

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

**IN COUNCIL CHAMBERS @ 7:00 P.M.**

**Monday, September 17, 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**

NECCO of Dayton re: Foster Families Needed

**CONSENT AGENDA (7:10)**

1. Minutes of September 4, 2018 Regular Meeting

**REVIEW OF AGENDA (7:15)**

**I. PETITIONS/COMMUNICATIONS (7:20)**

The Clerk will receive and file:

Greene Co. CHD re: FASD Awareness Month  
Judith Hempfling re: Employee Evaluations  
JSTF re: Citizen Review Boards (2 Items)  
Home, Inc. re: Capital Campaign Request

**II. PUBLIC HEARINGS/LEGISLATION (7:25)**

**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 2018-33** Enacting New Chapter 1023 Entitled "Trees" of the Codified Ordinances of Yellow Springs, Ohio

**First Reading of Ordinance 2018-36** Adding a New Section (b) to Section 452.20 of the General Offenses Code Prohibiting the Parking of Mobile Homes and Recreational Vehicles on Any Village Street, Alley, Highway or Other Public Place for Other Than the Expeditious Loading or Unloading of Said Vehicle

**First Reading of Ordinance 2018-37** Creating a Tree Commission for the Village of Yellow Springs

**Reading of Resolution 2018- 37** Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor

**Reading of Resolution 2018-38** Adopting a Policy for Charging Misdemeanor Cases Into Mayor's Court

**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**

Report Out on Village Implicit Bias Training (Stokes: 5 min.)

JSTF Biennial Report (Deweese: 10 min.)

**V. OLD BUSINESS (8:05)**

Review of JSTF/Commission Proposal (Housh/Hempfling: 15 min.)

Village Manager Search Process (Housh: 5 min.)

Proposed DCIC Purpose Statement (Kreeger: 5 min.)

Finance Committee Update (Kreeger 5 min.)

**VI. NEW BUSINESS (8:35)**

Citizen Advisory Board Proposal (Kreeger/Stokes: 10 min.)

Vote 16/Local Gun Control Proposals (Housh 10 min.)

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

**VII. MANAGER'S REPORT (9:00)**

**VIII. SOLICITOR'S REPORT (9:05)**

**IX. CLERK REPORT (9:10)**

**VI. BOARD AND COMMISSION REPORTS (9:15)**

Report Outs from Council Liaisons (Alternate Liaison in parenthetical):

MacQueen	Planning Commission (Kreeger)
Kreeger	Economic Sustainability Commission (Stokes)
Stokes	Community Access Panel (Housh)
Kreeger	Arts and Culture Commission (Housh)
Hempfling	Energy Board (Stokes)
Hempfling	Library Commission (Stokes)
Hempfling	Justice System Task Force (Kreeger)
MacQueen	Village Mediation Program (Kreeger)
MacQueen	School Board Liaison (Housh)
Stokes	Human Relations Commission (MacQueen)
MacQueen	Environmental Commission (Kreeger)
MacQueen	Glass Farm Conservation Management Committee (Kreeger)
Housh	Greene County Regional Planning Commission (MacQueen)
Housh	Miami Valley Regional Planning Commission (Bates)

**VII. FUTURE AGENDA ITEMS (9:20)\***

Oct. 1: **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 2018-35** Creating a Utility Roundup Program for the Village of Yellow Springs

General Fund Budget Presentation

DCIC Plans Regarding Outreach to Stakeholders

Draft Village Manager Search Consultant RFQ

JSTF Biennial Report

- Oct. 15: Justice System Commission Proposal  
Beth Rubin, Director of Greene County Dept. of Job and Family Services re:  
Upcoming GCCS Levy (Announcements)  
Enterprise and Special Revenue Presentation  
Zoning Administrator Request for Zoning Change re: R-B to R-C/PUD (Home,  
Inc. Senior Housing)  
Justice System Commission Proposal  
DCIC Update  
Recommendation re: Legal Services
- 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
- 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, October 1, 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](mailto:clerk@yso.com) for more information.

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

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

**Tuesday, September 4, 2018**

**CALL TO ORDER**

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

**ROLL CALL**

Present were President Housh, Vice President Marianne MacQueen and Council members Judith Hempfling, Kevin Stokes and Lisa Kreeger. Also present were Village Manager Patti Bates, Public Works Director Johnnie Burns, Planning Administrator Denise Swinger and Village Solicitor Chris Conard.

**ANNOUNCEMENTS**

Kreeger announced an upcoming series of free concerts by the World House Choir featuring the story of Bayard Rustin.

Bates announced the ribbon cutting event to mark the opening of the new Village water plant for September 18 at 10am.

Housh noted a communication regarding bikers on downtown sidewalks and asked that the Village put back the signs indicating that bikes and other wheeled devices not to be ridden on sidewalks in the downtown area. The Village Manager affirmed that this would be done.

Housh announced the opening reception for the John Bryan Community Gallery's new show on September 27 from 6-9pm, with Joseph Glenn providing steel drum music.

Housh announced the annual MTRF 9/11 Memorial Stair Climb set for Saturday. Housh noted that other Saturday events are the Cyclops Fest and the Trails Transform America event in Xenia. He noted WYSO's Community Concert taking place on Sunday the ninth at RiverScape.

**CONSENT AGENDA**

1. Minutes of August 20, 2018 Regular Meeting

MacQueen MOVED and Stokes 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**

Housh removed the Vote 16/Local Gun Control Proposals and the Proposal for Overhead Projector for Council Chambers. MacQueen added an Antioch College student project to New Business.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

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

MacQueen also made note of a phone call received from Sam Jackson thanking the Village Crew for good service.

**PUBLIC HEARINGS/LEGISLATION**

**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. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Stokes asked the Village Solicitor if, as an employee of Antioch College, he should recuse from participation in the discussion and/or decision for the rezoning ordinance. The sSolicitor responded in the affirmative, and Stokes verbally recused for reasons of potential conflict of interest. He observed the discussion and vote from the audience.

Swinger introduced the ordinance, noting that at the August 13, 2018 meeting of the Planning Commission, PC 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. One of the requirements of the PND is that the property must be located in a residential district. Swinger noted that the location, at 117 East North College Street, abuts an R-C, High Density Residential District on both the north and west sides.

Antioch College alum and board member Malte Von Matthiessen commented that he is the chair of the college's Facilities Committee and that he is, "passionate about collaboration". Von Matthiessen noted that in rezoning the parcels in question, those parcels would become taxable properties and, thus, provide some measure of income to the Village.

Von Matthiessen noted that the project is a preliminary step towards embarking on the Antioch College Village project.

Housh commented that the proposed development fits with the Village's dialogue regarding affordable and sustainable housing provision.

There being no further comment, Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**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. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Bates explained that the second ordinance had been necessary because the first ordinance did not incorporate a needed increase to help pay for salaries and Spring cleanup. This ordinance passes along the 3% across the board increase for first 2018 and then 2019, as added to the current rates.

Housh OPENED A PUBLIC HEARING.

There being no public comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Emergency Reading of Ordinance 2018-34** Creating a Fund Line to Accept Donations for Utility Roundup and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Kreeger introduced the ordinance, explaining that establishment of the fund has been in the works for several months. She noted that in order to launch the fund, a line for incoming funds needs to be created. Kreeger noted the option for citizens to give as little or as much as they would like.

Bates noted that the fund has to go to the State Auditor for approval before going into use, which will cause some delay.

Kreeger noted that they would like to have the fund ready to start disbursing by early winter.

In response to a question from Housh, Kreeger stated that the Senior Center has agreed to serve as the non-profit partner to administrate the fund.

Bates noted that the Village will anonymize each application before sending them on to the Senior Center's review committee.

MacQueen commented that the project has been several years in the making.

Stokes reiterated that the plan is opt-in only.

MacQueen noted that the purpose of the fund is to assist persons with one-time need due to illness or job loss, and is less suited to ongoing difficulty in making payments.

Leslie Scheper asked how Council is planning to lower utility rates. She referenced a YS News article that stated that the utility accounts are "tremendously full". She commented that she had called DP&L and determined that her Village Bill would have been \$40.00 less if DP&L had been the provider.

MacQueen commented that the Village utilities are not in place to make money, and that Council takes seriously the need to address utility costs, this fund being only one means of addressing the issue.

Scheper responded that Village's "lofty ideals" with regard to green energy provision are costing citizens money that they may not be able to afford to spend.

Bates noted that the Village is locked into energy contracts, and the Energy Board weighs in on those whenever they do come due. She noted that some of those contracts are not contemplated for being sold off, while others may be considered for sale when they are up. Bates noted infrastructure needs that need to be met and the high cost associated with these, which is part of what the funds are used for.

Housh commented that sustainable energy, while it may be more expensive initially, avoids the pitfalls and lawsuits that are a potential with "dirty" energy. Housh noted that Council responds to citizens, and if it becomes the will of citizens that the Village not prioritize sustainable energy, that will be considered. Current choices, Housh stated, reflect Village Values.

Housh noted that the Utility Roundup Fund mirrors similar assistive programs offered by DP&L, highlighting that DP&L's energy rates are not affordable for all users and commenting that most municipalities who own utilities choose not to administer such programs due to the difficulty of doing so for non-private entities.

Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2018-32** Approving a Contract with Precision Concrete Cutting for Sidewalk Repair. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Burns noted the areas that will be addressed in the contract. He noted the proprietary properties of the technique, which the Village will assess for its utility and a future decision as to whether it wishes to use Precision Concrete on a more widespread basis.

Housh asked where the Village stands with regard to the \$50,000.00 allotted annually for sidewalk repair, and was informed that the Village is now well over budget.

Burns commented that by contracting for the repairs now, the Village will be able to save about \$10,000.00.

Burns addressed a question from Megan Bachman regarding what percentage of the sidewalks needing repair this contract represents.

There being no further comment from citizens, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 ON A VOICE VOTE.

**Reading of Resolution 2018-33** Affirming Village Council Priorities for Tecumseh Land Trust Easement Purchases. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

MacQueen commented that the greenbelt to the west exists in part to prevent sprawl from Fairborn encroaching upon the Village. That said, however, there is property located between the Village limits and the greenbelt which could be developed, she commented. The resolution affirms those properties that the Village does not see as viable for development, and which it does wish to see conserved as greenbelt.

Krista Magaw, Tecumseh Land Trust Director, stated that the TLT's purpose within the Clark and Greene County area is to preserve water resources and farmland.

Magaw noted that the map provided identifies areas the Village wishes to see conserved. She noted grants and funding opportunities available to TLT and highlighted an upcoming educational workshop for property owners regarding available resources for conservation practices.

Magaw stated that TLT now has about 2.3 million dollars committed to land preservation, including the Village's up to \$200,000.00.

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

**Reading of Resolution 2018-35** Approving an RFP for a Comprehensive Stormwater System Survey. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Council members expressed their desire that, to the greatest extent possible, swales and other natural mitigation methods be used.

Following discussion, the RFQ was modified slightly to reflect the priority.

Burns commented that the study should identify problem areas.

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

**Reading of Resolution 2018-36** Approving an RFP for a Comprehensive Electric System Survey. Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

Bates noted that for this RFP, the Village worked off of a draft provided by AMP.

Burns commented that, as with the stormwater RFP, the electric system RFP was intentionally kept open so that the Village could assess what bidders were able to bring to the table.

Kreeger stated that without the results from the electric system survey, the Village cannot clearly assess its infrastructure needs, noting that this is a vital step in intelligently addressing utility upgrade and maintenance needs.

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

**CITIZEN CONCERNS**

Malte Von Matthiessen commented that the Village should consider hiring Lisa Abel, who recently retired from YSI/Xylem, to assist with resolving the Vernay brownfield situation. Ms. Abel, he said, was the lead on the cleanup needed at YSI some years ago.

**SPECIAL REPORTS**

**OLD BUSINESS (8:00)**

**Housing Advisory Board Update re: Goals and Coordination with Planning Commission.** MacQueen commented that the HAB will invite housing stakeholders to a discussion regarding the Bowen housing report on September 20<sup>th</sup>, and will have recommendations for Council after that time. MacQueen noted an Ohio Housing Authority meeting in October and stated that she will attend, and suggested that Swinger attend if possible.

**Draft Resolution Approving a Designated CIC Code of Regulations.** Kreeger read through the provided document, highlighting the following steps and a request that Council approve the proposal.

Request of Council at Sept 4 meeting:

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

Proposed Next Steps:

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, etc.

Recommended Timeline:

During September

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

School Board representatives and Mario Basora

Miami Township representatives

Yellow Springs Chamber of Commerce

Antioch College (Tom Manley and designates)

Additional stakeholders conversations may be planned

Kreeger suggested that work on the code of regulations continue through the process above, and that stakeholders be involved in crafting the document.

Housh commented that if the goal is collaboration, the document should not be finalized without gaining stakeholders input.

Hempfling asked about funding of projects, and expressed concerns regarding how much input citizens have into the process and what the process of decision-making around projects would be.

Kreeger responded that guidelines would need to be very clear regarding how funds could be spent, and that this would be decided through a public process at a Council meeting.

Council discussed the makeup of the board and the relative merits of the proposed makeup.

Kreeger acknowledged the large amount of staff time that will be required, and expressed hope that some members of the volunteer board could assist staff. Housh also highlighted that the Village has an Economic Development Fund with approximately \$120,000 that could be considered to support this initiative.

Housh suggested that for the outreach meetings that the Village go in with a purpose statement and nothing more, as a means of facilitating dialogue.

Council gave approval for Kreeger to proceed with outreach efforts.

**Prioritization of JSTF Task List.** Hempfling provided a prioritization list from the JSTF, and stated that while the work of the Task Force may continue, the group itself will not exist in its current iteration after the end of the year, lending urgency to the proposed work.

Hempfling stated that she will be bringing a proposal, in collaboration with Housh, to the second September meeting that proposes a way to continue the work of the Task Force in providing capacity to move forward Village Justice System goals.

Hempfling presented a case for establishing a Justice System Commission.

Housh noted the importance of assessing what can be handled on the agenda. He noted that none of the work is being dropped, but that a process needs to be put in place for that continuation and what can be completed in the next four months.

Bates emphasized that if staff and the Village Solicitor are able to vet proposals on the front end, it saves time for staff overall. She commented that this should save “back and forth” time as well.

MacQueen stated concern with the process, commenting that she would prefer that proposals come to Council at inception, rather than once they are fully formed. She stated that she would like a discussion at a Council meeting regarding the pros and cons in the early stages.

Hempfling responded that the proposals are in response to Council directives.

MacQueen suggested that Council is not ready to deal with many of the suggestions being made.

Stokes argued that the fact that there is a long list of tasks proposed should not force any urgency either to complete the tasks quickly or to make a decision on the Task Force. There are other options for continuing the work, Stokes stated, and these can be explored. Allow for a common sense approach, Stokes said.

Housh stated that surveillance technology and Mayor’s Court proposals should be completed as well as a biannual report and a discussion regarding the future of the Task Force. He suggested that the Civilian Review Board issue be set aside for now and that the other two Mayor’s Court suggestions (Public Defender and Prosecutor) be set aside as well.

Hempfling stated that the JSTF will disband at the end of the year and that she/Housh are proposing a different entity for this work.

Housh stated that the proposed JSTF items will be vetted during Agenda Planning, and that priorities will then be discussed by Council on September 17<sup>th</sup>.

Kreeger commented that the JSTF has a lot of passion and ideas, and encouraged that the tasks be approached with a project management prospective so that time, personnel, cost, etc. be taken into account. There is strength in passion and ideas, she said, but feasibility and focus are critical at this point.

David Turner, JSTF member, commented that the suggestions from the JSTF are just that, and that the Task Force should be able to hand off ideas to Council and have Council handle the ideas from that point on. He suggested looking at the entirety rather than ideas individually to consolidate processes. Turner spoke against a permanent task force in that it suggests that “our problems can never be resolved.”

MacQueen stated that the process of interaction between boards and commission and Council should be carefully examined so that ideas come earlier to Council meetings.

**Village Manager Search Process.** Housh stressed the importance of the diversity hiring process. Kreeger commented that all members of Council should contribute their strengths.



Discussion ensued, with Council members identifying their areas of interest.

Housh committed to return with an RFQ for a consultant, working in collaboration with Kreeger, for the October 1 meeting.

**Mayor's Court Recommendation with Updated Charges List.** Kreeger introduced the topic, reminding Council that the proposal had come to Council earlier, and that the Mayor and Chief had expressed concerns regarding capacity, readiness and scope of the proposal at that time. Subsequently, a Mayor's Court subcommittee has met and revised the proposal to address some of those concerns, resulting in the document currently before Council.

Kreeger expressed appreciation for the process of working through the concerns with concerned parties as well as members of the JSTF, characterizing it as educational and effective, with good cooperation and input from all parties.

Kreeger iterated that first time OVI's are not recommended to come to Mayor's Court, although they can, because it is not a best practice due to the fact that the Mayor cannot reduce the charge, while Xenia Municipal Court can do so, and can also provide requirements for drug and/or alcohol treatment or education.

Housh sought further explanation regarding the best practice.

Conard stressed that even when a charge is reduced, there is almost always a requirement for drug/alcohol treatment, which is not available through Mayor's Court.

Conard noted that Council will need to be mindful of the separation of powers of government if it chooses to hire a prosecutor in the future. He suggested that Council gather information regarding the cost of a prosecutor as background information.

Housh stated that Council will need to weigh what benefits can be achieved with regard to restorative justice, given that most Mayor's Court cases involve parking or traffic violations, if a prosecutor and/or a public defender are brought in against overall cost and effort to implement these initiatives.

David Turner commented that when larger numbers of cases were going to Mayor's Court, it was self-sustaining, and suggested that when more cases are brought, a prosecutor and public defender might be affordable.

Housh asked that the proposal be brought to the September 17 meeting as a resolution.

#### **NEW BUSINESS (8:50)**

**RV Parking Regulation Recommendation from Planning Commission.** Bates stated that staff and Planning Commission recommend the change to the zoning code and the addition of the parking regulation to the General Offenses code.

Bates stressed that enforcement is complaint driven, and that the offense would be a parking ticket. Bates noted that if a vehicle is blocking the roadway for purposes of street work, the only entity with authority to run a plate and determine vehicle ownership is the police department.

Housh asked that the inclusion of "motorcycles" be clarified.

Council agreed to continue the discussion when legislation is brought to the table.

**Overhead Projector Proposal.** This was moved to the following meeting.

**Antioch Student Project.** MacQueen asked that the Village Manager and Police Department work with an Antioch student on an interactive project regarding citizen and police interaction.

Bates responded that Chief Carlson is aware of the project and has been in contact with the student.

#### **MANAGER'S REPORT**

Bates noted that the Tree Ordinance will be on the agenda for the September 17<sup>th</sup> meeting, and will appear with an ordinance to establish a Tree Commission.

Bates noted closure of the Bryan Center parking lot while it is repaved.

Housh asked that brown water posts to the website and Facebook page are consistent and complete in every instance.

Burns updated Council regarding brown water, noting that of the eight valves engaged in the current unidirectional flushing project, four broke off. Location and repair of the valves, along with a serious house fire which required significant water flow, have worked to create a brown water problem.

Burns explained that he is working closely with the EPA regarding notification. In response to a concern from Hempfling, Burns stated that the flushing project is an EPA requirement that cannot be halted.

**SOLICITOR’S REPORT**

There was no additional report.

**CLERK’S REPORT**

The Clerk thanked Samantha Stewart and her pool team as well as the Village Crew and Council for an outstanding pool season.

**FUTURE AGENDA ITEMS**

Kreeger asked whether there would be any follow up regarding Jim Hammond’s Lodging Tax letter.

Housh stated that it had been noted in Petitions and Communications, and commented that use of the income from the lodging tax was something he wanted to assure was addressed in the budgeting process.

- Sept. 17:
- 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

**First Reading of Ordinance 2018-35** Creating a Utility Roundup Program for the Village of Yellow Springs

**Ordinance 2018-37** Creating a Tree Commission for the Village of Yellow Springs

**Resolution 2018-34** Approving a Designated CIC Code of Regulations

**Resolution 2018- 37** Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor

**Resolution 2018-38** Adopting a Policy for Charging Misdemeanor Cases Into Mayor’s Court

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

**ADJOURNMENT**

At 10:01pm, MacQueen 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](mailto:dswinger@vil.yellowsprings.oh.us).

**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**, on September 10, 2018, Planning Commission requested that Antioch College, as part of the overall project remove the blacktop surface now on Lot 3-A, parcel ID F19000100090029500 And, until such time as any further development is planned on that lot, create a green space as a further buffer and as a neighborhood beautification; 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 with the recommendation that Lot 3-A parcel ID F19000100090029500 be improved as stated above,

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

**Section 1.** Village Council accepts the Planning Commission’s recommendations 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.

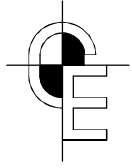
\_\_\_\_\_  
Brian Housh, President of Council

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*  
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.

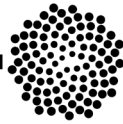
Scale: 1"=50'

0 25 50 75 100 150  
GRAPHIC SCALE IN FEET





MCLENNAN DESIGN



Preliminary Site and Zone Analysis

**ANTIOCH PND**



## CONTENTS

Introduction	03
Zoning Considerations	05
Site Requirements	06
Pocket Neighborhood Developments	09
Initial Site Design	11

## 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*

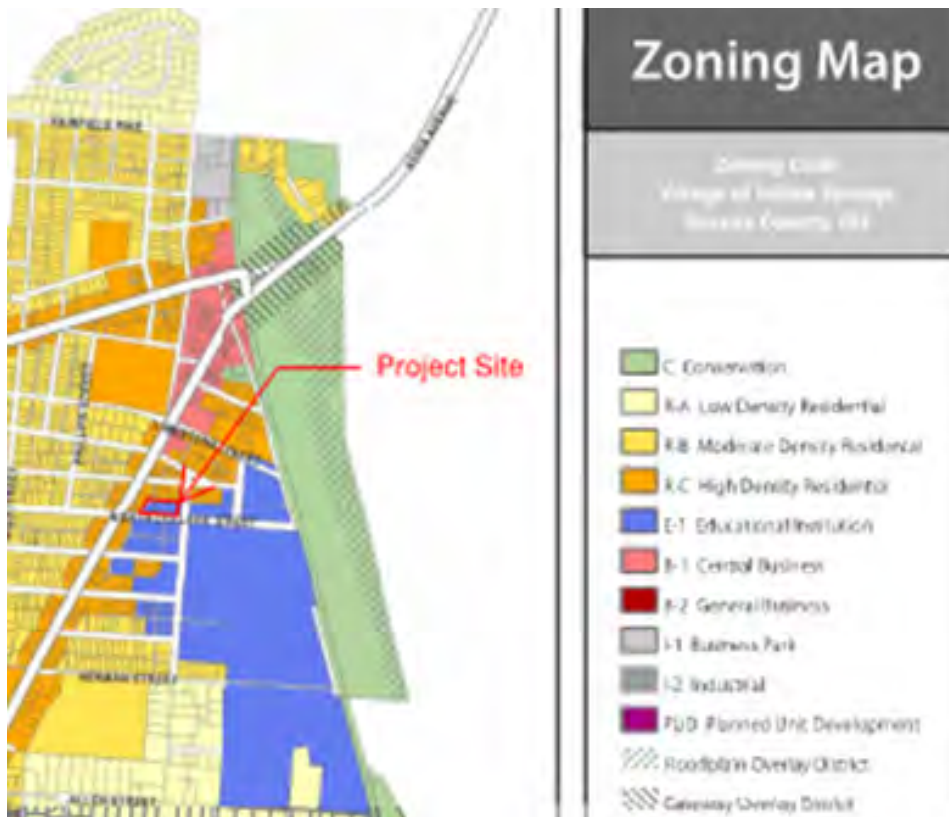


## ZONING CONSIDERATIONS

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

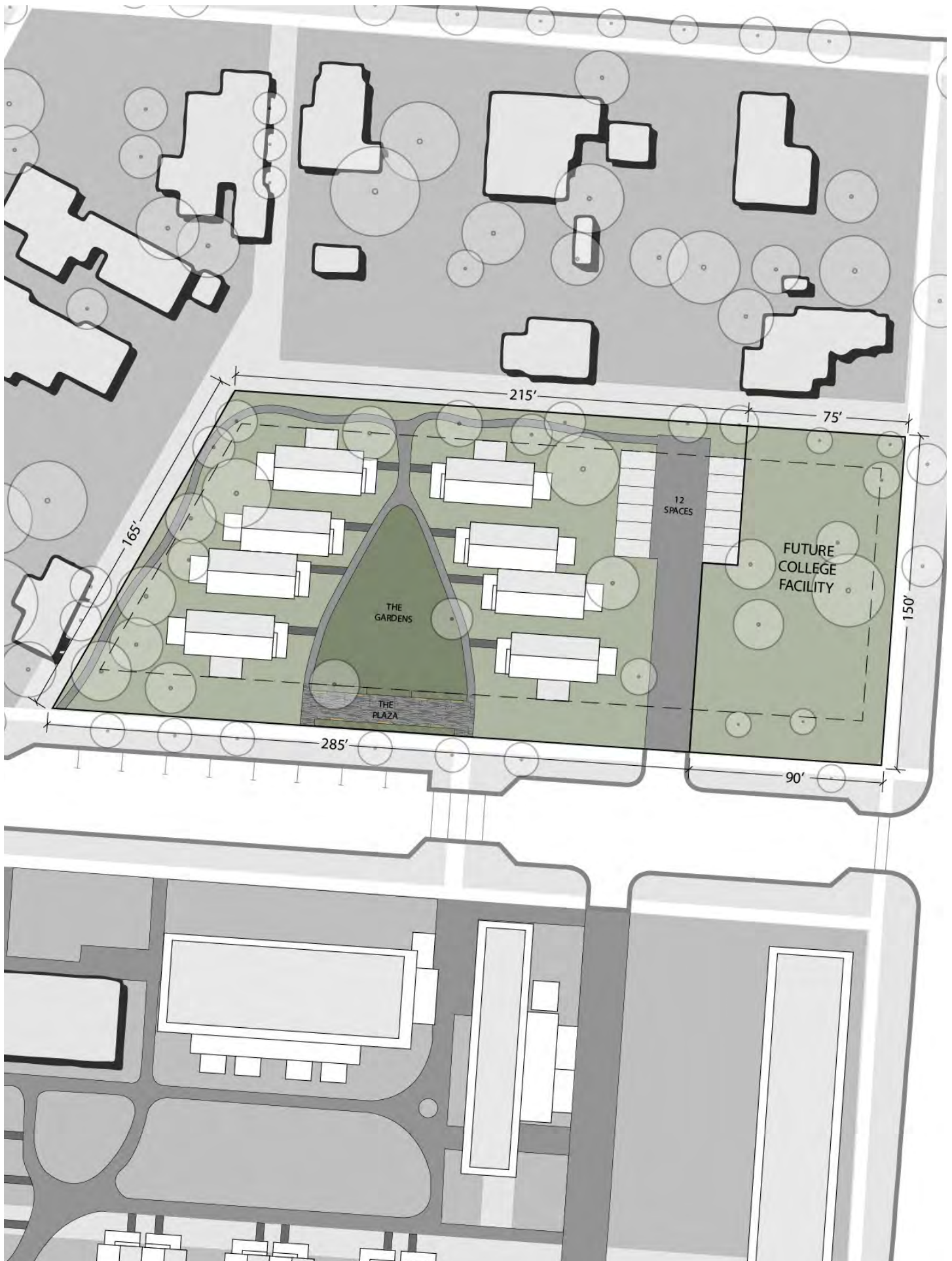
Our initial concept builds upon the idea of small eco-houses arranged around a common green as per the co-housing concept. We have chosen a site concept design that allows for 8 small homes, half of which are attached and half fully detached per the pocket neighborhood requirements. The attached homes 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.









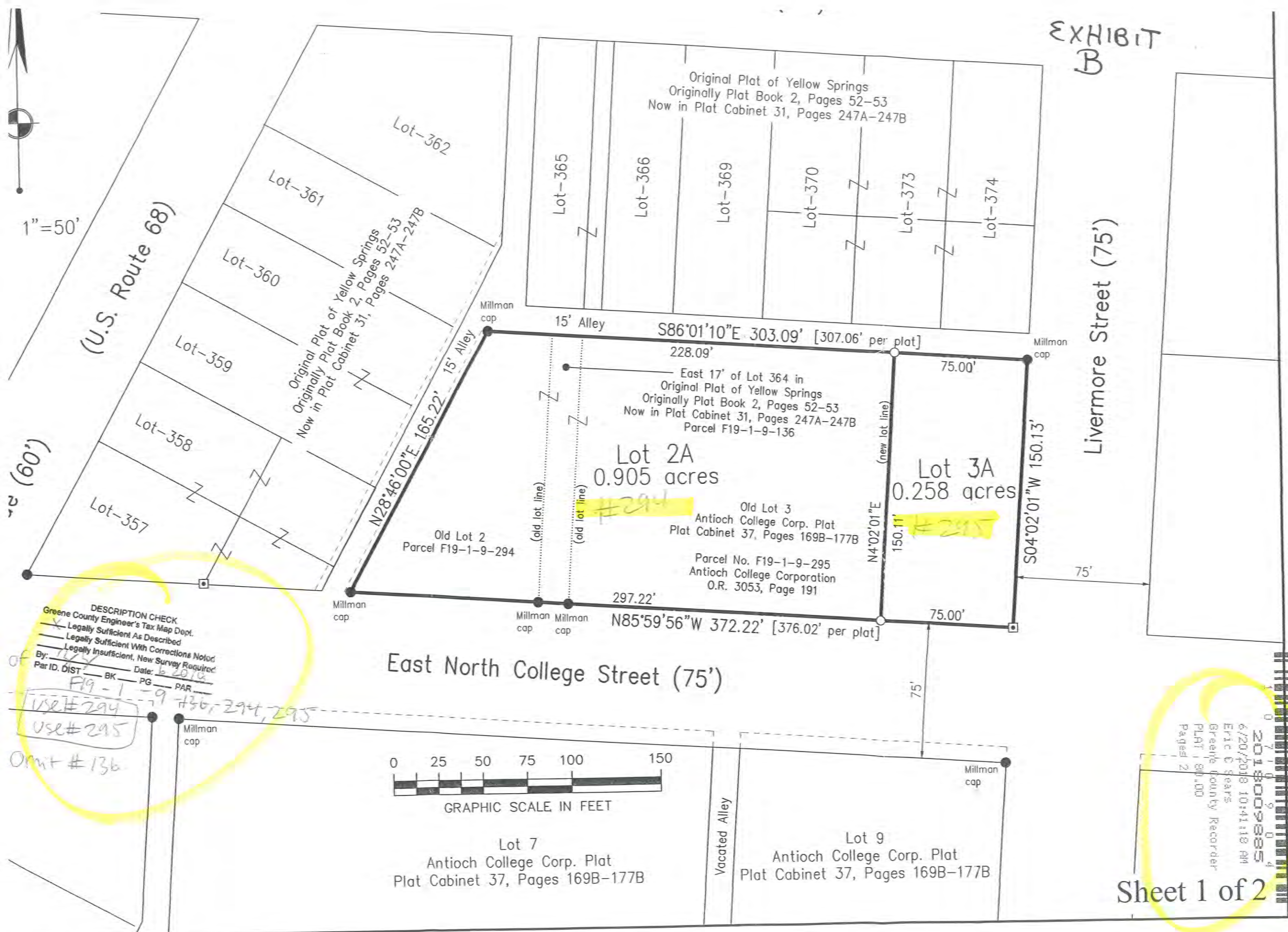


MCLENNAN DESIGN





EXHIBIT  
B



DESCRIPTION CHECK  
Greene County Engineer's Tax Map Dept.  
X Legally Sufficient As Described  
\_\_\_\_ Legally Sufficient With Corrections Noted  
\_\_\_\_ Legally Insufficient, New Survey Required  
By: 12/25 Date: 6/20/18  
Par ID: DIST BK PG PAR  
F19-1-9-294, 295  
Use #294  
Use #295  
Omit #136

20180009885  
6/20/2018 10:41:18 AM  
Eric C. Sears  
Greene County Recorder  
PLAT 180.00  
Page 2

Sheet 1 of 2

**VILLAGE OF YELLOW SPRINGS, OHIO  
ORDINANCE 2018-33**

**ENACTING NEW CHAPTER 1023 ENTITLED “TREES” OF THE CODIFIED  
ORDINANCES OF YELLOW SPRINGS, OHIO**

**Whereas,** Council for the Village of Yellow Springs, in conjunction with the Village Manager and with the Yellow Springs Tree Committee have determined to apply for Tree City USA status as a means of formalizing and furthering the work of the Tree Committee; and

**Whereas,** As a necessary step towards becoming a Tree City USA, the Village of Yellow Springs must establish both a Tree Commission and guidelines to direct that Commission; and

**Whereas,** the Council of the Village of Yellow Springs believes has determined it is in the best interest of the Village to codify regulations as it relates to public and private trees as a necessary step in becoming a Tree City USA;

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

**Section 1.** A new Section 1023 entitled “Trees” is hereby enacted to read as set forth in the attached Exhibit A, which is incorporated herein.

**Section 2.** The Ordinance shall become effective at the earliest period allowed by law.

\_\_\_\_\_  
Brian Housh, Vice President of Council

Passed:

Attest: \_\_\_\_\_  
Judith Kintner, Clerk of Council

Roll call:      Housh \_\_\_\_\_ MacQueen \_\_\_\_\_ Hempfling \_\_\_\_\_  
                         Stokes \_\_\_\_\_ Kreeger \_\_\_\_\_

**EXHIBIT A**  
**CHAPTER 1023**  
**TREES**

**1023.01 PURPOSE AND INTENT.**

**1023.02 DEFINITIONS.**

**1023.03 TREE COMMISSION.**

**1023.04 RULES AND REGULATIONS.**

**1023.05 PARKING LOT REQUIREMENTS.**

**1023.06 MAINTENANCE.**

**1023.07 URBAN FOREST MANAGEMENT.**

**1023.08 ABUSE OR MUTILATION OF PUBLIC TREES.**

**1023.09 STREET TREE PLAN FOR NEW DEVELOPMENT.**

**1023.10 REMOVAL OF DANGEROUS TREES ON PRIVATE PROPERTY.**

**1023.11 INDEMNIFICATION.**

**1023.12 INTERFERENCE WITH VILLAGE TREE.**

**1023.13 SEVERABILITY.**

**1023.14 VIOLATION AND PENALTY.**



### **1023.01 PURPOSE AND INTENT.**

This chapter establishes policies, regulations, and standards necessary to ensure that the Village will continue to realize the benefits provided by its urban forest. The provisions of this chapter are enacted to:

- (a) Establish and maintain a sustainable amount of tree cover on public and private lands in the Village;
- (b) Maintain public trees in a healthy and non-hazardous condition through good arboricultural practices; and
- (c) Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest.

### **1023.02 DEFINITIONS.**

- (a) Hazardous tree - a public tree or private tree or any portion thereof which is determined by the Tree Commission or its Designee to create a health or safety risk to the public because the tree is dead or dying, has an infectious disease or insect problem, is injured beyond restoration, is in danger of falling, is so close to an existing or proposed public structure as to endanger such structure, creates unsafe visual clearance, interferes with public utility services or communications facility services, or poses other risks identified by the Tree Commission.
- (b) Private Tree - Any tree on private property and not a public tree.
- (c) Pruning - selective removal, trimming and/or thinning of the upper portions of the tree, taking into account the shape and natural structure of the tree.
- (d) Public Tree - a tree located on Village property, any tree owned-by the Village of Yellow Springs, Ohio, any tree located within the right of way within the Village of Yellow Springs.
- (e) Rare or Heritage Tree - Any healthy tree that:
  - (1) Has a trunk diameter at breast height (DBH) of 36 inches or more, or
  - (2) Is listed as a State or National Champion with the American Forestry Association, or
  - (3) Provides a unique habitat for any endangered or threatened wildlife species protected by Federal Law, or
  - (4) Has been cited by the Village Council as being historically significant, or
  - (5) Represents an uncommon endangered species.
- (f) Right-of-way - the surface of, and the space within, through, on, across, or below a strip or area of land taken or designated for use as a public way.
- (g) Shade tree - any tree that lies within the tree lawn or right-of-way.
- (h) Shrub - A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.
- (i) Topping - The severe cutting back of limbs to stubs larger than 4" in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

- (j) Tribute tree – A tree donated to the village to honor a living or deceased person or an organization.
- (k) Tree Lawn is the strip of land between the street curb and the sidewalk.
- (l) Village - The Village of Yellow Springs, Ohio.
- (m) Designee - Village Manager.

### **1023.03 TREE COMMISSION.**

There is hereby to be created and established, by separate ordinance, a Tree Commission for the Village. Said Tree Commission shall be responsible for the administration of this ordinance and all its provisions.

### **1023.04 RULES AND REGULATIONS.**

- (a) No person shall hereafter plant or remove any tree or shrub upon any public way, street, alley, park, tree lawn, right-of-way, or other property owned by the Village, unless he shall have first obtained a permit in writing from the Tree Commission or its Designee. A permit shall specify number of trees or shrubs, size, type, species, and location to be planted or removed. Applications for permits shall be submitted to the Secretary of the Tree Commission, reviewed by the Commission and have final approval granted by the Director of Public Works.
- (b) A permit is not required for tree trimming as long as the limbs to be trimmed are less than four inches in diameter.
- (c) Removing or trimming a tree within a tree lawn or right-of-way shall be done at the expense of the Village.
- (d) Any permit granted shall be in effect for 120 days and the work shall be completed in the time allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.
- (e) The Tree Commission shall have the authority to deny a permit to any person who proposes to plant any tree or shrub upon a public way, right-of-way, street, alley, parks or other property owned by the Village, of a size, type or species found to be undesirable for the location proposed, or to any person who proposes to plant any tree or shrub upon a public way, street, alley, park or other property owned by the Village if at a location found by the Commission to be of a size or type unsuitable for planting of trees or shrubs, or is not on the list of approved trees. The list of approved trees shall be established, maintained and revised by the Tree Commission annually.
- (f) When reviewing applications for permits, the Tree Commission or its Designee shall consider the following criteria:
  - (1) The condition of tree(s) identified in the application for removal and that of the trees in the immediate proximity with respect to health, safety, structural integrity, potential hazard, location to existing and proposed structures, paving, and utilities.
  - (2) The absolute necessity of the removal, relocation, or alteration for the reasonable use of the property.
  - (3) The impact upon the area tree canopy of the proposed removal, relocation, or alteration.

- (4) The applicant's consent to abide by all specified protection and replacement measures, as noted in this Ordinance.
- (5) Whether the proposed tree is worthy of preservation.
- (6) The effect of the removal on erosion, soil moisture retention, flow of surface waters, and coordination with the drainage system of the Village.

All stumps of shade and public trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground where necessary to provide for public safety. All stumps must be removed or ground down and hole filled within one (1) year after the removal of the tree.

- (g) No person, firm or Village department shall, as a normal practice, top any shade tree, public tree or other tree on public property. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions, where other pruning practices are impractical, may be exempted from this subsection at the determination of the Tree Commission or its Designee.
- (h) Whenever any tree or other planting shall be planted so as to be in conflict with the provisions of this chapter, the Village has the right to remove, or cause to be removed, such trees or other plantings. The cost of removal shall be assessed against the property owner and collected as other taxes are collected.
- (i) Village crews, without permits, will be authorized to trim trees as necessary to eliminate the following:
  - (1) Any limb which overhangs a public sidewalk and is considered a hazard to pedestrians.
  - (2) Any limb which overhangs a public street and becomes a hazard to vehicular traffic.
  - (3) Clearance of electric transmission lines.
  - (4) Any limb which obstructs the motorist's view of a traffic control sign or device.
  - (5)

#### **1023.05 PUBLIC PARKING LOT REQUIREMENTS.**

Parking lot landscaping shall be provided in public parking lot use areas having uncovered parking at street level owned by the Village. Such landscaping shall be provided in such a manner as to break up the expanse of pavement, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. A ratio of one large shade tree for every fifteen (15) parking spaces shall be required.

#### **1023.06 MAINTENANCE.**

- (a) The Tree Commission shall have general oversight of the maintenance of public trees, but shall have no direct supervisory power over Village employees engaged in tree maintenance. Tree maintenance may include pruning, watering, and insect and disease control, or other tree care activities. Maintenance may be accomplished by personnel of the Village, by contract with commercial tree care companies or by properly trained Tree Commission members. Properly trained volunteers may also perform these functions with the approval of the Director of Public Works.
- (b) It shall be the duty and responsibility of every person owning or occupying any real property

within the Village, to keep all private trees on that property trimmed in such a manner that there is a clearance of at least fourteen feet above any street or alley, and a clearance of at least seven feet over any sidewalk. It shall also be the duty and responsibility of every person owning or occupying any real property within the Village to keep all private trees on that property trimmed in such a manner that they do not obstruct the view of any traffic sign or device for vehicle traffic in the direction controlled by that traffic sign or device.

- (c) No tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No tree shall be planted within ten (10) feet of any fire hydrant.

#### **1023.07 URBAN FOREST MANAGEMENT PLAN.**

The Tree Commission, within three years of the adoption of this chapter, shall adopt an Urban Forest Management Plan. The plan shall incorporate the following elements:

- (a) A clear, concise, and comprehensive Statement of Policies and Objectives for urban forestry management in the Village, which statement is to be developed by the Tree Commission through a process of at least three public hearings;
- (b) A designation of proposed urban forestry treatments for major traffic routes and districts within the Village consistent with the Village's Master Plan, together with a program, schedule, and suggested budget for implementing such treatments;
- (c) An inventory of every shade tree, public tree, and any other trees over four (4) inches diameter breast height (caliper), as deemed necessary by the Commission, which inventory shall include, as appropriate, species, age, condition, maintenance records, street address, record of fees and fines, and any other information necessary or usable in the long-range planning or day-to-day planting and maintenance of the Village's urban forest;
- (d) A Tree Renewal Plan, based on an evaluation of species characteristics and performance as recorded in the inventory, providing for rotational reforestation of diseased or declining trees and break-up of potentially problematic monocultures;
- (e) A process for continual update and improvement of the Urban Forest Management Plan elements; and
- (f) A list of desirable trees for planting along streets in three size classes based on mature height, root system and other characteristics: small (under 20 ft.), medium (20 to 40 ft.), and large (more than 40 ft.). The Tree Commission will also create lists of trees not suitable for planting.

#### **1023.08 ABUSE OR MUTILATION OF PUBLIC TREES.**

Unless specifically authorized by the Tree Commission, no person shall intentionally damage any tree, attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any liquid or solid substance which is harmful to trees to come in contact with them or set fire or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree.

#### **1023.09 STREET TREE PLAN FOR NEW DEVELOPMENT.**

- (a) Any new street (dedicated or non-dedicated) developed by a private developer shall have a street tree plan approved by the Tree Commission. As an alternative, the developer may permit the Tree Commission to develop the street tree plan with the cost of all trees to be paid by the developer.

Prior to the commencement of any construction, remodeling, demolition, assembly, erection and /or installation project within the Village, the general contractor(s), subcontractor(s) and/or other pertinent personnel having charge of said project are required to meet with a Tree Commission representative and the Village Engineer to discuss the following;

- (1) Trees to be removed and trees that will be saved.
  - (2) Methods to be used to protect trees to be saved during the construction process (i.e., fencing, tree protection zone, etc.).
  - (3) Pruning of trees to be saved.
  - (4) Procedures for removal of trees that are not going to be saved but are in close proximity to trees that are going to be saved.
  - (5) Haul routes, staging areas, contacts, watering, etc.
- (b) Any existing street that is replaced or repaired to such an extent that existing trees are removed, must have a street tree plan approved by the Tree Commission. The cost of the replacement trees will be part of the construction plan and/or the construction contract.
- (c) A bond shall be posted by the developer, the amount to be determined by the Tree Commission with Council's approval for future installation of the street tree plan. This bond would be added to the list of development requirements.

#### **1023.10 REMOVAL OF DANGEROUS TREES ON PRIVATE PROPERTY.**

- (a) The officers, agents, or employees of the Village and/or the Yellow Springs Tree Commission have the authority to enter onto private property when it is reasonably suspected that there is a tree that is dead, diseased, or otherwise in a condition that constitutes a threat or hazard to life and property, or harbors insects or disease that constitute a threat to the health of other trees within the Village.
- (b) Upon notification of such trees on private property, the Tree Commission shall:
- (1) Serve written notice of the risk and need for removal and allow thirty (30) days for removal of the tree at the expense of the property owner. Such thirty (30) days will begin on the date of receipt of the letter of notification or on the day after the public hearing, if requested by the land owner, is held.
  - (2) Schedule a public hearing upon request of the owner of the private land so that he shall have an opportunity to be heard upon the question of the tree removal. Hearing shall be before the Tree Commission. Tree Commission decisions shall be final; however, appeals of denials on procedural grounds shall be heard by the Village Council.
  - (3) Obtain a letter from the Solicitor advising that the procedures followed by the Commission in determining to remove a tree or trees from private property have met the Constitutional requirement of due process of laws prior to the taking of any private property.
- (c) Failure to comply with the notice shall cause such trees to be removed by the Village and the costs shall be assessed against the property owner and collected as other taxes are collected.

#### **1023.11 INDEMNIFICATION.**

Nothing contained in this chapter shall be deemed to impose any liability upon the Village, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street tree area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any public property or right of way or public place within the Village.

#### **1023.12 INTERFERENCE WITH VILLAGE TREE COMMISSION.**

It shall be unlawful for any person to prevent, delay or interfere with the Tree Commission, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any shade trees, public trees, or trees on private grounds, as authorized in this chapter.

#### **1023.13 SEVERABILITY.**

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications, and, to this end, the provisions of this chapter are severable.

#### **1023.14 VIOLATION AND PENALTY.**

Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be guilty of a minor misdemeanor. Any such violation shall constitute a separate offense on each successive day continued.

#### **1023.15 SUPERSEDE.**

These regulations supersede all conflicting regulations and ordinances to the extent of such conflict.

**VILLAGE OF YELLOW SPRINGS, OHIO  
ORDINANCE 2018-36**

**REPEALING SECTION 452.20 “PARKING OF TRUCKS AND CONSTRUCTION  
EQUIPMENT” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW  
SPRINGS, OHIO AND ENACTING NEW SECTION 452.20 “PARKING OF TRUCKS,  
CONSTRUCTION EQUIPMENT AND RECREATIONAL VEHICLES”**

**Whereas**, Codified Ordinance Section 452.20 of the Village of Yellow Springs, Ohio establishes parking regulations for trucks and construction equipment within the Village;

**Whereas**, Village Council seeks to regulate the parking of mobile homes and recreational vehicles within the Village; and

**Whereas**, the Village Council has determined it would be in the best interest of the Village to adopt a new Section 452.20 entitled “Parking of Trucks, Construction Equipment and Recreational Vehicles” of the Codified Ordinances of the Village of Yellow Springs, Ohio to include regulations for the parking of mobile homes and recreational vehicles within the Village.

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

**Section 1.** Section 452.20 entitled “Parking of Trucks and Construction Equipment” of the Codified Ordinances of the Village of Yellow Springs, Ohio be repealed in its entirety.

**Section 2.** A new Section 452.20 of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A, which is attached hereto and incorporated herein, with new language underlined and **bolded** and deleted language in ~~strikethrough~~.

**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 \_\_\_\_\_

## Exhibit A

### **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, motorized dirt bikes, 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.



**VILLAGE OF YELLOW SPRINGS, OHIO**  
**ORDINANCE 2018-37**

**ESTABLISHING A TREE COMMISSION FOR THE VILLAGE OF YELLOW SPRINGS**

**Whereas**, the Village of Yellow Springs has a long and distinguished history of enhancing our public areas through the ongoing addition of trees and plantings in select areas; and

**Whereas**, these activities have previously been undertaken by the Yellow Springs Tree Committee, a group of dedicated citizens who have worked diligently to improve our urban canopy through these select and thoughtful plantings; and

**Whereas**, Council for the Village of Yellow Springs desires to begin collaboration with the Yellow Springs Tree Committee to continue this environmental enhancement by becoming a Tree City USA; and

**Whereas**, establishment of a Tree Commission as an official Village entity is a necessary step in becoming a Tree City USA;

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

Section 1.       Duties: A Tree Commission is hereby established to carry out the following tasks:

- (1)    Approve permits for the planting, pruning and removal of trees on all public grounds;
- (2)    With Council approval, establish fair and appropriate rules and regulations governing the planting, maintenance and removal of trees in public ways, streets, alleys, parks or other property owned by the Village;
- (3)    Coordinate the Village's Arbor Day program, other programs and grants; and
- (4)    Recommend the type and kind of trees to be planted upon Village streets, parks, or public places.
- (5)    Enforce all standards, procedures and regulations noted Village of Yellow Springs Ordinance 2018-33, which establishes policies for the Installation and Maintenance of a Village Urban Forest.

Section 2. That a new Chapter 290 *Tree Commission* of Title Eight *Boards and Commissions* of Part Two *Administration Code* of the Codified Ordinances of the Village of Yellow Springs, Ohio be enacted to read as set forth on Exhibit A, which is attached hereto and incorporated herein.

\_\_\_\_\_  
Brian Housh, Council President

Passed:

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

**ROLL CALL**

Brian Housh \_\_\_\_\_ Marianne MacQueen \_\_\_\_\_ Judith Hempfling \_\_\_\_\_  
Kevin Stokes \_\_\_\_\_ Lisa Kreeger \_\_\_\_\_

## **EXHIBIT A**

### **Proposal**

#### **Issue Statement**

The Village of Yellow Springs has long been dedicated to the enhancement of our natural environment. Currently, one integral function of that enhancement, the planting of trees in public spaces, is being filled by the Yellow Springs Tree Committee, a private non-profit organization. The Village now wishes to become a Tree City USA and, to that end, must establish an Urban Forest Installation and Management Program and a Tree Commission to administer said program on behalf of the Village as a formal Commission of Council.

#### **Charge**

The Tree Commission will be charged with the various duties noted in the separate Ordinance 2018-33, “Establishing Policies for the Installation and Maintenance of a Village Urban Forest.” These duties include but are not limited to: performing a formal inventory of existing street trees and creating a management plan for same; making recommendations for the maintenance, removal and installation of trees, including specific tree species; accepting, reviewing and approving or denying permits for new installations.

#### **Activities**

The Tree Commission shall, in addition to the above-noted activities, also be responsible for ensuring that the requirements to maintain the status of Tree City USA, once awarded, is preserved. These activities will include, but not be limited to: planning and executing an annual Arbor Day Observance Program; preparing and submitting the required annual reports to the Arbor Day Foundation; meeting for a minimum of six (6) times annually in an open public meeting.

#### **Composition of the Commission**

Tree Commission shall be composed of the following seven citizens and residents of the Village: five of the members shall be appointed by the Council, the sixth member shall be a member of Council, and the seventh member shall be the Manager or a designee who is appointed solely by the Village Manager. At least one member appointed by Council shall also be a member of the private non-profit Yellow Springs Tree Committee. The term of the five persons of the Tree Commission to be appointed by the Council shall be for three years, except the term of three of the members appointed to the first Commission shall be one year and two shall be for two years, respectively. In the event that a vacancy occurs during the term of any member, the successor shall be appointed for the unexpired portion of the term. The member from Council and the Manager shall serve on the Commission during their continuance in their respective elective offices. If the Manager appoints a designee to fill the position that would otherwise be held by the Manager, then the term of the Manager's designee shall be from the date of the designee's appointment through the end of the contractual term of the Manager. Members of the Tree Commission shall serve without compensation.

**<sup>1</sup>RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(VILLAGE COUNCIL)

Rev. Code, Sees. 5705.34, 5705.35

The Council of the Village of Yellow Springs Greene  
County, Ohio, met in Regular session on the 17<sup>th</sup> day of September,  
2018, at the office of Council Chambers with the following members  
present:

Mr. \_\_\_\_\_ moved the adoption of the following Resolution:

*WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 20<sup>19</sup> ; and*

*WHEREAS, The Budget Commission of Greene County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore be it*

*RESOLVED, By the Council of the Village of Yellow Springs, Greene County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further*

*RESOLVED, That there be and is hereby levied on the tax duplicate of said Village the rate of each tax necessary to be levied within and without the ten mill limitation as follows:*

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND  
COUNTY AUDITOR'S ESTIMATED TAX RATES

## LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES



CERTIFICATE TO COPY

ORIGINAL ON FILE

The State of Ohio, Greene County, ss.

I, Judy Kintner, Clerk of the Council of the Village of Yellow Springs, within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution 2018-37

now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this 17th day of September, 2018

Clerk of Council

1. A copy of this Resolution must be certified to the County Auditor before the first day of October, or at such later date as may be approved by the Board of Tax Appeals

No. 2018-37

COUNCIL OF THE VILLAGE OF  
Yellow Springs

Greene County, Ohio.

RESOLUTION  
ACCEPTING THE AMOUNTS AND RATES AS  
DETERMINED BY THE BUDGET COMMISSION  
AND AUTHORIZING THE NECESSARY  
TAX LEVIES AND CERTIFYING  
THEM TO THE COUNTY AUDITOR.  
(Village Council)

Adopted September 17, 2018  
Year

Clerk

Filed Year

County Auditor

By Deputy



## **SOLICITOR'S REPORT**

September 17, 2018

I reviewed the Mayor's Court Resolution that was presented at the last Council meeting and discussed the policy with the police department and staff. There was one section added to the exceptions to the policy for economic reasons.

The Resolution originally presented to Council did not address the situation of a person who has been placed under arrest and taken to jail to post bond. If a person is arrested and charged under a municipal ordinance, the Village pays for the cost of the detention whether the person is charged in the mayor's or municipal court. If the person is charged under the Ohio Revised Code, the case will be sent to the municipal court and the County is responsible for the costs of the detention.

COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS  
YELLOW SPRINGS, OHIO  
RESOLUTION 2018-38

ADOPTING A POLICY FOR CHARGING MISDEMEANOR CASES INTO MAYOR'S COURT

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 in concert 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. When possible nonviolent, non-jailed offenders should be cited into Mayor's Court under the Yellow Springs Codified Ordinances.

Section 2. Exceptions to the policy include but are not limited to:

- i) Compact law suspensions
- ii) OVI's (Operating a Vehicle Under the Influence)
- iii) 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)
- iv) Domestic Violence; Violations of Protection orders; Misdemeanors if the victim is a family or household member as defined in the Ohio Revised Code Section 2919.25
- v) Cases in which the individual is taken into custody for the purposes of a bond being set and is not being summoned into court

Section 3. The Chief of Police will report to Council, on 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 any other jurisdiction, by jurisdiction.

Section 4. This policy will be fully implemented by November 1, 2018.

Signed: \_\_\_\_\_  
Brian Housh, President of Council

Passed:

Attest: \_\_\_\_\_

Judy Kintner, Clerk of Council

Housh \_\_\_\_\_ Stokes \_\_\_\_ MacQueen \_\_\_\_\_ Kreeger \_\_\_\_ Hempfling \_\_\_\_

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.

## JSTF Final Report

### History

Village Council Resolution 21016-25 established a Justice System Task Force (JSTF) on April 18, 2016. The charge to the Task Force was motivated by growing national concern in 2016 that the increasing militarization of local police departments had led to incidents of police brutality nationally, and even locally in Greene County. The apparent targeting of young men of color and a disproportionate number of traffic stops and arrests of African American citizens are ongoing concerns. On a local level, Yellow Springs' residents reported a growing estrangement from the officers in the Yellow Springs Police Department (YSPD) and a sense that village values and concerns were not reflected in many actions of the police.

The JSTF members held their first meeting in September 2016. The critical incidents of New Years Eve (NYE) 2016 amplified concerns and created pressure to make changes quickly in the local justice system. The Task Force agreed to use the <sup>1</sup>Six Pillars to frame our work along with the "Charge" of tasks listed in the Resolution.

### Recommendations Brought to Council

DATE	RECCOMENDATION	IMPLEMENTATION	PILLAR	COMMENT
3.17	Revise Taser Use Policy	Completed with YSPD Collaboration-modify General Order 1.3	Policies and Oversight	Replaced former language in manual
3.17	Ensure Implicit Bias Training	Police Consultant gives workshop to staff/raise awareness	Building Trust and Legitimacy, Training and Education	Incomplete-- Bias Training is still under discussion & planned for entire village staff
3.17	Affirm statement of Village Values in Policing	Supported the 365 policing group in Council adopting "Police/Community Guidelines"	Building Trust and Legitimacy	Positive collaboration on the document, used in hiring practices
3.17	Full Commitment to CIT training	One officer on each shift has completed intensive training	Community Policing and Crime reduction	De-escalation is adopted as key element for department.
4.18	Bring Social Worker into department	Social Worker, Florence Randolph, hired	Community Policing and Crime reduction	Reports indicate important interventions for vulnerable citizens
5.18-ongoing	Fully utilize Mayors Court (M.C.)	Officers encouraged to utilize M.C. --Ongoing discussion on Guidelines	Community Policing, Trust & Legitimacy	Ongoing discussion on Police Discretion

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<sup>1</sup> This national initiative (The president's Task Force on 21<sup>st</sup> Century Policing) is useful to us as a framework for recommendations. It is also a known framework used by OPOTA and other professional Police organizations to consider reform.

## Recommendations Brought to Council -- Continued

DATE	RECCOMENDATION	IMPLEMENTATION	PILLAR	COMMENT
8.18	Surveillance Technology Ordinance		Technology and Social Media, Building Trust	Promoting Transparency a critical concern

### 2017 Projects to inform Council

#### **A “Narrative” group, including teen representatives from Yellow Springs High School**

attempted to survey for the general perception of police fairness among young people at the high school. Although there was limited response to their survey and few concrete examples, the group felt that there is still work to be done to build trust with young people in the village.

**Data Group** A sub-group of the Police working group focused on analysis of information collected in the YSPD records of Traffic Stops, Citations and Warnings. This report was supported by consulting from the Wright State Center and presented to Council. The report indicates a concerning pattern of young black men stopped at a rate out of proportion to their population in the village. Data group completed detailed analysis of court assignments to all local courts.

### 2018 Continuing “Working Groups” Goals and Projects

**Mayors Court** The Mayor’s Court Subcommittee is continuing to identify and present information and data to Mayor Conine, Chief Brian Carlson and the Village Council to ensure that the village uses the Mayor’s Court to the fullest extent possible. This work examines strategies for change including a possibility of assigning an assistant solicitor to work with the Mayor, a public defender for indigents, and options for Diversion Programs through Mayor’s Court.

**Data Group** The work of the Data Group is two-fold. This work supports the research and policy development of the other working groups. This work also establishes critical transparency in the Yellow Springs Police Department and answers the Task Force Charge: *Examine what types of cases are police investigating and how; exercise and role of police discretion; and police policies and practice.*

**Police Working Group** The group’s 2018 goal is researching Best Practice (BP) for Community Police Advisory Boards; a visit with the Dayton CPC group in January, Internet research and phone interviews with nearby towns and similar villages (population and median income) were carried out in spring. An interview with the YS Police sergeants was held in March and another meeting with Manager Bates and Chief Carlson was held in May.

**Surveillance Technology Group** The group has developed a draft Ordinance to promote transparency and protect Civil Rights in respect to Surveillance Technology.

**Negative Impacts on the Poor** The group’s outstanding goal is to conduct research on disparate impact on the poor in our village justice system and identify possible methods of amelioration.

**Conclusion** The JSTF addressed as many aspects of the Council “Charge” as it reasonably could. Justice System reform includes changes in policy, procedures and organizational culture, all long-term goals. Lasting systematic reform needs enlightened leadership and a community commitment to demand accountability of its Police Department as well as a willingness to offer support and resources to ensure reform is lasting.



**TO:** Village Council  
**FROM:** Judith Hempfling & Brian Housh  
**DATE:** September 13, 2018  
**RE:** Recommending the establishment of a Justice System Commission

### Context

The Justice System Task Force (JSTF), which was created with a charge to make policy recommendations to Village Council to improve our local justice system, is ending its 2-year appointment. The JSTF has provided needed capacity to move initiatives forward that deliver on the Village Goal to “Establish a model Village Justice System that supports a just, safe and welcoming community across race, age, economic status, sexual orientation, gender identity, ethnicity, ability and religion; the entire Village Team will work in concert to be proactively anti-racist.” Specific and important accomplishments that have been achieved on behalf of and in collaboration with Village Council include ensuring that all Village peace officers receive 40-hour CIT (Crisis Intervention Team) Training, updating the Village Taser Policy to align with the Guidelines for Village Policing, establishing a Community Outreach Specialist position in the YSPD and, currently, formalizing a policy for maximizing the use of Mayor’s Court in line with its purposes under the Village Charter and with the expectations of citizens.

The Task Force’s work and list of final recommendations are documented in the JSTF Biennial Report that is included in this Council packet. The end of the JSTF’s term presents a significant gap given that the Village Justice System Goal requires ongoing support, not only to complete work that the JSTF started but also to evaluate/measure the impact of the initiatives that have been implemented to ensure that the desired outcomes are being achieved as well as to be proactive for continuous improvement.

### Lessons Learned

This is a time for reflection as the JSTF completes its final recommendations. The Task Force has much to be proud of, and many of the frustrations and difficulties experienced over the past two years were to be expected given the sensitive and emotional nature of this work. Essentially, this is uncharted territory, and attempting to change attitudes and behaviors that are perpetuated by many police training programs and traditional, outdated militaristic models is not easy and requires long-term commitment. Admittedly, there have been some aspects of the JSTF’s work that have not been so effective, and the lessons learned are contemplated in this Commission proposal; these takeaways also have relevance to improving the performance of all Council Commissions so that they truly provide capacity and help to accomplish Village Goals. Specifically:

- There has been both appreciation and discomfort with the work of the JSTF. Discussing the Justice System in Yellow Springs brings up painful awareness and distrust for many feeling that there have been historic and current injustices and that the system needs reform. At the same time, the Village Justice System is comprised of people with good intentions seeking to provide just service to our community as peace officers, dispatchers and Mayor. As has occurred with the medical profession, those served, the citizens of our community and around the country are demanding change in culture and practices so that the services provided are in alignment with the values we hold. We believe direct, organized and constructive communication with the YSPD and the Mayor will not only facilitate development of more effective policies, but will also bring greater understanding and allegiance among citizens, the YS Police Team and the Mayor’s office. **We believe a positive change would be to establish ex officio positions on**



**the proposed Justice System Commission for our Police Chief, Mayor and Village Manager (or their representatives). This will improve clarity and effectiveness in communications to lead to better and more timely decisions.**

- The JSTF has made several recommendations that have not included clear, measurable actions in conjunction with the policies adopted nor who is responsible for next steps or how to ensure accountability and transparency regarding the effectiveness of the new policy. While the Commission will make recommendations, Village Council, in collaboration with the YSPD, Mayor and Village Manager, will be responsible for refining and adopting final policies after discussion with the community. This highlights that it is not unusual for recommendations to be modified once they are brought to Village Council. Regular reports to Village Council regarding the work of the Commission will keep Council in the loop as recommendations are developed so that proper direction can be provided and so that efforts are productive. The elected officials will finalize measurable actions in conjunction with the policies adopted and will receive quarterly reports from Village team members to ensure accountability and transparency. **Note that it is very important that members are following the Village Commission Roles & Responsibilities procedures to allow for proper oversight with regard to prioritizing staff time and managing Village expenses. Ultimately, the Council Liaison is responsible for ensuring that all Council members are kept up-to-date on commission activities so that the Village continues to move forward in achieving its goals on behalf of the citizens who we serve, and establishing priorities is a critical success factor.**
- The Task Force has completed important work and the policy changes that Village Council has enacted based on the JSTF's recommendations are significant. While Council was unclear what would be accomplished in two years, we understood that establishing a model Village Justice System is an aspiration and a long-term commitment is required if we are to sustain and advance our progress. **Realistic goals for the work of the Justice System Commission will be established during Village Council's yearly goal setting process in discourse with community and Commission members as well as Village team members.**

#### Resources, Need & Practices

President Obama's Task Force on 21<sup>st</sup> Century Policing Report and the work of such organizations as the American Civil Liberties Union (ACLU), the International Association of Chiefs of Police (IACP), the Equal Justice Initiative (EJI) are just a few of the resources to which we can look to provide guidance.

Two sizeable and important initiatives that the Task Force was unable to complete are "Ameliorating disparate impact of the justice system on the poor" and "Alternative municipal policing approaches to drug control." There is also significant citizen interest in reviewing our police complaint process with some proposing creation of a Civilian Review Board and others proposing more limited ideas regarding an avenue for complaints. A look back regarding policy changes over the last 2 years, and then these other substantive focuses, would be potential areas of focus over time for a new commission. This review of initiatives implemented should include establishing metrics so that the Village can effectively measure its progress, refining policies and providing guidance as needed.

The Justice System Commission will be an appointed committee of the elected body, the Village Council. Like the other commissions of Council, the ordinance establishing it should have broadly stated goals. The Commission should follow the best practices for commissions established by Council, including that it should have a yearly retreat to identify its thoughts on ways it can provide capacity to achieve Village Goals. As with all commissions, Council is looking for support in achieving Village Goals and is also open to recommendations to consider other initiatives that are not specifically outlined in Village Goals.



## **CHAPTER 276**

### **Justice System Commission**

[276.01](#) Establishment and Purpose.

[276.02](#) Membership and Procedure.

[276.03](#) Powers and Duties.

[276.04](#) Reports.

[276.05](#) Compensation.

#### ***CROSS REFERENCES***

#### **27\_.01 ESTABLISHMENT AND PURPOSE.**

There is hereby established in and for the Village a Commission, which shall be known as the Justice System Commission. Nationally, there is understanding that the Criminal Justice System as an institution, has a need for reform. Unequal treatment by the Justice System, because of race, class and mental illness has been identified as significant problems which need to be fixed as well as an incarceration rate which far outpaces every other country in the world.

The Justice System Commission's purpose is to assist Village Council and Mayor in supporting a Village Justice System that provides respectful service in the interest of justice for victims, respects civil liberties, is proactively anti-racist and fights the criminalization of poverty and mental illness. The Justice System Commission will be charged with making recommendations for policies and priorities that align the practices of the Yellow Springs Police Department (YSPD) and the Mayor's Court with community values of sustaining a just, safe and welcoming community across race, age, economic status, sexual orientation, gender identity, ethnicity, ability and religion. Village Council and the Mayor will be responsible to establish measurable actions in conjunction with the policies adopted, and will receive quarterly reports to ensure accountability and transparency.

#### **27\_.02 MEMBERSHIP AND PROCEDURE.**

(a) The Justice System Commission will consist of five to seven members who are appointed by Council subsequent to submitting a letter of interest and resume and being interviewed and recommended by two Council members.

(b) One member shall be a Council Liaison, appointed to serve at the pleasure of Council, charged with coordinating Commission activities in line with Village goals and objectives and ensuring communication between Council and the Commission. The other members shall be appointed for three-year terms. At the outset, some members shall be assigned two-year terms, and some members shall be assigned three-year terms, after which all terms shall be three years

in duration. Members shall serve until their successor is appointed by Council or they are no longer eligible to serve.

(c) Up to two members can be at-large members if there are no qualified Village resident candidates or there are other compelling reasons in line with the purpose of the Justice System Commission. However, the Justice System Commission will consist of a majority of Village residents, and non-resident members should only be appointed in exceptional circumstances.

(d) Each member of the Justice System Commission shall demonstrate experience, expertise and/or education that is relevant to the purpose, powers and duties of the Commission. The members of the Justice System Commission include persons from diverse demographics of residents of the Village as is possible. The Chief of Police or their appointee, and a representative from the Mayor's office will serve as ex officio members to facilitate effective communication.

(e) The Justice System Commission shall annually select a Chair, Vice-Chair and Secretary. Except in unusual circumstances, the Council Liaison will not serve as an officer. Tentative agendas are created at the end of each meeting for the following meeting. The Chair leads the meeting using Roberts Rules. The Vice-Chair fills in for the Chair in her or his absence and takes on other responsibilities as appropriate. The Secretary is responsible for taking minutes and sending them to the Clerk of Council in a timely manner after approval.

(f) Generally, a Commission member shall serve no more than two full consecutive terms. However, Council may determine in certain situations that extending a Commission member's term is appropriate. In the event of the death or resignation of any member, a successor shall be appointed by Council to serve for the unexpired period of the term for which such member has been appointed.

(g) Council is authorized to appoint up to two alternate members to serve on the Justice System Commission. An alternate member shall be selected for a term of two years and shall be a resident of the Village. Alternate members are encouraged to attend Justice System Commission meetings, whether or not they are serving as a member of the Commission at that meeting. However, there is no requirement that an alternate member attend meetings at which she or he is not asked to serve as a Justice System Commission member. In any event, no alternate member shall cast a vote on a matter that was heard, in part or in full, at a prior meeting that the alternate member did not attend. If an alternate member is present as a Justice System Commission member and a vote is to be taken on a matter for which the alternate member was not present during part or all of the hearing on the matter, the alternate member shall not be considered as part of the quorum for purposes of determining a majority of the quorum of the Justice System Commission in deciding votes for and against matters. An alternate may apply to be a Commission member if a seat becomes open in the manner outlined in 276.02 (a).

(h) A majority of current Justice System Commission members shall constitute a quorum, and the concurring vote of a majority shall be necessary to take any action authorized by the Code.

(i) The Justice System Commission will have available to it through the Village Manager's office, without cost to its members, those things necessary to carry out its charge, such as a

meeting room, copying/printing and postage. Any other expenditure of funds must be approved by Council.

### **276.03 POWERS AND DUTIES.**

The Justice System Commission:

- (a) Will make recommendations for policies and priorities that align the practices of the Yellow Springs Police Department (YSPD) and the Mayor's Court with community values.
- (b) Will work to educate itself and the community on current Village practices and to research best practices.
- (c) Initiate public education activities related to its purpose;
- (d) Conduct an annual planning process that results in priorities and specific activities centering on its purpose, which will include adopting rules and procedures (or otherwise following *Robert's Rules of Order*) to carry out its purpose that are consistent with the Village Charter and Ohio Sunshine Laws, approved by Council and filed with the Clerk of Council;
- (e) Keep minutes of its proceedings that reflect the actions of the Justice System Commission, the reasoning behind those recommendations, and the vote of each member upon each question or, if absent or failing to vote, indicating as such. Minutes and the records of all official actions shall be approved and filed with the Clerk of Council and kept as a public record;
- (f) Hold regular public meetings that are properly announced and provide a list of agenda items to the Clerk of Council a week before a regular meeting, which is available to interested citizens;
- (g) Facilitate connections between organizations in the Village that touch such issues and trends, and maintain a list of such organizations and contact information;
- (h) Carry out such other duties as may be assigned to it by Council.

### **276.04 REPORTS.**

The Justice System Commission shall submit an Annual Report to Council concerning the activities and work of the Commission and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this Chapter.

### **276.05 COMPENSATION.**

The members of the Justice System Commission shall receive no compensation for their services as members thereof.



TO: Village Council  
FROM: Brian Housh  
RE: Suggested Council Responsibilities for Village Manager Search  
DATE: September 14, 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 – *Lisa Kreeger & Brian Housh*

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 (External) – *Lisa Kreeger & Brian Housh*

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 – *Marianne MacQueen & Judith Hempfling*

This task involves creating a timeline that includes the various stages from receiving and processing applications through final candidate selection. Community engagement is a critical aspect of designing the overall hiring process. Coordination with a consultant will be important.

4. Candidate Selection – *Kevin Stokes & Judith Hempfling*

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 – *Marianne MacQueen & Kevin Stokes*

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.**

## UPDATE

### YELLOW SPRINGS COMMUNITY DEVELOPMENT CORPORATION (DCIC)

**Status:**

- Providing updated Draft 'Purpose' and 'Membership' sections provided based on feedback received 9/4/2018
- Clarified name to be a CIC rather than a CDC given that the urpose is an economic development corporation under ORC Chapter 1724  
<https://www.ccao.org/wp-content/uploads/HBKCHAP080%207-16-15.pdf>
- Additional suggested entities for outreach plan, in addition to School Board, Township, Chamber, Antioch College, include: local foundations, YSCFU, Home, Inc., TLT, FCC, Antioch School, YSCCC, Community Solutions and local businesses
- Continue activity as defined in timeline provided on 9/4/2018

**Request of Council:**

- Any additional edits to purpose statement.
- Any additional input related to the outreach plan



## CODE OF REGULATIONS

### YELLOW SPRINGS COMMUNITY ~~DEVELOPMENT~~ IMPROVEMENT 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~~ **Improvement** Corporation of Yellow Springs, Ohio, hereafter, for the purpose of this document, named as "YSCIC".
- 1.2 Purpose The YSCIC, 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~~ **to further** the economic and cultural vitality of the Village of Yellow Springs for businesses, **educational institutions, health/wellness organizations**, non-profits, residential and infrastructure development. The YSCIC will advance the economic, community, commercial, and civic development in the Village of Yellow Springs to grow and strengthen the tax base. The YSCIC *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) **Adhere to the Village Values and annual goals established by the Village of Yellow Springs**
  - B) Serve as an agent for grant applications and for the administrations of grants;
  - C) Promote Yellow Springs as a business location (e.g. Market the CBE)
  - D) Invest and/or fund new infrastructure projects (e.g.: fiber network)
  - E) 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), or (J) of this section

- F) 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.
- G) 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
- H) 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;
- I) Acquire businesses, 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.
- J) 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;
- K) Mortgage, pledge, or otherwise encumber any property acquired pursuant to the powers contained in divisions (D), (E), or (F) of this section;
- ~~L) 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 YSCIC 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

# Proposal: Citizen Advisory Board

Introduction: The Council established a 2018 Goal to establish a model Village Justice System that supports a just, safe and welcoming community across race, age, economic status, sexual orientation, gender identity, ethnicity, ability and religion. Also in 2018 the development of a Community Advisory Board surfaced as a priority for citizens and the Justice System Task Force. Citizen Advisory Boards are unique to communities of our size. However, this should not prevent our Council from taking steps to establish processes that promote citizen input. With that in mind, I propose action to quickly establishing a Citizen Advisory Board.

Proposed purposes are to:

- Surface insights into community concerns about local policing that may be missed or silenced because of individual concerns about direct communication with the YSPD,
- Provide a *neutral confidential and discrete process* to intake and provide feedback to individuals from the Yellow Springs community about experiences with the YSPD,
- Aggregate data about community concerns that lead to recommendations to the YS Village Council, Village Manager, Chief of Police (e.g process, training, community outreach) and that support our understanding of community policing expectations and norms,
- Continuously improve the degree of trust between the community, Village Government, and the YSPD.

Proposed stakeholders:

- Community members
- Village Mediation Program
- HRC
- Village Council
- Village Manager
- Chief Carlson

Proposed process

- Refer to flow diagram (p. 2)

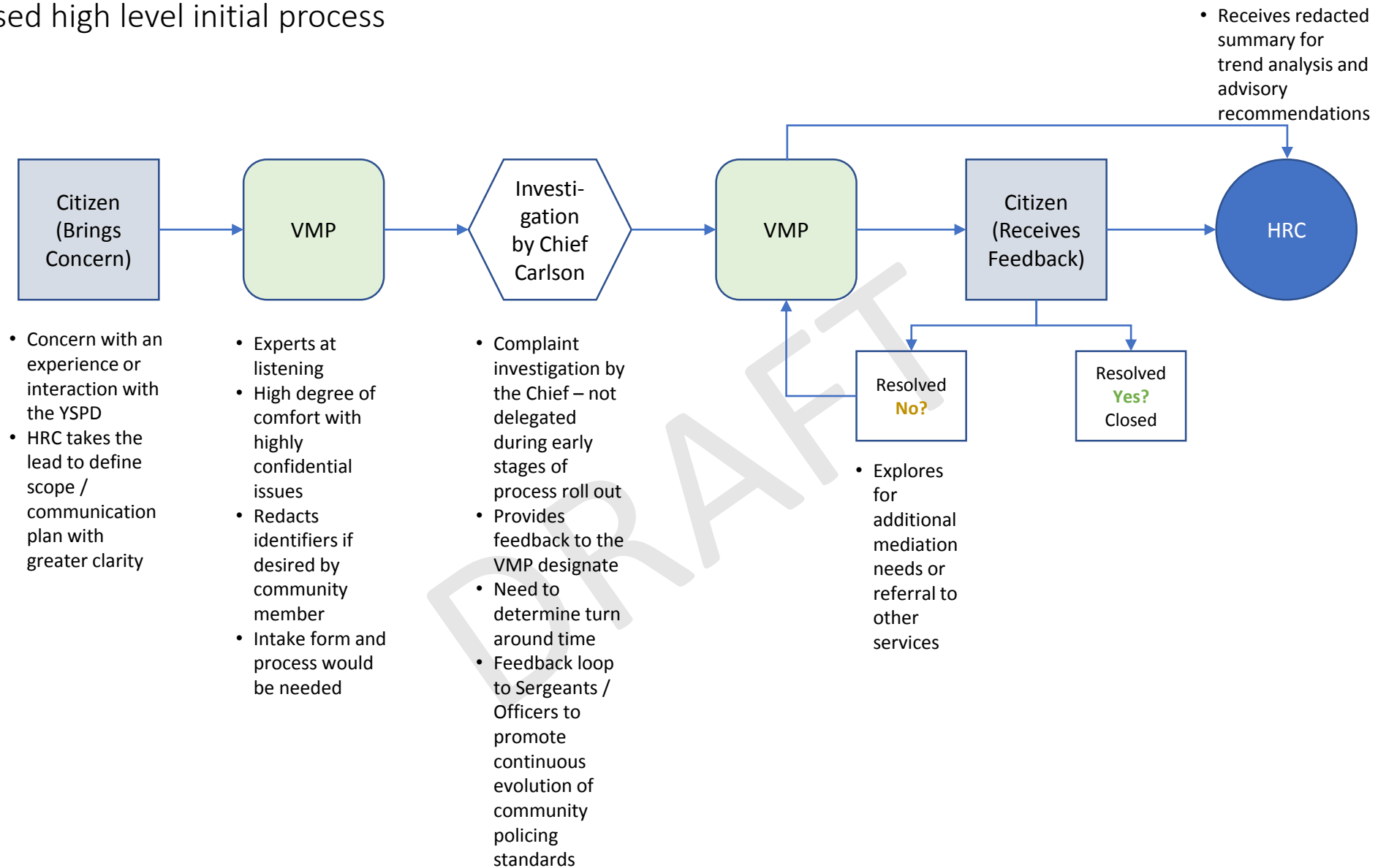
Next Steps

- Conduct conversations with VMP members to understand feasibility, strengths, weaknesses, opportunities, challenges
- Welcome citizen comment
- Return to Council Oct 15 with an update
- Explore resources available from the National Organization for Civilian Oversight of Law Enforcement (NACOLE)  
<https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/61/attachments/original/1454352545/Core-Competencies-for-Civilian-Oversight-Practitioners-20110114.pdf?1454352545>

Request of Council

- Approve additional exploration of concept

## Proposed high level initial process







# Quote

Quote Number: 513

Payment Terms:  
Expiration Date: 10/13/2018

## Quote Prepared For

**Judy Kintner**  
**Village of Yellow Springs**

Phone: 9377679126  
clerk@vil.yellowsprings.oh.us

## Quote Prepared By

Andrew Fessler  
**TechAdvisors**  
PO Box 956  
Waynesville Ohio 45068  
513-445-5005

afessler@techadvisors.us

Item#	Quantity	Item	Unit Price	Extended Price
<b>One-Time Items</b>				
1)	1	Hardware Optoma Projector - 3600 Lumens	\$639.95	\$639.95
2)	1	Hardware Drop Ceiling projector Mount  - Includes Bracing and U channel as needed above ceiling	\$185.00	\$185.00
3)	1	Hardware Solstice Wireless Screen Sharing Appliance  - Enable Screen sharing from up to 4 desktops.  - Connect wirelessly to the input of the projector and utilize the Solstice software to select the source to be shared.	\$958.80	\$958.80
4)	1	Electrician Install 110V power in ceiling for projector power.	\$285.00	\$285.00
5)	1	Labor IT Integration - Projector Installation - Cabling - Screen Sharing Appliance configuration.	\$675.00	\$675.00
6)	1	NOTE This is a standalone system and will not be integrated into TV5. Content displayed on the projector will be displayed on the painted wall surface. Control of the projector will be via its remote control. No audio support is included in this proposal.	\$0.00	\$0.00
<b>One-Time Total</b>				<b>\$2,743.75</b>
<b>Subtotal</b>				<b>\$2,743.75</b>
<b>Total Taxes</b>				<b>\$0.00</b>
<b>Total</b>				<b>\$2,743.75</b>

Authorizing Signature \_\_\_\_\_

Date \_\_\_\_\_

## 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  
John Essig  
4155 Moss Point Lane  
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
<b>Quote Summary</b>	<b>One-Time</b>		
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



Manager's Report, September 17, 2018

### **Tree Ordinance**

In tonight's packet are both the Ordinance 2018-33 "Trees," which establishes a tree program in the Village, as well as a second ordinance establishing a Tree Commission, Ordinance 2108-37. Both are necessary steps to achieving designation as a Tree City USA, which we are moving toward. There is an additional brief on Tree City USA in your packets.

One portion of the "Trees" ordinance that needs your attention is the responsibility for trees in the right of way (ROW). Past practice has been that the Village is generally responsible, under most conditions, for trees in the ROW. There are various ways to handle these situations, such as: making property owners responsible for care, maintenance and removal; assessing each situation based on existing factors; Village retains responsibility. Council should be aware that this is not currently a budget line item and that we will have certain budget responsibilities should we proceed with this designation. (See requirement to spend (currently) \$2 per capita for this program.) If Council chooses to move a different direction on the responsibility, an amended ordinance could be brought back for the second read.

### **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.

### **Conference**

I will be leaving for the International City/County Management Association (ICMA) Conference in Baltimore on Sunday, September 23<sup>rd</sup> and will return to the office on Thursday, September 27<sup>th</sup>. Johnnie Burns will be available for concerns during my absence.

### **Electric Costs Concerns**

Recently, the issue of electric costs has been brought forward, with specific attention to the difference that residents would pay to DP&L, if the Village were to discontinue providing an electric utility. In your packets, you will find a DP&L bill with a brief analysis.

While it is true that DP&L charges \$.0679/kWh for a green supplier and \$.0689 for regular sources, this does not, in itself, present an "apples-to-apples" comparison because it does not include all of the delivery charges and other taxes charged by DP&L. If these additional charges are added into the cost, DP&L would be charging \$.11/kWh. The Village currently charges residential customers \$.11/kWh.

The primary difference between the DP&L charges and the Village charges fall in the \$12 monthly readiness for service (RFS) charge and the power cost adjustment. The RFS charge is the source we use for most, if not all, of the capital improvements that are necessary to maintain and improve the electric system. We have similar charges on the water and sewer utilities. It should also be noted that DP&L can,



legally, recoup their capital improvement costs every five years through a rate increase request. In fact, the Village was notified late last year that DP&L was pursuing such a reimbursement and will likely have a rate increase in 2019.

The power cost adjustment (PCA) is directly related to the contracts we have entered for energy supplies (hydroelectric projects, wind, landfill gas, solar, etc.). This PCA varies monthly, based on the energy provided by each project to which we are committed. We are committed to these contracts for various periods, dependent upon what the term is and when they were signed. This was a conscious choice that was made several years ago by the Council, with input from residents, to choose green energy sources and reduce the carbon footprint of the Village. It should also be noted that the hydroelectric projects, to which the Village is heavily committed, are long-term contracts which could, at some point, begin to realize revenue for the Village. Such is the case with our New York Power Authority (NYPA) project, which is a hydroelectric dam on the Niagara and St. Lawrence Rivers. The capital debt on the project is paid off and the Village receives a monthly credit on our invoice for power sold from the project. There is a brief explanation of the PCA, which was provided by our consultant, John Courtney, in your packets.

Several things should be noted about the electric utility. One is that, should we sell the utility, which would likely be done at a loss unless we were to make substantial capital improvements first, we are still committed to the purchase of the energy under the contracts to which we have committed. The second has to do with the customer service component. If we have a power outage in the Village, crews are generally in the Village working on a resolution within an hour. If it is a DP&L responsibility to restore power, it will very likely be a much longer response period. Additionally, DP&L will disconnect service for any past due amount. The Village has a threshold of \$25 before we consider disconnection.



The Dayton Power and Light Company  
dpandl.com

Account Number

Due Date

08/14/2018

Amount Due

\$254.27

Page 1 of 2

Monthly Account Summary

Mail Date: 07/24/2018

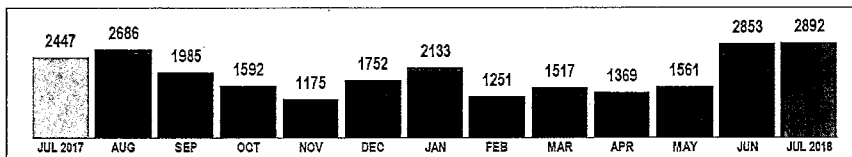
Previous Balance	\$253.12
07/23/2018 Payment - Thank You	-254.00
Balance Forward	-0.88
Delivery Total Billed This Month	144.52
Supply Total Billed This Month	110.63
<b>Total Account Balance</b>	<b>\$254.27</b>

*Handwritten: Total Amount Due*

Service Address:

Next Reading Date: 08/21/2018

Historical Usage



Historical average usage: 1,860 kWh

Historical usage: 22,321 kWh

Billing Period	Average Daily kWh	Temperature Avg High	Temperature Avg Low
Same Period Last Year	84.4	82°	64°
Previous Period	89.2	82°	64°
Current Period	96.4	85°	67°

Usage Detail

Service	Meter Use	Billing Period From To	Billing Days	Meter Reading Previous	Meter Reading Current	Multiplier	Usage	Rate	Rate Description
Electric	Actual	06/19/18 07/19/18	30	30265	33157	1	2,892	711	Residential

*Handwritten:*  
 Delivery Charge \$144.52  
 actual Supply Charges \$110.63  
 \$310.51 ÷ 2892 = .11¢/kWh



Emergency Service  
877-4OUTAGE  
877-468-8243



Online Anytime  
dpandl.com



DP&L Customer Service  
(800) 433-8500

Please detach and return only this portion with your check made payable to Dayton Power & Light Company



The Dayton Power and Light Company  
dpandl.com

Account Number

PROMPT AMOUNT	pay by 08/14/2018	\$254.27
LATE AMOUNT	pay after 08/14/2018	\$256.42

Amount Enclosed \$ \_\_\_\_\_



DAYTON POWER AND LIGHT COMPANY  
PO BOX 740598  
CINCINNATI, OH 45274-0598

0000044909020275100256420025427



The Dayton Power and Light Company  
dpandl.com

### Customer Service Hours

**Call Us** 8 a.m. to 5 p.m. Monday - Friday  
Closed weekends

### Contact Numbers

**Customer Service** 937-331-3900 (Local)  
800-433-8500 (Toll Free)

**Outages** **877-4OUTAGE**  
(available 24/7) 877-468-8243

**"Call Before You Dig"** 800-362-2764

**Hearing Impaired** 800-750-0750 (TDD/TTY Phone)

**Accessibility Options** For enlarged bills, braille bills or Spanish-speaking operator: call 800-433-8500

### Payment Options

**Pay Online** Visit [dpandl.com](http://dpandl.com)

**By Phone Using Kubra** 888-978-0827 (Bank Account Payments)  
**EZ-Pay™ 24 Hours a Day** 888-978-0828 (Credit/Debit Card Payments)

**Payment Drop Box** 1900 Dryden Road  
Dayton, OH 45439

**Pay Agent Locations** Visit [dpandl.com](http://dpandl.com)

**Payments Without Stub** PO Box 1247  
**or Billing Inquiries** Dayton, OH 45401-1247

### Explanation of Billing Terms

**Actual Reading** A reading taken from your meter.

**Delivery Charge** Utility charges assessed to all customers associated with equipment used to bring power to your home or business, billing and customer services and Ohio energy efficiency related programs.

**Estimated Reading (E)** On the months we do not read your meter, we calculate your bill based on past usage. Adjustments may be needed later when we take an actual meter reading. If you would like to read your meter to avoid estimated bills, call the account information number on the front of the bill with your meter reading.

**Kilowatt Hour (kWh)** The unit of measure for electricity. For example, you use one kilowatt hour of electricity to light a 100-watt bulb for 10 hours.

**Late Payment Charge** A 1-1/2% late charge added to the overdue amount if you do not pay your bill by the due date for prompt payment.

**PIPP PLUS** Percentage of Income Payment Plan

**Supply Charge** Charge associated with the generation of electricity including market-based transmission and ancillary services.

### Additional Information

If your complaint is not resolved after you have called Dayton Power and Light and/or your supplier, or for general utility information, residential and business customers may contact the Public Utilities Commission of Ohio (PUCO) for assistance at 800-686-7826 (toll free) from 8 a.m. to 5 p.m. weekdays or at [puco.ohio.gov](http://puco.ohio.gov). Hearing or speech-impaired customers may contact the PUCO via 7-1-1 (Ohio Relay Service).

The Ohio Consumers' Counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 877-742-5622 (toll free) from 8 a.m. to 5 p.m. weekdays or at [pickocc.org](http://pickocc.org).

To report or get more information about a power outage, call 877-4outage (877-468-8243) or report via web or smartphone at [dpandl.com/report](http://dpandl.com/report). You'll use the phone number on your account or your account number to report.

Pay your bill over the phone or online with Kubra EZ-Pay™ 24 hours a day, 7 days a week. Kubra assesses a small service fee for credit and debit card payments (Visa, Mastercard or Discover). Free payments can be made using your checking or savings account. Visit [dpandl.com](http://dpandl.com) or call 888-978-0827 to pay by checking/savings account, 888-978-0828 to pay by credit or debit card.

### Abbreviations

P - Poles      L - Lamps      \* - Adjustment  
S - Spans      HEAP - Home Energy Assistance Program

**Message Center**

A detailed breakdown of the components of this bill can be obtained on dpandl.com website or by contacting DP&L'S customer service.

Please note: The "LATE AMOUNT" displayed in the bill stub reflects potential late payment charges for DP&L charges only. Your supplier may charge late payment charges on past due supplier charges in addition to those charged by DP&L. Contact your supplier for more information.

As part of Ohio's Electric Choice Program, your electric supply is provided by AEP Energy, Inc, PO Box 6329, Carol Stream, IL 60197; (866) 258-3782. This bill reflects charges for these services and DP&L charges for electric delivery service.

Your bill account number with your supplier is 4490902027.

Your total electric supplier charges are \$110.63.

**Price-to-Compare Message**

In order for you to save money off of your utility's supply charges, a supplier must offer you a price lower than DP&L's price of 5.4 cents per kWh, for the same usage that appears on this bill. To review available competitive supplier offers, visit the Public Utilities Commission of Ohio's "Energy Choice Ohio" website at [energychoice.ohio.gov](http://energychoice.ohio.gov). You may contact DP&L for a written explanation of the price-to-compare message.

**DP&L Delivery Charges**

Customer Charge	4.25
Other Delivery Charges	140.27

<b>DP&amp;L DELIVERY TOTAL</b>	<b>\$144.52</b>
--------------------------------	-----------------

**Supply Charges**

<b>SUPPLY TOTAL</b>	<b>\$110.63</b>
---------------------	-----------------



**AEP Energy, Inc** Phone: 866-258-3782

Period: From Jun 19, 2018 To Jul 19, 2018

Budget Installment	110.63
--------------------	--------

Current Monthly AEP Energy Charges are \$ 166.29 @ \$

0.0575 per KWH.

AEP Energy Accumulated Budget Balance is \$ 139.41.

With a green Supplier \$ 340.9868 (0.0679 kWh)

\$ 343.7788 (0.0689 kWh)

**For informational purposes only**

Renewable Energy Programs	\$2.23
Energy Efficiency Programs	\$6.57
Peak Demand Programs	\$0.93

Each bill includes charges for existing programs to support energy conservation and renewable energy sources. Approximate costs included in this bill to support these programs are shown above. For more information on energy efficiency programs, please visit [dpandl.com/save](http://dpandl.com/save).

[Shop Electricity Plans](#)[Business Electricity](#)[Blog](#)[FAQ](#)[Glossary](#)

45387

[SHOP FOR PLANS](#)

# Search, Compare, & Select Ohio Electricity Plans

**Advanced Search****Provider**

All Providers ▾

**Plan Term**

12 Month — 18 Month

12 Month — 18 Month

**Rate Type**

Fixed

Variable

**Sort Plans By:**

Featured

Supply charges only

**SimpleLife 12***Simple 100% Green Electricity at a Great Rate!*[Compare Plans](#) ☐

12 month 100%  
Fixed

**6.7****9¢**

Per kWh

[Plan Details and](#)[Pricing](#)

Cancellation Fee: \$149

LifeEnergy

**SIGN****UP**

\$1196.3668

**Plan Features****SimpleLife 18**



Basic  
Electricity  
Electricity +  
Extra Stuff  
Renewable  
Energy  
Support a  
Charity  
Veterans &  
Active Military

*Simple 100% Green Electricity at a Great Rate!*

Compare Plans ☐

6.7  
9¢  
Per kWh

18 months  
100%  
Fixed  
Plan Details and  
Pricing  
Cancellation Fee: \$149

LifeEnergy

SIGN  
UP

\$ 196.3668

RESET  
SEARCH

**SimpleClean 12**

*Power Your Life with Clean Energy*

Compare Plans ☐

6.8  
9¢  
Per kWh

12 months  
50%  
Fixed  
Plan Details and  
Pricing  
Cancellation Fee: \$100

XOON energy

SIGN  
UP

\$ 199.2588

2892 kwh x.11 =\$318.12

2892 khw x.0193(PCA)=\$55.8156

Tax(estimate) \$5.784

RFS= \$12.00

=\$391.72 TOTAL IF BILLED WITH OUR RATES

DIFFERENCE TO DPL(COAL POWER SUPPLIER) =\$80.91

## **EXPLANATION OF YELLOW SPRINGS' POWER SUPPLY COST ADJUSTMENT**

The Village of Yellow Springs owns and operates an electric distribution system that provides electric service to homes and businesses located in and around the Village. The Village's Electric System receives power and energy from a number of different power supply sources through a pooling arrangement with other municipalities located in Ohio, which is managed by the Village's power supply agent American Municipal Power (AMP). These power supply sources include power generated at hydroelectric, wind, solar and landfill gas-fired generating facilities, as well as power purchased from the wholesale power market.

Due to the nature of the Village's power supply arrangements, the Village's cost of power fluctuates up and down from month to month, as indicated on the attached graph. In order to accommodate these fluctuations in power supply costs, the Village's electric rates include a provision that allows the rates to automatically adjust for increases, or decreases in the Village's power supply costs. This provision is referred to as the Power Supply Cost Adjustment (PSCA), which is reflected on the customer's bills. It should be noted that the PSCA only adjusts for changes in power supply related costs, and does not provide additional revenues for other operating cost increases.

The PSCA is determined each month by subtracting the base power supply costs that is being recovered through the Village's base electric rates, referred to as the Base Power Supply Cost (BPSC), from the Village's rolling 3-month average power supply cost, and then multiplying the difference by 110%. The 110% adjustment is to compensate for the losses in the system. The Village only sells about 90% of the energy it receives. The other 10% reflects unbilled losses in the system, which includes losses in transformers and conductors and unbilled services, such as street lights, municipal facilities, etc. Provided below is the formula for calculating the PSCA:

$$\text{PSCA} = [\text{APSC} - \text{BPSC}] \times 1.10$$

APSC = Actual 3-month rolling average power cost per kWh purchased.

BPSC = \$0.072 per kWh

As indicated on the attached graph, over the past several years the Village's power supply costs have been steadily increasing. These increases are primarily attributed to the replacement of low cost, short-term, non-renewable, market based energy supplies with higher cost, long-term, renewable, asset based energy supplied by the AMP Hydroelectric Plants. Without the PSCA, the Village would need to continually adjust its electric rates to reflect these changes in its power supply related costs.

Village of Yellow Springs  
PURCHASED POWER COST  
\$/KWH





Finance Director Report  
9-17-18

**Investments:**

August 9<sup>th</sup> we transferred \$2,500,000 from our US Bank General Checking into our Star Plus Account. Now combined with Star Ohio and Huntington we have a balance of \$6,326,846 in the three investments accounts.

**Lodging Tax:**

To date we have received \$22,826 of the Estimated Budget of \$25,000 or 91%. We still have a couple of establishments that have not filed. We are following up.

**Swimming Pool Season:**

The pool revenue for the 2018 season was \$66,877. This was a little less than last year's season of \$68,863. After expenses, the pool had a loss of \$32,059 for 2018.

**Utility Billing Updates:**

The utility team is working hard and continue addressing a few issues with the software conversion. Each month they bring up suggestions on what area needs to be addressed for efficiency and accuracy. We are working towards the anticipation of the utility round up program starting this fall and working on past due collections.

**2018 Budget:**

We have received 77% (\$ 9,283,653) of the Estimated Revenue as of 8-31-18. We have used 84% (\$ 10,255,142) of our Appropriation Expenses as of 8-31-18. We should be around 67%. Wages, maintenance and professional services are costing more in most funds than estimated for this budget.

**PUBLIC WORKS DIRECTOR'S REPORT  
JULY-AUGUST-SEPTEMBER ACTIVITIES**

**ELECTRIC & WATER**

GRAY'S TREE SERVICE COMMENCED TRIMMING AROUND POWER LINES. THIS WILL CONTINUE THROUGH THE END OF THE YEAR

ARBOR CARE HAS BEEN REMOVING HAZARDOUS TREES FROM STREET RIGHT OF WAYS AND ALONG THE BIKE PAT.

HIGH TECH ELECTRIC FINISHED THE CHANGE OUT OF 11 POLES

ELECTRIC STAFF CHANGED OUT 3 POLES

BEGAN THE ROTATION OF WATER VALVES FOR THE UNI-DIRECTIONAL FLUSHING

REPAIRED 4 WATER VALVES THAT BROKE AT THE BEGINNING OF THE PROJECT

THE ROTATION OF VALVES IS STILL ONGOING AND WILL CONTINUE UNTIL WINTER

TESLA ELECTRIC CAR CHARGERS HAVE BEEN INSTALLED AT THE BRYAN CENTER

WATER AND SEWER TAPS HAVE BEEN INSTALLED FOR THE TWO-FAMILY DWELLING AT HOME, INC.'S 511 DAYTON STREET LOCATION

REMOVED THE POLE HAZARD ON THE SLED HILL AT GAUNT PARK

KICK OFF MEETING FOR OUR GIS PROGRAM WITH LJB

INSTALLED THE PRIMARY AND TRANSFORMER FOR CRESCO AND REMOVED THE TEMPORARY

**STREETS**

RESURFACING OF BLACK TOP HAS BEEN MOVED TO THE END OF SEPTEMBER DUE TO WEATHER

CURBS WERE INSTALLED AT THE BRYAN CENTER IN PREPARATION FOR THE BLACK TOP

UTILITY CUTS AND POTHOLES ARE ON SCHEDULE TO BE REPAIRED NEXT WEEK

**ELLIS PARK**

THE PAVILLION'S NEW ROOF IS SCHEDULED TO BE REPLACED IN OCTOBER

**GAUNT PARK**

THE DIRT AT BASE OF THE SLEDDING HILL WILL BE IN PLACE BEFORE WINTER



THE SWIMMING POOL SUCCESSFULLY CLOSED ON SEPTEMBER 3<sup>RD</sup> AND CONSTRUCTION HAS BEGUN WITH UPDATED ELECTRIC SERVICE AND NEW LED POLE LIGHTING

THE SWIMMING POOL'S CONCESSION STAND AND LOCKER ROOM ROOF TO BE REPLACED IN OCTOBER

BASEBALL AND SOFTBALL FIELDS WERE MAINTAINED THROUGHOUT THE SEASON FOR BOTH THE HIGH SCHOOL AND VILLAGE LEAGUES

### **BRYAN CENTER**

NEW DOOR FOR COLLEEN'S OFFICE TO BE COMPLETED BY FRIDAY, SEPTEMBER 21<sup>ST</sup>

STAFF CHANGED LIGHTING TO LED IN THE LOBBY BY POLICE DISPATCH

### **STREETS**

SEAL COATED PUBLIC PARKING AREA NEXT TO SUBWAY

SEAL COATED LIBRARY PARKING LOT

KINGSFIELD STORM DRAIN PROBLEM RESOLVED WITH THE REMOVAL OF A TREE THAT HAD COMPLETED BLOCKED THE 18" PIPE. A CHECK OF THE STORM SYSTEM IN KINGSFIELD DURING LAST WEEKEND'S SEVERE RAINFALL SHOWED IT WAS WORKING PROPERLY

GLASS FARM, SUTTON FARM AND THE COMMERCE PARK HAS BEEN BUSH HOGGED

ADA RAMPS AND DOMES PROJECT TO BEGIN SEPTEMBER 17<sup>TH</sup> ALONG DAYTON STREET, EAST ENON, WEST SOUTH COLLEGE AND WINTER



## 2018 Mayor's Court & Traffic Violations Bureau

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTALS
Total Charges from PD	36	26	29	49	34	98	67	84					423
Charges sent to MC	20	20	15	18	18	76	43	34					244
Percentage of charges sent to MC	56%	77%	52%	37%	53%	78%	64%	40%					58%
Total Incidents	24	21	23	27	26	42	50	54					267
Total Incidents to MC	19	17	14	14	16	30	34	30					174
Percentage of Incidents to MC	79%	81%	61%	52%	62%	71%	68%	56%					65%
Total Charges in MC	20	20	15	18	18	76	43	34					244
Traffic	8	12	5	7	5	27	28	18					110
Criminal	1	3	2	1	3	2	3	0					15
Parking	11	5	8	10	10	47	12	16					119
Payments/Revenue													
Traffic/Criminal	\$ 395.00	\$ 1,738.00	\$ 1,215.00	\$ 1,878.00	\$ 728.00	\$ 1,622.00	\$ 2,495.00	\$ 2,458.00					\$ 12,529.00
Parking Tickets	\$ 335.00	\$ 40.00	\$ 95.00	\$ 265.00	\$ 235.00	\$ 660.00	\$ 200.00	\$ 240.00					\$ 2,070.00
Weddings	\$ 100.00	\$ -	\$ 50.00	\$ 100.00	\$ 100.00	\$ 50.00	\$ 50.00	\$ -					\$ 450.00
<b>TOTAL</b>	\$ 830.00	\$ 1,778.00	\$ 1,360.00	\$ 2,243.00	\$ 1,063.00	\$ 2,332.00	\$ 2,745.00	\$ 2,698.00					\$ 15,049.00
Expenses pd to State/Co													
Victims of Crime	\$ 18.00	\$ 99.00	\$ 63.00	\$ 81.00	\$ 45.00	\$ 90.00	\$ 104.00	\$ 117.00					\$ 617.00
Drug Law Enforcement	\$ 7.00	\$ 31.50	\$ 24.50	\$ 24.50	\$ 14.00	\$ 38.50	\$ 35.00	\$ 38.50					\$ 213.50
Indigent Defense Support Fund	\$ 50.00	\$ 255.00	\$ 195.00	\$ 225.00	\$ 124.50	\$ 280.50	\$ 390.00	\$ 315.00					\$ 1,835.00
Indigent Drivers Alcohol Treatment	\$ 3.00	\$ 14.50	\$ 10.50	\$ 10.50	\$ 7.50	\$ 15.00	\$ 15.00	\$ 16.50					\$ 92.50
Expungement - Local	\$ -	\$ -	\$ -	\$ -	\$ 20.00	\$ -	\$ -	\$ -					\$ 20.00
Expungement - State	\$ -	\$ -	\$ -	\$ -	\$ 30.00	\$ -	\$ -	\$ -					\$ 30.00
<b>TOTAL</b>	\$ 78.00	\$ 400.00	\$ 293.00	\$ 341.00	\$ 241.00	\$ 424.00	\$ 544.00	\$ 487.00					\$ 2,808.00
Revenue for Village	\$ 752.00	\$ 1,315.69	\$ 1,067.00	\$ 1,902.00	\$ 822.00	\$ 1,908.00	\$ 2,201.00	\$ 2,211.00					\$ 12,178.69
Computer Fund	\$ 29.00	\$ 100.00	\$ 80.00	\$ 91.00	\$ 40.00	\$ 149.00	\$ 200.00	\$ 190.00					\$ 879.00
Bank Fees	0	\$ (62.31)	0	0	0	0	0	0					\$ (62.31)
General Fund	\$ 723.00	\$ 1,278.00	\$ 987.00	\$ 1,811.00	\$ 782.00	\$ 1,759.00	\$ 2,001.00	\$ 2,001.00					\$ 11,342.00

9-17-18

To: Council

From: Judy Kintner

Re: Clerk's Report for September 17, 2018

Business mostly as usual in the Clerk world—meetings, minutes, packets. . . .

I am very pleased to announce that an assistant, who will assist with both Planning/Zoning and in the Clerk's office on a part-time basis, has now been hired. Eleanor Anderson has joined us, and will be working 10 hours per week for each office.

--Judy Kintner



## **Board Report for Village Manager's Advisory Group for CAP – August 2018**

Submitted by Kevin D. Stokes, Village Council Member, Commission Liaison

September 13, 2018

- Official Council Commission is still on hiatus
- A Village Manager Advisory Group met on Wednesday, August 22, 2018
  - Attendees were Kevin Stokes, Patti Bates, Spencer Glazer, and Jordan Gray
- Group deliberated concerning a draft mission statement. Modifications were made to the draft statement and group agreed to accept modified statement.
- Group discussed the differences between the CAP Social Media Policy in effect and whatever policy was discussed and agreed upon by Council in January 2016 timeframe.
- Group agreed to not air videos offered by politicians as PSAs that appear to be self-serving political ads
- Spencer and Kevin will develop/update Social Media Guidelines
- Jordan and Pattie agreed to look at the ability of the eGov website platform to handle document tagging in an effort to improve the search function on the Village website.
- Group will continue to meet regularly on an as-needed basis
  - Next meeting scheduled for September 19, 2018 at 1100



## Art & Culture Commission

### Economic Sustainability Commission

#### Finance Committee

Kreeger Reports / September, 2018

#### Arts & Culture Commission

Highlights in addition to meeting minutes:

- **The Commission has accepted an updated mission statement:** *The Arts & Culture Commission supports the mission of the Village of Yellow Springs in facilitating, promoting and recognizing that public arts add value by providing educational opportunities, activism, economic sustainability and an improved quality of life. The Commission navigates and connects our creative community and the arts community with the Village government.*
- **Banner Project:** Kevin Lydy, a teacher from Mills Lawn, brought an idea to hang banners for Women's History Month (March). He described that he had implemented similar project in Athens and provided an example. The banners would also have a QR code. The banners would have a similar background theme and each highlight a different person – they are making them at the maker space in Xenia. He has the idea that there might be some sort of kick off event. He is open to suggestions of women to feature.
- **Music on Main:** Marcel Vanarsdale provided an update about the Music on Main, a bi-annual event planned for Oct 13. There will be a local artist hired for an art installation.
- **Wheeling Gaunt Mural / Sculpture Presentation:** There is exciting progress being made towards the Wheeling Gaunt Sculpture and mural. In combination with the sculpture there will be a PBL to develop a children's book and other activities. The entire process is being captured for a documentary. The current priority is to confirm a location for the sculpture and mural location. The Gaunt Committee is interested in the corner park at Xenia and Dayton. The ESC requests Council agenda time on Oct 15 for a presentation from this Committee.
- **ACC Budget:** In September the ACC made the following sponsorship funding decisions:
  - \$500 Porch Fest to fund porta potties
  - \$1800 Jungle Mural Restoration (contingent on a matching grant from the YSCF)
  - \$250 Permanent Collection opening: Funding for Music and food
  - \$500 Music on Main to purchase equipment for a sculptural lighting installation. Purchased equipment can be reused at future events.

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#### Economic Sustainability Commission

At the beginning of 2018 the ESC established four goals:



### Goals for 2018

1. Propose a Village Incentive Policy to Council
2. Research and advise Council on the formation of a Designated Community Improvement Corporation for the Village of Yellow Springs
3. Engage with localization efforts providing support as able
4. Identify an attraction and marketing strategy for the CBE

In the September meeting the ESC shifted its focus to #4.

Key highlights were:

- Discussion about what Council/ESC can do to attract more businesses to the Village/CBE. This was followed by a discussion involving the re-branding/re-positioning of the CBE.
- The question arose regarding whether the Village Council would fund an effort to market the Village to other businesses. This marketing initiative could also be leveraged to attract Village Manager candidates.
- The ESC also discussed incubator/accelerators and how they can impact the region. It is noted that Antioch College has a working group exploring opportunities around incubator and office development at the college utilizing available facilities.

**Request:** Time on the council meeting agenda for Oct 15 for a more in-depth discussion about CBE strategy.

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### FINANCE COMMITTEE

Members:

- Patti Bates
- Colleen Harris
- Brian Housh
- Lisa Kreeger
- Rachel McKinley (for investment related topics)

The Finance Committee is currently focused on:

- Investment review
  - Shifting investments to optimize return on investment that is fiscally responsible (low risk) and maintains needed liquidity. StarOhio and Star Plus are desirable investment options.
  - Identify if a change in the investment policy is needed
  - Propose the importance of active involvement of council in investment decisions
- Evaluation of overall solicitor costs in anticipation of budget planning
  - Understanding categories of costs
  - Begin to explore the costs and revenues that may result from changes to our Court systems (e.g. an Assistant Solicitor for Mayor's Court, restorative justice





programs, public defender as well and revenue changes related to Mayor's Court).

Village Council,

Regarding Commissions-

Library Commission reviewed repairs being done by the Village. Patti has details.

Energy Board- A member has recommended additional sites for additional solar to offset Cresco installed by the Village to address both part of our mandate to "Address global warming and seeks to reduce the carbon footprint of our community" and with the present prices of solar may well save money and reduce the price of electricity versus buying coal power of the market. Please provide guidance.

JSTF- I have reviewed the work of JSTF with the discussion regarding recommendation schedule.

Thanks,

Judith



TO: Village Council  
FROM: Brian Housh  
RE: September Commission Reports  
DATE: September 13, 2018

### **Greene County Regional Planning Commission**

Executive Director Devon Shoemaker highlighted the value of the “Complete Streets” approach in terms of revitalizing communities and ensuring safety for people of all ages and abilities via a video featuring Alexandria, MN. There were concerns raised by some members that GCRP recommendations were not being taken seriously, emphasizing a recent example allowing for the rezoning of agricultural property to accommodate a large service vehicle repair business when there is a commercial park with available space just down the road. Whether 2 entrances to residential developments for fire access is a best practice was discussed with a recommendation that this policy be reviewed. And, it was decided that former ED Ken LeBlanc should be contracted to complete the Bellbrook transportation plan and to update the county thoroughfare plan. This sets a precedent to potentially utilize Ken’s expertise to create a Greene County Trail Plan, which has been actively discussed among many local elected officials, that could include fiber infrastructure and address road/bridge, storm water and other utility issues throughout the county. A federal grant program that could help fund implementation of such a plan is BUILD (Better Utilizing Investments to Leverage Development) -- [www.transportation.gov/BUILDgrants/about](http://www.transportation.gov/BUILDgrants/about).

### **Miami Valley Regional Planning Commission**

MVRPC is one of five Municipal Planning Organizations (MPOs) in the state of Ohio. MPOs are given federal transportation dollars via ODOT to execute projects in largely populated regions (as opposed to RPOs (Regional Planning Organizations) that tend to cover more rural areas and are not always as well funded). Notable federal programs that MVRPC receives funding from to disperse regionally are Transportation Alternatives (TAP), Surface Transportation (STP) and Congestion Mitigation and Air Quality (CMAQ), which can be used to fund active transportation projects. A decision was made to allow member municipalities who are not part of the 4-county MPO district (Greene, Montgomery, Miami & parts of Warren) to apply for discretionary TAP and STP funds, amounting to about \$1.5M of approximately \$28M that MVRPC receives through these two programs. This will be used in part as an incentive to engage more regional participation, which is critical to better connectivity (e.g. with Preble, Darke and Clinton counties) and advancing health and safety efforts. Five Rivers MetroParks presented on its current projects to support active lifestyles and facilitate recreational/active transportation opportunities, noting its upcoming levy that supports this important work to foster healthy, thriving communities. The Miami Valley Military Affairs Association (MVMAA) discussed its community engagement activities, encouraging elected officials from around the region to join; Judy will have the information if any Council member is interested in becoming a member of this organization. **Smart transportation planning is a core responsibility of local governments, and I would encourage exploring the mvrpc.org website.**



*The Arts & Culture Commission advises Village Council on issues that affect use, appearance and experience of Village property. The Commission takes into consideration the respect for all users of public space to promote and support improvement, beautification, growth and creativity of our community.*

## **Art & Culture Commission 6/6/2018 Minutes**

**Members Present: Brittany Baum, Nancy Mellon, Kathy Moulton, John Fleming, Brian Housh, Lisa Kreeger**  
**Citizen Participant: Rachel Price**

- Minutes from 5/9/2018 meeting were approved.
- Porch Fest Update: **see attachment.**
- VIDA update: discussion regarding next recipient with proposals being the Women's Park + the garden on the corner of Xenia Ave + Davis St.
- Confirmation regarding postponing the Piano Project until a future year to enable more lead-time preparation.
- Pottery Shop update: the shop has declined to participate as an alternate member on the ACC. An information flyer of the activities of the JBCP was submitted.
- LK submitted for ACC perusal the Village of YS Resolution 2018-14: **Creating An Economic Development Incentive Policy**
- Update on the Murals restoration: a budget for the restoration of Sarah Dickens' jungle mural was submitted (**see attachment**). It was decided to put the proposal on hold and to have a future discussion regarding funding assistance from the YS Community Foundation.
- General discussion regarding a permanent home for the KIND NESS banners. They are currently scheduled to be re-installed July 9-30
- Gallery Games: Brian Housh reported on his experience coordinating the event.
- The next meeting will begin with discussion regarding the mission and values of the ACC. In particular, these questions will be addressed:
  - ❖ *What does it mean to be an activist arts organization, one that moves on a vision with mindfulness about community, responsively representing all citizens for the common good?*
  - ❖ *What art do we promote?*
  - ❖ *Do we always look in the same (old) familiar places?*
  - ❖ *What is our justice and anti-racist commitment as an arts organization?*
  - ❖ *Need definition and identity?*

**The next meeting is July 11; Retreat: 5-6:30, Regular Meeting Agenda: 6:30- 8.**



The Economic Sustainability Commission provides information and makes recommendations to Council regarding economic development for the Village of Yellow Springs, identifying primary opportunities for economic development in the Village and strategies to support these efforts and facilitating a forum for incubating ideas and networking among diverse groups working on economic development in the Village.

## **Economic Sustainability Commission Minutes**

Wednesday July 3, 2018; 5:30 pm

Council Chambers, John Bryan Community Center

Attendees: Saul Greenberg, Henry Myers, Lisa Kreeger, Emily Seibel, Karen Wintrow, Susan Jennings (alternate) Guest: Kineta Sanford; Absent: Gerry Simms, Sammy Saber, Steve McQueen, Mark Crockett

The meeting was called to order at 5:40 by Greenberg.

Kineta Sanford was introduced by Seibel as the new AmeriCorps VISTA staff member for YS Home Inc. Kineta's mother had worked at the YS Credit Union and she and her husband just bought a home in YS.

### **Minutes**

Minutes from June were unanimously accepted as written. (Myers/Kreeger)

### **Citizen Concerns**

No citizen concerns.

### **Old Business**

#### **Localization Initiative**

Susan Jennings reviewed the visit of localization economist Michael Shuman the previous week thanks to a grant received by the YS Credit Union. There were several sessions with different local groups with a final group session. All attendees were impressed and excited with the opportunities.

Jennings conveyed Shuman's view that real estate investment is a sound strategic focus for local investment since it doesn't lose value and that the DCIC would be an appropriate organization to facilitate. Investing in business is a risk because one business failure could decimate the program.

Shuman has been invited back by Jeannamarie Cox of the YS Community Foundation to further dig into the concept of local investment and acquiring funding for the many projects identified in Yellow Springs with a specific focus on funding outside this community.

#### **Designated Community Improvement Corporation**

Kreeger reported that she presented to Council the document "*Consideration for Developing a Purpose Statement for a Designated Community Improvement Corporation*" that was approved at the last meeting with agreed upon changes she made in collaboration with Wintrow and Seibel. Included in the ESC meeting packet was a revised draft based upon Council discussion at their June 18 meeting.

Council was generally supportive of the document and concept of the DCIC. Discussion of the specific tasks of the DCIC elicited concern with the DCIC being responsible for distributing the Cresco net profits. While Council might decide to assign some of those funds to the DCIC, Council didn't want the DCIC to have full control.

Further revisions made by Kreeger based upon Council input was also clarification that the DCIC would only fund New infrastructure and identifying Village representation on the board as two Council members and two staff members.

Myers supports the DCIC as an organization to improve the economic climate of the village but he doesn't support DCIC involvement with the transfer, sale or leasing of publicly-owned property. Myers asked that the task "Fund residential and commercial development" be removed from the document but the majority of ESC members present disagreed. It was agreed that it would be added as a concern to the document. Additionally, Seibel requested that "affordable" be added to residential because she didn't believe the DCIC should be funding market rate residential development.

In response to both concerns, ESC members pointed out that private entities could benefit from such transactions so real estate transfer, sale and lease was viewed as an integral role of the DCIC and that residential development of all types would benefit the community. A suggestion was made to add language in the DCIC Code of Regulations to ensure public property transferred/sold to the DCIC is developed in a way that supports community values and needs. This will be discussed with legal counsel. The language in the task was changed to "Invest in or fund residential and commercial development".

Other revisions were recommended including changing point 5 to *"Provide technical and business advisory assistance to local businesses to advance economic, community and civic development"*. Finally, the words *"foreclosed and/or abandoned"* were removed from the last task because it was discussed that other types of property would be valuable for the DCIC to acquire.

The following tasks in *"Consideration for Developing a Purpose Statement for a DCIC"* were agreed to by the ESC for submission to Council for review at their July 16 meeting.

1. Administer the Revolving Loan Fund and other grant programs
2. Market the CBE and promote Yellow Springs as a business location
3. Fund new infrastructure projects (e.g.: the fiber network)
4. Provide technical and business advisory assistance to local businesses to advance economic, community and civic development
5. Invest in or fund residential and commercial development
6. Function as a land bank to facilitate the transition of properties into viable, marketable properties

The next step for Council is to release the Village Solicitor to begin work on the Code of Regulations.

Kreeger suggested that the DCIC timeline be extended in order to have a draft Code of Regulations in hand before beginning formal discussions with other elected officials. ESC members will be to develop a list of stakeholders and informally begin outreach to let them know of the proposal.

The August 1 ESC meeting was cancelled.

Adjournment at 7:15 pm (Kreeger/Wintrow)

**Next meeting September 5, 2018 at 7:00 pm in Council Chambers**



**`Planning Commission  
Regular Meeting Minutes**

**Council Chambers 7:00pm**

**Monday, August 13, 2018**

**CALL TO ORDER**

The meeting was called to order at 7:00 P.M.

**ROLL CALL**

Planning Commission members present were Frank Doden, Acting Chair, Council Representative Marianne MacQueen, Susan Stiles and Ted Donnell. Also present were Denise Swinger, Zoning Administrator, and Solicitor Chris Conard. Pelzl was absent due to illness.

**REVIEW OF AGENDA**

Doden reviewed the agenda. There were no changes made.

**REVIEW OF MINUTES**

Minutes of July 9, 2018. MacQueen MOVED and Donnell SECONDED a MOTION TO APPROVE the Minutes as Written. The MOTION PASSED 4-0.

**COMMUNICATIONS**

MacQueen re: Bowen Housing Recommendations

**COUNCIL REPORT**

MacQueen reported on progress with Bowen National Housing Consultants, and invited all members of PC to attend the upcoming report to Council which will occur on August 20<sup>th</sup>.

**CITIZEN COMMENTS**

Emily Seibel, Home, Inc. Executive Director, informed PC that Home, Inc is preparing to bring two project to PC for review. She described a project for 14 units characterized as a PND overlay to serve a wide array of need. Seibel estimated either a September or October hearing date for the project.

Seibel noted that Home, Inc. has a purchase option on the property noted, and stated that while Home, Inc. has no plan to request any variances, they do have several general questions for PC regarding the site plan design.

Seibel asked about incentives related to minimizing parking spaces.

Swinger noted that the number of parking spaces has been set at 1.5 per unit for the PND.

Donnell commented that he is unable to answer questions without a concept plan.

Donnell noted that the depth of the sanitary sewer and water flow issues will be of significant concern, as will stormwater management.

Donnell commented that any way to demonstrate alternate means of transportation will assist in possible incentives.

Seibel noted that Home, Inc. is preparing a PUD application for low-income senior housing, in partnership with St. Mary Development. Home, Inc. hopes to have this application ready for September, and hopes to have a final response to the project before the end of the year.

**PUBLIC HEARINGS:**

**Rezoning Application** – Antioch College is applying for a map amendment to rezone their property located at 117 East North College Street – Parcel ID #F19000100090029400 from E-I, Educational Institutions to R-C, High Density Residential for the construction of a Pocket Neighborhood Development.

Swinger introduced the hearing as follows: Antioch College is planning the construction of the Village of Yellow Springs first Pocket Neighborhood Development (Exhibit A) since the Planning Commission added this new and innovative use to the zoning code last year. One of the requirements of the PND is that the property must be located in a residential district. Currently, the property is zoned E-I, Educational Institutions. 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 is this map amendment to rezone the property as residential.

Stiles wondered if Antioch College would have to pay taxes if no longer zoned as Education.

Swinger responded in the affirmative, and then explained Greene County's methodology for condominium units.

Tom Manley, Antioch College President, expressed support for the project, noting that it is a goal of the College to create an intergenerational sustainable community, and that the proposed PND is a pilot for a part of that community.

Kevin Magruder briefly described the project in light of the goal of sustainability and community interaction. He noted that the College projects a 34 unit development across the street for the future.

Doden OPENED THE PUBLIC HEARING.

Patricia Brown spoke in support of the PND. She asked for support for composting toilets for the development, which is under the purview of Greene County.

Kim Claus asked what the plan was for parking overflow.

Magruder noted several parking options nearby.

Claus asked whether the parking regulations for Livermore Street would be amended, and whether the infrastructure would be able to support the proposed PND.

Swinger clarified that the issue at hand was only the rezoning request, but that if the project was moved to the next phase, the concerns noted would then be addressed during the site plan review. Swinger commented that a preliminary review by the Public Utility Supervisor showed no reason for concern regarding the infrastructure.

Faith Morgan asked whether the alley between her property and the property in question would be affected.

Swinger commented that the alley is not vacated, and so would need to remain accessible.

Karen Wintrow spoke in support of the project as a means of turning unproductive land into an asset.

Doden CLOSED THE PUBLIC HEARING.

MacQueen expressed her support for the proposal.

Swinger explained the reason for the need to rezone the area, and described the process for that approval.

Donnell commented in favor of the idea of the PND development, and lauded the focus around sustainability. Donnell commented that he believed it to be unfair to community members to try to go "off grid", since the Village electric utility is 95% "green", and since every consumer helps to maintain this green energy through their participation in the electric system. He made the same case for participation in the water and sewer utilities, and asked that the College consider opportunities to partner with the Village to help sustain existing green systems, rather than by replicating their own versions thereof.

Donnell commented further that the units seemed to him too institutionalized to fit in well with the character of the Village, and asked that further thought be given to the design aspect of the project.

Magruder responded that the units are planned to be on the grid, and that the "off grid" aspects mentioned by Pat Brown earlier are projected for a future pilot.

MacQueen noted that she likes the design, opining that there is a wide variation in individual taste.

Stiles MOVED TO APPROVE THE REQUEST TO REZONE THE PROPERTY LOCATED AT 117 EAST NORTH COLLEGE STREET FROM E-I to R-C. MacQueen SECONDED, and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

**Conditional Use Application** – Brittany Baum is applying for a conditional use hearing to add outdoor patio seating in conjunction with a permitted restaurant located at 134/138 Dayton Street – Parcel ID #F19000100110022800 in the B-1, Central Business District.

Swinger described the request as follows: local resident Brittany Baum is planning to open the Levitate Café at 134 Dayton Street. She currently operates Brezel, a gourmet Bavarian pretzel store with locations in Columbus and Cincinnati. She intends to offer grab & go fresh food options at the Yellow Springs location, including salads, juices, smoothies and healthy options that focus on local ingredients. Her concept for the store also includes many vegetarian and vegan options. The hours of operation would be from 7:00 AM until the early evening. If the need is there, she might expand her hours and offer carry out services later in the evening. She will have a few tables inside, but will mostly cater to grab & go customers.

The Public Works Director viewed the location of the table and chairs proposed by Ms. Baum and has no objection to her proposal. He indicated it will not block passenger access from parked cars nor will it block pedestrian traffic since there will be over seven feet of passageway between the location of the table and the store entrance.

Ms. Baum indicated she has been in contact with Greene County Building Regulations for her certificate of occupancy and they have agreed to less than 25 people including staff as the maximum occupancy allowed.

Brittany Baum applied for a change of use permit with the zoning office for the café. As a permitted use, this was approved by the Zoning Administrator. She has also submitted plans to add a small 24" table and two café chairs between the light pole and the tree out in front of the building, and adding a ledge above the gas meters to give a small space for customers to stand. Staff explained that the sidewalk in front of the building is in the public right-of-way. Ms. Baum pointed out other locations in town with tables and chairs in public ROWs. Outdoor patio seating in conjunction with a permitted restaurant is a conditional use.

Baum described the area in which she envisions the table and chairs, and responded to clarifying questions.

Doden OPENED THE PUBLIC HEARING. There being no public comment, Doden CLOSED THE PUBLIC HEARING.

Stiles spoke in favor of sidewalk interaction.

MacQueen noted the energizing effect of having customers out on the street and interacting.

Donnell commented both positively and negatively, noting that there are some visitors and residents who feel intimidated by the crowded sidewalks. He suggested mandating some number of feet of clearance, perhaps painting areas of the sidewalk in different colors to indicate walking vs sitting areas.

PC reviewed the suggested conditions, including parking, removal of the chair and table after hours, and carrying liability insurance.

PC considered various options, and discussed any impact upon parking.

Rick Slothman, owner of the Laundromat, objected to indication of parking in the rear, given that most persons think that his lot is the lot referred-to.

Stiles supported the indication that there is parking in the rear.

Donnell argued that monitoring parking for merely approving a table and chairs is onerous.

Donnell MOVED TO APPROVE THE CONDITIONAL USE APPLICATION as REQUESTED with THE CONDITION THAT THE OWNER PROVIDE PROOF OF LIABILITY INSURANCE NAMING THE VILLAGE AS AN ADDITIONAL INSURED ENTITY. MacQueen SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

#### **Text Amendments:**

#### **1260.02 (e) Minimum Lot Frontage.**

Swinger noted that PC had essentially approved the suggested changes at their last meeting, and read the changes as noted below.

Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located. If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (1260.03). Approval for private street or access easements must be granted by the Planning Commission.

Doden OPENED THE PUBLIC HEARING. There being no comment, Doden CLOSED THE PUBLIC HEARING.

Donnell MOVED APPROVAL OF THE TEXT AMENDMENT TO CHAPTER 1260.02 (e) as RECOMMENDED BY STAFF. Stiles SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Amend Chapter 1260.03 (a) Parking and Storage – adding driveway standards to the zoning code.**

Swinger read through the proposed text amendment as follows:

**1260.03 (a)** On a legally zoned lot, there shall be no more than one driveway, unless the lot is part of a Planned Unit (PUD) or Pocket Neighborhood Development (PND). If the frontage of the lot will be located along an access easement, the access easement shall be recorded on the deed of all properties which are subject to the easement and shall clearly specify the party or parties that shall be responsible for the maintenance of the easement area. An additional curb cut for a second driveway shall only be permitted if the lot frontage exceeds by 15 feet the minimum lot frontage requirement of the respective zoning district. The access easement shall provide lot frontage at least equal to the minimum required lot frontage of that zoning district

Swinger noted that the Public Works Director had added a requirement that driveway aprons need to be concrete, and made note of other additions as below:

The Village of Yellow Springs shall have no responsibility for maintenance of the private drive and/or turn-around.

- (1) All driveways shall be constructed and subsequently maintained to meet the following standards:
  - A. A driveway must commence at a dedicated road
  - B. Shall be a minimum width of 15 feet constructed with a base substantial enough to support vehicles to 40,000 lbs. gross vehicle weight (GVW)
  - C. Curb cuts and driveway aprons must be made of concrete per Village of Yellow Springs Public Works Department standards.
  - D. Residential access driveways shall be at least three feet from side property lines and construction shall ensure that drainage is sloped away from adjacent properties
  - E. Utility easements for storm, sewer, water, electric and gas are to be maintained along the back and side yard property lines as it was in the original subdivision.
  - F. Free from overhead obstructions to a height of 13 feet 6 inches and side-to-side obstructions to a width of eight (8) feet from the center line of the driveway
  - G. Any incline, decline, dip, hump and/or curve must take into consideration the turning radius, ground clearance, and traveling envelope of all vehicles to include emergency vehicles
  - H. Addresses for properties on private drives or road access easements must be clearly marked and visible from the public street
- (2) Any driveway in excess of 1,000 feet in length shall, in addition to the conditions/standards outlined in section 1, be required to also meet the following conditions:
  - A. Have a vehicle pull-off near the mid-point, and additional pull-offs for every 500 feet thereafter
  - B. Have a turnaround at the end suitable for use by emergency vehicles
- (3) Driveway connections crossing drainage swales must conform to Greene County specifications complete with concrete headwalls as called for by Sections 816 and 817 of the Greene County Subdivision Regulations, as amended. Should the driveway require a culvert, pipe or bridge, no zoning permit will be issued until a recommendation is received from the Village of Yellow Springs Public Works Department. It is recommended that a pre-manufactured culvert, pipe or bridge be used. If a custom design is used, then it must be designed by a professional engineer and approved by the Village of Yellow Springs Public Works Department before construction.

Swinger noted that the section regarding RV parking is amended as follows:

(bc) 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, and to use the same as a dwelling. except for the expeditious loading and unloading of the vehicle. 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.

Swinger responded to a question from Stiles, noting that while enforcement will still be done on a complaint basis, the text amendment prevents simply moving the vehicle slightly, and prevents street parking.

MacQueen sought clarification regarding curb cuts.

Doden OPENED THE PUBLIC HEARING. There being no public comment, Doden CLOSED THE PUBLIC HEARING.

Stiles MOVED APPROVAL of the AMENDMENTS TO CHAPTER 1260.03(a) PARKING AND STORAGE AS RECOMMENDED BY STAFF. Donnell SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**Amend Chapter 1260.04 (a) (13) Uses – striking driveway setback language from this section of the zoning code.**

**Amend Chapter 1260.04 Uses – adding clarifying language regarding tiny homes on wheels.**

Swinger introduced the section commenting that although tiny homes are often accessory to the primary dwelling, they may also be the primary dwelling. For this reason, she recommended keeping it under 1260.04 Uses as publicly noticed, but list it as (h) Tiny Home.

**(h) Tiny Home. A structure built on a permanent chassis with or without wheels which must receive a certificate of occupancy from Greene County Building Regulations in order to be used as a dwelling unit or accessory dwelling unit on a single-family zoned lot. Greene County Building Regulations will only issue a certificate of occupancy with proof of the following:**

- 1) Built as a manufactured home, proof of certification with a HUD seal is required.**
- 2) Built as an industrialized unit, proof of the industrialized home compliance certificate is required.**
- 3) Built in another state, proof of their former certificate of occupancy is required.**
- 4) Built/constructed in another manner, proof of certification by an Ohio Certified Engineer.**

Donnell asked that “Ohio Certified Engineer” be changed to “Registered Ohio Design Professional.” This was agreed-upon.

Doden OPENED THE PUBLIC HEARING. There being no comment, Doden CLOSED THE PUBLIC HEARING.

Stiles MOVED TO APPROVE THE TEXT AMENDMENTS TO CHAPTER 1260.04 as RECOMMENDED BY STAFF, WITH THE ADDITIONAL CHANGE AS PROVIDED BY DONNELL, AND WITH THE ADDITION OF A NEW SECTION (h). MacQueen SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

## **DISCUSSION**

Swinger noted that while she had noticed Chapter 1226.11 as a Public Hearing, she had not noticed several areas which she believes PC should consider. For that reason, she stated, she would like the PC to hold a discussion, and to hold a Public Hearing at a later date, based upon the outcome of the discussion.

Swinger explained her rationale as follows:

The public hearing notice to “Amend Chapter 1226.11 Minor Subdivisions – to add formal action by the Planning Commission in certain circumstances as determined by the zoning administrator” was published in the Yellow Springs News on August 2, 2018. Chapter 1226.11 Minor Subdivisions, will be in a separate report because of changes discussed by Planning Commission at the July 9, 2018 meeting which, if approved, will require Planning Commission’s approval under certain circumstances.

In reviewing the discussion regarding minor subdivisions and replats and when and in what situations Planning Commission approval should be required, Swinger said, it became apparent to staff that the discussion will need to continue at September’s meeting. In order to properly notify neighbors, text amendments will need to be made to Ch. 1226.11, 1226.12 and also 1226.13. Additionally, PC will need to consider adding definitions so they are consistent in both the Planning and Zoning codes.

Swinger then read through the proposed amendments as follows:

(b) Approval of a minor subdivision by the Zoning Administrator, with formal action by the Planning Commission shall be required in the following circumstances, along with additional conditions:

(1) The proposed subdivision is located along a private street or access easement. Approval by the Planning Commission may be granted upon review of additional criteria specified in 1260.02 (e) and 1260.03 (a) of the Yellow Springs Zoning Code.

(2) The proposed subdivision creates an uncommon lot configuration. Uncommon lot configurations may be incorporated into a minor subdivision if such division poses no apparent nuisance and the Planning Commission deems it appropriate. Approval may be granted upon review of additional criteria specified in 1226.06 (a) (5).

(3) Approval of the minor subdivision shall be made to the Planning Commission in writing, on a form for that purpose, and shall be filed with the Zoning Administrator at least 20 days before the next regularly scheduled meeting at which it is to be heard. The application must be accompanied by a fee, as established by the Village Council, and such other material the Planning Commission determines is necessary.

Swinger then discussed her amendment to Minimum Lot Frontages as follows:

(e) Minimum Lot Frontage. Any lot created after the effective date of this code shall have frontage on an improved public street or approved private street or access easement, equal to the minimum required lot width in the zoning district in which it is located. If an access easement is required to reach the lot, the minimum required lot frontage may run along the inside property line of the lot being accessed. If the lot is located on a private street or access easement, specific requirements for ingress/egress will apply (1260.03). Approval for private street or access easements must be granted by the Planning Commission.

Donnell noted that sewer and water connection would be required to be shown in the plans for the minor subdivision.

Swinger then noted the Public Notice process:

(4) Public Notice. When an application has been filed in proper form with the required data, the Zoning Administrator shall cause notice of the time, place and purpose of the hearing to be given, in writing by first class mail, to the applicant(s), to owners of property contiguous to and directly across the street from the property that is the subject of the minor subdivision application. The notice shall be given at least seven days in advance of the hearing, noting the request and the property location. The name and address of any property owner on the most recent property record of the Greene County Auditor shall be the address used for public notification. If the address is unclear or uncertain, the property owner may be notified by legal notice published one time at least seven days in advance of any hearing, listing the address of the property to receive notification.

Swinger stated that the setbacks would need to be followed.

Swinger commented that she will need to re-notice, and that PC can vote on the text amendments at their September meeting.

A discussion regarding fees ensued, and PC members generally agreed with all recommendations made.

## **OLD BUSINESS**

**Comprehensive Land Use Plan Update.** Swinger noted a Work Session scheduled for August 27<sup>th</sup> from 4-6pm.

Donnell asked for a preliminary approval of the Table of Contents so that the discussion can drive from that document.

PC members agreed to the order of the Table.

MacQueen requested the addition of “Elder Care and Child Care” and “Health Care and Wellness” and “Local Foods”.

Donnell agreed to add these items, and to send a revised document to PC members.

## **AGENDA PLANNING**

Antioch College Pocket Neighborhood Development  
Inclusionary Zoning  
Home, Inc. PND



Chapters 1226.11; 1226.12 and 1226.13

PC discussed information needed before the Home, Inc request can come for a hearing. Swinger opined that the rezoning issue may be ready for September.

Donnell commented that PC should begin looking at issues of utilities with regard to connectivity to potential development, noting particularly the Glass Farm, Pitstick and Kinney properties. He asked whether major utility lines could be identified by the Public Works Director so that PC can begin to consider these areas.

MacQueen noted that she has been in contact with the Kinney family, and asked how this communication should continue.

Swinger commented that she would be agreeable to making contact, and will communicate with Johnnie Burns so that she knows where the connections may be.

Donnell noted that the PC in any municipality has the right to dictate where roads or utilities will connect to a developable property.

#### **ADJOURNMENT**

At 9:15pm, Stiles MOVED and Donnell SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

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Frank Doden, Acting Chair

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Attest: Judy Kintner, Clerk

*Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.*

**Planning Commission  
Special Meeting Minutes (Work Session)**

**Art Room 4-6pm**

**Monday, August 27, 2018**

**CALL TO ORDER**

The meeting was called to order at 4:02 P.M.

**ROLL CALL**

Planning Commission members present were Rose Pelzl, Chair, Frank Doden, Susan Stiles and Ted Donnell. Also present was Denise Swinger, Zoning Administrator.

**ANNOUNCEMENTS**

Swinger noted that the Housing Advisory Board will meet in A&B with Real Estate representatives for a discussion regarding housing needs in the Village on September 20<sup>th</sup> from 1-2:30pm.

**WORK SESSION**

Planning Commission reviewed the proposed Table of Contents provided by Donnell. The group agreed to the order of items listed.

The Commission worked through the Table of Contents sequentially, discussing tasks associated with each section and discussing the relevance and placement of each section.

Foremost in the discussion was the need to move ahead with land use suggestions, which will require input from Public works Director Johnnie Burns.

The group agreed that they will need to read and evaluate the supporting data for each section.

**AGENDA PLANNING**

Donnell agreed to reconfigure the document using the revised Table of Contents so that work on each section can begin.

**ADJOURNMENT**

At 5:45pm, Doden MOVED and Stiles SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

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Rose Pelzl, Chair

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Attest: Judy Kintner, Clerk

*Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.*



Strengthening community and diversity through permanently affordable housing

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Yellow Springs Village Council  
100 Dayton Street  
Yellow Springs, Ohio 45387

August, 2018

Re. Support of Affordable Housing and Village Investment in Glen Cottages Capital Campaign

Dear Honorable Members of Village Council:

Yellow Springs Home, Inc. (Home, Inc.) was formed 20 years ago at the recommendation of a Village Council Housing Task Force concerned about the impact of rising housing costs. We were organized as a Community Land Trust to steward land for community benefit now and for generations to come. Each piece of land in the trust serves as a public good by ensuring a sustainable, permanent supply of affordable housing, aligning with the core values of our organization.

It has been extraordinary to see our community convene to develop 22 permanently affordable homes over these 20 years. In addition to providing homes for families and individuals, these projects have accounted for more than \$3,500,000 in local economic development and a housing portfolio that generates more than \$50,000 in annual property taxes. We also engage dozens of households per year in pre- and post-purchase financial counseling and homebuyer support and now provide in-house low-interest mortgages.

Home, Inc. is underway in our multi-year Strategic Plan to intentionally broaden our focus, increase the scale of programs and projects, and partner with other agencies to serve more residents than ever before. This work is challenging, but is critical to the future of our community. We are currently fundraising for our most ambitious project to date, the Glen Cottages Pocket Neighborhood, which includes a "local layer" of funding totaling \$350,000. These funds will be used to close the gap on development of up to 14 new housing units, as well as provide capacity and pre-development support for this and future projects.

Our Glen Cottages Capital Campaign has already secured more than \$200,000 in pledges from local supporters, including every member of our Board, and a \$60,000 grant through the Yellow Springs Community Foundation. **We would like to request that the Village of Yellow Springs consider matching the gift we received from the Community Foundation with a three year, \$60,000 pledge, payable in \$20,000 amounts over three years.**



Strengthening community and diversity through permanently affordable housing

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We thank you for the attention and care you are taking in addressing housing needs in Yellow Springs through local policy and resources to support affordability. Home, Inc. staff and Board members attended each of the recent Community Conversations and listened along with the Village. We have all experienced economic hardships first-hand or know someone who has struggled to live here, moved away, or been shut out entirely by the cost of living in the Village. We extend our support and expertise as you navigate a path forward to address the affordable housing challenges our community faces.

Please find enclosed our Vision and Case Statement for the Glen Cottages Capital Campaign. We would be happy to share a presentation of our plans for the Glen Cottages Pocket Neighborhood, as well as further detail on the Campaign, at your convenience.

Sincerely,

Chris Bongorno, *President*

**The Community Board of Yellow Springs Home, Inc.**

Jackie Anderson, *Secretary*

Chris Bongorno, *President*

Jeanna GunderKline, *Co-Vice President*

Timothy Honchel

Malte Von Matthiessen

Kevin McGruder, *Treasurer*

Steve McQueen

Jackie Radebaugh

Cynthia Sanford

Alex Scott

David Seitz, *Co-Vice President*

Elisabeth Voigt

**Enclosures:** 20th Anniversary Capital Campaign Case Statement





## Glen Cottages Pocket Neighborhood 20<sup>th</sup> Anniversary Capital Campaign



Example of a Pocket Neighborhood Development (Asheville)

### Our Vision

**Yellow Springs Home, Inc. launches a 20<sup>th</sup> Anniversary Capital Campaign to raise funds for the Glen Cottages Pocket Neighborhood.** The Campaign will provide funding to support initial land purchase, capacity building, and pre-development and financing gaps, creating lasting affordability with a mix of rental and for-sale homes in a community oriented and pedestrian friendly setting. The successful campaign will result in up to 14 new permanently affordable homes in Yellow Springs and will provide a strategic opportunity fund for future project development.

The Glen Cottages Pocket Neighborhood will provide inclusive, quality housing. The housing is being designed to reflect the diversity of our community, serving: a range of income levels, renters and first-time homebuyers, elders and young families, and those with special needs. Emphasis will be placed on high quality, sustainable building and site design. The development will encourage social interaction among residents of Glen Cottages while integrating into the Village as a whole.

### The Challenge

The availability and stability of quality, affordable homes makes a tremendous difference in our community and in families' lives. Helping residents navigate a path toward home is our goal. However, it can take years to find a site and fundraise for the gap between the total cost to develop and what is affordable, even for an experienced developer. Building the financial reserves to launch projects, sustain needed capacity, and pay for predevelopment costs can also be a prohibitive challenge. With federal resources continually at risk, we must be resilient and innovative.

## Our Plan

After several years, we have identified an ideal property for Glen Cottages—a one-acre site located at 1133 Xenia Avenue. Adjacent to Friends Care Community and a number of single- and multi-family homes, the site is just over one half-mile from downtown. The homes will have graduated levels of privacy and will share a common area to foster community interaction. A walkway will meander throughout. Our goal is to build energy efficient, community and pedestrian-oriented housing that will serve a diverse group of household types. We strive to create a neighborhood where people care for each other and the land they live on, which is the essence of community.

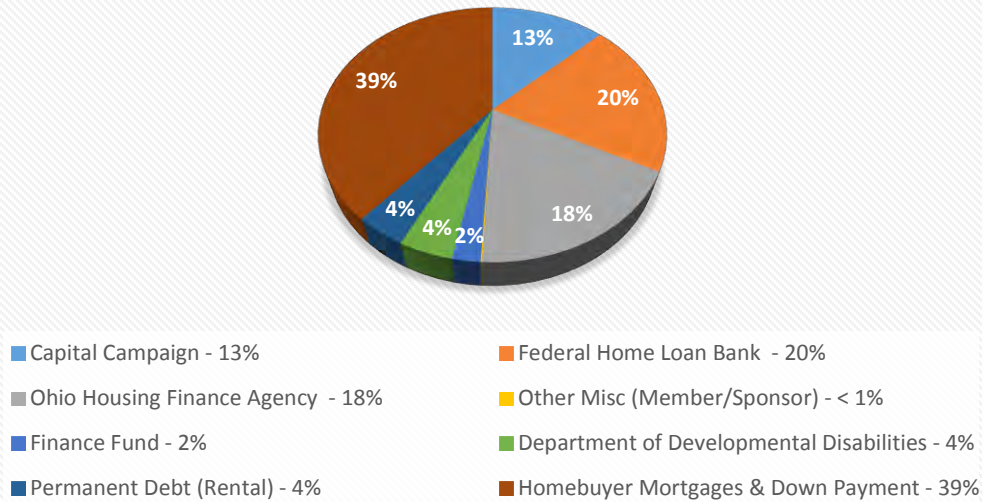
With an eye on multiple strategic financing sources, we intend to split the project into phases between 2019 and 2022. Preliminary plans are for modest single-family homes, duplexes and apartments with energy-efficiency features as is feasible. Rental homes will be designed for universal accessibility and will house seniors and persons with special needs of low-income. Owner-occupied homes will be targeted toward low and moderate income households.

## The Budget

Between 2018 and 2020, our goal is to raise commitments for \$2,755,351 for up to 14 units of affordable housing. **We have already secured funding commitments of \$423,000** by way of the Federal Home Loan Bank, the Finance Fund and The Huntington National Bank, an important start. While representing a small portion of overall project costs, the 20<sup>th</sup> Anniversary Glen Cottages Capital Campaign is a critical local layer of funding. The Campaign shows local support, sustains capacity, and completes funding gaps. A portion of funds will also go to sustained, increased capacity. **Our goal for the Capital Campaign is to raise \$350,000 over three years.**

Glen Cottages - Uses	Amount
Predevelopment Capacity Building, Interim Land Purchase & Opportunity Fund - 6%	\$ 170,000
Hard Costs - 75%	\$ 2,061,822
Soft Costs (includes developer fee) - 19%	\$ 523,529
Total Development Costs	\$ 2,755,351
Glen Cottages - Sources	
Capital Campaign - 13%	\$ 350,000
Federal Home Loan Bank - 20%	\$ 549,241
Ohio Housing Finance Agency - 18%	\$ 500,000
Other Misc (Member/Sponsor) - < 1%	\$ 3,000
Finance Fund - 2%	\$ 60,000
Department of Developmental Disabilities - 4%	\$ 116,000
Permanent Debt (Rental) - 4%	\$ 110,000
Homebuyer Mortgages & Down Payment - 39%	\$ 1,067,110
Total Sources	\$ 2,755,351

## Glen Cottages Pocket Neighborhood Sources



In addition to providing up to 14 units of permanently affordable Community Land Trust housing in the Village, the successful Campaign will yield \$170,000 to support organizational and mission capacity including \$65,000 to support predevelopment capacity alongside \$105,000 in strategic funds initially used for land purchase and recycled into an opportunity fund as the homes are built. This fund allows Home, Inc. to seize unique opportunities and pay for early project costs, while acting as a reserve fund if needed. These funds are essential to early project momentum and are often the most difficult dollars to find. In this case, \$105,000 in funds will be used to complete land purchase and will be recaptured, along with developer fees, at key project milestones. Home, Inc. will use these funds to pursue additional project opportunities as well as to support our mission and our ongoing project management and stewardship program capacity.

The community will gain a thriving new neighborhood that reflects the values of Yellow Springs, one which will provide housing affordable to residents of low- to moderate-income for generations. Home, Inc. houses some of our most cherished residents including artists, teachers, healthcare workers, small business owners, nonprofit employees, community volunteers, parents, children, elders and those with special needs.

The community will also benefit from an increased tax base by way of infill development of a currently vacant lot. We anticipate that the pocket neighborhood will generate more than \$30,000 in new annual property tax revenue to support local services and the Yellow Springs public schools.

### Why the Time is Now

Affordable housing is critical to the future of our Village. We all know people struggling with high rents and those who have been forced to move away. We all know families who grew up here and would love to return to raise their families, as well as those who work here and are the backbone of our Village, but cannot afford to live here. We are at a tipping point in Yellow Springs. A recently conducted **Housing**



**Needs Assessment** shows the affordability challenges we are up against. To sustain a welcoming and income diverse Village, we must invest in affordable housing now.

We believe that the Glen Cottages project will be a major and lasting victory for Yellow Springs, promoting diversity and building a strong sense of community. We have been working for years to bring this project to fruition and are delighted to work with you to make it happen.

### **Experience and Capacity**

Yellow Springs Home, Inc. is well-positioned to take on a project of this scale. The full-time staff has more than 20 years of combined experience in non-profit affordable housing development with completed certifications, trainings, and experience in property management, asset management, and client coaching. Projects are envisioned and managed with a proven development team. Over our 20 year history Home, Inc. has steadily grown in scale. In 2017 we secured financial commitments of more than \$1,000,000 for the six-unit Forest Village Homes rental project, which is slated for construction this year. With more than \$3,500,000 in completed residential development in Yellow Springs - 22 units and counting - Home, Inc. has a strong track record of success and staying power.

The organization is led by an experienced, talented board of directors with expertise in fundraising, business, non-profit leadership, real estate finance, public administration, housing law, and community development. As evidenced by the steady growth of the organization and its projects, Home, Inc. has the capacity and experience, board leadership and staff expertise to create a project of this scale and to answer the resounding call to make this Village accessible to all who wish to be a part of the fabric of this community.

### **Call to Action**

We ask that you join Home, Inc., our Board and our Members in our vision for the Glen Cottages Pocket Neighborhood by making a three-year pledge to help bring this critical project to reality.

### **The Capital Campaign Planning Committee Thanks You for Your Support!**

Malte Von Matthiessen, Chair  
Christopher Bongorno  
Jackie Anderson

Susan Stiles  
David Seitz  
Jeanna GunderKline

## **An Overview of U.S. Community-Police Collaborative Practice**

September 2018

The goal of this report is to provide descriptions of various types of public sector Community-Police entities such as Citizen-Police Advisory Boards, Review Boards, Commissions and Collaborations, point out differences and similarities among them, and the advantages and disadvantages of each.

**Overview.** Citizen-led commissions are typically created to address long-term police reform through changes in policy and culture. As an example, there is growing awareness that the so-called “War on Drugs,” has led over time to an increasing militarization of local policing. Benefiting from Federal program 1033, Ohio has received more military grade equipment than any other state. Some of this focus had led to what is sometimes referred to as a “Warrior Cop” culture in which communities begin to see the police, even at the local level, as a threat to order and safety rather than as guardians of community values.

The 2015 recommendations of the President’s Task Force on 21<sup>st</sup> Century Policing are organized around “Six Pillars of Policing” that support reform that fosters greater integrity of the justice system, and increased trust, transparency, fairness, and safety in communities. This report is respected by state and federal agencies, but the implementation of policies to support the recommendations has been slow. In Ohio, the Department of Public Safety, Office of Criminal Justice Services, awarded 20 grants in 2016 to strengthen community-police relations in Ohio. Since then programmatic focus has shifted away from improving community-police relations to improved interaction with youth (e.g. “Big Brothers, Big Sisters”) and specific policing topics such as surveillance. In the absence of sustained support at the state and federal level, the responsibility for addressing community-police relations remains in the hands of local government.

In the sections that follow, various types of community-police boards and panels are presented and described.

**Neighborhood Watch Groups.** An early form of Citizen-Police collaboration has been a citizen group willing to report into the police any suspicious activity in their neighborhood. The groups are generally created by the Police Department. In high crime areas of urban cities this model has offered citizens a chance to feel that they are working with the police to increase safety in their own neighborhood. The risk is individuals who are poorly trained attempting to “police” the streets. A recent variation is to assign an officer to a neighborhood and expect them to build relationships in the area. Lorain County Sheriff’s office has a deputy assigned to each of the five districts served. Sub-stations then provide a centrally located place to meet with residents and provide community programs. The model is useful when departments cover a large geographical area, less so in small towns and villages as most citizens generally feel free to just stop by the local Police Department with information, complaints and advice for the Chief of Police.

**Community Police Advisory Boards.** Advisory Boards are typically established by a local government body to work with the Police Department. The Council or City Manager defines the mission for the Board in cooperation with the Chief of Police. The governing body also lays out representation on the Board, and general meeting guidelines. There are a wide variety of tasks taken on by the Boards, which are usually set up to advise the Chief of Police who is often a non-

voting member of the Board. As an example, the *Dayton Community Police Council* has as its mission to: *“Facilitate positive engagement and increased trust between law enforcement and the neighborhoods they serve to support safe and inclusive communities.”*

Common assignments of Community Advisory Boards include the following:

- Identify public safety issues in the community;
- Identify law enforcement issues in the community;
- Create public events that build positive relationships in the community such as “Listening tours,” “Faith Breakfasts with Police,” and “Citizen-Police Academies;”
- Upon request, hold public meetings to solicit public input regarding police services, hiring, and programs;
- Work with the Chief of Police to create an annual “strategic plan;” and
- Sometimes advocates for or evaluates requests for training or equipment. For example, the City of Fairborn Advisory Board reviews any special requests for equipment from the Police Department.

Advisory Boards do not hear citizen complaints, although they may refer such complaints to another group. They are basically organized to improve the relationships between the police department and the community. They do not usually report to a government body in a regular way other than annual reports. They do not typically offer recommendations on policy. Advisory Boards also do not characteristically comment on any administrative or disciplinary work in the department or participate in any matters related to civil or criminal litigation. Most Advisory Boards are embraced by Police Departments because they work hard to create trust and understanding between the community and the Police. However, many professional Policing groups hold the position that Advisory Boards should not be a policy-making bodies. For example, *“Law Enforcement leaders cannot transfer their administrative accountability and legal responsibilities to a citizen board --there are statutory rules that must be followed”* (Police Chief Magazine, May 2018).

**Review Boards** Community Advisory Boards do not naturally include functions related to police review or oversight of police misconduct. A 2013 study by California State University Fullerton shows that more than 100 police departments, most in large cities, have civilian oversight boards, or Review Boards. Of the over 18,000 police departments in the nation, only the largest have any forms of oversight outside of the department. Frequently a crisis stimulates the formation of such a board. While New York City has had such oversight for a long time, the Ferguson, Missouri city council only voted last September to set up a civilian review board.

Actual Police Review Boards are found primarily in large cities for these reasons:

- Cost of such a program;
- Lack of individuals with skills and background needed for legal aspects of the work--The complications of HR policy, state laws, Police Standards, etc. make the process complex; smaller communities have fewer individuals able to serve; and
- Resistance from Police Departments.

However, there are modifications of the oversight process that can expand transparency, strengthen accountability and reassure citizens that appropriate action is being

taken when there are citizen complaints (*see 'Citizen Review Boards' material for a fuller description and examples*).

**Justice System Commissions** Commissions are created by local government Resolution or Ordinance with the goal of creating a long-term entity charged with Best Practice research and policy reform leading to a strong alignment of the police department with community values. Commissions typically examine these areas: training, hiring, transparency, use of force, and overall culture.

Recent focus on transparency has resulted in intensive policy review and expanded data collection, even in simple Advisory Boards. Digital tools allow for a more complete picture of police practice and significant tracking for problem areas like racial bias. The expanded use of body cameras and police surveillance tools by officers has also gained increase attention and oversight by boards.

A Commission will typically present formal reports and recommendations for change to the local government. Very few small communities have created Commissions for some of the same reasons they have avoided Review Boards. The skill sets needed for research and Policy Review are not always available in smaller communities. In addition, the expectations for a volunteer commission are demanding. The number of meetings, the time required for research, and possible required training can be discouraging for many volunteers. The local Police Department may also experience a Commission as invasive and unnecessary. In smaller police departments, the Police Chief may be used to autonomy and very little oversight. The fact that a community's local government controls budgets, approves hiring, and evaluates practice is sometimes ignored until a crisis brings home the fact that the police work for the community and are not an independent arm of government

In Yellow Springs, the Justice System Task Force has functioned primarily as a Commission. Because we already have a very professional police department and a Chief of Police open to dialogue and willing to consider review of policy, the Task Force has made considerable progress in its goal to develop a "...model Village Justice System that supports a just, safe and welcoming community across race, age, economic status, sexual orientation, gender identity, ethnicity, ability and religion." The charge sets a very high bar and requires a strong commitment from the Village Council to support a long-term goal of cultural change.

**Hybrids.** Some Community-Police Boards combine multiple functions. For example, the "charge" to the Oxford Ohio Police Community Relations and Review Commission (PCRRC) combines elements of a Review Board and those of a more typical Advisory Board:

*The purpose of the Police Community Relations and Review Commission (PCRRC) is to improve communication between the City of Oxford Police Division and the community, increase police accountability and credibility with the public, and to create a fair and impartial complaint process. The objectives of the Commission are to advise the Chief of Police, the City Manager, the Civil Service Commission, and the City Council about matters relating to the policies and procedures of the Oxford Police Division, the training of law enforcement personnel, hiring procedures, and such other questions as may seem pertinent to the safety and protection of the citizenry. The Commission will take citizens' complaints about officer misconduct and review any investigation of misconduct, thereby increasing police accountability to the community and community trust in the*

*Police Division. The commission shall consist of seven (7) residents of the city appointed by City Council. Council shall endeavor to reflect the community's diversity in its appointments.*

<http://www.cityofoxford.org/police-community-relations-review-commission>

A quick review of the PCRRC meeting minutes (online) from 2017 indicates that the primary function of this body has been to exchange information. Both the Oxford City Manager and the Police Chief attend meetings, share reports and issues and invite feedback. Members may bring forward concerns or questions that are answered by officials. There has been no involvement of this group in any review or officer discipline reported online. Overall, the group functions as an Advisory Board of members with a three-year term.

# Justice System Task Force Recommendation

## Citizen Review Boards v.2

August 2018

Background: The Police Working Group put forward a 2018 goal of researching Best Practices for *Community Police Advisory Boards*.

Current issue: Several citizens and Task Force members have asked how civilian oversight boards or Police Review Boards are linked to Advisory Boards.

Research on "Review Boards": Review Boards are very different from Advisory Boards. Community Advisory Boards do not typically include functions related to review of police performance or police misconduct. Advisory Board mission statements are typically like that of the Yellow Springs JSTF with a focus on policy and development of recommendations. A 2013 study by California State University Fullerton shows that of the 18,000 police departments in the nation, only 100 or so police departments have civilian oversight boards or Police Review Boards. These are mostly located in large cities. For example, while New York City has had such oversight for a long time, the Ferguson, Missouri City Council only voted last September to set up a civilian review board. Frequently, a crisis stimulates the formation of such a board. So far, all smaller villages and towns examined use Internal Systems for investigations.

Police Review Boards are found primarily in large cities for these reasons:

- cost of such a program;
- lack of individuals with skills and background needed for legal aspects of the work. The complications of HR policy, state laws, Police Standards, etc., make the process complex; smaller communities have fewer individuals able to serve; and
- resistance from Police Departments.

However, there are modifications of the oversight process that can expand transparency, strengthen accountability, and reassure citizens that appropriate action is being taken when there are citizen complaints related to police actions. The typical review process following a citizen complaint would include:

- Complaint Intake
- Investigation
- Review of Investigation
- Appeal Process if Needed
- Reporting to the Public

Complaint Intake: Citizens are often cynical about a process that is under the complete control of the Police Department (PD). Some vulnerable populations and those who distrust the police are unlikely to file a complaint with the PD. Individuals who are part of marginalized groups or who perceive that they are under threat from law enforcement will not make complaints. Currently, all small towns and villages we contacted ask citizens with a complaint to fill out paperwork at the police department. They report few complaints.

A review group external to the PD could be asked to receive complaints. In Yellow Springs, this could possibly be an existing group like the Mediation Service if they are willing. Complaints could be received using several sources including in-person, telephone, email, and could be anonymous. Individuals with limited English or special needs (e.g. deafness) could be provided access to the system in some way. This example of process was tried by the YS Human Relations

Commission in the past. However, the Village Council at the time decided against this approach and stopped the program.

Individuals on Review Boards receiving complaints would receive training in this very preliminary part of the process. The training would relate to complaint classification, confidentiality, and appropriate report writing for the next level of investigation.

#### Example from Dayton

The Professional Standards Bureau (PSB) ensures that Dayton Police Officers respond in a professional manner and abide by proper police procedures in all circumstances. If you believe you have been subjected to, or witnessed, police misconduct of any type, the PSB encourages you to report the incident in-person, over the telephone, via mail, or email. All complaints received by the PSB are reviewed and addressed. Complaints may be filed by the following methods:

- [Email the Professional Standards Bureau](#)
- Call (937) 333-1018
- Appear in person at 371 W Second Street, Dayton, Ohio, 45402
- Send U.S. mail to 371 W Second Street, Dayton, Ohio 45402

Most complaints will require some form of personal contact with an investigator from the PSB. You may be asked to provide a written or tape-recorded statement and to sign a formal complaint. If you are alleging that you received injuries during your contact with the police, a photograph the injuries and medical reports may be required. Remember to provide accurate contact information. Although helpful, you do not need to know the name or badge number of the officer who is the subject of your complaint.

Investigation: The actual investigation, interviews, and any evidence (CCT in car, body camera, etc.) would usually be undertaken by the Police Department and any other outside authority needed depending on the severity of the complaint. Dayton uses their professional Police Standards Bureau who issues findings. Resulting discipline, if decided upon, is then determined by the Chief of Police.

Analysis and Review of the Report: Review and evaluation of investigations is a typical function of Review Boards. Sometimes, the Board follows the investigation. More often, the Review Board looks at the case after it is closed. They examine the case to ask such questions as, “is the investigation, timely, thorough and objective? Are there facts to prove a policy was violated? Does the problem indicate a gap in training or supervision?” In large cities, the Review Board may examine all aspects of the investigation including interviews, evidence, etc.

Appeals: Review Boards would typically be involved in any appeal process, including hearing appeals from citizens related to findings. This is the function of the Dayton Citizen Appeal Board. Some programs offer an option for mediation.

#### Example 1: Dayton, OH

The Dayton Citizens’ Appeal Board ([www.daytoncpr.org](http://www.daytoncpr.org)) is a five-member body established by the City Commission as authorized by a City Commission Ordinance. It always includes a former member of the law enforcement community, a former member of the legal community, and three community wide representatives. The Dayton Police Department’s Professional Standards Bureau investigates alleged Police misconduct and issues findings and the Citizens’ Appeal Board hears any citizens’ appeals of those findings. Additional duties of



the Board include reviewing quarterly reports from the Professional Standards Bureau regarding misconduct cases that are under investigation and working to enhance professional standards within the Police Department.

Example 2: Cambridge, MA

The City of Cambridge Police Review & Advisory Board

(<https://www.cambridgema.gov/Departments/police-review-and-advisory-board>) receives citizen complaints within sixty days of an incident. The complaint is investigated by the Cambridge Police Department's Professional Standards Section and the result is reported back to the Board. The Board then concurs or asks for further investigation if it does not agree with the result. The Board may offer a mediation option. Both the officer involved, and the complainant must agree in writing to participate in mediation. Other appeal procedures are in place including a hearing with support from the City Solicitor's office.

The National Association for Civilian Oversight of Law Enforcement (<https://www.nacole.org/>) is a strong advocate for Citizen Review Boards and offers information, resources, and consulting services.

Although generally positive regarding Citizen Advisory Boards, many professional police organizations oppose Citizen Review Boards, cautioning: *"Law enforcement leaders cannot transfer their administrative accountability and legal responsibilities to a citizen board-there are statutory rules that must be followed."* (Police Chief Magazine 5/18/2018).

Each group of stakeholders offers important arguments.

**Recommendation**

In order to affirm the Yellow Springs Police Department commitment to transparency and justice, the JSTF recommends that Village Council create a special committee to a) conduct in-depth research into the functions and feasibility of a Citizen Review Board related to review of police conduct, and b) develop a proposal for a citizen complain process external to the YSPD.

9-14-18 via e-mail/Hempfling:

Village Council Values have for many years included that of being excellent employer. The most recent version of this Value includes being a “model employer actively working to achieve diversity in hiring and employee retention.” In accord with this Value, the Village should be using best practices regarding the supervision of employees.

Human resource professionals and organizational development specialists consider yearly performance evaluations to be a minimal standard. Performance evaluations are an important opportunity for learning and growth, both for the individual employee and for the organization. Best practice includes supervisors who are skilled at providing clear mentoring, feedback about performance, encouragement, and positive support for growth. Good supervision requires listening to the concerns and great ideas that come from employees as well.

We discovered recently, that the Village has fallen short regarding these best practices. I have discussed this with Patti Bates, and she has indicated that she and Ruthe Ann Lillich have begun to review our practices and develop updates. I wish to add a 5 minute discussion on this issue to review where that process is, and to plan for providing input.

In many workplaces, employees can request that records of past disciplines be removed from their personnel file after one year. I would like us to consider such a policy as well, since this practice is also a best practice for our employees.

Thanks,

Judith Hempfling



## Greene County Public Health

Melissa Howell MS, MBA, MPH, RN, RS, Health Commissioner

Kevin L. Sharrett, MD, Medical Director

# Press Release

For Immediate Release  
September 13, 2018

Contact: Laurie Fox, Public Information Officer  
lfox@gcph.info; 937-374-5669/866-858-3588

## September is Fetal Alcohol Spectrum Disorders (FASD) Awareness Month

*Pregnancy and Alcohol Don't Mix.*

**XENIA, OH** – Greene County Public Health is joining the cause to increase awareness of the risks of drinking alcohol while pregnant. The U.S. Surgeon General advises pregnant women and women who are considering becoming pregnant to abstain from alcohol consumption to eliminate alcohol-exposed pregnancies, yet it is estimated that 40,000 babies are born each year with Fetal alcohol spectrum disorders (FASD), an umbrella term describing the range of effects that can occur in an individual who was exposed to alcohol before birth.

### Exposure

A growing baby is exposed to the same concentration of alcohol as the mother during pregnancy. No amount of alcohol use is known to be safe for a developing baby before birth. Exposure to alcohol from any type of beverage, including beer and wine, is unsafe for developing babies at every stage of pregnancy. FASDs are completely preventable if a developing baby is not exposed to alcohol before birth.

### Impact

FASDs can impact a child's physical, mental, behavioral, or cognitive development. The most visible condition along the continuum of FASDs, fetal alcohol syndrome (FAS), is characterized by growth deficiencies, central nervous system disabilities, and specific facial characteristics. The number of children born with FAS alone is comparable to spina bifida or Down syndrome. Prenatal alcohol exposure is associated with an increased risk of miscarriage, stillbirth, prematurity and sudden infant death syndrome (SIDS), as well as a range of lifelong physical, behavioral, and intellectual disabilities.

### Prevention

To prevent FASDs: make a plan for a healthy baby --don't drink any alcohol if you are pregnant or could become pregnant. A woman often does not know she is pregnant for up to 4 to 6 weeks after conception. In the United States, nearly half of all pregnancies are unplanned. If you become pregnant, stop drinking alcohol. Every day matters. Because brain growth takes place throughout pregnancy, the sooner a woman stops drinking the safer it will be for her and her baby. If you need help stopping, talk to your doctor, contact an addiction specialist or contact Alcoholics Anonymous.

*-cont'd-*

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[www.gcph.info](http://www.gcph.info)



**Public Health**  
Prevent. Promote. Protect.

**Greene County**

## **Greene County Public Health**

*Melissa Howell MS, MBA, MPH, RN, RS, Health Commissioner*

*Kevin L. Sharrett, MD, Medical Director*

Human service organizations, health care professionals, educators, and the public are called to action to work together to reduce the occurrence of FASDs by increasing awareness, becoming educated, and sharing the message that women who are pregnant or who might be pregnant should abstain from alcohol.

For more information on alcohol use during pregnancy and FASDs, visit [www.nofas.org](http://www.nofas.org) or [www.cdc.gov/fasd](http://www.cdc.gov/fasd).

For more information about Greene County Public Health and its many programs and services, please visit [www.gcph.info](http://www.gcph.info) or call 937-374-5600.

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