

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

In Council Chambers @ 6:00 P.M.

Monday, January 22, 2019

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 6:02pm.

ROLL CALL

Present were President Housh, Vice President Marianne MacQueen and Council members Kevin Stokes and Lisa Kreeger and Kineta Sanford. Also present were Village Manager Patti Bates and Solicitor Chris Conard.

EXECUTIVE SESSION

MacQueen MOVED and Kreeger SECONDED a MOTION TO ENTER EXECUTIVE SESSION for Discussion of the Potential Discipline of a Public Employee and the Potential Sale of Real Estate. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 7:00pm, MacQueen MOVED and Stokes SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

SWEARINGS-IN

The following Commission members were sworn in by President Housh:

ACC: Cheryl Durgans; Ara Beal

ESC: Saul Greenburg; Henry Myers

Planning Commission: AJ Williams; Dino Pallotta

ANNOUNCEMENTS

Housh thanked all who participated in the MLK Day Celebrations in the Village.

Housh thanked Village crews for quick restoration of power, and fast and efficient snow removal. He thanked dispatchers for excellent work.

Housh noted that the first YS Schools speech & debate tournament - the Yellow Springs Fearless Forensic Festival - will be held at both school buildings on Saturday, January 26 and encouraged spectators.

CONSENT AGENDA (7:10)

1. Minutes of December 17, 2018 Regular Meeting
2. Minutes of December 19, 2018 Special Council Meeting: Retreat
3. Minutes of January 7, 2019 Regular Meeting

MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE. The MOTION PASSED ON A 5-0 VOICE VOTE.

REVIEW OF AGENDA

Letters from Environmental Commission and from Conor Stratton were added to New Business.

Financial Investment Strategy was tentatively added to New Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Emily Seibel re: Responses to Senior Housing PUD Questions

Steven Conn re: Objection to Senior Housing PUD

Senior Housing Working Group re: Thank You

Conor Stratton re: Springsfest Request

Taki Manolakos re: Support for WSU Faculty Strike

Environmental Commission re: Vernay Clean Up

MacQueen noted receipt of 20 letters in support of Officer Meister, which will officially appear in the February 4th packet.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2019-02 Rezoning Ten Parcels of Village Land Currently Located in the R-B District to Planned Unit Development (PUD). Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates noted that passage of the ordinance will re-zone the land in question to pave the way for Home, Inc./St. Marys to apply for a grant to build the proposed low-income senior housing unit. She advised that 30 days will need to pass before the ordinance goes into effect.

Housh OPENED THE PUBLIC HEARING.

Hans Jacobson commented that he lives in the area that would be affected by the building. He stated his concern that Council views “zoning as a barrier to be overcome” rather than as a protection to residents. Jacobson opined that the neighborhood is evolving on its own, with five single family homes having been built in the years since the clinic was torn down on that same block.

Jacobson commented that Planning Commission had not approved the PUD, and alleged that the PUD was driven by funding considerations rather than need. Jacobson stated that what should be built is not simply what can be built, but what is needed.

Loren Miller questioned that “due diligence” had occurred, opining that Council has pushed the matter through in an effort to assist Home, Inc in making its grant deadline. She argued that the building is grossly out of scale with the neighborhood. Miller questioned the education provided, and reiterated the argument that the process is being pushed by the funding deadline. Miller asserted that zoning laws had been changed in recent years to benefit Home, Inc., and implied that the matter passed only because several Council members supported the effort.

Judith Hempfling spoke in favor of the project, stating that the PUD process is “for anyone who wants to use it.”

Sharon Mohler spoke in favor of the project.

Christine Roberts stated that the building is a better use of resources in terms of environmental concerns.

MacQueen responded, stating that the Bowen study did state a need for affordable senior housing. She commented that the “teams” (St. Marys and National Church Rentals) are “one of the best in the state and probably the country”.

Kreeger commented that she lives in proximity to the proposed structure. She stated that her primary concern is to assure that Village infrastructure is adequate to support the proposal and that any work necessary is within the Village’s budget. She agreed with MacQueen’s assessment of the project team.

Housh noted that Planning Commission’s role is different than that of Council, and that it is appropriate for Council to overturn a PC decision on occasion. He commented that unlike Planning Commission, Council has latitude to consider factors outside of the zoning code, such as Village goals or pressing community concerns. Housh noted that the process had been extensive and thorough, but that that depth may not be readily apparent during a final reading following the entire process.

Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE, with Sanford recusing for reasons of conflict of interest.

First Reading of Ordinance 2019-03 Repealing Section 290.01 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 290.01 “Court Night”. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

The Clerk explained that the ordinance simply changes the times stated as official for “Court Night” to the time and day that court has been held for many years.

Housh declined to call a vote.

Reading of Resolution 2019-05 Appointing a Community Advisory Committee to Assist in Selection of a New Village Manager. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh asked that the resolution be read without reference to the names of the chosen participants.

Housh noted that the Citizen Committee is a key piece in achieving a high level of citizen engagement in the search and selection process. He noted that the group will have a few late joiners, and that the group will consist of about 15 members.

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

Reading of Resolution 2019-06 Authorizing Application to the Ohio Department of Natural Resources Clean Ohio Trails Fund for the Yellow Springs-Clifton Connector. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Housh commented that this trail has been discussed for about 40 years, and that finally things have lined up to make this a reality. He made note of many stakeholders and supporters. Housh commented that the obligations noted in the resolution refer to the obligation to spend the grant once it is received, and will not involve any additional taxpayer monies.

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

CITIZEN CONCERNS

Henry Myers advocated for a fund or method for providing forgivable loans to police officers so that they can purchase homes in the village, so that more members of the police force can live locally.

Christine Monroe Beard made a statement regarding her observations and interpretation of the timeline of events with regard to the shooting event which occurred on December 13th. She stated that the Greene County Sheriff was “onsite” when the YSPD officer arrived, according to her observation.

The following citizens spoke in support of Officer Meister. Any deviation from general support or personal reasons for that support are noted. Nearly all speakers alluded to or stated that there is something amiss within the village, the PD or the Village Manager’s office that a disciplinary action is again occurring:

Jeff Reich (opined bullying by other members of the PD and dereliction of duty on the part of the Village Manager)
Carlos Landaboro
Judith Hempfling (opined something in the PD “not going right”)
Sommer McGuire (alleged a campaign against Officer Meister)
Kate Mooneyham (alleged a campaign against Officer Meister)
Jackie Anderson (“something is broken”)
Ken Odiorne (Alleged vendetta against Officer Meister on part of Village Manager)
Jim Walkey
Peggy Koebernick
Sandy King
MJ Gentile (no allegations made, supportive statements only)
Maria Thornton
Sharon Mohler (Meister is only officer “I am not afraid of”)
Amy Magnus
Christine Roberts
Erika Tallet (stated concern that the Livingston shooting was “being used” to discipline Meister)
Loren Miller

Jim Walkey spoke about an upcoming Big Brother/Big Sister information session and encouraged involvement.

MacQueen commented that there is no question that all present “trust and love” Officer Meister. She urged that citizens understand that they have limited information regarding the facts. MacQueen vehemently dismissed the idea of a vendetta. She commented that the Village Manager has had her tires punctured three times since the discipline, and that this is inappropriate. She asked why the Village Manager would ever put herself in such a position if the facts did not warrant it, and asked that citizens allow time for the process to unfold.

MacQueen acknowledged that there is a current lack of trust in the PD, and acknowledged that something needs to be done to improve that situation.

Stokes appreciated the comments made, and opined that officer visibility could be improved.

Kreeger appreciated that comments. She opined that a neutral view and assessment are needed, and stated her trust in the internal discipline process and investigation. Kreeger commented that persons seem convinced that a decision has been made, when this is still a matter in process.

Sanford commented upon the importance of community policing, and commented upon the role of the newly formed Justice System Commission in this effort.

Housh also appreciated the role of citizen comment and action. He commented that there is no doubt that Meister is a caring and compassionate officer. He commented upon the difficulty of discipline in general. Housh stated that there is no “nefarious plot” and nothing political to gain. He iterated that “no Council member has said anything about termination”, and noted that it is not Council’s purview under the Charter to be actively involved in policing. Housh commented that “resolution orientation” is foremost with him.

Conard explained the step by step process in the discipline as laid out in the Personnel Policy Manual. The initiation of an investigation, he said, triggers notice to the employee. Conard stated that an outside agency is completing the investigation. There will then be a pre-disciplinary hearing, which occurs without the Village Manager present. Results of that hearing then go to the Village Manager for a disciplinary decision. There are then other options available to the employee.

Conard noted that the timeline of the shooting depends upon a number of sources and is still being put together.

Stokes commented that a Clark County Deputy is conducting the investigation, and Conard added that a neutral third party will serve as the pre-disciplinary hearing officer.

Sandy King asked for two hitching posts downtown, one near the Dharma Center and one near the Quaker Meeting House. She also asked for a proclamation for “Conscientious Objector Day”.

SPECIAL REPORTS

Treasurer’s Report. Treasurer Rachel McKinley summarized the Village’s investment status, noting three recommendations: Participate in the Ohio online checkbook program; Develop an investment strategy forecast for short-and-long term cash flow needs; Bring in an ethics speaker.

Bates noted that the checkbook program is already in motion, but will take some time to set up, and that an ethics speaker from the Attorney General’s office had been brought in last year and was well received.

OLD BUSINESS

Transient Guest Lodging Discussion. Stokes stated that there may be ways to limit the growth of TGL in certain areas of town, such as the Glass Farm.

MacQueen offered to take the matter to the Housing Advisory Board for formation of a policy statement which could then be brought back to Council or to a special meeting.

Housh expressed agreement with a formalized proposal.

Eric Clark stated that there are many ways that citizens have to make use of their homes, and noted that he views home rental as a business practice, and that he dislikes the idea of Council limiting how he is able to run his business. Clark stated that any real harm to the village housing situation would need to be proven to him. He commented that there is nothing that requires him as a homeowner to provide long term rental. Clark asked that renters of property be included in any decision.

Housh commented that there is a need to balance the support of local residents with out-of-town buyers.

Conor Stratton commented that rental availability in town is dwindling, and characterized the area as “ridiculously unaffordable.”

Mitzie Miller asked that people with a vested interest in the topic be included in the discussion.

Mollie Lunde commented that there are two sides of the equation, and that those are difficult to balance and are both important.

Village Manager Search Update. Housh commented that applications will be accepted until February 15th, and that the in-person interviews of finalists will likely be pushed out to the first week in April.

MacQueen expressed concern that the committee have only one person from the same family.

Budgeting for Boards and Commissions. Housh reported that those commissions interested in providing programming or events should make their requests in the next month to six weeks.

NEW BUSINESS

Candidate Vetting Process. This topic was moved to February 4.

Council 2019 Goals. This topic was moved to February 4.

Update of Investment Policy. This topic was moved to February 4.

Conor Stratton Letter. Stratton had requested an 11pm end time for the Springsfest festival he produces, which is held on Village property. Stratton argued that his financial risk is greater and ability to bring in better known groups if the 10pm end point is adhered-to.

After much discussion, Council agreed to permit Stratton a “test” run, and agreed to permit an 11pm end point for this year’s Springsfest. Housh asked that the later end time be clearly announced.

MacQueen MOVED and Kreeger SECONDED a MOTION TO ALLOW SPRINGSFEST TO RUN UNTIL 11PM for 2019. The MOTION PASSED 5-0 ON A VOICE VOTE.

MacQueen asked that Stratton produce a report after the fact with photos and information regarding benefits to the community.

Environmental Commission Letter to Editor. MacQueen asked for Council feedback on the letter. Housh asked that the aspect of safety be reiterated in the closing portion of the letter. MacQueen agreed to add this feature. Council then approved that the letter be sent on to the Yellow Springs News.

MANAGER’S REPORT

Bates stated that the Public Entities Pool has requested removal of the wooden structures at the skate park. This removal will commence next week.

Bates reported out on the Round UP Program, stating that at the end of 2018, the program had \$6,424 and that \$1,018 has been added to date in 2019.

MacQueen commented that the numbers could be higher if the Village used an “opt out” rather than “opt in”.

Kreeger stated that this had been purposeful, given the high utility rates locally.

Bates noted the hiring committee for new officer hiring, which includes qualified citizens.

CLERK’S REPORT

There was no oral report presented.

BOARD AND COMMISSION REPORTS

Sanford made note of the JSC launch plan, stressing that they are being very purposeful in interviewing past members of the JSTF and creating a matrix of needed skills for the JSC.

FUTURE AGENDA ITEMS

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| Feb. 4: | Second Reading and Public Hearing of Ordinance 2019-03 Repealing Section 290.01 of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 290.01 “Court Night”
Reading of Resolution 2019-04 Authorizing the Village Manager to Enter into an Exclusive Lease Agreement with SBA Properties, LLC.
Council 2019 Goals
Zoning Administrator Request for Consideration of Preliminary PUD Plan on Less than Five Acres
Charter Review Discussion
Proposal for Community Engagement Process for Village Manager Search
Public Works End of Year Report (Burns: 10 min.)
Finance End of Year Report (Harris: 5 min.)
Planning and Zoning End of Year Report (Doden: 5 min.)
EC Annual Report |
| Feb.19: | ESC Annual Report
ACC Annual report
Progressing Toward a Culture of Health: Sharon Sherlock/Cindy Sieck |
| March 4: | Announcement of Final Village Manager Candidates |
| April 1: | |
| April 15: | Village Manager Announcement and Transition Plan |

ADJOURNMENT

At 10:09pm, Kreeger 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