

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

IN COUNCIL CHAMBERS @ 7:00 P.M.

Tuesday, September 4, 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

ROLL CALL

ANNOUNCEMENTS

CONSENT AGENDA (7:10)

1. Minutes of August 20, 2018 Regular Meeting

REVIEW OF AGENDA (7:15)

I. PETITIONS/COMMUNICATIONS (7:20)

The Clerk will receive and file:

Jim Hammond re: Lodging Tax
William Randolph re: Thank You to HRC
Regional Health re: Health Expo

II. PUBLIC HEARINGS/LEGISLATION (7:25)

First Reading of Ordinance 2018-30 Amending the Official Zoning Map with Rezoning Approval of Property Located at 117 East North College Street (PARCEL ID no: F19000100090029400) FROM "E-1" Educational Institutions TO R-C High Density Residential for the Construction of a Pocket Neighborhood Development

Emergency Reading of Ordinance 2018-32 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 and Declaring an Emergency

First Reading of Ordinance 2018-34 Creating a Fund Line to Accept Donations for Utility Roundup and Declaring an Emergency

Reading of Resolution 2018-32 Approving a Contract with Precision Concrete Cutting for Sidewalk Repair

Reading of Resolution 2018-33 Affirming Village Council Priorities for Tecumseh Land Trust Easement Purchases

Resolution 2018-35 Approving an RFP for a Comprehensive Stormwater System Survey

Resolution 2018-36 Approving an RFP for Comprehensive Electric System Survey

III. CITIZEN CONCERNS (7:50)

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

V. OLD BUSINESS (8:00)

Housing Advisory Board Update re: Goals and Coordination with Planning Commission (MacQueen, 15 min.)

Draft Resolution Approving a Designated CIC Code of Regulations (Kreeger: 15 min.)

Prioritization of JSTF Task List (Hempfling: 10 min.)

Village Manager Search Process (Housh: 10 min.)

Mayor's Court Recommendation with Updated Charges List (Kreeger: 10 min.)

VI. NEW BUSINESS (8:50)

RV Parking Regulation Recommendation from Planning Commission (Bates: 5 min.)

Vote 16/Local Gun Control Proposals (Housh 5 min.)

Proposal for Overhead Projector for Council Chambers (MacQueen: 5 min.)

VII. MANAGER'S REPORT (9:15)

VIII. SOLICITOR'S REPORT (9:20)

IX. CLERK REPORT (9:25)

X. FUTURE AGENDA ITEMS (9:30)*

- Sept. 17: **Resolution 2018-34** Approving a Designated CIC Code of Regulations
 Second Reading and Public Hearing of Ordinance 2018-30 Amending the
 Official Zoning Map with Rezoning Approval of Property Located at 117 East
 North College Street (PARCEL ID no: F19000100090029400) FROM "E-1"
 Educational Institutions TO R-C High Density Residential for the Construction of
 a Pocket Neighborhood Development
 First Reading of Ordinance 2018-31 Mandating that the Use of Any Form of
 Surveillance Technology by Village of Yellow Springs Entities be Approved by
 Village Council
 First Reading of Ordinance 2018-33 Establishing Policies for the Installation
 and Maintenance of a Village Urban Forest
 Second Reading and Public Hearing of Ordinance 2018-34 Creating a Fund
 Line to Accept Donations for Utility Roundup and Declaring an Emergency
 First Reading of Ordinance 2018-35 Creating a Utility Roundup Program for
 the Village of Yellow Springs
 NECCO of Dayton in Announcements
 Biennial Review of JSTF Commission Status
- Oct. 1: General Fund Budget Presentation
- Oct. 15: Enterprise and Special Revenue Presentation
 Zoning Administrator Request for Zoning Change re: R-B to R-C/PUD (Home,
 Inc. Senior Housing)
 JSTF Civilian Review Board Recommendation
- Nov. 5: Budget Workshop with Revisions
- Nov. 19: Presentation and First Reading of Ordinance Approving the 2019 Budget for the
 Village of Yellow Springs and Declaring an Emergency
 Mayor's Court: JSTF Recommendation re: Establishment of a Diversion and
 Restorative Justice (DRJ) Program
- Dec. 3: Second Reading and Public Hearing of Ordinance Approving the 2019 Budget
 for the Village of Yellow Springs and Declaring an Emergency

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

EXECUTIVE SESSION

ADJOURNMENT

The next regular meeting of the Council of the Village of Yellow Springs will be held at 7:00 p.m. on **Monday, September 17, 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 for the Village of Yellow Springs
Regular Session Minutes**

In Council Chambers @ 7:00 P.M.

Monday, August 20, 2018

CALL TO ORDER

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

ROLL CALL

Present were President Housh, Vice President Marianne MacQueen and Council members Kevin Stokes and Lisa Kreeger. Also present were Village Manager Patti Bates, and Village Solicitor Chris Conard. Councilperson Judith Hempfling arrived at 7:05.

ANNOUNCEMENTS

MacQueen noted the Green County CATS new schedule is available.

Bates noted that the TLT has provided two tickets to their Harvest Auction in response to Council sponsorship of the event, and asked interested persons to let her know.

Bates wished Kreeger a Happy Birthday later in the week.

Housh noted that Trails Transform America will hold an event on September 8th, including a bike ride from the Brewery to the celebration location in Xenia. Housh noted the impact on revitalization of the rails to trails project.

CONSENT AGENDA (7:10)

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

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

REVIEW OF AGENDA

Hempfling noted the JSTF timeline she had sent to Council, and asked that this was added as a discussion item under New Business.

MacQueen added to New Business information regarding the relationship between the Planning Commission and the Housing Advisory Board.

Housh added a discussion regarding how recommendations from boards and commissions are passed along to Council to New Business.

An update on Village infrastructure was added to the Manager's report.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

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

PUBLIC HEARINGS/LEGISLATION

Reading of Resolution 2018-27 Approving a One-Year Contract Extension with Rumpke for Waste Services. Hempfling MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates noted that the contract with Rumpke signed three years ago allowed for extensions. Bates noted that there are two extensions remaining, and Rumpke has offered the option for one-two-year extension which would allow the rates to be locked in. Bates noted that she is recommending this option.

Housh received confirmation that when Rumpke won the contract, they were one of three bidders, and were the only provider to provide recycling.

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

Reading of Resolution 2018-31 Adopting a Housing Initiative Values Statement for the Village of Yellow Springs. Kreeger MOVED and Hempfling SECONDED a MOTION TO APPROVE.

The Vision and Values statement attachment was read in full, and there were no questions or comments.

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

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 and Declaring an Emergency. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Stokes asked if yard waste could be placed in a different purchased bag and was told that no, the Rumpke bag must be used, if only that it is wrapped around the other bag.

Bates noted that the ordinance is being read as an emergency because the new rates go into effect after August 31.

Housh OPENED THE PUBLIC HEARING.

Megan Bachman, Yellow Springs News, received confirmation that the rates have indeed increased slightly.

There being no further comment, Housh CLOSED THE PUBLIC HEARING.

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

CITIZEN CONCERNS

Anna McClure read in a letter from Zoe Meister regarding David Meister.

Shawn Tulecke Leon Paulson advocated for “child safety”, stating that these should be a Yellow Springs Police priority. Paulson asked that the JSTF complete the work of setting up a Citizen Review Board before they are disbanded.

SPECIAL REPORTS

Vernay Property Clean Up Update. Duard Headly provided a report on the status of the cleanup effort and made several recommendations and shared concerns specific to the Village as follows:

- 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:

- Uncertainty about the isolation (containment) of the Cedarville aquifer is not addressed.
- Restoration of the onsite Cedarville aquifer is 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.

Headly commented that interaction with the EPA during the public comment period would be useful, as would ascertaining any potential liability on the part of the Village.

Headley noted that the cleanup plan will include significant use restrictions for the property.

Bates noted safety measures needed for any construction on the site, and expressed concern that potential contamination of the Cedarville Aquifer might at some point potentially impact the Village water supply.

Bates also noted concern regarding the storm system rerouting, noting that there is a spring beneath the system and that it is routed specifically to address that reality.

Headly noted that some of the more contaminated areas are around the storm pipes in the area and noted that there is a potential for migration of contaminants.

In response to a question from Stokes, Headly stated that there is little detail regarding the proposal for soil removal.

Headly responded to a follow up question from Stokes, stating that there is no offsite remediation plan from Vernay because their assumption is that the contamination will dissipate over time. Headly commented that this will result in a lower concentration affecting more areas and people. He advised action regarding the Green Street plume.

Housh commented that Council has been awaiting a plan for the property to respond.

Headly responded that once the plan is signed off upon, it is not changeable. He advised determining any liability in advance of the acceptance of the plan.

Hempfling asked whether mitigation measures could expose neighbors.

Headly stated only that he would not himself wish to be present at those times.

Village of Yellow Springs Housing Initiative Update. Patrick Bowen presented the update, noting the current situation and trends which can be either encouraged or interrupted depending upon Council goals. He urged flexibility on the part of Council, given market factors as well as shifts in mobility patterns as examples of variables.

Bowen noted supplemental recommendations for possible housing development goals with the following strategies:

- “ Identify and Outreach to Development Community
- “ Identify Housing Professionals with Experience in Housing Funding Resources
- “ Seek Outside Expert Input on Glass Farm Design & Plan
- “ Consider Initial Incentives to Encourage Developers into the Market
- “ Leverage the Downtown as an Asset
- “ Support broad housing continuum

In response to a question from Housh, Bowen commented that cultivation of developers is advisable, and that identification of developers through OFA applicants could be useful—he also mentioned attending housing conferences and networking. Bowen offered to assist in creation of a promotional piece. He offered to create a memo on the topic of marketing the Village’s needs.

Hempfling brought up the idea of a fund through which the Village could purchase land for housing stock and spoke of the importance of mixed income developments.

Bowen responded that there are several strategies possible to strongly encouraging affordable housing stock, mentioning a density bonuses, inclusionary zoning and in lieu fees.

Bowen commented that providing affordable housing is an economic issue.

Housh noted the influence of Air BnB rentals on affordability, commenting that some way of controlling this trend could help the housing situation.

In response to a question from Housh, Bowen stated that older citizens selling their larger homes and downsizing is a national trend, and that the questionnaires he received from village residents supports that trend.

MacQueen commented that those homes would not cover the moderate income gap.

Bowen noted that provision of the product will bring prices down and/or will provide options for those seniors. There is a shortage of all housing stock in the village, Bowen reiterated.

Anna McClure suggested encouraging tiny homes for the Glass Farm.

Emily Seibel, Director of Yellow Springs Home, Inc., commented upon their mission, and commented that 50% of all new housing should be affordable to those earning less than 100% of area median income. She advocated creation of policy to assure lower income housing.

Seibel commented that there needs to be more housing available for “starter homes”.

Seibel asked whether Bowen had examples of municipalities partnering with a non-profit to develop affordable housing.

Bowen stated that he did not.

Bowen suggested querying developers as to what would incentivize them to build in the Village, and what they may see as barriers to this effort.

Seibel asked how the Village could build capacity to reach out to developers.

Bowen commented that he could not address this.

MacQueen thanked Bowen on behalf of Council.

Kreeger commented that the effort will need to be community wide as well as a council goal.

Devin Shoemaker, Greene County Regional Planning, complimented Council on its proactive stance on affordable housing.

OLD BUSINESS

Update re: Designated CIC Code of Regulations. Kreeger noted that a draft code will be presented at the next meeting. Kreeger reminded those present that scheduling of a meeting with

stakeholders (Miami Township, School Board and Council) is awaiting the approval of the draft.

Village Manager Search Process Proposal. MacQueen noted her outline of recommendations.

Council discussed the process used during the last search, and what worked well.

Housh commented that while there was a high volume of applicants for the last search, quality was not outstanding. He noted that he would like a higher priority placed upon quality and fit for the next search, with good networking in diverse outreach. He did not recommend Management Consultants for this search for that reason.

Housh commented that Council learned the value of a high level of involvement on Council's part during the last search, noting that Council should prepare for a high level of involvement.

Housh commented that Council had learned a great deal about how to conduct a high level search, so that any outside assistance brought in should be targeted.

Stokes advocated for a clear cap on spending, given that Council still has a good deal of information and procedural steps. He opined that getting the word out effectively in diverse areas will be key.

Kreeger concurred, and cautioned that finding someone with strategic planning expertise as well as a real alignment in terms of values will be ideal.

Hempfling described the process used to hire Mark Cundiff.

MacQueen advocated for starting the process as soon as possible, stating that assistance in targeted outreach seemed important. She noted the importance of creating a timeline that takes into account the amount of overlap with Bates that Council determines is needed.

Regarding the time needed for overlap, Stokes requested that Bates prepare a timeline in the form of a written transition plan for Council to review.

Stokes commented that the hiring may be a good opportunity to test the diversity hiring processes.

Karen Wintrow commented that for the first portion of the search in which a large number of resumes are received, it is useful to outsource this initial vetting so that applicants' employers are not informed. Wintrow advocated for citizen involvement throughout the process.

Housh responded to an idea from Kreeger, who had suggested dividing into working groups, and supported Stokes' idea of a timeline/plan from Bates.

Housh stated that if Council is to hire a consultant, he needs to know exactly what they are going to bring to the process.

Housh suggested that he assist in determining how to divide the work amongst Council members.

Housh suggested returning to the next meeting with a list of the type of support the Village seeks and a sense of what pieces of work need to be accomplished.

NEW BUSINESS

Sample Surveillance Technology Discussion. Steve McQueen introduced the topic noting the recent increases in surveillance technologies, and reduction in cost for these which makes the topic relevant.

McQueen commented that the JSTF is suggesting that any use of any surveillance technology have to receive Council approval.

Housh received confirmation that all uses of surveillance technology will have to be approved, including those currently in use.

Ellis Jacobs explained that in coming to Council for permission to use the technology in question, the requester would have to indicate how it would be used. He clarified that the proposed ordinance would apply only to Village entities.

Ellis Jacobs opined that the technologies lend themselves to abuse, given their high level capacity.

Jacobs commented that such an ordinance lays out standards for Council to consider such proposals.

Jacobs addressed a question from Bates regarding surveillance technology versus data gathering techniques for infrastructure, opining that the latter would not be considered surveillance technology.

In a follow up, Bates asked whether a motion sensor camera or camera-ed building would be considered “surveillance”.

Jacobs acknowledged that this may need to be clarified.

Stokes suggested a specific list of exceptions.

Housh stated that the list of definitions should be clarified.

Conard commented that whether to make the legislation an ordinance or a resolution is a matter of judgement, not a legal matter. He commented that the law will continue to evolve.

Conard commented that he did not agree with section 9, which “essentially criminalizes the action of a Village employee”. He expressed some concern with several other sections of the ordinance, and offered to work with Jacobs on a revision.

Hempfling commented that the ordinance should prevent “staff from inviting an outside entity in to do something they were prevented from doing”.

Jacobs reiterated that the ordinance is specifically directed at Village government.

Housh commented that Council should think about making policies ordinances so that they are codified.

Hempfling asked that the legislation be an ordinance.

Housh asked that the ordinance be revised and brought to the next meeting.

Recommendations from Boards and Commissions. Hempfling noted the “notice and comment” process the JSTF wishes to use, which entails putting the matter in the paper and asking for public comment.

In response to a question from Housh, Hempfling stated that “usually” the Chief, staff and, if relevant the Mayor, are asked for comment when the “notice and comment” is put in the paper.

MacQueen asked at what point Council is asked for feedback, noting that she wished to weigh in on the matter as well.

Bates remarked that her understanding had been that staff and the solicitor would be asked for comment prior to any public notice in order to avoid putting out a policy that might need procedural or legal changes.

Hempfling responded that “there is very minimal comment from the public” and that the JSTF was becoming frustrated at delays in forwarding their proposals, indicating that asking for comment concomitantly is not therefore problematic.

MacQueen expressed concern, stating that several of the items should have come first to Council, asking for more interaction between JSTF and Council before policies are proposed. She used Planning Commission as an example of the need for clear communication between Council and Commissions.

MacQueen expressed concern that so many policies are being directed at Mayor’s Court and the Police Department which are “just getting their feet on the ground”. MacQueen expressed concern specifically regarding the suggestion for a Civilian Review Board, noting that Pat Dewees, who had been charged with looking into the possibility, had expressed reservations about the success of such a body for the Village.

Hempfling disagreed, stating that most of the ideas had originated with Council.

Housh suggested that prioritizing recommendations is important, but that getting the process clear and consistent across all boards and commissions is equally as important so that both staff and Council know what to expect.

Kreeger cautioned that if notice and comment information is put out prior to staff and Council weighing in on the recommendation being presented, it could create confusion or false expectations for citizens. She agreed with having staff and Council weigh in ahead of that point.

Kreeger pointed out that there is a difference between what the JSTF thinks it could accomplish before the end of the year and what that body sees as ongoing or future work.

Hempfling suggested changing notice and comment to more an invitation to citizens to participate in conversation during JSTF meetings.

Housh noted that Council still needs to determine the future of the JSTF.

Kreeger asked that the public notice not be put in the paper.

MacQueen asked that the recommendations come to Council for discussion.

Housh suggested the notice and comment wait until after two Council meetings.

MacQueen stated that she would like to comment on the recommendations before public comment is requested.

Stokes suggested that rather than allowing the work to be pushed to fit into the next four months, that the JSTF make clear what they wish to accomplish and to ask for the requisite amount of time to do that.

Housh asked that the JSTF list of recommendations return to Council for discussion on the 4th.

MANAGER’S REPORT

Bates presented her report as follows:

She asked Council to consider dates for the ribbon-cutting ceremony at the Water Plant, and suggested the 18th of September.

The Bryan Center parking lot will be closed for 2-3 days in September for repaving and striping.

Bates noted that the RFPs for stormwater and electric infrastructure repair are written and in the hands of Johnnie Burns for discussion at the next Council meeting.

Bates commented that the camera demonstration had occurred, and that Burns had asked that the demo run through the storm lines on Herman Street. She commented that the demonstration showed the need for repair of those lines.

Bates noted that staff are very busy, and commented that Council may need to give her direction as to priority projects.

Bates noted that the Village should have a quote back from Precision Concrete for consideration for the next meeting.

Bates noted that the Investment Committee met, and decided to transfer two CDs as well as funds that had been sitting in US Bank into Star Plus, which resulted in a total of about 2.5 million dollars being shifted. The result of this should mean a doubling of interest income to the Village.

SOLICITOR’S REPORT

There was no additional report.

CLERK’S REPORT

There was no verbal report.

FUTURE AGENDA ITEMS

- Sept. 4: **First Reading of Ordinance 2018-30** Amending the Official Zoning Map with Rezoning Approval of Property Located at 117 East North College Street (PARCEL ID no: F19000100090029400) FROM “E-1” Educational Institutions TO R-C High Density Residential for the Construction of a Pocket Neighborhood Development
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Mayor’s Court Recommendation with Updated Charges List
Village Commitment to Transparency Discussion
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JSTF Report on Best Practices for Community Police Advisory Boards
Mayor’s Court Recommendation with Updated Charges List
Biennial Review of JSTF Commission Status

ADJOURNMENT
At 10:27pm, Hempfling MOVED and Stokes SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in the Clerk of Council’s office between 9am and 3pm Monday through Friday or any time via youtube link from the Village website:

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council



TO: VILLAGE COUNCIL

FROM: DENISE SWINGER – ZONING ADMINISTRATOR
AND PLANNING COMMISSION

DATE: AUGUST 23, 2018

RE: APPLICATION FOR REZONING

At the August 13, 2018 meeting of the Planning Commission, the members reviewed Antioch College's application for rezoning from E-I, Educational Institutions to the R-C, High-Density Residential District for the purpose of creating a Pocket Neighborhood Development under the Village of Yellow Springs new section of the zoning code (Exhibit A). One of the requirements of the PND is that the property must be located in a residential district. The location, at 117 East North College Street, Parcel ID ##F19000100090029400, abuts the R-C, High Density Residential District on both the north and west sides. The property was subdivided into three sections, Lot #294, 295 and 136. After research by both staff of the Village of Yellow Springs and Greene County, it was determined that Lot #136 was part of Antioch's land. Antioch filed a replat with the zoning office, combining the three parcels into two (Exhibit B). The final step before Antioch's PND conditional use hearing with Planning Commission scheduled for September 10, 2018, is this map amendment to rezone the property as residential.

The Planning Commission considered the requirements for rezoning outlined in section 1280.02(b) of the zoning code.

REQUIREMENTS:

Section 1280.02(b) of the Zoning Code highlights the requirements for a rezoning application which include:

- (1) are consistent with the goals, policies and future land use map of the Yellow Springs Comprehensive Development Plan and the Vision: Yellow Springs and Miami Township document; or, if conditions have changed significantly since the plan was adopted, is consistent with recent development trends in the area;
The map amendment to rezone as residential will allow Antioch College to implement the new PND zoning code recently adopted by Village Council. It will also achieve the goal of infill development.

- (2) are compatible with the site's physical, geological, hydrological and other environmental features;
The property is 0.905 of an acre or 39,421.8 square feet. This site has 297.22 feet of frontage on East North College Street. The topography is flat with a number of trees, some of which will need to be removed. The location abuts a residential neighborhood.
- (3) are compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts;
The location is on a public street (50' width) with no other residential structures fronting on the block between Xenia Avenue and Livermore Street which would cause traffic impacts. This new development should have no ill effect on surrounding property values. The density of eight units is below the allowed density of 14 units in the R-C, High Density Residential District.
- (4) can be accommodated on the subject property, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting;
As part of the PND process, Antioch College representatives met with the Public Works Director regarding the existing infrastructure and their capacities. Water, sewer and electric utilities were discussed and the Public Works Director gave approval to their preliminary plans.
- (5) and do not result in a spot zone.
This will not result in spot zoning as it will be a continuation of the R-C, High-Density Residential District that borders the property to the west (Xenia Avenue) and the north (East Whiteman Street).

FINDINGS

The Planning Commission has found that the proposal meets the requirements of Section 1280.02(b). The property is currently zoned as E-I, Educational Institutions, and as part of Antioch College's long range plan, rezoning to R-C, High-Density Residential will help Antioch College achieve their vision for the campus, while at the same time fulfilling the Yellow Springs Comprehensive Plan and Visioning goals for infill development and increased density.

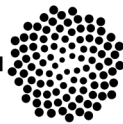
RECOMMENDATION

The Planning Commission recommend that Village Council **APPROVE** the proposed map amendment with the findings that the request satisfies all of the requirements of Section 1280.02 (b) of the Village's Zoning Ordinance.

If you have any questions or if I can be of assistance please feel free to contact me at (937) 767-1702 or by email to dswinger@vil.yellowsprings.oh.us.



MCLENNAN DESIGN



Preliminary Site and Zone Analysis

ANTIOCH PND

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INTRODUCTION

The McLennan Design team has been working with Antioch College for the last couple years on a vision for the campus and for the co-housing community. This study extends the work across the street on North College to create a pocket neighborhood that is viewed as a pilot for the eventual co-housing project. It is possible that this pilot project - now envisioned to include eight small homes could become part of the co-housing community at a later date. This first phase study was done to determine an optimal layout and approach for the site and to ensure that the plans work in accordance with the Yellow Springs guidelines for pocket neighborhoods. This report summarizes our understanding and proposed recommended approach. Initial discussions with the City indicate that the plans are in compliance.

Site Photos



Site Photos



View looking NE from south property edge



View looking south from property center

ZONING CONSIDERATIONS

The proposed site is located at the southeast corner of E North College Street and Livermore Street. The site consists of Lot 294 (0.2566 acres) and Lot 295 (0.8606 acres), that are currently owned by Antioch College Corp, and a Lot 136 that is located between the two lots. The ownership of the Lot 136 is under review by Antioch College. The intent is to replat the 3 lots, and to subdivide the property into two new lots, reserving the corner lot for a future college building and a single lot for a Pocket Neighborhood Development.

The current zoning is represented as E-1 Educational Institution. It is anticipated that the proposed site will be rezoned to R-C High Density Residential with this development. The adjacent sites to the west and north of the property are currently zoned as R-C High Density Residential.

Following is a portion of the Zoning Map:



03

SITE REQUIREMENTS

The current proposed site does not have any existing structures on the lot. The current site is undeveloped.

Permitted and Conditional Uses

Permitted uses include single-family attached dwellings, multi-family dwellings, single family detached dwellings, two-family dwellings, and accessory buildings. Accessory dwelling units are a conditional use.

The Zoning Ordinance was modified in September 2017 and with a text amendment Pocket Neighborhood Developments were included in the Schedule of Uses for Residential Districts A, B and C. Pocket Neighborhood Developments are allowed as a conditional use in R-C High Density Residential.

Minimum Lot Size and Maximum Density

Minimum Lot Width and Depth

The minimum lot area for Zoning District R-C High Density Residential is 4,800 sq ft. (Two-family dwellings provide 4,000 square feet per unit).

Minimum lot width is 40 feet.

Lot Coverage

The maximum lot coverage for Zoning District R-C High Density Residential is 50%. This is also the requirement for a lot to be used as a PND per Section 1262.08.

Building Setbacks

The building setbacks for Zoning District R-C High Density Residential (and for a lot to be used as a PND per Section 1262.08) are as follows:

Front Yard - 20 feet
Side Yard - 10 feet (Least 5 feet)
Rear Yard - 15 feet

Height Limitations

The maximum building height for Zoning District R-C High Density Residential is 35 feet/3 stories. This is also the requirement for a lot to be used as a PND per Section 1262.08.

New Property Alignment

The current property is subdivided into three sections 294 and 295 and 136 which has been vacated and given back to Antioch now making two parcels. We are proposing altering the property lines as shown in the diagram so that boundaries of 295 are smaller and maintained with the current zoning allowing for a future academic building and 294 is enlarged allowing for an efficient size for the pocket neighborhood. 294 will need to be re-zoned for residential development.



Aerial image of project site



Proposed project re-allotment



04

POCKET NEIGHBORHOOD DEVELOPMENTS

Following is the definition of a Pocket Neighborhood Development (PND) from Section 1284.07 Definitions:

Pocket Neighborhood Development - a type of planned community which consists of a clustering of smaller residences or dwelling units that are individually owned, around a courtyard or common open space, and designed to promote a sense of community and neighborliness through an increased level of contact on a single lot under the control of a Homeowner's Association (HOA).

The Ordinance to define the specific requirements for Pocket Neighborhood Development, Section 1262.08 is summarized as follows:

Location

Pocket Neighborhood Developments may be considered in only the three residential districts defined for Yellow Springs, Ohio. PNDs are allowed in Zoning District R-C High Density Residential.

Density and Minimum Lot Area

The minimum lot area for a PND is equal to the minimum lot requirements for the corresponding residential district (Zoning District R-C High Density Residential). A single lot is allowed for a PND under the control of a Homeowner's Association. The allowable density shall be a maximum of 14 dwelling units per acre to match the density requirement for Zoning District R-C High Density Residential.

On a lot to be used for a PND, the lot size maximum must be under five acres.

On a lot to be used for a PND, a minimum of 4 dwelling units around a common open space area are required.

Height Limit and Roof Pitch

The height limit permitted for structures in a PND (to match Zoning District R-C High Density Residential) shall be a maximum of 35 feet for each dwelling unit, and rooflines must present a distinct profile and appearance and express the neighborhood character.

Lot Coverage

The maximum lot coverage permitted for principal dwelling units in a PND shall be limited to that allowed in the corresponding residential zoning district. The lot coverage for Zoning District R-C High Density Residential is 50%.

Yard Setbacks

Front and rear setbacks shall be equal to the setback requirements in the corresponding residential zoning district (R-C High Density Residential) and will be measured from the perimeter property lot line. The building setbacks for Zoning District R-C High Density

Residential are as follows: Front Yard – 20 feet, Side Yard – 10 feet (Least 5 feet), and Rear Yard – 15 feet.

The front yard setback shall be measured by where the road frontage is and not the lot line of the land owned by each individual property owner within the PND. The side yard setback is a minimum of 10 feet between the eaves of each dwelling unit unless it is single-family attached dwelling units.

Frontage on a public street is not required for individual lots in a PND provided that the Planning Commission determines through the site review process that the development provides for adequate access to the lot via easements, shared driveways or other means.

Common Open Space

A minimum of 200 square feet of contiguous usable common open space is required per dwelling unit with no dimension less than 10 feet. At least 50% of the dwelling units shall abut the common open space, all of the dwelling units shall be within 60 feet walking distance to the common open space, and the common open space shall have dwelling units abutting at least 2 sides.

Parking

One and one-half spaces per dwelling unit shall be required.

Parking shall be on the PND property with a plan approved by the Planning Commission to ensure that parking is as unobtrusive as possible. The parking requirements and landscape requirements in the PND shall be limited to that allowed in the Yellow Springs Planning and Zoning Codes. Parking areas are excluded from the calculations of common open space.

Other Standards

PNDs are limited to detached single-family dwelling units, but up to 50% can be either two-family dwellings or single-family attached dwellings in R-C High Density Residential Zoning District.

Privately held accessory structures and accessory dwelling units are not allowed.

A PND shall be located on one lot with all common open space under the control of a Homeowner's Association (HOA). A draft of the conditions, covenants and restrictions (CC&Rs) shall be provided to the Planning Commission during the Level B site plan review meeting.

The dwelling units may be individually owned or rented with no more than 50% rentals.

Pedestrian pathways must be included to provide for movement of residents and guest from parking areas to homes and other amenities. These pathways must be shown on the site plan and be part of the common areas/tracts.

Mailboxes shall follow the US Postal Service requirements for cluster box units (CBUs).

Lighting fixtures shall be equipped with cutoff elements to direct light downwards and prevent light spill or trespass beyond the boundaries of the individual dwelling unit lot areas.

INITIAL SITE DESIGN

Tree Coverage

The site has many beautiful trees on it and it is our belief that as many as possible should be saved and protected during construction to ensure a beautiful landscape remains. The diagram shown approximately located the trees and the red suggests which ones will likely need to be removed at a minimum to allow for the development. It is possible that further trees will need to be removed for solar access and construction staging which can be determined at a later time. Our initial concept design is laid out to preserve as many trees as possible.



Street Improvements

The north side of North College will likely need to be redeveloped, with sidewalks improved and curb cuts added for the driveway. We will also be proposing on-street parking for the college or pilot housing needs on this side as well.

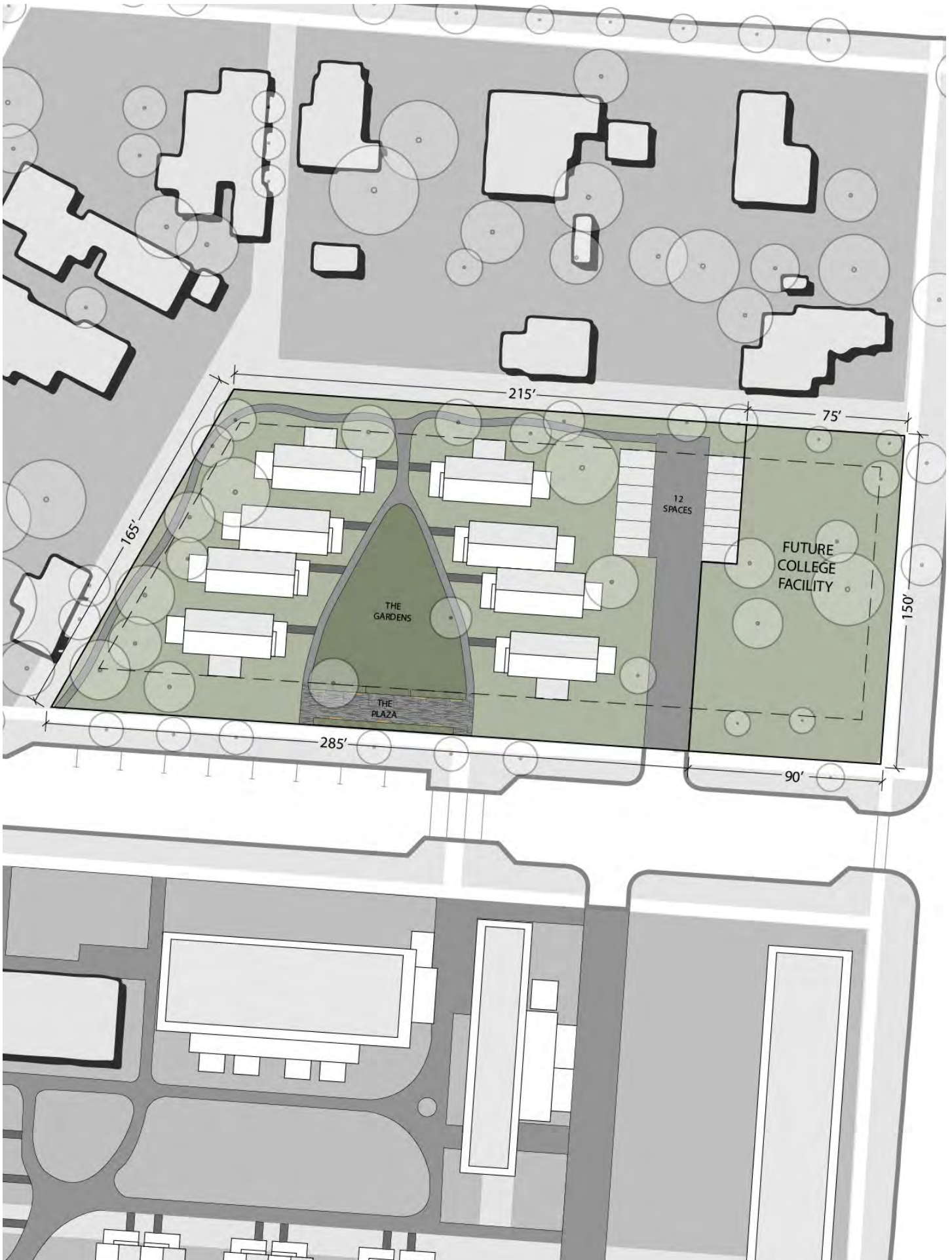
Initial Concept

Our initial concept builds upon the idea of small eco-houses arranged around a common green as per the co-housing concept. We have chosen a site concept design that allows for 8 small homes, half of which are attached and half fully detached per the pocket neighborhood requirements. The attached homes are envisioned as single bedroom homes and the detached as two bedroom homes. The emphasis as we continue into design is on as high a level of sustainability as is possible, while balancing affordability for the residents. Each home has rooftops that are oriented for maximum solar potential for photovoltaic electricity needs and ample daylight for friendly bright interiors. Sustainability measures will be explored further as we move into house design. The homes are envisioned to be very similar in character and construction to allow for modular construction and efficient construction practices.

In this scheme, a beautiful central commons will promote community and allow for gardening and outdoor activities. A small hardscape plaza at the entrance will help create an inviting entry to the community. A shared lane with parking saves on infrastructure costs as well as shared costs for covered carports for vehicles. A trail system will connect around the project and from the street to parking.

This initial concept will be used by a surveyor to identify the exact location and size of trees and new proposed boundaries as a next step. We are ready to dig deeper at this point pending final feedback from the College and the core group of residents.







MCLENNAN DESIGN



**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-30**

**AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF YELLOW SPRINGS,
OHIO FOR THE PROPERTY LOCATED AT 117 EAST NORTH COLLEGE STREET PARCEL
ID F19000100090029400 ON 0.905 ACRES FROM “E-I” EDUCATIONAL INSTITUTIONS TO
“R-C” HIGH-DENSITY RESIDENTIAL DISTRICT**

Whereas, the Planning Commission, following a public hearing on August 13, 2018, has recommended amending the official zoning map from “E-I” Educational Institutions to “R-C” High-Density Residential District for the property located at 117 East North College Street Parcel ID F19000100090029400 on 0.905 acres; and

Whereas, the Village Council accepts the Planning Commission’s recommendation to amend the official zoning map from “E-I” Educational Institutions to “R-C” High-Density Residential District for the property located at 117 East North College Street Parcel ID F19000100090029400 on 0.905 acres.

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

Section 1. Village Council accepts the Planning Commission’s recommendation and hereby amends the official zoning map from “E-I” Educational Institutions to “R-C” High-Density Residential District for the property located at 117 East North College Street Parcel ID F19000100090029400 on 0.905 acres.

Section 2. The legal description marked Exhibit “A” along with the map marked Exhibit “B” are attachments to this legislation.

Section 3. This ordinance shall take effect and be in full force at the earliest date permitted by law.

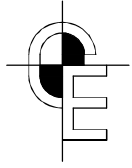
Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

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



Cosler Engineering, LLC

Civil Engineering Land Surveying

545 Hilltop Road
Beavercreek Twp. OH 45385
(937) 426-9913
mcosler@sbcglobal.net

Legal Description of Lot 2A For Antioch College Corporation August 29, 2018

Located in Section 20, Town 4, Range 8 Between the Miami Rivers Survey, Village of Yellow Springs, Greene County, State of Ohio, and being all of Lot 2A (containing 0.905 acres) in “Replat of Lots 2 and 3 in the Antioch College Corp. Plat and of Part Lot 364 in the Original Plat of Yellow Springs” as recorded in Plat Cabinet 38, Pages 300B-301A of the Plat Records of Greene County, Ohio. (Greene County Auditor’s Parcel ID# F19-1-9-294)

By: 
Mitchell W. Cosler, Ohio Registered Surveyor No. 6393



File: MITCH-PC3-d:\Civil 3D Projects\4912 – Antioch\4912-Lot-2A legal description.docx

Replat of Lots 2 and 3 in the Antioch College Corp. Plat and
of Part Lot 364 in the Original Plat of Yellow Springs
Located in Section 20, Town 4, Range 8 B.M.R.S.
Village of Yellow Springs, Greene County, Ohio
May 16, 2018 - Containing 1.163 acres

Prepared by:
Cosler Engineering, LLC
545 Hilltop Road
Beverly Hills, OH 45385-7137
PH (937) 426-9933
mcclellan@coslereng.com

- MONUMENT LEGEND**
- 0.63" dia. iron pin found or size per plat
 - 0.63" dia. iron pin set with yellow plastic cap stamped "COSLER 6.59.3"
 - 1.67" dia. iron pipe found or size per plat
 - Stone found
 - Railroad Spike found
 - P.W. Nail found
 - 0.25" MAC Nail found
 - 0.25" MAC Nail set
 - Concrete Monument found

SURVEYOR'S NOTES:

- Monuments found or set, refer to "Monument Legend", on this sheet. All monuments are in good condition and flush with the ground, unless otherwise labeled such as "(+8") for top 8 inches above grade or "-2" for depth below grade.
- Plots, deed references, and survey records are noted on this drawing were used as pertinent documents and source data as a basis for carrying out the work for this survey.
- Occupation evidenced, if any, is listed on the survey along the appropriate property lines.
- Bearings & distances are based on NAD 83 (2011) (EPOCH 2010) State Plane Grid (5402 OH S) in US Survey Feet. Divide drawing distances by combined scale factor $CF=0.99991778$ to obtain ground surface distances.
- Date of field survey is March 30, 2018.
- Surveyor has made no investigation or search for encumbrances or record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- Brackets such as [N89°E 123.45'] if shown indicates deed or plat dimension or area information. Specifically, the Antioch College Corp. Plat, prepared by Milman Surveying Inc., inaccurately shows the width of East North College Street as 60'. The original plat of Yellow Springs shows it as 75' wide. Also, the west line of Lot 2 was shown on the plat 3.8' too far west. The incorrect lines are shown by short dashed lines. The corner monuments set by Milman in the field were found as shown on this drawing for Lots 2 and 3. These monuments are 75' wide for East North College Street and the west line of Lot 2 was moved east. No corrected recorded plat was found.

Scale: 1"=50'

0 25 50 75 100 150
GRAPHIC SCALE IN FEET

Lot 7
Antioch College Corp. Plat
Plat Cabinet 37, Pages 169B-177B

Lot 9
Antioch College Corp. Plat
Plat Cabinet 37, Pages 169B-177B

Sheet 1 of 2

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-32**

**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, AND DECLARING
AN EMERGENCY**

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

WHEREAS, the Village in 2015 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:

October 1, 2018-August 21, 2019

Tier 1 (Not more than 35 Gallons)	\$12.32 Per Unit/Month
Tier 2 (Not more than 65 Gallons)	\$13.50 Per Unit/Month
Tier 3 (Not more than 120 Gallons)	\$14.69 Per Unit/Month
Tier 4 (Not more than 150 Gallons)	\$27.01 Per Unit/Month
Tier 5 (Not more than 180 Gallons)	\$28.19 Per Unit/Month

Tier 6 (Not more than 240 Gallons)	\$29.38 Per Unit/Month
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Tier 7 (Not more than 270 Gallons)	\$41.69 Per Unit/Month
------------------------------------	------------------------

Tier 8 (Not more than 300 Gallons)	\$42.80 Per Unit/Month
------------------------------------	------------------------

September 1, 2019-August 31, 2020

Tier 1 (Not more than 35 Gallons)	\$12.69 Per Unit/Month
-----------------------------------	------------------------

Tier 2 (Not more than 65 Gallons)	\$13.91 Per Unit/Month
-----------------------------------	------------------------

Tier 3 (Not more than 120 Gallons)	\$15.13 Per Unit/Month
------------------------------------	------------------------

Tier 4 (not more than 150 Gallons)	\$27.82 Per Unit/Month
------------------------------------	------------------------

Tier 5 (Not more than 180 Gallons)	\$29.04 Per Unit/Month
------------------------------------	------------------------

Tier 6 (Not more than 240 Gallons)	\$30.26 Per Unit/Month
------------------------------------	------------------------

Tier 7 (Not more than 270 Gallons)	\$42.94 Per Unit/Month
------------------------------------	------------------------

Tier 8 (Not more than 300 Gallons)	\$44.08 Per Unit/Month
------------------------------------	------------------------

B. Commercial Services – Four Cubic-Yard Container:

October 1, 2018- August 31, 2019

2 CY Dumpster	\$51.98 Per Container/Month
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3 CY Dumpster	\$49.41 Per Container/Month
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4 CY Dumpster	\$75.19 Per Container/Month
---------------	-----------------------------

6 CY Dumpster	\$93.36 Per Container/Month
---------------	-----------------------------

September 1, 2019-August 31, 2020

2 CY Dumpster	\$53.54 Per Container/Month
---------------	-----------------------------

3 CY Dumpster	\$61.19 Per Container/Month
---------------	-----------------------------

4 CY Dumpster	\$77.74 Per Container/Month
---------------	-----------------------------

6 CY Dumpster	\$96.16 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.

ROLL CALL: Brian Housh _____ Marianne MacQueen _____ Judith Hempfling _____
Kevin Stokes _____ Lisa Kreeger _____

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2018-34**

**ENACTING NEW SECTION 1040.12 ENTITLED “UTILITY ROUND UP FUND” CREATING A
UTILITY ROUND UP FUND FOR UTILITY OVERPAYMENT AND DISBURSEMENT AND
DECLARING AN EMERGENCY**

WHEREAS, the Village of Yellow Springs accepts payments from customers for each of its utilities, and

WHEREAS, Council for the Village of Yellow Springs has determined it would be in the best interest of the Village to establish a fund whereby customers can choose to overpay their utility bills by rounding their payments up to a whole dollar amount and applying those overpayments to a designated fund with monies held for the benefit of qualifying utility customers of the Village who are in need and request financial assistance in paying a delinquent utility bill, and

WHEREAS, this designated fund shall be created and titled “Utility Round Up Fund” for this purpose,

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

Section 1. The Village shall create a designated Utility Round Up Fund for the purpose of assisting qualifying Village utility customers who request financial assistance with the payment of delinquent utility bills for Village operated utilities.

Section 2. As part of the establishment of the Utility Round Up Fund, Village customers can choose to overpay their Village operated utility bills by rounding up to a whole dollar amount. The Village may also accept donations for the Utility Round Up Fund. All funds received in accordance with this Section shall be deposited into the Utility Round Up Fund.

Section 3. The Village Finance Director and Manager shall create, with approval of Council, policies, regulations and procedures to administer and operate the Round Up Fund.

Section 4. This Ordinance is hereby declared to be an emergency measure authorized under the Village’s home rule powers set forth in its Charter and the Ohio Constitution and necessary for the benefit of the health, safety and welfare of the Village to assist with necessary utility services for qualifying Village citizens. This Ordinance shall take effect immediately upon approval by Village Council.

Signed: _____
Brian Housh, President of Council

Passed:

Attest: _____
Judith Kintner, Clerk of Council

Roll call: Housh ____ MacQueen ____ Hempfling ____
 Stokes ____ Kreeger ____

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2018-32**

**AWARDING A CONTRACT FOR SIDEWALK TRIP HAZARD REPAIR TO PRECISION
CONCRETE CUTTING**

WHEREAS, Council has received a proposal for sidewalk trip hazard repair from Precision Concrete Cutting, and:

WHEREAS, Council agrees that the method presented in the proposal seems an acceptable method for increasing the means of safe passage on sidewalks throughout the Village; and

WHEREAS, Council would like to see this method applied to a portion of sidewalks in the Village to confirm that the method provides the desired results on a wide basis; and

WHEREAS, Precision Concrete Cutting has an existing patent on the process used and is, therefore, a sole supplier of this preferred method;

**NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS, OHIO
DOES HEREBY RESOLVE THAT:**

SECTION 1. A contract in the amount of \$22,961.25 is hereby awarded to Precision Concrete Cutting of West Chester, Ohio.

Section 2. The Village Manager is hereby authorized and directed to enter into a contract with Precision Concrete Cutting to complete the noted improvements.

Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll Call: Housh ____ MacQueen ____ Hempfling ____
 Stokes ____ Kreeger ____

**VILLAGE OF YELLOW SPRINGS
RESOLUTION 2018-33**

**AFFIRMING VILLAGE COUNCIL PRIORITIES FOR TECUMSEH LAND TRUST
EASEMENT PURCHASES**

WHEREAS, the Village of Yellow Springs has long been dedicated to the preservation of greenspace;
and

WHEREAS, the Village Council has, to that end, established a Green Space Fund to assist in the
purchase of easements on certain properties that Council deems important to our greenspace goals; and

WHEREAS, Council has worked with Tecumseh Land Trust to establish priorities related to the
purchase of said easements;

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

Section 1. The Council does hereby specify that the properties in RED on Exhibit A, attached hereto, are
of first importance for preservation.

Section 2. That those properties within the five-year time of travel zone adjacent to the Village of Yellow
Springs Water Treatment Plant are hereby designated as a second priority.

Section 3. That those properties in BLUE on Exhibit A, attached hereto, are designated as a third priority
for preservation.

Signed: _____
Brian Housh, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

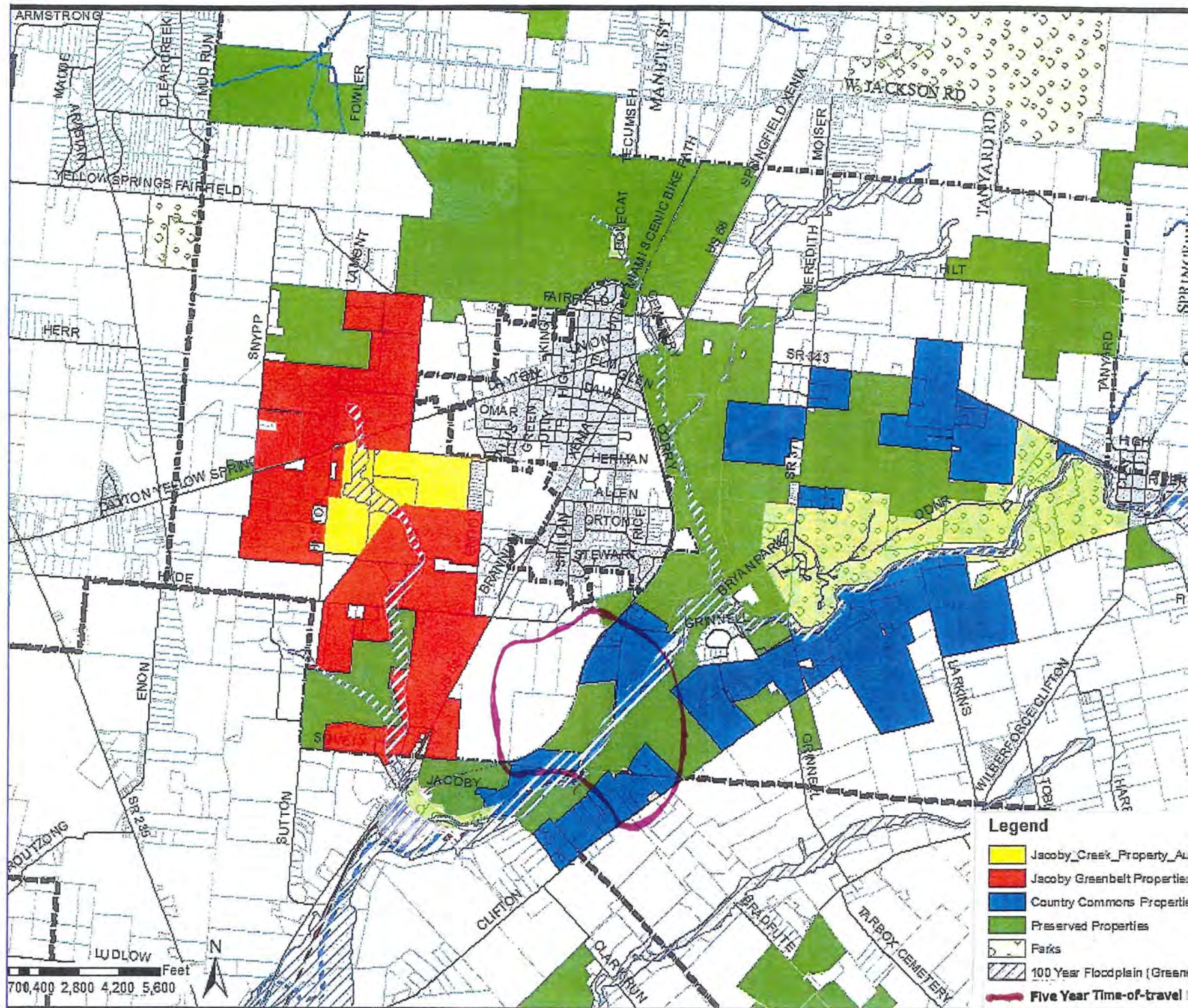
Housh _____

MacQueen _____

Hempfling _____

Stokes ____

Kreeger _____



Village of Yellow Springs, Ohio

RESOLUTION 2018-35

Authorizing the Village Manager to Issue a Request for Proposals for a Comprehensive Storm Water Survey of the Village

WHEREAS, the Village desires to upgrade the storm water drainage system in the Village; and,

WHEREAS, such an upgrade, to be done properly, must be preceded by a complete and comprehensive storm water survey of the Village by a qualified engineer; and

WHEREAS, said survey, along with a prioritized list of upgrades to the system, will be an invaluable guide to the Village in budgeting and grant applications;

NOW, THEREFORE, be it resolved by Council for the Village of Yellow Springs, Ohio that:

Section 1. The Village Manager is authorized to advertise the Request for Proposals (RFP).

Section 2. Such responses shall be brought to Council in a timely manner.

Section 2. This Resolution shall go into effect at the earliest period allowed by law.

Brian Housh, President of Council

Passed:

Attest: _____
Patti Bates, Deputy Clerk of Council

ROLL CALL

Brian Housh_____

Marianne MacQueen_____

Judith Hempfling_____

Kevin Stokes_____

Lisa Kreeger_____



VILLAGE OF YELLOW SPRINGS, OHIO

REQUEST FOR QUALIFICATIONS (RFQ)

Stormwater Survey with Recommendations for Improvements

September 10, 2018

Project Overview

The Village of Yellow Springs is soliciting proposals from interested firms to perform a stormwater survey and assessment of the existing stormwater infrastructure of the Village. This study will be used as a short- and long-term planning tool for the Village. The study should also include proposed upgrades to existing infrastructure as well as potential additions to the infrastructure. Said upgrades and additions should be prioritized in importance, with estimated potential costs noted. A map of the existing (including condition of) and proposed infrastructure, including upgrades, should be included.

Appendix A includes information available from the Village on existing infrastructure.

It is the intention of the Village to include this study in the 2019 budget.

Proposal Preparation

The proposal should consist of a cover letter and the two sections described below. Please limit your submittal to no more than fifteen (15) standard, single-spaced, typewritten pages. Covers,

cover letter, and all required forms and exhibits will not count toward the stated page limit. Please submit 3 hard copies of your cover letter and the two sections described below. In addition, submit a CD with the cover letter, sections one and two, and the final report referenced in #6, section two, below.

Section One:

1. Identify the legal entity that would enter into the contract with the Village and include location of company headquarters, local office location, type of business (sole proprietorship, partnership, or corporation), state of incorporation or organization and Federal Employer Identification Number (W-9 form), and the name and title of the person authorized to enter into an agreement.
2. Provide an organizational chart identifying members of the team, including subconsultants who would be assigned to this project. Identify the expected Project Manager, that PM's office location, along with the office location of other key team members. Identify the percentage of total project work to be performed by your different branch offices (if applicable). The chart should clearly delineate roles and responsibilities of the various team members along with lines of communication with the Village of Yellow Springs.
3. State any conflicts of interest your firm or any key individual may have with this project.
4. List any contracts currently being performed or performed in the past three (3) years by your firm for the Village, showing the Village department or division, date of contract, and descriptions of any unresolved claims or disputes with the Village of Yellow Springs. For active projects, specify the current phase of the contract, expected date of completion, the Village's Project Manager, and which members of your proposed team, if any, are involved in the project.

Section Two:

1. Include no less than 3 but no more than 5 descriptions of similar projects completed by your firm along with dates this work was performed.
2. In each summary of similar projects that your firm has completed, identify the owner, and a contact name, and phone number and email address of a person involved with the project.
3. Describe the qualifications of your proposed project team members including their previous experience with stormwater master planning and stormwater infrastructure design projects. These lists of team member qualifications may be included in an appendix that does not count towards the 15 page limit.
4. Explain your approach to this project, and your understanding of issues listed in Appendix A. The Village of Yellow Springs is open to considering multiple approaches to addressing these issues. Our goal is to understand the cause of each issue and find a solution. Do not assume that any approach is off the table.
5. Include a copy of at least one final report your firm prepared for one of the projects identified in #2 above.
6. Summarize why your firm should be selected.

Proposal Evaluation Criteria

Submittals will be evaluated on the following criteria:

1. The firm's previous experience with stormwater master planning and the types of issues listed in Appendix A;

2. Related experience and qualifications of proposed team members;
3. Thorough understanding of and responsiveness to the RFQ;
4. The firm's project approach and ideas on how to make this project succeed; and
5. References.

Proposed Selection, Contract Negotiation, and Approval Schedule

Date	Event
September 10, 2018	Issuance of RFQ
October 1, 2018	Deadline for submission of written questions. All submissions of questions must be emailed to Johnnie Burns, Public Works Director at jburns@vil.yellowsprings.oh.us no later than 2:00 p.m. on 10/01/18. Questions and answers shall be distributed to all parties.
October 29, 2018	RFP Submission Deadline. RFPs are due by 2:00 p.m. on 10/29/18. They must be submitted in a sealed envelope to: Johnnie Burns Village of Yellow Springs 100 Dayton St Yellow Springs, Ohio 45387 On the lower left corner, write "Stormwater RFP"
November 12, 2018	Week of Proposal Review
January 7 or 21, 2019	Selected firm interview with Council
February 4, 2019	Anticipated award of contract
March 4, 2019	Anticipated project start date
June 28, 2019	Anticipated project completion date

Deliverables

1. Map of existing stormwater infrastructure, proposed upgrades to and extensions of, said infrastructure, including condition
2. List of prioritized upgrades to and extensions of infrastructure, noting levels of necessity. List should include potential costs, when possible.

Right to Cancel

The Village of Yellow Springs reserves the right to cancel this RFP, and to reject any and all submissions, to waive any irregularities, if it is judged to be in the Village's best interest to do so

Appendix A: Available Information on Existing Infrastructure

Village of Yellow Springs, Ohio

RESOLUTION 2018-36

Authorizing the Village Manager to Issue a Request for Proposals for a Comprehensive Electric System Survey of the Village

WHEREAS, the Village desires to determine any and all necessary upgrades the electric distribution system in the Village to be used in planning for current users as well as future residential and business expansion; and,

WHEREAS, such upgrades, to be done properly, must be preceded by a complete and comprehensive storm water survey of the Village by a qualified engineer; and

WHEREAS, said survey, along with a prioritized list of upgrades to the system, will be an invaluable guide to the Village in budgeting and grant applications,

NOW, THEREFORE, be it resolved by Council for the Village of Yellow Springs, Ohio that:

Section 1. The Village Manager is authorized to advertise the Request for Proposals (RFP).

Section 2. Such responses shall be brought to Council in a timely manner.

Section 2. This Resolution shall go into effect at the earliest period allowed by law.

Brian Housh, President of Council

Passed:

Attest: _____
Patti Bates, Deputy Clerk of Council

ROLL CALL

Brian Housh_____

Marianne MacQueen_____

Judith Hempfling_____

Kevin Stokes_____

Lisa Kreeger_____

Village of Yellow Springs Request for Proposals Electric Engineering Survey of the Village of Yellow Springs Electric Utility

1. Introduction

The Village of Yellow Springs (Village) is a municipal government and power supplier and services provider to Village residents and businesses.

The Village is a municipally owned electric distribution system located in Greene County, Ohio. The Village serves approximately 2,200 electric meters consisting of residential and commercial customers.

2. Project Background

The Village is soliciting proposals for the survey of the Village electric grid, including recommendations for upgrades, proposed time schedule and estimated costs for upgrades and a prioritized list of those upgrades.

3. Scope of Services

The Village operates an electric grid which includes: switching station; two (2) circuits 7200/12470; approximately 35 miles of overhead line and 3 miles of underground line; 2,200 service meters; 1900 poles. The Village wishes to develop a complete capital improvement and maintenance plan to include: a complete survey of the electric grid that the Village operates; a prioritized list of capital improvements needed over the next 10 years, with estimated costs of those improvements; a maintenance schedule for existing infrastructure, with estimated costs of that maintenance.

The contractor will perform an overall evaluation of the current capacity of the electric grid system and necessary improvements for potential economic development and residential growth of the village.

4. Items provided

Most recent electric grid map

5. Response Details

Responses should include the following information:

1. Statement of qualifications with the following information:
 - a. Company overview.
 - b. Overall project capabilities of the firm, including a list of the technical tools and resources available for completing the work.
 - c. Project staff organizational chart identifying all key staff members, their general project responsibilities and the reporting hierarchy.
 - d. Key staff resumes.
 - e. A list of similar projects, with name of client, project description, and date of completion.

- f. At least three (3) client references for similar work. Include client name, primary contact person, title, address, telephone number, and e-mail address. Provide a 1-2 sentence description of work done for each.
 - g. A statement confirming that the proposer will, if awarded, meet the requirements of the appropriate insurance and Worker Compensation coverage.
2. Project Schedule with dates when services will be completed.
 - a. The schedule should be submitted as either a bar (Gantt) or critical path chart that identifies all significant project tasks and activities.
 - b. Assume a four week period for contract negotiation and award.
 - c. The Project Schedule should include all work tasks and the sequential steps and processes to be completed.
3. Project cost estimate with hours anticipated for work completion and associated hourly rates. Hours and costs should be broken down by task. The bidder may provide further breakdown of costs but should provide estimated costs for each of the items. A lump sum proposal will also be considered.
4. Anticipated project expenses beyond labor (if anticipated). This could include travel expenses to attend planning meetings or other fees that may potentially be billed during the project study phase.
5. List of any sub-contractors that will be used by the Consultant.

6. Submission Schedule and Details

Date	Event
September 10, 2018	Issuance of RFQ
October 2, 2018	Deadline for submission of questions. Service providers are permitted to submit written questions. All submissions of questions must be emailed to Johnnie Burns, Public Works Director, at jburns@vil.yellowsprings.oh.us no later than 4:00 p.m. on 10/2/18. Questions and answers shall be distributed to all parties.
October 30, 2018	RFP Submission Deadline. RFPs are due by 4:00 p.m. on 10/30/18. They must be submitted in a sealed envelope to: Johnnie Burns Village of Yellow Springs 100 Dayton St Yellow Springs, Ohio 45387 On the lower left corner, write "Electric Engineering Survey"

November 12, 2018	Week of Proposal Review
January 7 or 21, 2019	Selected firm interview with Council
February 4, 2019	Anticipated award of contract
March 4, 2019	Anticipated project start date
August 5, 2019	Anticipated project completion date

Questions on this RFP may be submitted in writing by 4pm on October 2, 2018. Send questions to Johnnie Burns, Public Works Director, Village of Yellow Springs. jburns@vil.yellowsprings.oh.us

On-site meeting to review the project scope and view the project site will be held by appointment. Interested parties who plan to attend the meeting should notify Johnnie Burns via email at the email address above.

If Village decides that additional information or clarification in connection with the RFP is required, the Village will issue an addendum to all recipients of the RFP. All addenda will be binding upon all proposers.

Responses must be received **no later than 4pm on October 30, 2018.**

At a minimum, one electronic copy of the response must be submitted via email with %RFP Response+ in the subject line. A confirmation of receipt email will be sent. Hard copies or electronic versions (USB or CD) of the proposal can be submitted to the following address, with %RFP Response Enclosed+ plainly stated on the face of the envelope.

Johnnie Burns, Public Works Director
Village of Yellow Springs
100 Dayton Street
Yellow Springs, Ohio 45387
Email: jburns@vil.yellowsprings.oh.us

All responses submitted will become the property of the Village when received.

All costs incurred in connection with developing and submitting a proposal, responding to any subsequent questions by the Village, participation in any meetings with the Village and any contract negotiations with the Village are to be borne solely by the respondent. The Village is not responsible for reimbursing any respondent for costs incurred.

The issuance of this RFP and the receipt of information in response to this RFP shall not, in any way, cause the Village to incur any liability (whether contractual, financial or otherwise) to any proposer participating in the RFP process, and by submitting a proposal, the proposer releases the Village from any and all claims, demands, actions, losses, liabilities and expenses (including legal fees and expenses) relating to this RFP.

7. Expected Outcomes

The Village will review the experience, qualifications, and proposal costs of each respondent based on information provided in the response to this RFP. Evaluation criteria will include company experience and expertise, timely completion of projects, scheduled completion of services and total anticipated cost of services.

The Village may, but is not obligated to, request additional information and materials from any proposer for evaluation of its proposal. The Village may choose to interview selected firms as part of the Village's decision-making process. The Village may conduct any investigations it deems necessary to establish the responsibility and experience of any proposer to properly perform the scope of work.

Following the evaluation, the Village anticipates awarding the work within 90 days of receiving the proposals.

The Village may, in its sole and absolute discretion, waive any informality associated with a response to this RFP. If the Village elects to award a contract following this RFP, it shall be awarded at the Village's sole discretion. The Village reserves the right to reject any response for any reason. The Village reserves the right to reject all responses. The Village reserves the right to cancel the project at any time for any reason.

For questions or more information on this RFP, please contact Johnnie Burns, Public Works Director, jburns@vil.yellowsprings.oh.us or 937-767-8649.

The Village makes no representation or warranty regarding the accuracy or completeness of the information contained in this RFP or any statements made by representatives of during the RFP process. Each proposer is responsible for making its own evaluation of information contained in this RFP and in preparing and submitting responses to this RFP.

UPDATE: Designated Community Investment Corporation (DCIC)
YELLOW SPRINGS COMMUNITY DEVELOPMENT CORPORATION

Status:

- Code of regulations (bylaws) is in draft based on documents previously reviewed by Council. Draft 'Purpose' and 'Membership' sections are included in the packet.
- Working entity name: Yellow Springs Community Development Corporation (YSCDC)

Request of Council at Sept 4 meeting:

- Review plan for Outreach Conversations and other next steps, recommend revisions or support plan

Proposed Next Steps

1. Plan / Launch Outreach Conversations

Outreach conversations will advance YSCDC development by engaging other potential members in the dialogue. Together we can discuss potential opportunities, barriers to success, concerns

Recommended Timeline:

During September

Schedule four initial outreach conversations (with Kreeger and Housh):

1. School Board representatives and Mario Basora
2. Miami Township representatives
3. Yellow Springs Chamber of Commerce
4. Antioch College (Tom Manley and designates)
5. Additional stakeholders conversations may be planned

Outreach Conversation Guides:

- Discuss the Yellow Springs Community Development Corporation purpose and membership vision
- Brainstorm about potential opportunities (scenarios), barriers to success, concerns

Then..... Schedule larger group meeting to continue by exploring the collated scenario list (drawn from initial outreach conversation)

2. Continue work on Code of Regulations including the DCIC name (ESC reps, Village Council and Village Solicitor)

Timeline (brought forward from July Status Update):

Goal Date	Who	What
April 16	Village Council Meeting	Village Council to discuss and decide on path forward for a DCIC
May 2	ESC Meeting	ESC to review feedback from VC and assign tasks with a schedule for each.
June 6	ESC Meeting	ESC to review / provide feedback on the Purpose Statement and timeline for June 18 Council meeting.
June 18	Village Council Meeting	Council provides feedback of the DCIC Purpose Statement and timeline
July 3	ESC Meeting	ESC revises the Purpose Statement as needed. ESC develops a plan for outreach to elected officials in MT, YSESD and community
July 16	Village Council Meeting	Council approves the Purpose Statement, membership structure, and proposed powers/tasks of the DCIC Council give the go-ahead to proceed with Code of Regulations draft (legal costs)
July 17- July 31	ESC Activity	Kreeger consult Conard regarding the Code of Regulations for August 1 ESC meeting
August 1	ESC Meeting	ESC August break
August 20	Village Council Meeting	DCIC Update
September 5	ESC Meeting	ESC reviews the draft of Code of Regulations ESC discusses outreach conversations with key stakeholders
September 17	Village Council Meeting	DCIC Update - ESC Feedback on Code of Regulations, Outreach conversations
October 3	ESC Meeting	ESC makes modifications to Code of Regulations Finalize plans for outreach conversations
October 15	Village Council Meeting	Approves Code of Regulations

After Code of Regulations are approved –

- Develop Articles of Incorporation and File for State of Ohio Incorporation
- Begin 501c3 filing process which can take between 2-12 months

CODE OF REGULATIONS

YELLOW SPRINGS COMMUNITY DEVELOPMENT CORPORATION

A Non-Profit Designated Community Investment Corporation (DCIC)

Article 1

NAME, PURPOSE, PRINCIPAL OFFICE, POWERS, LIMITATIONS

- 1.1 Name The name of this organization shall be the Yellow Springs Community Development Corporation of Yellow Springs, Ohio, hereafter, for the purpose of this document, named as "YSCDC".
- 1.2 Purpose The YSCDC, an organization recognized under section 501©(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, is established in Yellow Springs to serve, in conjunction with Council and other relevant stakeholders, as a coordinating and planning non-profit 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 YSCDC will advance the economic, community, commercial, and civic development in the Village of Yellow Springs to grow and strengthen the tax base. The YSCDC *supports the Village Values and annual goals* established by the Village of Yellow Springs.
- 1.3 Principal Office The principal location of the Corporation and its offices shall be the Village of Yellow Springs Bryan Center. In the event a relocation of the principal office is necessary or desired, a new location shall be determined by an agreement of member majority. Any new locations shall be located within the Village of Yellow Springs.
- 1.4 Powers. The Corporation has the "power" to engage in any and all activities, with regards to statements of purpose outlined in Section II of these bylaws, deemed appropriate and necessary by the Corporation. Outlined below are the powers of the Corporation, under Ohio Revised Code 9 and in conjunction with majority approved Corporation declarations of power. The Corporation has the power to:
 - A) Serve as an agent for grant applications and for the administrations of grants;
 - B) Promote Yellow Springs as a business location (e.g. Market the CBE)
 - C) Invest and/or fund new infrastructure projects (e.g.: fiber network)
 - D) Provide assistance to advance the economic, community, and civic development of Yellow Springs pursuant to the powers contained in divisions (E), (F) , (G), (H). (I), of (J) of this section
 - E) Incur debt for any purpose garnering a majority vote, mortgage its property-

barring the source, and accept prescribed obligations for the purpose of acquiring sites, structures, buildings and properties. Any debt incurred shall be the sole responsibility of the Corporation, considering that the obligations are not secured by the pledge of monies received or guarantee from the State of Ohio, the Municipality, or other entity.

- F) Administer loans to any person or entity, while establishing and regulating the terms and conditions of respective loans; provided the loan agreement meets and maintains standards set by Board approval
- G) Purchase, receive, hold or lease- transfer lease, sublease- or otherwise dispose of real and personal property, including real and personal property acquired by the corporation from time to time as part of a land bank, or in satisfaction of debts or enforcement of obligations;
- H) Acquire business, rights, the good will of the community, real and personal property, and any assets, or any part thereof, or interest therein, any persons, firms, partnerships, corporation, joint stock companies, associations, or trusts, and to assume, undertake, or pay the obligations or debts, and liabilities of any such person, firm, partnership, corporation, joint stock company, association, or trust; to acquire improved real estate for purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others in whole or in part for the construction or industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell convey, transfer, lease, sublease or otherwise dispose of industrial plants or business establishments.
- I) Acquire, subscribe *for*, own, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness *of*, any person, firm, corporation, joint stock company, association, or trust, and while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership, including the right to vote therein;
- J) Mortgage, pledge, or otherwise encumber any property acquired pursuant to the powers contained in divisions (D), (E), or (F) of this section;
- K) Adhere to the *Village Values and annual goals* established by the Village of Yellow Springs

Article 2 MEMBERS

2.1 Initial Membership. The initial members of the YSCDC are named by the incorporator of the Corporation (Village of Yellow Springs) and all persons thereafter are elected by the members and, upon such election, become members of the Corporation.

The inclusion of a diverse set of stakeholders supports better coordination of action and aligned strategic planning across entities.

Corporation members shall consist of

- Four persons who currently serve as elected or appointed officials of the Village of Yellow Springs, and are appointed to the board by the Village Council;
- One representative of the Miami Township Trustees appointed by the MTT;
- One representative of the Yellow Springs Exempted School District appointed by the YSESD board;
- One representative from the Village of Yellow Springs Chamber of Commerce who is appointed to the board by the Chamber,
- Six at-large members from business and non-profit organizations that support economic and community development and bring skills or expertise to bear on the success of the Corporation. Any recruited members shall live in, work in, or otherwise support the economic growth of the Village of Yellow Springs

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.



TO: Village Council
FROM: Lisa Kreeger & Brian Housh
RE: Village Manager Search
DATE: August 30, 2018

Primary Village Manager Search Elements

There are several key aspects to an effective Village Manager search, which could potentially be divided among Council members for oversight:

1. Consultant RFQ
This task involves defining what support is needed, e.g. job ad placement, background checks, organizing application materials, from a consultant based on past lessons learned and developing a draft RFQ for the October 1 Council meeting. Local expertise, potentially citizens who participated in the last hiring process, would be good to help vet that all bases are being covered in the RFQ.
2. Communications
This task involves updating the job description and other outreach collateral and working with the consultant and the Village Team, potentially including citizens by forming a Village Manager Search Committee, to creatively spread the word about this position. A Village Manager Search Committee could provide important capacity in the communication phase as well as later in the process, e.g. final interview itinerary and logistics.
3. Overall Hiring Process Oversight
This task involves creating a timeline that includes the various stages from receiving and processing applications through final candidate selection. Coordination with a consultant will be important.
4. Candidate Selection
This task involves development of selection criteria and an interview guide, vetting applications, selecting top candidates and developing a final interview strategy. All Council members should be actively involved in vetting candidates.
5. Transition Plan
Patti has agreed to develop this, and it would make sense for 2 Council members to help finalize this proposal for Council discussion and decision.

Diversity hiring and best HR practices should be considered and employed in all aspects of this Village Manager Search process.

MEMO

TO: BRIAN HOUSH, PRESIDENT OF COUNCIL, VILLAGE OF YELLOW SPRINGS, OHIO

FR: MAYOR'S COURT SUBCOMMITTEE OF THE JUSTICE SYSTEM TASK FORCE
(David Turner, JSTF Member; Laura Curliss, Subcommittee member;
Cyndi Pauwels, Subcommittee member concurring in report)
LISA KREEGER, Alternate Council Representative to JSTF
PATTI BATES, Village Manager
PAM CONINE, Mayor
BRIAN CARLSON, Chief of Police

DATE: August 28, 2018

RE: MODIFICATION TO JSTF RECOMMENDATION #1 PRESENTED
TO COUNCIL ON MAY 21, 2018

President Housh,

On May 21, 2018, a proposed resolution was presented to Council concerning the Justice System Task Force Recommendation #1. To summarize, that recommendation was developed by the JSTF after more than a year of work, had been advertised for receipt of public comments, and then was passed out of JSTF and forwarded to Council for consideration. The Recommendation make it a policy of the Village of Yellow Springs to fully utilize Mayor's Court by requiring the police to cite all misdemeanor and traffic cases into Mayor's court that legally are within the Mayor's Court's jurisdiction.

By way of background, Article III of the Charter of Yellow Springs establishes the Mayor's Court and Yellow Springs Ordinances have parallel citations to the Ohio Revised Code for traffic and misdemeanor cases. The Xenia Municipal Court has concurrent jurisdiction. The method by which a case gets sent either Xenia or Mayor's Court is by the choice of law cited on the summons/ticket. If an officer issues the citation using the Ohio Revised Code, the case will go to Xenia. If the officer uses the parallel Yellow Springs Ordinance citation, the case will go to Mayor's Court. For example, a simple disorderly conduct charge is a minor misdemeanor. If the officer uses O.R.C. 2917.11(A), the case will go to Xenia. If the officer uses the YS parallel citation (YS Ord. 648.04(a)), the case will be heard Mayor's Court. The Ohio Peace Officers Training Academy (OPATA) and other police training programs use the Ohio Revised Code; so officers new to Yellow Springs will know the ORC best and will likely use it until trained or instructed otherwise.

After the May 21, 2018 Council Meeting, you requested that the responsible parties set forth above meet to address concerns regarding discretion of officers to cite (where to send) a case. It is recognized by all responsible parties that Mayor's court does not have jurisdiction over felonies, second OVI's occurring within ten years of a first OVI, Compact law DL suspensions,

violations of protection orders, and several misdemeanors that must be cited under the O.R.C. (domestic violence assault, for example) per state law. It is also recognized that right now YS does not have a prosecutor (who has the power to amend charges, run a diversion program) and until recently did not have a person on staff to assist social services.

Chief Carlson is to be commended on providing the leadership and encouragement to officers to use Mayor's Court; however, the JSTF is specifically concerned that use of Mayor's Court be a matter of *policy* and not dependent on personnel or officer discretion (given turn over, so many new officers). Further, the Village taxpayers fund the court and have long-standing tradition (based upon the Charter) of desiring local control for dispensing justice. Right now, individual officers have the ability to substitute their judgement for this community preference for local control simply by charging cases under the ORC.

MODIFICATION BEING PROPOSED TO COUNCIL. On August 22, 2018, the responsible parties met for an hour and a half and arrived at the following agreement regarding cases to be cited using the YS Ordinances (Mayor's Court):

- 1) ALL MM-M1 Violations will be cited using YS Ordinances, EXCEPT:
 - a) Domestic violence
 - b) Assault or crimes of violence
 - c) Violations of Protection orders
 - d) Compact law suspensions
 - e) Misdemeanors and traffic citations where the offender is not a resident of Greene County (officer discretion due to the possible need for a warrant for failure to appear)
- 2) Parking Citations
- 3) Traffic Standing or Moving Violations

First time OVI's will be cited using the ORC (to Xenia) until such time as the Village has a prosecutor (Assistant Solicitor) for Mayor's Court. This is because many of these charges are amended to Reckless Operation in Greene County and this is not possible now in Mayor's Court.

CRIMES OF VIOLENCE. Due to time limitations, the group did not discuss what would be considered to be "crimes of violence." Some types of misdemeanor disorderly conduct charges may be viewed by police as "violent" because a person is being loud, obnoxious, "alarming" to others, "out of control" (due to alcohol, mental illness or otherwise) but is not assaulting anyone or threatening that (otherwise the charge would be assault). The data from the JSTF shows that in the period 2013-2017, the most of the Village's disorderly conduct cases were charged to Xenia (53 to Xenia, 16 to Mayor's Court). These cases are often some of the most politically charged (e.g., New Year's eve). The policy should be clear that disorderly conduct cases should be charged to Mayor's Court.

DATA COLLECTION: Prior to August 22, 2018, the responsible parties discussed how data will be collected related to the adoption of Recommendation #1. The idea was proposed that the Data Analysis subcommittee could obtain data from the police and the Mayor's Court Clerk in order to track charging patterns in the three groups of cases: 1) Cases that should be going to Mayor's Court per this policy (and where they are actually going), 2) cases that legally have to go to Xenia (excluding felonies); and 3) OVI's (helpful to break out first and second time OVI's). A report can be presented to Council from JSTF either monthly or quarterly, with a chart to show the trend. The Chief of Police can present the report.

Attached to this Memo is a modified resolution for passage by Council with the May 21, 2018 language proposing Recommendation #1 with the MODIFICATION above.

END OF MEMO

COUNCIL OF THE VILLAGE OF YELLOW SPRINGS

YELLOW SPRINGS, OHIO

RESOLUTION # _____

ADOPTING A POLICY FOR CHARGING MISDEMEANOR CASES INTO MAYOR'S COURT (UNLESS OTHERWISE REQUIRED BY STATE LAW)

Whereas, it is the policy of Council to process as many misdemeanor cases as possible in the Yellow Springs Mayor's Court, which has been established under the Village Charter and supported financially by the taxpayers of this community specifically for this purpose; and

Whereas, the Justice System Task Force recommends that action be taken to change the current pattern of police charging Mayor's court-eligible cases to the Xenia Municipal Court; and

Whereas, Council favors implementing criminal justice locally and consistent with our Guidelines for Policing and, whereas, Council believes that we can only achieve this if justice is administered locally to the greatest extent possible.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The Village Manager is directed to work with the Chief of Police to ensure that misdemeanors occurring in the Village are charged into Mayor's Court as follows:

- A) ALL MM-M1 Violations will be cited using YS Ordinances, EXCEPT:
 - i) Domestic violence
 - ii) Assault or crimes of violence
 - iii) Violations of Protection Orders
 - iv) Compact law suspensions
 - v) OVI's (Operating a Vehicle Under the Influence)
 - vi) Misdemeanors and traffic citations where the offender is not a resident of Greene County (officer discretion due to the possible need for a warrant for failure to appear)
- B) Parking Citations
- C) Traffic Standing or Moving Violations
- D) For purposes of this policy, disorderly conduct cases will be charged into Mayor's Court.

Section 2. This policy will be fully implemented by November 1, 2018.

Section 3. The Chief of Police will present a report to Council, on at least a quarterly basis, the number and types of cases (by name and code section) that are being charged into Yellow Springs Mayor's Court and how many to other jurisdictions, particularly Xenia Municipal Court.

SO RESOLVED this _____ day of _____, 2018, by a majority of a quorum of the Council of the Village of Yellow Springs, Ohio, at a regularly scheduled public meeting.

ATTEST:

Clerk of Council



TO: PATTI BATES, VILLAGE MANAGER

FROM: DENISE SWINGER – ZONING ADMINISTRATOR
AND PLANNING COMMISSION

DATE: AUGUST 27, 2018

RE: RECREATIONAL VEHICLES PARKING ON PUBLIC STREETS/ROWS

At Planning Commission's meeting on Monday, June 11, 2018, there was a unanimously approved recommendation for staff to forward on to Council the suggestion of an amendment to the General Offenses code regarding recreational vehicle parking on streets and other public areas within the Village of Yellow Springs. Since you will be presenting this recommendation to Council, I want to provide you with background information. Staff will also be asking Planning Commission for approval of an amendment to 1260.03 of the zoning code regarding recreational vehicle parking at their next meeting on Monday, September 10, 2018.

BACKGROUND

The zoning office has received numerous complaints from both citizens and staff regarding the parking of recreational vehicles on public streets. Although the complaints have sometimes been related to the owners living in the recreational vehicles, that is not always the case. Often the recreational vehicles (boats/campers, etc.) are parked on the streets for long periods of time using the public right-of-way for storage. The Public Works Department views it as a safety hazard for the Village's street crew, especially when trying to maintain the streets for snow plowing, etc. This also poses a problem for essential services, too, as it limits street access and may cause difficulty for a fire truck to navigate.

The zoning code defines a recreational vehicle as "*Vehicles or equipment used primarily for recreational or leisure purposes including, but not limited to, motor homes, camper trailers, travel trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies and similar vehicles and the trailers used to transport them.*"

The specific amendment being presented to the Planning Commission on September 10, 2018 will be:

1260.03 PARKING AND STORAGE

(b) Recreational Vehicle Parking. It shall be unlawful for any person to park or cause to be parked any mobile home or recreational vehicle on any street, alley, highway, or other public place in the Village except for the expeditious loading and unloading of the vehicle. ~~and to use~~

~~the same as a dwelling.~~ This provision shall not prohibit the temporary occupancy for periods up to 72 hours of a recreational vehicle; provided the recreational vehicle contains sleeping accommodations, is parked on a lot in a Residential District, and is for the use of the owner of that lot or guests of the owner.

There is not anything restricting recreational vehicles in public rights-of-way within the General Offenses code. Below is a suggested amendment for Council to consider adding. This has been reviewed and approved by the Police Department administration.

452.20 PARKING OF TRUCKS, AND CONSTRUCTION EQUIPMENT AND RECREATIONAL VEHICLES. IN RESIDENTIAL ZONES.

(a) No person shall park any truck exceeding 10,000 pounds gross vehicle weight, or twenty feet in length, nor any wheel or track-mounted construction equipment, including, but not limited to, trailers, tractors, loaders, dozers, air compressors and cement mixers, within the public right-of-way of any street in any residentially zoned area of the Village. An exception may be made, at the discretion of the police, for construction equipment left in place on a project currently underway in such a residential zone.

(b) No person shall park any mobile home or recreational vehicle, including but not limited to, motor homes, camper trailers, travel trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies and similar vehicles and the trailers used to transport them on any street, alley, highway, or other public place in the Village except for the expeditious loading or unloading of the vehicle.

Thank you for any consideration you may give to this request to ban the parking of recreational vehicles in the public rights-of-way.



Manager's Report, September 4, 2018

Rumpke Contract

The Rumpke contract expires August 31 of this year. In tonight's packet is an ordinance putting the new rates into effect September 1, 2018. As noted during the last meeting, 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. The reason you are seeing this again is because the previous ordinance had incorrect rates in it. I failed to take into consideration the additional amount we add to what Rumpke charges us, which goes to support a very small portion of the salaries of the two utilities clerks, as well as things like the spring cleanup sponsored by the Village. I apologize for the confusion.

Tree Ordinance

Also in tonight's packet is the

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

The ribbon cutting at the water plant is set for Tuesday, September 18, 2018 at 10:00 AM. Council members, please let me know if you are attending and would like to speak.

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.

Crews have begun exercising valves in preparation of starting unidirectional flushing. Valve exercising may cause

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.

PLANNING AND ZONING

The Planning Commission continues 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.

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

9-4-2018

To: Council

From: Judy Kintner

Re: Clerk's Report

Re: Stormwater Tri-fold: Council had asked that this be brought back to this meeting to assure that the document could be correctly formatted for inclusion in utility bills. Kasee Ault in the Billing Department managed to wrangle the document into submission and what you see in the packet here is acceptable for the printer and will appear in Villagers' September bill envelopes.

As every year at this time I mourn the annual closing of the Gaunt Park Pool for the season and wish to thank Samantha and her staff of completely wonderful young folks who made summer a great time for so many families this year.

I also want to recognize Johnnie's crew for their timely and detailed work on the pool area to get it up and running on time and keep it in great shape all season. All of that would not have been possible without the commitment on the part of Council to assure that this asset is treasured and funded.

It bears repeating (this is kind of a regular soapbox of mine) that there are many families who are not able to leave town for a traditional vacation. This pool—and our ballpark and the Youth Center and the Skatepark and fireworks and all of the festivals and events in town—these are the great summer memories. Thank you Council, Sam and Crew, Johnnie and Crew, Chamber—everyone making stuff happen here—for a great summer.

AND—it's getting darker earlier: WE STILL HAVE BIKE/WALKING LIGHTS AVAILABLE UPON REQUEST AT THE DISPATCH WINDOW!

--Judy Kintner

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:

Innovation approaches for storm water 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 storm water 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 storm water 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 amount of contaminants in our waterways.



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.lmriverkleeners.org>



Protecting Yellow Springs' Waterways



What Every Community Member Should Know

What is Storm water? Causes and Effects:

Storm water 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 storm water 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 storm water management. Storm water is now the leading cause of water pollution.

In close proximity to waterways, developed areas create an environment for storm water 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 storm water 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 storm water runoff, we all have a role in cleaning it up.

Get Involved

Residents of Yellow Springs are encouraged to take modest steps to help alleviate some of the negative impact that storm water 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 storm water violations when you spot them to your local government can help mitigate further damage. Keep friends and family aware.



VYSO Board Room Projector

Quote #: 003141 v1

Prepared For
Village Of Yellow Springs
Patti Bates
100 Dayton Street
Yellow Springs, OH 45387

P: (937) 767-7202
E: pbates@vil.yellowsprings.oh.us

Prepared By
YourStor.com, LLC
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Springfield, OH 45504


P: (937) 536-9091
E: john@yourstor.com

Date Issued:
8/24/2018

Expires:
6/25/2018

Review Your Options

Your Available Options

Products	Price	Qty	Ext. Price
 Optoma 3D Ready DLP Projector - 720p - HDTV - 16:10 - Rear, Ceiling, Front - 195 W - 5000 Hour Normal Mode - 6000 Hour Economy Mode - 1280 x 800 - WUXGA - 22,000:1 - 3600 lm - HDMI - USB - 294 W - 3 Year Warranty	\$629.95	1	\$629.95
Ticket# T20180313.0119			\$0.00
		Subtotal	\$629.95
Quote Summary	One-Time		
Products Subtotal	\$629.95		

Subtotal \$629.95

Estimated Shipping
(Actual Invoiced) \$10.00

Total Amount \$639.95

Term Options Payments Interval Amount

 15 Days 1 One-Time \$639.95

Total of Payments \$639.95

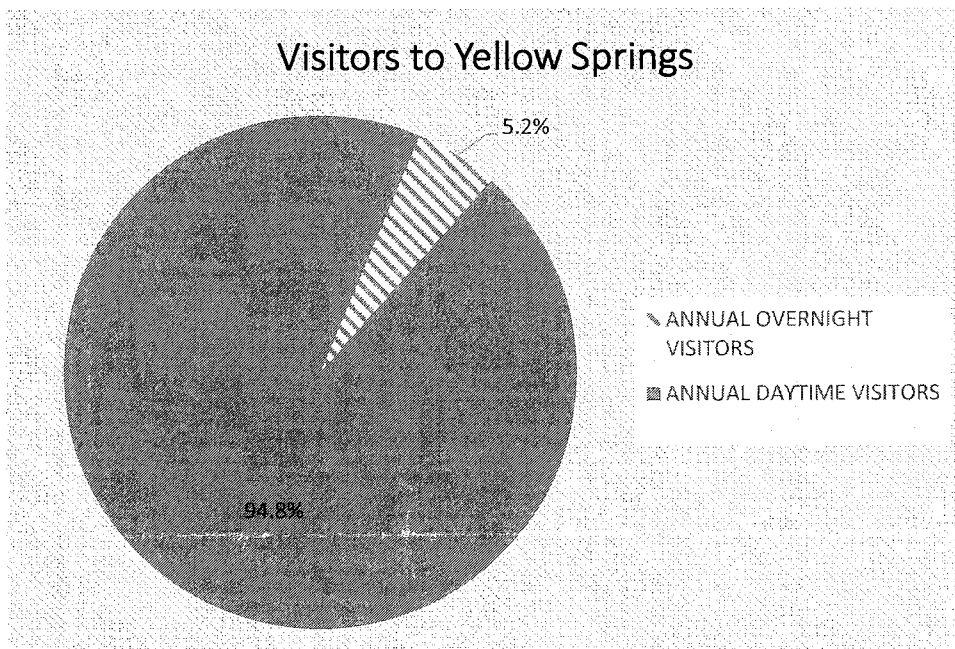
Dear Village Council Members,

Did you know that only 5.2% of visitors to Yellow Springs stay overnight.

The Y S Chamber report titled " Financial impact of a vibrant downtown on the Yellow Springs economy " falsely states that the village has done all it can to support the businesses, organizations and individuals responsible for the vibrant economy. Taxing the customers of a specific business is not support. The lodging tax was imposed by the village council to pay for the infrastructure burden of tourism. This tax unfairly targets and penalizes the small group of visitors who overwhelmingly contribute the most per visitor to the economy. According to the Chamber the 14,406 overnight visitors, or 5.2% of the total visitors, contribute over \$ 4.5 million or nearly 30% of the total destination economy. These folks along with the 260,000 daytrippers should be applauded and never penalized for patronizing our village.

The lodging establishments provide private parking and restroom facilities to the overnight visitors resulting in nearly zero burden on our infrastructure. Also the identities and addresses of the guests are known thus reducing the need for police intervention to practically zero.

The village council should support local businesses and their customers but they must do it fairly. They should not subsidize one business and penalize another. The lodging tax should never have been imposed and should be repealed.



Data Provided by Yellow Springs Chamber of Commerce

Jim Hammond
Mills Park Hotel



Health '18! Expo!

**FREE
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Refreshments!**

**Learn how to get and
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- Health exhibits!
- Stage demonstrations!
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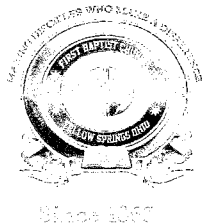
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First Baptist Church
of Yellow Springs

600 Dayton Street
PO Box 238
Yellow Springs, OH
45387

Church: (937) 767.7659

William E. Randolph, Jr.
Pastor/Teacher
(937) 767.9032

"Making Disciples Who
Make A Difference"

Mission

To glorify God by
making disciples who
make a difference.

Vision

To be a caring
community of
Christians who are in
the community seeking
to transform the
community for the
glory of God and the
testimony of
Jesus Christ.

Our Core Values

We value Bible-
centered preaching and
teaching; servant
leadership; people;
Christian education for
all ages; financial
responsibility; strong
families; evangelism;
intercessory prayer;
worship and praise.

August 18, 2018

HRC, Village of Yellow Springs
100 Dayton Street
Yellow Springs OH 45387

Dear HRC, Village of Yellow Springs:

Thank you so much for your donation of backpacks and/or school
supplies to the AWANA Club of First Baptist Church of Yellow Springs.

Because of the generous support of people like you, we were able to
surpass our goal to provide fifty backpacks with school supplies to
children in our community.

Thank you again for helping to make our Backpack Give-a-way a
success!

William E Randolph Jr,
Pastor

Cathy Hill,
Awana Commander

