

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

In Council Chambers @ 7:00 P.M.

Monday, December 3, 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 Kevin Stokes and Lisa Kreeger. Also present were Village Manager Patti Bates, Finance Director Colleen Harris, Public Works Director Johnnie Burns and Solicitor Chris Conard.

SWEARING IN

Kineta Sanford was sworn in by Solicitor Chris Conard as a Yellow Springs Village Council Member. Sanford then took her seat at Council table.

ANNOUNCEMENTS

Kreeger reminded citizens of the need for donations to the Utility Round Up Fund and Bates made note that the Community Foundation had donated \$5,000.00 to that fund.

Housh noted the upcoming Gingerbread Festival at Mills Lawn on December 8th, and noted the School Forest Festival that same weekend.

Housh announced the dedication of the restored Jungle Mural by Sarah Dickens and the VIDA (Village Inspiration & Design Award) presentation celebrating the Muralists of Yellow Springs set for December 12 at 5pm at The Emporium, and noted the Chamber Holiday Party also set for December 12 from 5:30-7:30pm at S&G Distillery and YS Brewery.

Housh noted the inclusion of a portion of Council Rules in the packet, stating that Council will be clearer about citizen participation, stating that the situation would be tightened up. He clarified that he is the presiding officer and is responsible for the efficient running of the meeting, asking that concerns be directed either to all of Council or to him as President. Housh noted that the three minutes typically allotted to citizens to speak during Citizen Concerns is a courtesy and an effort to assure citizen inclusion, but is not a right that is guaranteed by the Village Charter.

Housh noted that Council meetings are not a forum for personal issues or issues with individual staff or Council members, stating that there are avenues for addressing those issues outside of a public meeting such as Village Mediation.

CONSENT AGENDA

1. Minutes of November 19, 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

Safe Routes to Schools Report and two commission nominations were moved to New Business.

Stokes added Commission Budgets to New Business.

Council added the topic of a mini-retreat to New Business.

An update on Implicit Bias training was added to Old Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Shawn Leon re: Proposed Resolution
GCCHD re: Accreditation
Mayor's Court Monthly Report
Friends Care Center re: Request for Donation
OEPA re: Discharge Notice
Susan Stiles re: Opinion on PUD
Denise Swinger re: Density Changes to Zoning Code
Council Clerk re: Meeting Protocol Reminder
Sergeant Knapp re: Bryan Center Security

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2018-49 Adding a New Chapter 290 of the Codified Ordinances Thereby Establishing a Justice Commission of Council. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh clarified that the ordinance under review is not the same as the proposal for a Citizen Review Board, and that this conflation seems to have been mistakenly made.

Housh made note of the rationale behind the JSC ordinance, stating that the purpose of the JSC is to maintain the capacity of the Village to continue to work on policies and procedures related to the Village justice system.

MacQueen addressed concerns shared with her regarding inclusion of the Police Chief and Mayor on the JSC, stating that she does not share those concerns but noted that it could happen that a particular session might be held without those representatives present.

MacQueen asked that wording in the section regarding presentation of goals and ideas be changed so that Council is informed of any such intentions prior to their approval or to their moving forward.

Kreeger addressed the membership of the Commission, stating that ex officio members should not always be present. She asked that this section be modified to reflect this change.

Stokes referenced co-creation as a best practice, stating that it is the responsibility of the commission to create a safe and beneficial environment, and opined that it should be the exception that the police department is not represented. "I am not interested in creating a mechanism that seems to be created to police or oversee," Stokes said, stating that it is the police department and Mayor who should know most and be present to participate in creating change.

Kreeger commented that co-creation can only occur when there is trust, and opined that "we are not there yet." She reiterated the need to state guidelines around the number of meetings for which they would be present.

Housh pointed out that there are other means by which citizens who may feel a lack of trust can express their concerns.

Bates noted that one of the reasons that Hempfling had suggested inclusion of a police department representative and of the Mayor was the experience the JSTF had encountered with delays when policies it proposed had to then be vetted by those entities for legal and practical viability and delays were experienced. Bates expressed understanding that some meetings would be closed to those entities but that they should be present during discussion of policy.

Housh OPENED THE PUBLIC HEARING.

Pat Dewees commented on the ex officio debate, stating that in her research, some ex officio members rarely participated, while sometimes ex officio members "show up and take over."

Dewees did acknowledge that it is useful to have those ex officio participants as experts.

Corey White stated that he had no objection to the Police Department being represented on the JSC, stating that he saw no reason to fear the police in such a setting. He asked that Officer Meister be a representative.

Sean Tulecke-Paulson opined that the reason for the formation of the JSTF had been the death of a Village resident. He inaccurately attributed the death to the YSPD, and reiterated his position stated at the previous meeting that the police cannot be trusted and will have a chilling effect upon participation.

Housh stated that leadership of the body is critical in accomplishing the goals set for the Commission.

Kreeger acknowledged that the participation aspect of the ordinance might be too difficult to codify, and agreed with Housh that good leadership and a strong Council liaison could keep things on track.

MacQueen asked whether the reporting out aspect should be strengthened.

Housh suggested that MacQueen rewrite that section for all commission ordinances so that that section could be consistent for all commissions.

MacQueen MOVED to APPROVE THE ORDINANCE AS AMENDED. Kreeger SECONDED.

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

First Reading of Ordinance 2018-50 Approving the 2019 Budget for the Village of Yellow Springs and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Harris addressed Council questions regarding the budget.

Housh reiterated his commitment that current tax revenue be spent on current projects.

Burns reported out on the five-year project projection, but noted that there is òa lot moreö than what Council is seeing and noted that emergency expenditures are common, noting that the minor ice storm cost the Village an unanticipated \$45,000.00.

Kreeger noted the importance of the projects and thanked Burns for his diligence in educating Council around these needs.

Housh asked for clarification regarding the Economic Development Fund, and this was discussed. Housh asked that the fund be reflected as having a total of \$35,000.00 rather than \$40,000.00 as more conservative and more accurate.

Bates asked for approval to spend the State Grant funds (\$22,084.00) to complete engineering on Beatty Hughes Park to consider the area as a parking lot. This was not approved because Council did not see the urgency and wanted more information.

Harris stated that the funds will go into the Economic Development line until a decision is made.

Bates stated that a fourth staff member, already in the budget, will be added to the Wastewater Treatment Plant to maintain compliance with OEPA guidelines.

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

First Reading of Ordinance 2018-51 Approving Creation of a Fund for the Furtherance of Affordable Housing in the Village of Yellow Springs. Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh explained the ordinance as a deliberate effort to highlight Village Values, which was initially brought by Hempfling. He noted that creating the line does not obligate Council, and that the fund will have to first be approved by the Auditor of State.

Patricia Brown thanked Council for creating the fund.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE with MacQueen abstaining.

Reading of Resolution 2018-42 Affirming the Village of Yellow Springs as a Welcoming Community for All Persons Regardless of Country of Origin, Ethnicity, Age, Gender Identity, Sexual Orientation, Income, Ability or Religion. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Conard responded to a concern from Stokes, stating that there is no risk of legal exposure as a result of the resolution.

Housh asked that the phrase òpolitical affiliationö be added to the resolution.

Pat Dewees thanked Council for the resolution.

Housh noted that the YSPD is currently following the practices the resolution sets as a standard, and expressed his gratitude for this diligence.

Shawn Tulecke-Paulson expressed agreement with the resolution.

Housh MOVED TO APPROVE THE RESOLUTION AS AMENDED. Sanford SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

CITIZEN CONCERNS

Marnie Neuman expressed her concern about electric smart meters. She stated her understanding that residents were supposed to have the ability to opt out of the smart meters. Neuman spoke about the dangers of the meters and iterated the health effects she believes she is experiencing as a result of the meter in her home. Neuman stated an ORC statute, which she claimed gives her the right to opt for an analogue meter.

Housh asked that Neuman send any documentation to the Clerk, and promised to follow up on the statute she noted.

Ken Odiorne questioned the manner in which Housh asked for affirmative votes, asking why a ñayö vote was not normally called following the affirmative vote call.

Odiorne then asked if the timer could be used and that it be within view of the camera.

Odiorne commented upon use of emergency language in ordinances and asked for explanation of policy.

Sean Tulecke-Paulson identified himself as ña member of the Police Accountability Groupö responsible for the draft resolution sent to Council. He asked why there was no response to the request that the resolution be considered.

Tulecke asked for ña commitment from Councilö that he would not be ñvictimized furtherö by Council by being asked to be seated before his time is up.

Tulecke interrupted the speaker to request this again and was asked to be silent.

SPECIAL REPORTS

Yellow Springs Active Transportation Plan (Michael Blau, Toole Design Group). Blau presented the final draft of the ATP.

Housh noted the connection between a Complete Streets policy and the ATP, noting that the project was grant funded.

Blau noted a focus on education, evaluation and enforcement, giving examples of each of these, and noting their potential for positive impact in the Village.

Blau noted the need for more bicycle parking in the downtown area.

Blau commented that the bulk of the ATP's recommendations consist of engineering (infrastructure) modifications, and pointed out several areas that have been recommended for modification to improve safety.

Blau distinguished between regional (connectivity) and local (safety) recommendations.

Blau reported that there are 13 priority one recommendations embedded in the document, commenting that this would mean that the Village commits to at least getting these under way in the next few years. He noted that funding sources have been identified for each of the recommendations, some of which need to be further reviewed for viability. The plan also asked that the Village follow performance measures so that the efficacy of any changes can be assessed.

Housh commented that the downtown safety recommendations are meant in part as a way to test the efficacy of traffic calming techniques, noting several options in this regard to pilot the projects for any permanent infrastructure changes are made.

MacQueen received information that while only white striping can be used on State routes, multi-colored striping can be used for local street crossings.

Housh addressed a concern expressed by Kreeger regarding capacity, stating that the projects would need to be overseen by the Village, but would be contracted out.

Stokes asked about the practicality of a raised crosswalk, which was mentioned as a possibility for traffic calming.

Dan Carrigan commented that raised crosswalks are difficult to accommodate in snowy conditions.

Ken Odiorne commented in favor of the plan and suggested a parking structure for Beatty Hughes Park.

Housh commented that parking is being researched by staff, including paid parking as a possibility for visitors.

OLD BUSINESS

Draft Village Manager Search Brochure and Updated Timeline. Housh made note of the proposed copy for an updated position description, commenting that photos will be updated.

Council discussed the brochure briefly.

Housh asked that goals and values be included, that photos show greater diversity, and that staff photos be updated.

Kreeger stated her commitment to streamline the brochure.

Bates asked that the salary be listed as a range. This was agreed-upon.

Council agreed that Housh could proceed with the brochure as discussed.

Kreeger asked for all to continue to brainstorm how to reach out widely for recruitment. She noted contact made with Linked-In for a self-directed search at a cost of \$100.00.

Housh stated that the cost should be far lower than if a consultant were used.

Housh agreed to help improve the Linked-In page for the Village.

Housh asked for an updated VM Search timeline for the next packet.

Implicit Bias Update. Stokes reported that two more sessions of IB training will be conducted for Village employees, noting that the Village Manager and her Direct Reports will participate in the first session and all employees will participate in the second session, with no Council members participating.

Stokes stated that there will be some cost associated with the additional training, and upon questioning stated that this will be about \$3,200.00.

Housh asked that detailed information be available for the next Council packet.

NEW BUSINESS

Council Direct Report Evaluation Process. Stokes stated that the evaluations in question are for Council's direct reports, which are the Clerk and Village Manager.

Stokes reported his efforts to move the evaluation process to an online format through Survey Monkey.

Housh commented that the current method of evaluation is static, and that a change to evaluations should be "organization wide" and that efforts should be combined for consistency.

Housh noted that the process does need to be refined. He noted a way of compiling the comments and scoring into an evaluation, with the idea that two Council members would then conduct a review with the reviewee in an effort to set meaningful goals and assess accomplishments.

Housh and Stokes will bring the project back to Council at the next meeting.

Bates noted that her team is developing evaluations for their departments.

MacQueen asked for Council to receive feedback regarding direct report evaluations.

Bates declined to address this publicly.

Safe Routes to School Travel Plan. Bates reported that she is working on an update to the SRTS travel plan to send to ODOT.

Bates stated that she will include some of the newly presented ATP data in this report.

Kreeger MOVED and MacQueen SECONDED that Council APPROVE the rewritten SRTS travel plan so that Bates can send the official draft to ODOT. The MOTION PASSED 5-0 on a VOICE VOTE.

Bates noted that the school travel plan must be updated every five years, and projects are determined by the level of funding provided.

Funding for Boards and Commissions. Stokes stated that a request has been made of the HRC for the annual Middle School field trip. He asked that Council increase the HRC's budget to meet the request.

Kreeger asked whether other funding sources had been tapped.

Stokes stated that he would receive that information later in the week, since the HRC will meet again on December 6th.

Stokes asked for a reallocation of funds to the HRC.

Council discussed the matter, conveying that more information was needed before making a decision.

Housh expressed concern that the HRC knows that this is an annual request and that all boards and commissions have been asked to tighten up.

Kreeger asked that the requesting body be asked whether it has approached the Community Foundation first.

Housh MOVED TO TABLE THE DISCUSSION UNTIL DECEMBER 17th. Kreeger SECONDED. The MOTION PASSED 4-1 with MacQueen voting against.

Stokes agreed to bring the matter back at the next meeting with more specific information.

Council Mini-Retreat. Stokes stated his desire that a mini-retreat be scheduled.

Kreeger asked that the second longer retreat be scheduled at the same time.

Nominations. Kreeger NOMINATED Saul Greenburg for a second term on the ESC. Housh SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Kreeger NOMINATED Cheryl Durgans for a term on the ACC. MacQueen SECONDED, and the MOTION PASSED 5-0 on a voice vote.

MANAGER'S REPORT

Bates reported on the following:

Public Works crews will be picking up limbs from the recent ice storm on December 6th and 7th. Limbs must be cut into manageable pieces (around 5-feet long) and placed at the curb no later than this Wednesday, December 5th, as crews will make only one pass through the Village.

Gray's Tree Service is still trimming trees around Village electric lines.

Precision Concrete is grinding down sidewalk trip hazards in the downtown area.

New walk-in office hours at the Planning & Zoning Office are Monday-Friday, 10 AM to 2 PM. Other hours by appointment.

A reminder that Council added December 24th as a holiday for employees, so the offices will be closed that day. The Police Department will be operating, per usual.

Bates noted that Sgt. Josh Knapp provided a report regarding night-time building security. The Village has had issues lately with individuals entering the building and on occasion doing so without being observed by the dispatcher. Bates noted that officers and dispatchers will continue to assist the public in all the ways they do now. The requested change, which would have the doors locked after a particular hour, allows those few employees who work the overnight hours to know who is in the building, where they are and what they are doing. The cost for the locking system is \$7,800 and will be taken from this year's budget.

Council asked a number of questions, with MacQueen commenting that permitting those persons to remain in the Bryan Center rather than accepting a ride to a shelter perpetuates the problem.

Bates assured those present that emergencies are and will be promptly addressed as they currently are.

Housh commented that individuals be more heartily encouraged to accept a stay in a shelter given that the Bryan Center is not set up to house the homeless.

SOLICITOR’S REPORT

There was no Solicitor’s report.

CLERK’S REPORT

There was no verbal Clerk Report.

FUTURE AGENDA ITEMS

The Clerk presented Council with its options with regard to hearing the upcoming PUD request. This was discussed.

Housh noted that if the process is presented as a three-step process, that this would not hold up Home, Inc’s application process.

Council agreed to the process of first discussing the PUD recommendation from Planning Commission and then bringing an ordinance to the first meeting in January, if that is the result of the decision.

Kreeger expressed concern around Council being able to take in as much public input as possible so that deliberations are fully inclusive.

- Dec. 17: **Second Reading and Public Hearing of Ordinance 2018-50** Approving the 2019 Budget for the Village of Yellow Springs and Declaring an Emergency
Second Reading and Public Hearing of Ordinance 2018-51 Approving Creation of a Fund for the Furtherance of Affordable Housing in the Village of Yellow Springs
Emergency Reading of Ordinance 2018-52 Approving a Supplemental Appropriation for the Third Quarter of 2018
Reading of Resolution 2018-42 Adjusting Village Employee Wage Scales
Consideration of Planning Commission Recommendation re: PUD Proposal
Council End-of Year Review
Council’s 2019 Draft Goals
Housing Advisory Board End-of-Year Review
- Jan. 7: **First Reading of Ordinance 2019-01** Authorizing the Sale During Calendar Year 2018 of Municipally Owned Personal Property which Is Not Needed for Public Use, or Which is Obsolete or Unfit for the Use for which it was Acquired, by Internet Auction, Pursuant to Ohio Revised Code Section 721.15(D)
Transient Guest Lodging Discussion
Report on Scenario-Based Training
ESC Annual Report
ACC Annual report
- Jan. 21: Charter Review Discussion

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

At 10:17pm, MacQueen MOVED and Sanford 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