

**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 MTFR 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 bringing Lisa Abel on as a consultant. 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 20th, and will have recommendations for Council after that time. MacQueen noted an Ohio Housing Finance Agency 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 17th.

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 17th 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