

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

In Council Chambers @ 6:00 P.M.

Monday, February 4, 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. The Solicitor was present.

At 7:01pm, MacQueen MOVED and Sanford SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ANNOUNCEMENTS

Tim Baum provided information regarding the utility Round Up program.

Housh bid a Happy Birthday to Johnnie Burns and Mike Neal. He noted February 19th, Tuesday, as Council's next meeting (see Future Agenda for change to February 18th). Housh noted Saturday, February 9th a Euchre fundraiser for Village schools will be held at the YS Brewery.

CONSENT AGENDA (7:10)

1. Minutes of January 19, 2019 Special Meeting: Retreat
2. Minutes of January 22, 2019 Regular Meeting

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

REVIEW OF AGENDA

Kreeger added discussion of a Police Department organizational assessment to Old Business.

MacQueen added a nomination to New Business.

Special Reports were moved up to follow Legislation.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Regarding Dave Meister:

Kate Anderson; Heidi Brown; Virginia Caudill; Eric Clark; Kay Curley; Dan Duffee;
Linda Fisher; MJ Gentile; Erin Hankie; Victoria Hennessey; Jon Hudson, Peggy Koebernick;
Leslie Lippert; Carlos Landaburu; Sommer McGuire; Sharon Mohler; Kate Mooneyham;
Pan Reich; Laura Skidmore; Maxine Skuba; Thaddene Triplett
Village Manager re: Utility Round Up Program

PUBLIC HEARINGS/LEGISLATION

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". MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

The Clerk explained that the change simply codifies the practice that has been in place for at least nine years so that the ordinance will now accurately reflect the time and day that Mayor's Court is held.

Housh OPENED THE PUBLIC HEARING.

There being no public comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

Reading of Resolution 2019-04 Authorizing the Village Manager to Enter into an Exclusive Lease Agreement with SBA Properties, LLC. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh referenced an email from Thor Sage and asked that more information be gotten from Springs Net before Council passes the resolution, given that that group has just received the information.

MacQueen stated that she did not know what could be put on the tower, and how would one know what could be placed on the tower in the coming years.

Bates stated that it would only be FCC approved communications equipment, but that the exact nature of the equipment would change over time.

Stokes MOVED TO TABLE the resolution. Kreeger SECONDED, and the MOTION PASSED 5-0 on a voice vote.

The resolution will be brought back for February 18th.

SPECIAL REPORTS

Public Works End of Year Report. Burns reported out on the year's activities.

Finance End of Year Report. Harris presented her overview, with the bottom line being that the Village ended 2018 with a balanced budget.

Environmental Commission Annual Report. Tom Dietrich presented the EC end of year report, including the group's 2019 goals.

CITIZEN CONCERNS

Prior to hearing from citizens, Housh made a statement, noting that he would strictly enforce the "no clapping" rule so that all can hear and not feel intimidated.

Housh clarified facts. He asked Bates to clarify Officer Rafoul's status. She stated that he had served at Summit Behavioral Health prior to coming to the Village. That position was assisting in patient control, and while the job was titled as "officer", it was not analogous to a road patrol position. Bates stated that Rafoul's first job as a road patrol officer is with the Village, and that he has now been in the position for nearly ten months.

Housh noted that the issue of securing the scene on the night of the shooting, December 13th, 2018, has been paramount, and that Rafoul's relative lack of experience as the sole responding officer is therefore highly relevant.

Housh then read excerpts from the much-referenced Policy 342, commenting that it has been "cherry-picked", which has resulted in misunderstanding. He noted the difference between initiating law enforcement action and responding to a call.

Housh then read a section referencing a sworn officer's need to "take reasonable action to minimize an imminent threat". This is a safe community where shots fired are extremely rare, Housh said, and to state that responding to this call was optional is a misapplication.

Housh then asked Kreeger to introduce her YSPD assessment proposal, noting that the Charter clearly allows for Council to assess departments for the purpose of improvement.

Kreeger noted her request for an organizational assessment of the YSPD, which was put in the budget. Kreeger pointed to a "systemic issue" within the PD which she asserted needs to be examined. She characterized a "terrible breakdown of trust" between Council, Police, Administration and Citizens.

MacQueen referenced the power dynamic in policing that brings the issue "to the top" in terms of provision of services, for which, she stated, Council is responsible.

MacQueen stated that "we have a problem in our community, at least with a very vocal segment of the community, a breakdown of trust." She commented that the trust issue needs to be examined, and that they will move the issue forward.

Nancy Lewis asserted that the Village Manager should not supervise the Chief, since she "is not an expert on policing". Lewis stated that she was told that "the Village Manager should not initiate any investigations into the police unless requested to do so by the Chief, and cannot then do so without Council approval."

Bates stated that she does have the ability to initiate investigations without Council approval.

Lewis then attempted to get Council to respond to her individually.

MacQueen stated that any breach of a code of conduct should be investigated.

Lewis stated that maybe other officers resent Meister because “he is the best officer we have.”

Carlos Landaburu expressed his support of Officer Meister, and asked that positive information be placed in his file. He then expressed concern regarding the SBC lease buyout.

Nancy Lewis asked for clarification as to whether the Village Manager needs to receive permission of Council before initiating an investigation.

Housh stated that this information would be provided in the next packet.

Zoning Administrator Request for Consideration of Preliminary PUD Plan on Less than Five Acres. Swinger introduced the topic as follows:

The applicants, Jessica Yamamoto and Antonio Molina, seek to redevelop property currently zoned I-1, Industrial Mixed-Use (Exhibit A) by rezoning to Planned Unit Development (PUD). Because the property, known as Millworks and located at 305 North Walnut Street, is less than five acres, staff is seeking permission from Council that the potential redevelopment will not be denied based upon the site being less than the minimum site size of five (5) acres.

The plan, as currently presented, will add new structures on the one acre lot for a hostel and for artist studios with residences above. The expansion of the tap room and manufacturing for the Yellow Springs Brewery, along with other proposed uses for the site, will be held within the existing buildings.

Council’s vote on this matter today is not a vote to approve the rezoning of a PUD at Millworks since the PUD application has not been subject to the processes set forth in Chapter 1254 of the Yellow Springs Codified Ordinances. The Council vote today is only an expression of Council’s willingness to consider the property owners application for PUD rezoning on a site containing less acreage than required under the zoning code.

If Council approves, the Planning Commission will consider the preliminary PUD application for this two parcel, 3.9974 acre site.

Stokes received confirmation that the owners will need to list all potential uses in their application, and that will then be reviewed.

Swinger noted that nearly all of the requested uses—the exceptions being the artist studios and the hostel—can be accomplished through I-1 zoning.

Housh asked that access to the Little Miami Scenic Trail be looked at for ease of access to and from the bike trail.

Swinger noted that the owners will be creating a more visible second entrance/exit off of Fairfield Pike.

Stokes commented that the proposal brings various entities together, which he views positively.

MacQueen MOVED to PERMIT PLANNING COMMISSION TO PROCEED WITH HEARING OF THE PUD REQUEST. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Jessica Yamamoto thanked Council, commenting that it is their intent to create connections with both the bike path and the downtown areas.

Planning and Zoning End of Year Report. Swinger reported out on Planning Commission activities for 2018 and offered statistics for the Office of Planning and Zoning for 2018, noting that the upswing in activity has not abated.

OLD BUSINESS

Council Goals. Council discussed goals, with several additions made.

Bates asked that the Comprehensive Land Use Plan rewrite be projected for completion in 2020 rather than 2019.

Council discussed the community engagement portion of goals. Housh suggested that rather than asking for input on the goals themselves, that input be requested for the actions associated with the goals.

There was discussion as to the best format to use for the boxes which are used to collect paper commentary.

After discussion, Council asked the Clerk to simplify the goals for easier access and so that that document could be used as a survey tool. The goal in soliciting feedback was determined to be that of gathering suggestions which may have been missed regarding accomplishment of the goal.

Nancy Lewis asked why there is no dialogue between Council and Citizens.

MacQueen suggested work sessions as a possibility for engendering greater dialogue.

Housh responded that Council members are readily available to citizens, but that a formal meeting does not lend itself to that type of exchange. He commented that in the past, Work Sessions and Goals sessions have not been well attended.

The Clerk agreed to create a document for Council members and send it to them for feedback.

Bates agreed to put out survey boxes, and Housh agreed to work up a format for the surveys.

Village Investment Policy. Kreeger addressed the topic, noting that the top three foci are safety, liquidity and return on investment, in that order. Kreeger stated that management of investments would, if the measure is passed, move authority from the person of the Treasurer to the Investment Committee as a whole, with at least one Council member as a participant on that committee.

Housh asked for a resolution amending the current Investment Policy be brought to the February 18th Council meeting.

NEW BUSINESS

Candidate Vetting Process. Sanford stated that she is working on a weighted rubric for review by the Village Manager Search Committee. The rubric will use a 0-3 scale, she stated.

The committee will work on the rubric and the rubric will then return to Council for approval.

Proposal for Community Engagement Process for Village Manager Search. MacQueen suggested that the Village Manager Search Committee be actively involved in the outreach and engagement process. She stated that she will attend the first meeting of the committee to raise this idea.

Charter Review Discussion. Housh commented that this is not being contemplated as a full on Charter review, but more as a potential tweak to the document.

Kreeger noted three items she had initially identified: The Treasurer position as defined in the Charter; the two year term limit for the Mayor, and Vote 16.

Kreeger opined that the two year term is too short for the Mayor in her opinion, but she understands why the term is currently limited.

Housh stated that Vote 16 is an initiative to lower the voting age locally to 16 for local issues. This started as a local initiative to influence gun control.

The Clerk added a potential change which would bring the quorum for BZA in line with the way it is described in the zoning code.

Kreeger commented that she would seek feedback on the mayor's term from the current mayor.

Housh agreed to work on the Vote 16 matter.

This will return to the first or second meeting in March.

Nomination. MacQueen NOMINATED Mark Ewalt to Environmental Commission. Sanford SECONDED, and the NOMINATION PASSED 5-0 on a voice vote.

MANAGER'S REPORT

Bates reported on the following:

Bates asked that Council pass legislation making charging for more than 4 hours or charging overnight at the Village charging station a citable offense, in order to allow the Police Department to take enforcement action. This violation would be citable to Mayor’s Court and incur a \$20 fine, if found guilty.

Bates noted that the Utility Roundup Program is continuing to accept applications for assistance. There were two applications in January, both approved for the maximum of \$200 assistance and both were able to keep utilities connected because of it.

Bates requested use of the Greene County grant to complete the sidewalk along Yellow Springs-Fairfield Road from Fair Acres to Stafford Street.

Housh asked that this project not be funded through the Greene County Grant, noting that the more sustainable the project the greater the likelihood that the grant will be given again in the future, since grant success is based upon return on investment.

CLERK’S REPORT

The Clerk reported that Clerkbase is now up and running on the yso.com, and that ordinances, resolutions and minutes are now fully word searchable through this system.

FUTURE AGENDA ITEMS

Housh broached the idea of work sessions as a means of increasing citizen participation and engagement. He did caution that these are often ill-attended.

Housh suggested making work sessions a topic for a future discussion.

Kreeger stated that she will have to miss the meeting if it is held on February 19th, and asked whether all would be willing to move the meeting back to the 18th.

- Feb.19: **First Reading of Ordinance 2019-04:** Repealing Section 452.13 “Limited Parking Areas” of the Codified Ordinances of the Village of Yellow Springs and Replacing it with a New Section 452.13 “Limited Parking Areas”
 First Reading of Ordinance 2019-05: Repealing and Replacing Chapter 238.04 Section B (1) “Investment Officers” of Chapter 238 Treasurer of Title Six “Administration” of the Codified Ordinances of the Village of Yellow Springs, Ohio
 Reading of Resolution 2019-04 Authorizing the Village Manager to Enter into an Exclusive Lease Agreement with SBA Properties, LLC.
 ESC Annual Report
 ACC Annual report
 YSPD Assessment Proposal Update
 Transient Guest Lodging Proposal
 Review of Village Manager Vetting Process
 Village Manager Search Update
- March 4: Consideration of Planning Commission Recommendation re: PUD Rezoning Request
 Reading of Resolution 2019-07: Approving Council’s 2019 Village Goals Progressing Toward a Culture of Health: Sharon Sherlock/Cindy Sieck
 Charter Amendment Follow Up
- March 18:
- April 1: Announcement of Village Manager Candidate Finalists
- April 15:
- May 6: Village Manager Announcement and Transition Plan

ADJOURNMENT

At 9:25pm, Stokes 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