

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

In Council Chambers @ 6:00 P.M.

Monday, September 16, 2019

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 6:00pm.

ROLL CALL

Present were President Housh, Vice President Marianne MacQueen and Council members Lisa Kreeger, Kevin Stokes and Kineta Sanford. Also present was Village Manager Josue Salmeron.

EXECUTIVE SESSION

At 6:01, Kreeger MOVED and MacQueen SECONDED a MOTION TO ENTER INTO EXECUTIVE SESSION for the Purpose of Discussion of the Potential Sale of Village Owned Property. Denise Swinger and Johnnie Burns were present for the session.

At 6:59, MacQueen MOVED and Stokes SECONDED a MOTION TO EXIT EXECUTIVE SESSION.

SWEARING IN

Lindsay Burke was sworn in as a full member of the Human Relations Commission.

ANNOUNCEMENTS

MacQueen announced the Comprehensive Land Use Plan Kick Off meeting set for September 25th at 6:30pm.

Patti Bates announced a tentative planting date for the Food Forest of October 13th, and noted that volunteers should contact Macy Reynolds.

Kreeger announced a World House Choir collaboration with DCDC called “Our Planet Our Lives”, and noted a number of dates and venues, all free of charge.

Dr. Greta Mayer, CEO of the Mental Health and Recovery Board for Clark, Greene & Madison Counties re: Annual Report. Dr. Mayer reported out, noting the types of support offered through the MHRB.

Kreeger noted the Yellow Springs Health Assessment, and asked whether Dr. Mayer could share “45387-specific mental health data” for that report. This collaboration was arranged.

Housh thanked the organizers of YS Porchfest for a successful and fun event.

Housh announced a McKee Group meeting set for September 25th, at which he will present information on the proposed Charter amendments.

Housh announced a Temporary Transportation Project meeting set for September 25th at 9am.

Housh asked the Manager to make the parking donation boxes more visible.

Kreeger stated that ESC members want to interview residents of the village who have businesses outside of the village. Contact the Clerk.

MINUTES

1. Minutes of September 2, 2019 Regular Session

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

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Patti Bates re: Support of Opt-In for URUP Program

Lisa Kreeger re: World House Choir Concerts

Arts and Culture Commission re: VIDA Award Photo
Judith Hempfling re: Miguel Espinosa Traffic Stop
Emily Seibel re: Home, Inc. Newsletter
Kineta Sanford re: Article on Rental Affordability
Brian Housh re: Friends Care Center 50th Celebration Photo
Elise Burns re: Mayors Court Eligible Charges and Report

PUBLIC HEARINGS/LEGISLATION

Third Reading and Public Hearing of Ordinance 2019-31 Repealing and Replacing Section 1064.02--Rates, Admissions and Season Hours of Chapter 1064--Municipal Swimming Pool of Part Ten--Streets, Utilities and Public Services of the Codified Ordinances of the Village of Yellow Springs, Ohio. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Megan Bachman of the Yellow Springs News thanked Council for taking the time to work through the issues for the pool fee increase before passing the ordinance.

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

Reading of Resolution 2019-41 Supporting Access Improvements Proposed for Glen Helen by the Glen Helen Ecology Institute of Antioch College. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Nick Boutis, Glen Helen Director, noted that the Glen is applying to the Clean Ohio Conservation Fund to restore accessibility to a previously protected property. He noted the need to demonstrate local support, hence the resolution.

Housh thanked Boutis for his support with development of the Yellow Springs/Clifton Connector, noting that both efforts are in support of increased access to natural areas.

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

Reading of Resolution 2019-42 Accepting 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.

The Clerk explained that this resolution certifies the amounts and rates submitted to the Auditor by the Village, and that the Finance Director has checked the resolution and found it correct. Once Council passes the resolution, she noted, the signed legislation goes back to the County Auditor, thus guaranteeing approval of the tax rates, per levy, for 2020.

MacQueen noted that the form provided by the County Auditor lists all Council members as “Mr.”.

The Clerk responded that the Village complains annually and is annually ignored.

Housh reminded all of the upcoming levy renewal and the need for education around this measure.

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

SPECIAL REPORTS

Ron Lewis, Greene County Prosecutor: Discussion re: Law Enforcement and Prosecution of Misdemeanor Crimes in Yellow Springs. Lewis explained which crimes are not appropriate to send to Mayors Court and why.

As primary indicators of a non-eligible crime, Lewis noted any crime which might involve a protection order, any crime eligible for enhancement, and any crime in which a victim is eligible for a victim advocate. The Yellow Springs Mayor’s Court can provide none of these protections or services, which have Ohio Revised Code mandated parameters, he said, and therefore these cases cannot be heard.

Lewis pointed out that the Mayor does not go through the required colloquy when advising a defendant who is entering a plea.

Lewis addressed victim’s rights, which are provided through Greene County and would not be provided through Yellow Springs Mayor’s Court.

Lewis noted that while Mayor’s Court could handle a first offense DUI, he strongly recommended that it not do so since it is not a court of record and since that court has no access to assistance or rehabilitation programs. It is important to enhance DUI’s he said, which is not possible through Mayor’s Court.

Lewis noted that with regard to jailable offences, if an officer cites under the Ohio Revised Code (ORC), the state covers the cost of the jail stay; if an officer cites under a Village ordinance, the Village is responsible for the cost of the jail stay. For Mayor’s Court to hear the case, the offense needs to be written under Village ordinances.

Lewis commented that all traffic offenses, non-jailable offenses and Village-specific offenses are appropriately directed to Mayor’s Court.

Housh asked whether Mayor’s Court could become a court of record and was told no, but that the Mayor’s Court could hire a prosecutor.

MacQueen referenced the Espinosa incident, and asked about that series of events.

Lewis explained that in that instance, that individual had a detainer in place, and a warrant was triggered through an automatic notification system when his fingerprints were run at Greene County.

Megan Bachman clarified that Greene County did not contact ICE in this incident, the fingerprint entered a database to which ICE had access.

Lewis stressed that Greene County would not contact ICE, that this is not any part of the process.

Housh asked for more information on “second offence enhancement” for the next meeting.

The Mayor noted that over 90% of the cases coming to Mayor’s Court are traffic-related. She stated that criminal cases heard are minor. She then commented that the reason that OVI cases go to Xenia with her blessing is that the Village cannot provide the same kinds of resources.

Matt Kirk opined that the original charge in the Espinosa case was “the crime of being poor,” and asked that more warnings be given.

CITIZEN CONCERNS

Dan Carrigan stated his lack of support for the Walnut Street Short Street “experiment”. He argued that there is no real problem based upon his own observation. He commented that any problem lasts for 15 minutes in the morning and 15 minutes in the afternoon.

The Village Manager asked Carrigan for clarification as to whether the problem is this particular project or the entire ATP.

Carrigan responded that it was both.

Housh responded that the ATP was funded by grant funds, and that the process the ATP committee used to identify and vet priority projects was inclusive and thorough, and that the Mills Lawn project had risen to the top.

Housh commented that the ATP is “a work in progress”, that state funds are available for projects but that there are no funds available when there is no plan to present.

Housh stressed that the Walnut/Short Streets project is temporary at present, and that the project will gather feedback which will be used going forward.

Matt Kirk noted that the problem with the bottleneck in the morning and afternoon is because there is no drop off point. He suggested that the parking in front of the school be made no parking from 7-9am and used as a drop off point. He suggested further that the Chief situate on the opposite side of the street to gather children for crossing.

Kirk stated that in making Walnut a one-way street “you are basically inconveniencing the entire south end of town”. He commented that a safer drop off can be achieved through his suggested method without creating an inconvenience.

OLD BUSINESS

Draft Policing Assessment Feedback and Next Steps. Kreeger introduced the topic, noting that the work product is now final. Kreeger stressed the notion that the assessment is a snapshot in time,

and that much is in process or may have changed. It would be advantageous to have comment from Council, staff and citizens become part of the document moving forward.

MacQueen relayed disappointment that the report took as much time as it did. She asked whether the recommendations make sense for a department of this size, and asked that evidence be provided to support this.

Stokes wondered whether the specialties noted in the report are in fact feasible for a department of this size and in general what is a good practice for this department specifically, not a “best practice” in the general sense. Stokes also questioned the affordability of some of the suggestions.

Regarding next steps, MacQueen asked that Council members write up their thoughts and submit them to the Village Manager.

Salmeron noted that some of the suggestions are not useful, but that those which are should be vetted for implementation. He noted the need to assure that resources are in alignment, and that some of that can take place during the budget meetings on September 27 and 28.

Salmeron noted the possibility of a follow up community forum on the topic, and said that he would bring such a proposal to the October 7th meeting.

MacQueen suggested that the Village Manager develop a draft strategic plan with regard to policing initiatives.

Salmeron commented that a social media discussion is set up for next week, and that he is trying to respond to concerns on various social media platforms to facilitate interaction with a variety of stakeholders.

Housh commented that prioritization should occur, particularly around the “low hanging fruit”. He stressed that those activities with the highest level impact should be prioritized.

Sanford received information that Council should have their feedback in to Salmeron or the Clerk by September 27th.

Matt Kirk commented that officers demonstrating service is the best way to make inroads in the community. Kirk suggested more use of bicycles and walking patrols.

John Hempfling commented that in order to credibly address concerns, there has to be a “deep knowledge of the historical issues.”

Bachman pointed out the lack of historical context in the report. Bachman further commented that she and the Chief have been meeting to go over current issues, and sees that as a significant improvement. She noted the high level of Law Enforcement engagement in the community forum on Policing, and expressed hope that officers would be encouraged to continue to participate in community events while not on duty.

Improving Board and Commission Effectiveness. Kreeger noted that there are several proposed commissions, and thought that this, then, would be a good time to evaluate whether all such entities are functioning optimally.

Kreeger asked for input from those present.

MacQueen commented that while she values the group process, she also sees the value in providing some forum for anonymous responses.

Housh asked that commission members receive the goals report in full along with the evaluation form.

Timing and process were discussed.

Housh asked about Planning Commission in the process, commenting that that body should also participate.

Kreeger stated that she will revise the form and send it to the Clerk.

The use of Survey Monkey was discussed in terms of usefulness to the process.

John Hempfling commented that he did not believe that comment could be anonymized through the Clerk without either violating open records law or not being anonymous.

The Clerk asserted that she would be able to anonymize comment, which could be subject to open records inquiry, but not a likely target.

Implementing Justice System Goals/JSC Status. Housh introduced the topic, noting the small number of interested applicants to that commission and his concern regarding Council's capacity to lead the group.

Housh suggested a Manager's Advisory Board, arguing that he would prefer not to have to wait for a new Council to be seated before implementing the commission.

Salmeron noted the importance of an advisory group to implementing the suggestions made in the Policing Assessment.

Kreeger commented that one recommendation made in the report was that the Village have an advisory group as well as a complaint board. Work on researching the parameters for a complaint board has already taken place.

Housh responded that one of the tasks of the Manager's Advisory Board could be to sort through some of the work that has already been done and look at how best to address it.

Kreeger stated her willingness to be involved in the complaint process.

Housh stated that he is willing to be a Council rep on an Advisory Board, but not to serve as a liaison to a commission.

Kreeger commented that she might be willing to serve on the JSC if she were able to drop off of another board or commission.

Bachman asked why a Manager's Advisory Board and not a commission, questioning the commitment to sunshine law and the transparency advised in the policing report.

Housh stated that he would have no opposition to transparency in terms of following open meetings law and minute-taking. He commented that the commitment needed to get a new commission off the ground and running on the impetus of volunteers is involved and time consuming.

Kreeger commented that it would be instructive to try to find out why there was so little interest in the commission.

Sanford commented that the lack of applications has had a chilling effect, and that she would like to know what hesitations people have had.

Sanford commented that perhaps information gathered in this regard can help with restructuring board and commissions.

Hempfling opined that there would be a credibility issue with having a Manager's Advisory Board as opposed to a commission.

MacQueen stated her understanding that citizens would comment upon both options and that Council would come up with "a draft plan" which would then be brought to a Council meeting for review and further input from citizens.

Kreeger commented that perhaps the policing follow up forum might generate more public interest in the commission, opining that work on the commission should just keep pressing forward.

Housh remarked that this would still fail to address the problem of Council capacity.

Kreeger suggested that this might resolve as elections are brought to a close, and mentioned a possible "soft start" for the commission.

Sanford suggested starting the Manager's Advisory Board and using it as a springboard for both the JSC and for a complaint board.

Stokes noted that the commission does exist since the legislation did pass. He suggested continuing the discussion the policing assessment as a way to continue doing the work needed.

Housh asked that a one-page proposition for the commission be brought forward for the next meeting.

Draft Resolution Supporting House Bill 229. Stokes introduced the draft resolution, noting that the bill the resolution is supporting would make it illegal to discriminate in rental housing based upon lawful income.

Housh asked that a resolution be brought back to the next meeting. He suggested that Stokes ask Rick Perales to co-sponsor the bill to allow more traction with republicans.

Active Transportation Enhancement Committee. Housh lauded the group's work to date, noting that it had been an independent group but should now become a sub-group of Planning Commission.

MacQueen received clarification that the liaison to Planning Commission should serve as the liaison to the ATEC, although Housh stated that he would also be willing to fulfil that role.

Housh noted that Denise Swinger should serve as ex officio on the committee since she provides a formal communication role to the Planning Commission.

NEW BUSINESS

There was no New Business.

MANAGER'S REPORT

Salmeron reported on the following:

The recommendation in the ATP is to create a shared use path on the western side of Walnut Street to help complete an accessible perimeter around Mills Lawn School. The report also recommends to convert Walnut Street to one-way traffic southbound. This change would improve circulation during pick-up and drop-off times.

Village Staff propose to test this recommendation by temporarily converting S. Walnut Street to one-way from Short Street to Limestone St, add pull-in diagonal parking on Walnut Street (net gain of 13 spots, 30 total), traffic must make right turn at Limestone Street off of Walnut.

Staff propose to test an alternative to the ATP recommendation, in which Short Street will be temporarily converted to a one-way lane of travel (westbound) from Xenia Avenue to Walnut Street, using the south lane (lane closest to US Bank) as the travel lane. The right lane will be dedicated to pull-in diagonal parking (net gain of 3 spots, 15 total) and bicycle parking.

Salmeron noted that the time frame for implementation of the temporary project is now mid-October to mid-November, to allow for Street Fair and to communicate fully with residents.

Housh noted a conversation with the manager of US Bank, who has tentatively offered the Village the use of a portion of bank property to use as bicycle parking.

Stokes questioned tying the two experiments—that of Short Street and that of Walnut Street—together, and asked about not including Short Street in the initial project.

Salmeron opined that there is something to gain and money to be saved in trying both at the same time. He expressed that surveys and data collection will need to be effective in able to determine whether one, none or both are successful.

Kreeger noted the need for handicap parking spots, and was reassured that these will be prevalent.

The Investment Committee met to review the performance of the VYS Investment Portfolio, and Investment Policy, to reassess Village investment strategy to ensure the investment management of Village's funds are effective and judicious and fall within the parameters of responsibility and authority granted to the committee by Village Council and the State of Ohio.

The committee proposes to secure the services of Bond Tech, Inc. to assist the committee in the management of funds. The expense is estimated at \$3,600 and is expected to be covered by the additional investment revenue.

Salmeron then reviewed charts he had provided regarding investment revenue and income therefrom.

Housh pointed out that returns are beginning to slow down, which is a key factor in looking to an outside professional.

Kreeger expressed her support for hiring an advisor, and acknowledged the engaged and professional direction from Finance Director Colleen Harris in the process of reviewing investments and working with financial institutions.

Megan Bachman asked whence the additional cash to invest had derived.

Salmeron responded that previously the Village had kept a great deal of cash in the bank, and that over the last several years the Village, under Council’s direction, has become less conservative in keeping cash on hand, and had been more aggressive about investment.

Housh noted that investment in Star Plus and Star Ohio allows ready access to cash.

Salmeron commented that moving as much cash into investments is a goal, and finding that right amount of cash on hand vs investment is a part of the current strategy.

Council members voiced approval for the plan to hire an investment consultant as presented.

The Village manager and Police Chief met to discuss next steps with regard to the Police Assessment and collect feedback from the Police Department. The Village Manager will continue to solicit feedback from the community on the assessment and will report back to Council at the first October Council meeting.

Bryan Center Parking Lot: Lot expanded with capacity of 26 more parking spaces; improvements planned for the recreational space.

Salmeron noted budget sessions set for September 27 and 28.

Salmeron complimented Johnnie Burns on receipt of the Operator Meritorious award in the Distribution category, received from the AWWA.

Salmeron noted that he is continuing to work with the team regarding a solution to the reported congestion on North Walnut Street. A more detailed response will be provided in the October meeting.

CLERK’S REPORT

There was no Clerk Report.

BOARD AND COMMISSION REPORTS

MacQueen commented on a recent PC meeting, noting that a recent hearing had revealed that neighbors clearly struggle to communicate problems with one another, and suggested that she would discuss strategies with Village Mediation. She noted the need to stay abreast of current law in addressing conditional uses.

MacQueen opined that the current zoning code does not mesh with the needs of a community land trust model for housing, stating that it needs to do so.

Salmeron shared information on the Utility Round Up, noting that participation is continuing to increase. He noted three approved applications for assistance, and an upcoming Thirsty Thursday. “We’re bringing in more than we’re spending at present,” he stated.

Salmeron asked about the proposed Village sign. Council asked for a mock-up to be circulated so that they could make a final decision.

Burns noted that his sign builder has only a small window in which to complete the sign.

Burns agreed to send a mock up out for Council comment for a quick turn around.

FUTURE AGENDA ITEMS

- Sept. 27: Council Special Meeting: Budget-12-4pm
- Sept. 28: Council Special Meeting: Budget-8:30am-12:30pm
- Oct. 7: YS Health Assessment Results Presentation
 - First Reading of Ordinance 2019-34 re: Revolving Loan Fund**
 - Resolution Supporting House Bill 229
 - Police Department Priority List
 - Justice System Commission Recommendation
 - Recommendation for Board and Commission Assessment
 - Proposal for Active Transportation Committee
- Oct. 21: Draft 2020 Village Budget
 - Second Reading and Public Hearing of Ordinance 2019-34 re: Revolving Loan Fund**

- Nov. 4: First Reading of Ordinance Approving the 2020 Budget for the Village of Yellow Springs
- Nov. 18: Second Reading and Public Hearing of Ordinance Approving the 2020 Budget for the Village of Yellow Springs

ADJOURNMENT

At 10:06pm, 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