

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

In Council Chambers @ 7:00 P.M.

Monday, October 15, 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, Finance Director Colleen Harris, Public Works Director Johnnie Burns, Planning Administrator Denise Swinger and Village Solicitor Chris Conard.

ANNOUNCEMENTS

Brian Potts spoke on behalf of Greene County Dept. of Job and Family Services re: the upcoming Greene County Children's Services Levy.

MacQueen announced that October is Domestic Violence Awareness month, and read a proclamation from the Mayor to that effect.

MacQueen commented that the ICE enforcement range is being expanded. She noted a local effort to create a sanctuary support network and a meeting on Saturday at 7pm in Rockford Chapel for that purpose.

Bates announced October as Breast Cancer Awareness month.

Housh reminded all that flu season has begun.

Housh noted that the final draft of the Active Transportation Plan will be made available to the public at the second Council meeting in November.

Housh announced the Art Stroll on Friday, and Open Studios, which runs all weekend.

Bates announced Trick or Treat from 6-8pm on the 31st.

CONSENT AGENDA

1. Minutes of October 1, 2018 Regular Meeting
Zoning Ordinances:
2. **Ordinance 2018-40** Repealing Section 1284.09 Definitions: T-U of the Codified Ordinances of the Village of Yellow Springs, Ohio and Adopting New Section 1284.09 Definitions: T-U
3. **Ordinance 2018-41** Repealing Section 1260.04 Uses of the Codified Ordinances of the Village of Yellow Springs, Ohio and Adopting New Section 1260.04 Uses
4. **Ordinance 2018-42** Repealing Section 1260.03 Parking And Storage of the Codified Ordinances of the Village of Yellow Springs, Ohio and Adopting New Section 1260.03 Driveway Standards, Access Easements, Parking And Storage
5. **Ordinance 2018-43** Repealing Section 1260.02 Dimensional Provisions of the Codified Ordinances of the Village of Yellow Springs, Ohio and Adopting New Section 1260.02 Dimensional Provisions
6. **Ordinance 2018-44** Repealing Section 1226.11 Minor Subdivisions of the Codified Ordinances of the Village of Yellow Springs, Ohio and Adopting New Section 1226.11 Minor Subdivisions
7. **Ordinance 2018-45** Repealing Section 1226.12 Replats of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Adopting New Section 1226.12 Replats
8. **Ordinance 2018-46** Repealing Section 1226.13 Subdivision Fees of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Adopting New Section 1226.13 Subdivision Fees

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

There were no changes made.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

GCPH re: Billboard Contest, Mosquito Report, Hepatitis A Report and Free Infant Feeding Classes

Stokes re: Issue 1 Opposition Statement from OML

Greene Co. JFS re: Children's Services Levy

MacQueen re: Domestic Violence Awareness Month

Deton Brookshire re: Officer Charles

GC Board of Elections re: Early Voting Hours

Village Manager re: Electricity Usage

Vickie Hennessey re: Glass Farm Management Budget Request

Hempfling volunteered to follow up in providing further information regarding area initiatives to decriminalize marijuana.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2018-35 Creating a Utility Roundup Program for the Village of Yellow Springs. Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

Kreeger reminded all that the program is an opt-in program, and thanked those who have already chosen to donate. She noted that a grant application will be submitted to the Community Foundation requesting matching funds to support the program.

Bates recognized Chrissy Cruz as the initiator of the idea several years ago.

Housh OPENED THE PUBLIC HEARING.

Chrissy Cruz expressed her excitement that the program is finally in motion.

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

Second Reading and Public Hearing of Ordinance 2018-38 Repealing Old Section 288.01 Establishment and Purpose of Chapter 288.01 of the Arts & Culture Commission of Title Eight Boards and Commissions of Part Two Administration Code of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 288.01 Establishment and Purpose. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Kreeger commented upon the ordinance, noting that the revised purpose statement more accurately reflects the Commission's intended intersection of art, culture and government.

Housh asked whether the title was correct, and the Clerk will make certain that the titling contains the correct commission title.

Housh OPENED THE PUBLIC HEARING. There were no comments made.

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

First Reading of Ordinance 2018-39 Approving a Supplemental Appropriation for the Third Quarter of 2018. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Harris explained that the supplemental transfers funds from the General Fund for wages and for legal expenditures. She noted that the Special Revenue Fund needed additional revenue for sidewalk repair and for payroll. For the Enterprise Fund, Harris asked for funds to catch the Electric Fund up for electric use and for chlorine and staffing for the new water treatment plant. The total supplemental was \$308,700.00.

Harris fielded questions from Council, particularly those for underestimated wages.

Harris stated that most of the underestimation was the result of employee turnover and the required payout of accrued benefits. Harris stated that she has placed a 10% across the board increase to every salary line for 2019 to avoid any such problem, and noted that, if it doesn't get spent it will return to the General Fund.

Bates commented that she is working with her staff to address the amount of accumulated vacation and sick time an employee can accrue, given that this can become a financial liability for the Village.

Housh asked whether this is accounted for in the budget.

Harris responded that it has not been in the past, and that she is accounting for this in adding the 10% across the payroll. Not everyone has a lot of accrual upon departure, she noted, which makes budgeting for this difficult.

Burns addressed additional costs associated with the Electric Fund and the Water Treatment Plant, stating that starting up the water plant has resulted in a number of equipment failures, which has caused an increase in overtime.

Burns stated that AMP had presented a predicted budget to the Village and this was too low. The Village also had to estimate the production from the new solar field and was short in this estimation.

Burns commented that there is little the Village can do to address a miscalculation on AMP's part, but that the estimate for solar production for 2019 should hit far closer to the mark after a year of real-time solar collection.

Burns did note that AMP now has its hydro plants all fully online, which should make its estimates closer to actual cost for 2019.

Burns pointed out that demand for electric in 2018 was much higher than average as well, which, while it increases the expenditure for energy, does result in greater profit for the Village.

Housh asked for greater clarity around the solar issue, and asked how expense and revenue are affected.

MacQueen asked that this information be presented in the Enterprise Fund portion of the budget.

Burns commented that the increase was determined on a peak demand day. This can skew the average rapidly.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

CITIZEN CONCERNS

Marcia Wallgren discussed the US EPA response to the Vernay contamination clean-up plan, noting that it rejected the plan and has added eleven pages of additional requirements.

Wallgren encouraged the Village to retain experts and to "have a seat at the table". She spoke in support of the Environmental Commission's proposed letter to the EPA contained in the packet.

Wallgren received approval from Council to have her letter and all attachments in the following meeting's e-packet.

Karen Wintrow, representing the Chamber of Commerce, thanked the Village crews and Police Department for a successful Street Fair. She also gave a shout out to YS PorchFest as a very successful event, supported by the Arts and Culture Commission on behalf of the Village.

Athena Fannin stated that she was requesting taser information from the PD.

SPECIAL REPORTS

Wheeling Gaunt Sculpture Presentation. Cheryl Durgans, Project Manager for the Wheeling Gaunt Sculpture project for the Yellow Springs Arts Council (YSAC) provided a PowerPoint presentation on the initiative.

Kreeger noted that the sculpture will be located on Village property, and commented that she wanted citizens and the Village to be on board with the location proposed for the statue.

Following discussion, Housh asked for a resolution approving the location for the sculpture. He asked that thought be given to a trailhead facility at the location in planning for the installation. He also asked that the YSAC stay in touch regarding the proposed Wheeling Gaunt mural.

Durgans responded that this was an area of expertise for her, and expressed her ability to facilitate meaningful and broad community participation in creation and painting of the mural.

Wintrow commented that she knows the space well, and that she believes the sculpture will add greatly to the area. She noted Chamber support for the location, and spoke in favor of improved signage.

Housh asked that a resolution be brought to the November 5th meeting.

Review and Approval of Third Quarter Financials. Housh MOVED TO APPROVE THE THIRD QUARTER FINANCIALS AS CONTAINED IN THE PREVIOUS PACKET. Kreeger SECONDED, and the MOTION PASSED 5-0 on a voice vote.

General Fund Presentation. Harris presented the 2019 General Fund as proposed.

Housh made a statement to the effect that Council should have a hand in determining wants versus needs, and noted that this was the first opportunity that Council has had to review the proposed budget.

Harris reviewed the revenues contributing to the General Fund, noting that the largest contributors are Income Tax and Real Estate Tax.

In response to a question from MacQueen, Harris stated that there will be no realized income from Cresco until 2019 at the earliest.

Harris reviewed GF expenditures, noting that the largest of these are Public Safety and Transfers.

Harris broke down the transfers.

Harris reviewed appropriations.

Council questioned a number of expenditures, legal expenditures in particular. MacQueen asked for a breakdown of these by department.

Housh stated that he is working on this, commenting that he anticipates needing to reduce this area of the budget.

Housh asked that the \$30,000.00 set aside for a Village Manager search be reduced.

Harris confirmed that any salary overlap for the new and departing Village Managers is not reflected in the proposed budget and would have to be added.

Housh asked that the Council budget be reduced overall by \$30,000.00.

Council noted that there is a prosecutor position funded for 2019. MacQueen stated that she would vote against this, and that if a prosecutor is hired, it would not be until mid-year at the earliest.

Housh commented that the Village Manager should be reviewing fees for Mayor's Court and for Planning and Zoning to assure that these are adequate and are in keeping with Village costs and area averages. He commented that revenue generation should cover costs to the greatest degree possible.

Bates commented that her staff is looking at scheduling changes that will address the need for overtime and/or part-time assistance in an effort to reduce these expenses.

Harris noted that she has added the 10% to administration salaries to cover accruals, reflected in the General Fund.

Harris explained several of the lines, as to what costs actually come out of those lines.

Several budget requests were considered and questioned.

Housh offered to work on reducing the Administrative lines.

Council briefly discussed rentals and leases. Housh commented that participatory budgeting as well as consideration of outside funding for some of these areas should be considered.

Housh asked that some areas be flagged for participatory budgeting or be postponed.

MacQueen commented that she would like to see participatory budgeting as a Council goal item for 2019, with implementation in 2020.

Kreeger received information as to why it is so costly to paint the water towers. Burns explained the necessity of this maintenance to assure potable water.

Housh addressed the Public Safety lines, commenting that he wanted particular attention paid to the overtime and part-time wages projected, opining that wages could be better managed with more strategic scheduling to avoid additional costs.

MacQueen made three requests: \$30,000.00 for a Planning Commission Comprehensive Plan consultant; \$50,000.00 for an Affordable Housing Trust Fund; \$2,500.00 per year for five years for a fund for the Glass Farm Conservation Area. MacQueen also asked for a line item for Economic and Community Development.

Housh asked that \$50,000.00 not be added to the Green Space Fund for 2019.

Kreeger asked whether the Housing Trust Fund included monies for Village-owned property as well as others.

MacQueen stated that this would need to be determined.

Stokes asked that the matter of overlapping salaries be addressed for the Village Manager transition.

Housh asked that Stokes, Bates and MacQueen bring a documented plan for the next packet delineating the need for overlap and how much overlap.

Kreeger noted a probable need for DCIC funding in 2019, as that entity is established and implemented.

Harris noted that there are a number of infrastructure needs that have been pushed off or not addressed in the past, and commented that some of this work cannot be pushed further forward.

Housh reiterated the need for a source of funding, such as paid parking, if some of the wants are to be funded.

Bates asked for a work session, and Council agreed to this, to be scheduled by the Clerk.

OLD BUSINESS

Justice System Commission Discussion. Housh commented that a model justice system remains a goal. He commented that Council members seem agreed that we need to step back and assess.

Housh stated that he did not see Council as able to handle a lot of the back end work, and did not see the goal being accomplished without a group dedicated to accomplishing the work.

Housh stated that Council needs to clearly articulate what it wishes to have accomplished.

Hempfling read the purpose for the proposed Justice System Commission. She spoke about a conversation with Vaughn Crandell, a former resident, who does justice work in another state. She commented that there needs to be shared conversation between all interested parties, and acknowledged that this had not happened with the JSTF.

Stokes asked whether the HRC could take on the work of the current JSTF.

Housh stated that there would need to be certain expertise on the proposed Commission, stating that the Commission needed to be made up of people who understand this work. He stated that he was not sure that there was that expertise on the HRC.

Housh continued, stating that the proposed Citizen Review Board might fit into the purview of the HRC. He commented that the commission taking on the task, however, has to be able to put the process together.

Kreeger spoke in favor of a collaborative alignment. Kreeger stated that unless Council remains strong in setting a vision, the mission will be lost. She noted that board and commission reports fall at the end of the meeting when everyone is tired, and opined that if the commission is to be given full hearing, it should appear earlier in the agenda.

Housh commented upon the need for citizens to have trust in the Village as a municipal entity, not simply in a single department, and that failure of trust in one area leads to an overall distrust. He cited this as further reason to prioritize the work of the JSTF.

MacQueen differentiated the work of the JSTF from other boards and commissions because it has to do with change in how Village government functions.

In answer to a question from MacQueen, Housh commented that he could potentially see Kreeger taking the lead in such a commission, and that he could serve as the alternate.

Kreeger stated that much will depend upon who comes into the new Council seat.

MacQueen commented that shifting Council liaison assignments causes delay and disruption.

Kreeger stated that she is committed to shepherding the complaint process through.

Bates proposed that the HRC take on the JSTF work by forming subcommittees.

Hempfling and Housh were hesitant about this idea.

Hempfling noted that the JSTF was not effective at communicating with the PD, and that this would not be improved by moving forward piecemeal.

Housh asked that the conversation continue and be voted upon at either the first or second meeting in November.

Housing Goals Presentation. MacQueen asked that the housing discussion occur earlier in the meeting next time so that the discussion can be more comprehensive.

MacQueen relayed that the Housing Advisory Board (HAB) had held a stakeholder meeting during which three questions were asked, and that this had resulted in a good discussion. She noted the need for infrastructure repair and upgrade to support housing efforts.

MacQueen noted that based upon information from participants, the HAB had amended its recommendation to 300-500 units in 10-15 years rather than 500 units in 10 years.

MacQueen asked for a resolution at the next meeting adopting the goals.

Housh commented that he did not want to see energy efficiency compromised in the plan.

NEW BUSINESS

Zoning Administrator Request for Consideration of Preliminary PUD Plan on Less than Five Acres (Home, Inc. Senior Housing). Swinger presented the request as follows:

The applicant seeks to develop a project through the approval of a Planned Unit Development (PUD) on less than five acres of land. Given the expense of creating a development plan, staff seeks guidance from Council that the potential development will not be denied solely based upon the site being less than the minimum site size of five (5) acres. Council's vote on this matter is not a vote to approve the creation of a PUD on the site location for development since the PUD application has not been subject to the processes set forth in Chapter 1254 of the Yellow Springs Codified Ordinances. This Council vote is only an expression of Council's willingness to consider a development proposal on a site containing less acreage than required under the Code.

Housh explained that the vote from Council is primarily a vote to permit Planning Commission the opportunity to move forward in the process, and to further vet the project.

Burns explained the cost that the Village would be expected to take on in terms of infrastructure improvements, noting that the sewer relining would be in the neighborhood of \$27,000.00, and that, at present, that was the only cost to the Village.

Aid to construction costs, Burns said, is for costs incurred by the Village, but which are reimbursed by the developer.

Swinger noted that approval to move forward will permit Planning Commission to go through its standards review with the developer.

Emily Seibel, Home, Inc. Executive Director, read a statement from the development team stating that they would consider absorbing the cost of the sewer relining, if this would not affect their ability to be competitive in their grants process.

Housh MOVED that ALL THOSE IN FAVOR OF ALLOWING THE PROJECT TO BE EXPLORED FURTHER SAY AYE. The MOTION PASSED 5-0 on a voice vote.

MANAGER’S REPORT

There was no verbal report. Burns briefly updated those present on the paving schedule.

SOLICITOR’S REPORT

Conard noted that he and Ellis Jacobs have completed their work on the surveillance ordinance, and it should be ready to bring to Council on November 5th.

CLERK’S REPORT

There was no Clerk report.

BOARD AND COMMISSION REPORTS

Hempfling reported that the Energy Board is pulling together material to be used for the Utility Roundup program.

Housh noted that MacQueen had asked that the EB prepare a one-page write up of ðwhat it would mean to sell our energy gridð. He asked that there be some analysis as to why the Village has made sustainable choices, and in fact why any community might make such a decision.

Stokes spoke about ðco-production of Public Safetyð, stating that this is a phrase that will become more common over time, and is something that the HRC is looking at.

Tom Dietrich, Environmental Commission member, addressed the letter that the EC has prepared for Council review prior to sending it to the US EPA. Dietrich noted that the EPA has since provided its comments on the Vernay situation, and asked for permission to rewrite and redirect the letter to assure a thorough clean up.

Housh commented that the letter as is is excellent, but that updating it makes sense. He asked that the letter come back for the November 5th meeting.

Housh asked that the letter highlight the integral nature of the old Vernay site to the Village as a whole.

Kreeger reported that the ACC is moving forward on the jungle mural project.

Regarding the ESC, Kreeger noted that the group is working on a SWOT analysis for the Village as a business location.

Stokes commented that the Tech Advisory Board is continuing to look at the VYS website, and is looking at options to the current rickety cart and projector.

FUTURE AGENDA ITEMS

- Nov. 5:
- Second Reading and Public Hearing of Ordinance 2018-39**

Approving a Supplemental Appropriation for the Third Quarter of 2018
- Second Reading and Public Hearing of Ordinance 2018-40**

Repealing Section 1284.09 ðDefinitions: T-Uð of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Adopting New Section 1284.09 ðDefinitions: T-Uð
- Second Reading and Public Hearing of Ordinance 2018-41**

Repealing Section 1260.04 ðUsesð of the Codified Ordinances of the Village of Yellow Springs, Ohio and Adopting New Section 1260.04 ðUsesð
- Second Reading and Public Hearing of Ordinance 2018-42**

Repealing Section 1260.03 ðParking And Storageð of the Codified Ordinances of the Village of Yellow Springs, Ohio and Adopting New Section 1260.03 ðDriveway Standards, Access Easements, Parking And Storageð
- Second Reading and Public Hearing of Ordinance 2018-43**

Repealing Section 1260.02 ðDimensional Provisionsð of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Adopting New Section 1260.02 ðDimensional Provisionsð
- Second Reading and Public Hearing of Ordinance 2018-44**

Repealing Section 1226.11 ðMinor Subdivisionsð Of The Codified Ordinances Of The Village Of Yellow Springs, Ohio And Adopting New Section 1226.11 ðMinor Subdivisionsð
- Second Reading and Public Hearing of Ordinance 2018-45**

Repealing Section 1226.12 ðReplatsð Of The Codified Ordinances Of The Village Of Yellow Springs, Ohio And Adopting New Section 1226.12 ðReplatsð
- Second Reading and Public Hearing of Ordinance 2018-46**

Repealing Section 1226.13 ðSubdivision Feesð Of The Codified Ordinances Of The Village Of Yellow Springs, Ohio And Adopting New Section 1226.13 ðSubdivision Feesð

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

Resolution Approving the Yellow Springs Arts Council Request for Placement of Permanent Sculpture on Village Property and Establishing Conditions

Resolution re: Adoption of HAB Goals

Vernay Letter from EC

Village Manager Transition Plan

Budget Workshop with Revisions

Nov. 19: **Ordinance 2018-47** Establishing a Yellow Springs Community Improvement Corporation

Mayorø Court: JSTF Recommendation re: Establishment of a Diversion and Restorative Justice (DRJ) Program

Dec. 3: Ordinance Approving the 2019 Budget for the Village of Yellow Springs and Declaring an Emergency

Second Reading and Public Hearing of Ordinance Approving the 2019 Budget for the Village of Yellow Springs and Declaring an Emergency

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

At 9:55pm, Stokes MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

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

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council