

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

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

**Monday, September 17, 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.

**SWEARING IN**

Mayor's Court Clerk, Elise Burns

**ANNOUNCEMENTS**

MacQueen announced the ribbon-cutting ceremony for the new water treatment plant for Tuesday at 10am.

MacQueen announced that Ohio Housing Finance Agency will hold a workshop November 6-8, and that she would like Swinger to attend if possible.

MacQueen announced Home, Inc's Progressive Dinner set for November 3<sup>rd</sup>.

Housh announced the opening for the new art show in the John Bryan Center Gallery set for September 27<sup>th</sup> from 6-9.

Hempfling announced that she will be resigning from Council at the end of November, and made note of projects she hopes to complete in that period of time.

Stokes noted a "Get Out the Vote" rally to be held at Antioch College on Sunday at 2pm.

**CONSENT AGENDA**

1. Minutes of September 4, 2018 Regular Meeting

Stokes MOVED and MacQueen 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**

Discussion of the process for replacing Hempfling's seat was added to New Business.  
Ordinance 2018-37 was moved to follow 2018-33 in Legislation.  
Kreeger asked that Resolution 2018-37 be removed.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

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

Hempfling asked that the topic of Employee Evaluations be moved to the October 1<sup>st</sup> agenda.

MacQueen asked that the information on Citizen Review Boards be added to the agenda. This was discussed, and Hempfling asked that Pat Dewees report on the topic. Dewees demurred, stating that the information is there is Council chooses to incorporate it, but that it is meant as background information.

**PUBLIC HEARINGS/LEGISLATION**

Stokes recused himself for reasons of potential conflict of interest.

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

Swinger reported that Planning Commission had held their Conditional Use hearing for the proposed Antioch Pocket Neighborhood development project on September 10<sup>th</sup>, and had given conditional approval should the zoning change be approved. Swinger noted that Planning Commission had asked that language be added to Ordinance 2018-30 requesting that at some point in the construction of the PND the asphalt be removed from Lot #3 for beautification and a further buffer. That language was added to the current version of the ordinance now before Council.

Housh OPENED THE PUBLIC HEARING.

Swinger assured MacQueen that the removal of the asphalt was requested whenever convenient for Antioch in the process.

Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

**First Reading of Ordinance 2018-33** Enacting New Chapter 1023 Entitled “Trees” of the Codified Ordinances of Yellow Springs, Ohio. Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

Bates explained that Ordinance 2018-33 “Trees,” establishes a tree program in the Village. She noted that both this and a second ordinance establishing a Tree Commission are necessary steps to achieving designation as a Tree City USA.

Bates noted that one portion of the “Trees” ordinance refers to 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.

Bates cautioned that Council should be aware that this responsibility is not currently a budget line item and that the Village will have certain budget responsibilities should this designation proceed. Bates commented that designation as a Tree City requires a budget of at least \$2.00 per capita, which the Village currently either meets or exceeds.

Housh commented that the Tree City designation is “not about the accolades” but is meant to assure that the Village is properly caring for its trees.

Bates commented that part of what the Tree Commission would be responsible for is selection of proper tree species for planting.

Bates noted that the current Tree Committee will remain in existence as a private non-profit entity, and will serve in concert with the Tree Commission.

Hempfling expressed approval for the idea.

MacQueen commented that she is not in support of the idea, stating her concern for the number of projects the Village is currently undertaking and the stress upon staff, Council and budget.

Kreeger expressed agreement with MacQueen’s position, but wondered if there might be a “hybrid approach” which could achieve the objectives desired without creating a new committee.

Hempfling asked whether the Commission might make less work for staff and Council.

Stokes suggested a “Manager’s Advisory Board” type of arrangement.

Bates noted the four requirements for achieving Tree City status, one of which is the formation of a commission.

Bates commented that the Tree Committee currently raises its own funds. She commented upon the utility of Tree City status, opining that the work load would not seem to her to be significantly affected by the change.

Anna Bellasari noted that the enhancement possible if there is a Tree Commission would be increased efficiency and communication. She noted that passing of the Tree ordinances would help their efforts greatly.

Housh commented that structure around upkeep and removal of Village trees does need to be created.

MacQueen suggested that Burns and the Tree Committee define the problems at hand and then offer a solution. She suggested holding the decision until 2019.

Bates pointed out that applications are due December 1<sup>st</sup>, so that a delay would mean another year before the Village could apply for Tree City status.

Kreeger stated that the care of the trees is more important to her than the Tree City status, and stated that she is concerned about creation of another commission.

Bates suggested passing only the “Trees” ordinance, which offers the structure, and not creating a Tree Commission.

Burns commented that communication between himself and the Tree Committee is good, and stated his primary concern as increasing staff workload. He stated that he does not support formation of a Tree Commission in that it would likely increase staff workload. He stated support for the “Trees” ordinance as a clarifying document.

Housh iterated that the most important aspect of the effort is proper maintenance of infrastructure.

Housh stated that he will work on a new ordinance that clearly delineates responsibility for Village trees.

Council did not vote on the ordinance, and removed ordinance 2018-37 “Creating a Tree Commission” from the agenda.

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

Swinger explained that the zoning office has received complaints from both citizens and staff regarding the parking of recreational vehicles on public streets. Often the recreational vehicles are parked on the streets for long periods of time using the public right-of-way for storage. The Public Works Department views it as a safety hazard for the Village’s street crew, especially when trying to maintain the streets for snow plowing, etc. This also poses a problem for essential services, as it limits street access and may cause difficulty for a fire truck to navigate.

There were no questions from Council.

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

**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. MacQueen MOVED and Stokes SECONDED A MOTION TO APPROVE.

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

## **CITIZEN CONCERNS**

Chris Bonjourno, of Yellow Springs Home, Inc. (YSHI) encouraged Council to contribute to Home, Inc’s Glen Cottages capital campaign fund.

Jacqueline Radebaugh expressed thanks to Council for past support of Home, Inc. and encouraged Council to support affordable housing by contributing to the capital campaign fund.

Emily Seibel, YSHI Executive Director responded to a question from MacQueen, clarifying that YSHI was seeking either \$20,000.00/year for 2018-2020 or was seeking \$30,000.00/year for 2019-2020.

Council discussed the request generally, while acknowledging that they will need to look at the overall need for affordable housing in the Village and at the budget to determine how to prioritize projects.

Bates noted that any funding for affordable housing would come from the General Fund, and was not budgeted for 2018.

Bates suggested one line of funding for all affordable housing, and from which any approved requests are taken.

Jackie Anderson lauded Home, Inc and encouraged Council to invest in the organization as a means of establishing best practices in affordable housing.

Mayor Conine thanked Ann Poortinga for her service to the Mayor's Office in her months in the position of Mayors Court Clerk.

## **SPECIAL REPORTS**

**Report Out on Village Implicit Bias Training.** Stokes gave a presentation which offered an overview of the training received by Council and all Village employees on implicit bias.

**JSTF Final Report.** Pat Dewees stressed that the JSTF was begun because of the national conversation around policing and Council's commitment to engage in that exploration. She noted the impact of the "New Year's Eve Incident" on the task force, and noted the continued level of active involvement on the part of non-task force members.

Dewees noted the openness on the part of the Police Department to engage in conversation and debate with the JSTF and to implement changes.

Dewees also thanked Council. She noted that some changes and proposals have been readily accepted, while others have been slower to complete.

MacQueen received assurance that the work accomplished and in process has been documented.

Dewees thanked Hempfling for her involvement and leadership in the JSTF.

Chief Carlson thanked the JSTF for approving the Outreach Coordinator position which has brought Florence Randolph into the position. He stressed her positive impact on the community during critical incidents.

## **OLD BUSINESS**

**Review of JSTF/Commission Proposal.** Hempfling referenced provided documents recommending the creation of a Justice Commission. She noted this as a goal of Council. Hempfling commented that the work is "uncharted territory" and requires a long term commitment.

Hempfling noted that the proposal is coming from Housh and herself and not from the JSTF.

Hempfling commented that there is a demand for change in the justice system generally, and that this is the work for a Justice Committee.

Hempfling noted the possible need for an Ex Officio member of the police department on the proposed commission, stating that there needs to be better communication with the Chief of Police and the Mayor. Hempfling implied that those individuals might resent having to attend meetings.

Housh noted that having the right people at the table has shown repeatedly to improve efficiency.

Hempfling stated that measuring efficacy is important, and should be implemented.

Hempfling noted projects now underway and projects the task force will not have time to put in motion before they disband, stressing the need for these to continue.

Hempfling read out a proposed mission statement.

Housh commented that Council is committed to a model justice system, noting that it is a matter of assuring the capacity to complete the work needed. He commented further that this should be apprised for all boards and commissions; that if that entity does not increase capacity for Council, it should be reconsidered.

Housh stated that a Citizen Review Board is, in his view, a separate entity.

Stokes opined that the mission of the JSTF had been to recommend changes but not to follow through with implementation. He suggested that the need for such a group be analyzed before making a decision, and cautioned against forming a group with too broad a scope.

MacQueen suggested that Council reflect upon what worked and what did not and that the JSTF, the community and Council all participate in that reflection. She suggested that this method be applied not just to the JSTF, but to all boards and commissions as Council begins to form its 2019 goals.

Hempfling stated that she was unwilling to leave a gap in the commission's continuation, and that she will bring the proposal for a vote by way of legislation before she resigns.

Hempfling offered that the task force could itself do some of the work of reflection.

Housh supported a reflective approach to any commission that may be formed to address justice issues, rather than a commission that would seek to implement proposals, opining that the reflection is a necessary first step.

Kreeger stated that she had begun attending JSTF meetings even prior to coming on to Council. She stressed that an analysis of lessons learned is critical for her to understand what did and did not work for the commission. This analysis needs to be done in order to structure a successful commission.

MacQueen asked that the analysis occur at Council table rather than within the commission.

Kreeger noted the case study of Mayor's Court and collaboration practices or lack thereof as influential in how that recommendation is moving forward.

Pat Dewees commented that the recommendations come from the task force, but implementation comes from Council. There are layers of conversation, she noted. Dewees advocated for a continued presence of the JSTF or similar entity, noting the lack of best practice on the part of the national government.

Kate Hamilton of the JSTF stated that while the justice system in the Village is making progress, on a national level that is not the case. She stated that the Village needs to continue to hold the line and to continue the commitment to the furtherance of justice reform.

David Turner commented that there should be some kind of end goal for the JSTF or any similar commission, and that goals should be prioritized and then worked toward accordingly. Turner noted some areas of concern, among them the need for improvement of relationships between residents and police officers. He expressed that there should not be the need for a constant monitoring of the Police Department, opining that change should be effective and should address issues which are then resolved.

Ken Odiorne distributed a statement to the effect that the JSTF is necessary and effective, noting his distrust of the police department and police culture in general and opining that change on that level has not occurred.

Housh asked that the discussion be continued at the next meeting.

**Village Manager Search Process.** Housh distributed a document assigning Council members to each aspect of the Village Manager search process. HE stated that he will bring a consultant RFQ to the October 1<sup>st</sup> meeting.

**Proposed DCIC Purpose Statement.** Kreeger clarified that the regulating language for a DCIC calls the entity a "Community Development Corporation", which is somewhat confusing.

Kreeger noted that only the purpose statement will be shared for purposes of the outreach conversations. She advised that the purpose statement be the focus at present.

Kreeger will work with interested Council members who have suggestions as to the wording of the statement.

Housh stated that the purpose statement will move forward without the need to return to Council table.

**Finance Advisory Committee Update.** Kreeger reported that the committee is working with the Finance Director to better understand investments and evaluation of critical legal service needs. Kreeger stated that the group is trying to stay abreast of the financial situation with regard to current expenditures and consideration being given to the possibility of an Assistant Solicitor.

Housh noted that the investment policy is being updated to reflect Council's desire to be involved in policy changes and investment strategies. The committee currently does not have a Council member serving.

## NEW BUSINESS

**Citizen Advisory Board Proposal.** Kreeger stated that her intention in bringing the proposal is to establish a way to maintain momentum regarding the justice system. This method, she opined, should point up insights into community concerns about local policing that may be missed or silenced because of individual concerns about direct communication with the YSPD.

The Board could provide a neutral confidential and discrete process to intake and provide feedback to individuals from the Yellow Springs community about experiences with the YSPD.

Finally, Kreeger stated, the Board could aggregate data about community concerns that could lead to recommendations to the YS Village Council, Village Manager, Chief of Police and that support understanding of community policing expectations and norms.

Kreeger noted that Advisory Boards normally do not process complaints, and that the recommendation is something of a hybrid.

Kreeger stated that she has broached the idea with the Village Mediation Program (VMP), and that group has expressed interest in participating.

Kreeger commented that she is bringing the proposal with Stokes, given that the HRC is included in the proposal. She asked that she be permitted to explore the possibility of the role of Village Mediation with MacQueen, who is the liaison to that organization.

Kreeger asked to bring the proposal for further consideration on October 15<sup>th</sup>.

Kreeger noted that concerns would not be brought to HRC by citizens, but that the proposal contemplates that concerns are brought to a neutral entity which can pass the complaint on to the Chief for investigation himself. The neutral entity (eg, Village Mediation) would then provide information back to the citizen, and supply resources for support if needed. Information in the complaint, without identifiers, would be passed along to (eg) HRC for their analysis.

Kreeger acknowledged that the idea is imperfect, but that it is a start.

Chief Carlson offered an open door policy for talking to citizens and for hearing concerns. He cautioned that he cannot, however, respond to gossip or social media. He commented that the proposal offers a good start in looking at citizen complaints.

Stokes noted that he had met with Kreeger as the HRC liaison, but that he had stepped back as soon as the matter needed to move on to consideration by the VMP to avoid three Council members being involved.

Hempfling commented that the proposal sounded to her like a counter proposal to the Justice Commission proposal. She argued that the title itself might be confusing, given the role of a traditional Citizen Advisory Board.

Pat Dewees supported some way for citizens to make complaints, and acknowledged that investigation of complaints has to be done from within the Police Department. She commented that having both a complaint venue and a Commission might be burdensome.

MacQueen argued that the proposal presumes a problem without having identified the problem. She opined that persons might not use such a complaint venue, and that more data should be gathered before proposing a solution.

Kreeger responded that there is a lot of information provided, and asked to work with MacQueen to explore some of the ideas, and to keep coming back with updates.

Housh asked if the issue is being made a priority.

Kreeger responded that she believes it supports the goal of a just and responsive community.

Stokes commented that he believes it to be a priority as a “bottom-up” rather than “top-down” approach to information from citizens.

Dewees reiterated the difficulty of what is being proposed, stating that there are no communities running such a program successfully due to the legal ramifications.

MacQueen questioned whether such a program would satisfy complainants.

Dewees noted the high level of training needed just to be able to take the complaint.

Bates interjected that there are citizens with complaints about the Police Department who are not comfortable bringing those concerns forward. This method, she stated, will offer a venue, and a means for responding.

Hempfling commented that the method used by HRC in the past had been successful.

Housh reiterated the importance of buy in by citizens and of having the correct level of expertise to bring to the process. He asked that more information come back to Council, and that the issue of buy-in be addressed.

**Vote 16/Local Gun Control Proposals.** Housh provided an overview of the initiative, and asked that Council read the material carefully and respond for the next meeting.

Housh explained that about 10 states are looking at the initiative, which lowers the voting age to 16. He suggested allying with a national or state-level group for great efficacy.

Housh stated that the measure would get local government into the habit of listening to young people. Such a measure would only affect local elections.

Housh stated that he would do the background research on the matter, and will bring further material to the next meeting.

**Proposal for Overhead Projector for Council Chambers.** MacQueen stated that she wants a projector that is reliable and that the screen is legible to those present in Chambers.

MacQueen commented that the estimate from TechAdvisors seems high, and is perhaps more than is needed.

Stokes opined that a less powerful projector should work, and that perhaps the existing projector can be used.

Bates suggested just a larger screen for the back wall. She commented that often the problem with the existing projector is not the projector but is the age of the laptop.

Stokes stated that he will follow up on the process.

#### **COUNCIL OPEN SEAT PROCESS**

Housh stated that a decision on a replacement needs to be made within 60 days of the announcement.

Conard stated that Council can appoint, by super majority, a replacement, and that this must be done within a 60 day period following the announcement of resignation.

Hempfling noted that she had announced her resignation as effective at the end of November. She then said that she wanted to stay on until decisions are made regarding the future of the JSTF.

Housh suggested that Council should not solicit for the position until it is open, citing a situation in the past in which a Council member announced resignation, the position was solicited for and persons were interviewed, and then the Council member chose not to resign.

In response to a question from Hempfling, Housh stated that that Council member had been Hempfling, and that he had in fact submitted a letter of interest for the position.

Conard suggested that Hempfling put her resignation in writing.

Housh asked that an ad be prepared. The Clerk will bring the ad to the October 1 meeting.

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

Bates announced that she will be out for the ICMA Conference the last week of September, and that Burns will be the person in charge.

Housh thanked Bates for the Electric rate comparison provided.

Bates noted that DP&L can apply to recoup capital costs every five years, and that they do this.

Hempfling asked that the information be more extensively presented at another meeting.

#### **SOLICITOR'S REPORT**

Conard pointed out that the rewrite of the Mayor's Court resolution had been to assure that the Village would not bear costs of any jail stay.

Conard noted that the surveillance technology ordinance should be ready for the October 1 meeting.

#### **CLERK'S REPORT**

There was no Clerk report.

**BOARD AND COMMISSION REPORTS**

Hempfling stated that Dan Rudolf of the Energy Board has been recommending that more solar be developed with the Village to “offset use by Cresco”. Hempfling asked for input on the recommendation.

Hempfling asked for clarification regarding the Round Up Program and a role for the Energy Board. She asked whether there is an educational component to this, and how Energy Board should be engaged in this.

Housh responded that funds from the Round Up program should be used to fund energy upgrades for citizens who may need this.

Bates noted that she will attend the Energy Board meeting. She responded to Hempfling by stating that the Village is already locked into a number of energy contracts, and that the Village needs to watch the current solar field to see how affordable it may be.

Hempfling asked whether the Energy Board should research the topic.

Housh noted that all cost needs to be examined related to the proposal, including potential legal costs, and reminded Council that this is being asked of all proposals.

Housh announced that the Miami Valley Military Affairs Association is offering membership to local officials, and stated that he plans to join.

Kreeger read an updated mission statement written by the Arts and Culture Commission, and asked that this come as legislation as an update to the ACC ordinance.

Kreeger asked that Council set aside time under Special Reports on October 15<sup>th</sup> to hear a report on the Wheeling Gaunt sculpture project.

Kreeger announced that the ESC is now working on a marketing strategy for the CBE and on rebranding. She asked for agenda time to discuss ESC activities with Council in an upcoming meeting.

Bates reported ongoing upgrade and maintenance activities at the Library.

Housh commented that Council may need to discuss the Finance Director’s information that the Village budget is over budget in the areas of wages, maintenance and professional services. He asked that this be discussed at the October first meeting.

**FUTURE AGENDA ITEMS**

- Oct. 1:

**Second Reading and Public Hearing 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 2018-31** 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

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

General Fund Budget Presentation

Discussion of Home, Inc. Request for Capital Campaign Funding

DCIC Plans Regarding Outreach to Stakeholders

Draft Village Manager Search Consultant RFQ

Vote 16/Local Gun Control Proposal Feedback

Justice System Commission Discussion
- Oct. 15:

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)

Citizen Advisory Board Proposal Continued

Proposal

DCIC Update

Housing Goals Presentation

Recommendation re: Legal Services

Wheeling Gaunt Sculpture Presentation



- Second Reading and Public Hearing 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
- 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:*

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council