\$ 7,846,086.92	\$ 3,775.37	\$ 2,163,551.73	\$ 1,928.06	\$ 1,626,080.53	\$ 1,847.31	\$ 4,056,454.66
MARCH	\$ 8,963,282.99	\$ 2,596.75	\$ 2,163,923.55	\$ 371.82	\$ 1,628,305.46	\$ 2,224.93	\$ 5,171,053.98
APRIL	\$ 8,874,574.74	\$ 6,099.01	\$ 2,167,623.81	\$ 3,700.26	\$ 1,630,704.21	\$ 2,398.75	\$ 5,076,246.72
MAY	\$ 8,963,832.15	\$ 6,216.86	\$ 2,171,251.96	\$ 3,628.15	\$ 1,633,292.92	\$ 2,588.71	\$ 5,159,287.27
JUNE	\$ 8,526,826.34	\$ 6,270.79	\$ 2,174,864.90	\$ 3,612.94	\$ 1,635,950.77	\$ 2,657.85	\$ 4,716,010.67
	Change in Bank Balance	Total Earnings all accounts	Change in Bank Balance	Earnings including Accrued Interest	Change in Bank Balance	Total Earned YTD	Change in Bank Balance
2018	\$ 982,395.75	\$ 29,171.35	\$ 15,487.56	\$ 15,487.56	\$ 13,683.79	\$ 13,683.79	\$ 516,767.75
2017	\$ 1,140,868.42	\$ 36,014.09	\$ 769,019.17	\$ 18,805.36	\$ 17,208.73	\$ 17,208.73	\$ 354,640.52
	Average Balance	Earnings % *	Average Balance	Earnings % *	Average Balance	Earnings % *	Average Balance
AVERAGE 2018	\$ 8,473,346.90	0.3443%	\$ 2,167,139.94	0.7147%	\$ 1,629,761.19	0.8396%	\$ 4,676,445.78
AVERAGE 2017	\$ 7,515,099.31	0.4792%	\$ 2,150,222.26	0.8746%	\$ 1,613,540.59	1.0665%	\$ 3,751,336.46

* Not annualized for partial year