

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

In Council Chambers @ 6:00 P.M.

Monday, December 7, 2015

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 6:00 p.m.

ROLL CALL

Present were Wintrow, Vice President Lori Askeland, Gerald Simms, Brian Housh and Marianne MacQueen. Village Manager Patti Bates was present, as were Assistant Village Manager Melissa Vanzant and Village Solicitor Chris Conard. Police Chief Dave Hale arrived following the Executive Session.

EXECUTIVE SESSION

At 6:02 p.m., Simms MOVED to ENTER EXECUTIVE SESSION for the Purpose of Discussion of the Village Manager's Annual Review. Housh SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 6:32 p.m., Simms MOVED and Housh SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ANNOUNCEMENTS

Housh announced that the YS Schools Superintendent Mario Basora is very pleased at the resumption of morning police officer assistance at Mills Lawn School.

Housh noted that Miss Morgan's third grade class has been interviewing Village officials as a part of their project, and noted that they may be bringing a resolution to Council in the near future.

Wintrow noted that it was Pearl Harbor Day, commenting that her Father-in-Law is a survivor of that event.

Wintrow gave a plug for the new Chamber Holiday Shopping bags that are on sale in town and include a number of coupons.

Bates announced that "Autism ID Cards" are now available from the Police Department, and can be obtained by anyone wishing to be thus identified in the event of a stop by a police officer.

Wintrow announced the upcoming Holiday Fest with a number of events at Mills Lawn on Saturday, December 12 and an event that evening at the Arts Council. She thanked the Electric Crew for getting all the lights up early.

CONSENT AGENDA

1. Minutes of October 29, 2015 Special Council Meeting/Work Session
2. Minutes of November 16, 2015 Regular Meeting

MacQueen MOVED and Housh SECONDED a MOTION TO APPROVE THE CONSENT AGENDA ITEMS. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

AGENDA REVIEW

Wintrow added Pete Williams from the Greene County Department of Development to New Business.

PETITIONS AND COMMUNICATIONS

Askeland reviewed petitions and communications.

On Line Only:

Mayor's Monthly Report
NAMI re: Family to Family
Hergeshimers re: Thank You to Village Crew

Hard Copy:

Al Schlueter re: ACE Task Force
Julius Eason re: ACE Task Force
Erin Burke re: ACE Task Force
Franklin Halley, MD re: ACE Task Force Follow Up
Joyce Robinson re: ACE Task Force
Sue Abendroth re: ACE Task Force
Karen Wintrow re: Information on Heroin Epidemic
Family Solutions re: Services in YS Schools
Next Century Cities re: Lifeline Program (Housh explained this proposal and stated that he has networked with the group successfully and continues to do so.)

GCCHD re: Mosquito Information

PUBLIC HEARINGS/LEGISLATION

Emergency Reading of Ordinance 2015-18 Approving Supplemental Appropriations for the Fourth Quarter of 2015 and Declaring an Emergency. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Vanzant explained the Ordinance, reviewing the accompanying document by fund to explain each of the changes.

Housh sought clarification regarding the funds for the HRC Miller Fellow, and this was explained by Vanzant as an internal process.

Wintrow noted the ordinance as an emergency, which will go into effect immediately, and OPENED A PUBLIC HEARING.

There being no public comment, Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2015-27 Approving the 2016 Budget for the Village of Yellow Springs and Declaring an Emergency. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Vanzant noted that she had provided a worksheet with the budget that lists out all of the changes made in the process of budget review. She read the section totals for the budget.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing Ordinance 2015-28 Repealing Old Section 1282.05 Nonconforming Lots Of Record Of Chapter 1282 Nonconforming Uses, Buildings And Lots Of Title Four Zoning Of Part Twelve Planning And Zoning Of The Codified Ordinances Of The Village Of Yellow Springs, Ohio And Enacting New Section 1282.05 Nonconforming Lots Of Record. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates explained that the existing section on non-conforming lots in the zoning code contains a restriction in the form of interior lot lines. The change suggested allows a property owner to combine contiguous lots for the purpose of building accessory structures, thus allowing for more flexibility.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow 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 2015-29 Repealing Old Section 1260.04 Uses Of Chapter 1260 General Provisions Of Title Four Zoning Of Part Twelve Planning And Zoning Of The Codified Ordinances Of The Village Of Yellow Springs, Ohio And Enacting New Section 1260.04 Uses. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Askeland noted that the ordinance addresses limitations to the size of Accessory Structures.

Bates stated that this ordinance increases the limit for Accessory Structures from 40% of the livable space or a maximum of 750 square feet to 66% of livable space and a maximum of 850 square feet. Bates noted that the hesitation on Council's part was that Accessory Dwelling Units were not included in the change.

Bates noted that because the latter was never publically noticed, Council would have to return the ordinance to Planning Commission for that addition or could pass the ordinance and request that PC later present a recommendation to add Accessory Dwelling units.

MacQueen stated that she would not support the ordinance without the addition.

Wintrow agreed, stating that the Village has so many accessory structures that have been converted to accessory dwelling units that the two ordinances should be consistent.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION FAILED 5-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2015-30 Repealing Old Section 1266.05 Permitted Signs Of Chapter 1266 Signs Of Title Four Zoning Of Part Twelve Planning And Zoning Of The Codified Ordinances Of The Village Of Yellow Springs, Ohio And Enacting New Section 1266.05 Permitted Signs. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained that the change is the inclusion of "residential" in the sign section.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow 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 2015-31 Repealing Old Section 1262.08 Specific Requirements Of Chapter 1262 Conditional Use Requirements Of Title Four Zoning Of Part Twelve Planning And Zoning Of The Codified Ordinances Of The Village Of Yellow Springs, Ohio And Enacting New Section 1262.08 Specific Requirements. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained that this ordinance adds Home Occupations as a Conditional Use in all three residential zones. The change was suggested because Planning Commission believed the exclusion of Home Occupations from the R-C district was simply an oversight in the code.

Askeland commented that the change in size requirements for ADUs needs to be changed in the ordinance to be consistent with the changes made in ordinance 2015-28.

Wintrow OPENED THE PUBLIC HEARING. There being no comment, Wintrow CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION FAILED 5-0 ON A ROLL CALL VOTE.

First Reading of Ordinance 2015-32 Extending Yellow Springs Police Powers to Village-Owned Properties Located Outside the Village Limits. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates stated that this ordinance permits the Yellow Springs Police Department (YSPD) the authority to enforce the law on the three Village properties that are located outside of the Village limits, those being Ellis Park, the Water Plant and Sutton Farm.

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

First Reading of Ordinance 2015-33 Raising the Discretionary Spending Limit of the Village Manager to \$30,000.00. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow explained that the ordinance will increase the Village Manager's spending discretion from \$15,000.00 to \$30,000.00 without having to receive Council approval.

Bates explained that, in any case, she is limited by what is in the budget and has previously been approved by Council, and her expenditure has to be approved by the Finance Director.

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

Reading of Resolution 2015-53 Adjusting the Annual Rate of Pay for the Village Manager. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Wintrow commented upon the process used in evaluating the Village Manager, noting that evaluations were positive. She noted the ease of working with Bates, and her ability to work with staff and citizens respectfully and effectively.

Housh noted positives in Bates's management skills, highlighting that "she is a do-er."

Askeland pointed out Bates's readiness to assign credit to others as well as her responsiveness to citizens' concerns.

Housh noted the thorough nature of the hiring process as key in this successful hire.

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

Reading of Resolution 2015-55 Approving a 2% Cost of Living Adjustment for Village Employees. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates informed Council of the average COLA increases in the surrounding communities (1.5-2.5%). She stated that based upon that information, she and Vanzant recommend a 2% increase for 2016, noting that Vanzant has already worked that figure into the budget.

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

Reading of Resolution 2015-59 Official Question and Issue Ballot-General Election-March 15, 2015 Proposed Tax Levy (Renewal). Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

The Clerk explained that the first resolution (2015-49) had the word "increase" included in the text, and that the Greene County Auditor had caught that language and recommended its removal given that the levy represents a renewal only. There is ample time to file the new resolution with the Auditor and Board of Elections.

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

Reading of Resolution 2015-60 Welcoming Syrian Refugees to the Village of Yellow Springs. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Askeland stated that the resolution is in response to Governor Kasich's rejection of Syrian refugees, which included the Village in its umbrella. She stated that it seemed important to stand in opposition to Kasich's statement.

Wintrow expressed agreement with the sentiment of the resolution.

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

Wintrow asked to introduce New Business in advance of resolution 2015-54, which was expected to generate a fair amount of discussion.

NEW BUSINESS

Pete Williams, Greene County Department of Development. Williams announced that the GCDOD, the Village Manager and the Chamber have been working with a company interested in the purchase of 888 Dayton Street for the purpose of moving its operations to that location.

Williams noted that the company also plans to expand the facility as well to accommodate growth. This would be a \$1.5M expansion of the property, and the prospective buyer, Dayton Mailing Services (DMS), would like to use the Ohio Enterprise Zone tax abatement to assist in achieving this expansion.

Williams stated that the GCDOD is recommending a 75% tax abatement on the new property tax value for a ten-year period. Williams stated that over \$40,000.00 in new tax would be generated, and that the recommendation is to forgive 75% or approximately \$30,000.00 for a ten-year period.

Williams assured Council that the School Board is aware of the situation and is in favor of it, largely because of the increase in revenue to the YS Schools as well as the number of jobs that will be brought into the Village.

Bates noted that the full taxation will still apply to the existing building, and that the abatement would apply only to the new structure.

Wintrow pointed out that given the improvements made to date to 888 Dayton Street and the planned influx of business in that building, the Village and the school system will see a notable increase in tax revenue as well as 25% of the taxes generated by the new structure.

Wintrow expressed excitement that the business is regional and will be hiring locally.

MacQueen expressed concern that the current tenants might have to move at some point.

Wintrow stated that this is not a question that can be addressed at this point in the negotiations, but stated it as a "win-win".

In response to a question from Askeland, Williams stated that there will be positions ranging from skilled to more manual labor, with a salary range of about \$24,000.00 to \$64,000.00/year.

Williams described the company as a printing and design firm that is expanding in to 3-D printing. He described it as a full service company with global business interests.

Wintrow expressed dismay at the lack of enthusiasm from others on Council, pointing out the enormity of the opportunity at hand.

MacQueen made note of her need to investigate the company further and reiterated her concern for existing tenants.

Williams provided further explanation regarding the company, noting that it is a certified minority business enterprise and is woman-owned with a very good track record of service to the community. "This company could go anywhere," Williams stated.

Simms stated that the announcement is a surprise, but sounds like a good breakthrough and vital to the health of our community.

Williams noted that DMS also operates a logistics company and a marketing company associated with DMS.

Housh expressed his support, noting that the YS Schools are thrilled at learning about the potential purchase, even without knowledge of its scope. Housh pointed that the push related to the CBE was to prioritize infill and this, he noted, is exactly that. To Wintrow's comment about lack of enthusiasm, Housh pointed out that the ACE Task Force item on the agenda had put many in a serious mood, emphasizing that DMS moving to the Village is very exciting.

Williams stated that the total investment planned for the Yellow Springs location is \$7.75M. Williams noted that he would need to return to the following meeting for a resolution related to the Enterprise Zone Tax Abatement.

Askeland commented that part of her hesitation lies in her need to research and discuss proposals thoroughly to assure that they are valid.

Williams noted that with an Enterprise Zone, the Greene County Department of Development will track the expectations through yearly reporting, and each year the business must meet the expectations for the abatement to be renewed.

Judith Hempfling spoke from the audience, stating that she wished to dispel the perception of the Village as not being business friendly and commenting that the proposal sounded excellent for the Village.

Reading of Resolution 2015-54 Requesting Withdrawal of the Village from Participation in ACE Task Force. MacQueen MOVED and Simms SECONDED a MOTION TO APPROVE.

Wintrow noted that she would like Council to hear from persons who have not previously spoken.

Wintrow opened the floor.

Linda Rudawski, who works with individuals suffering from mental illness, drug addiction and homelessness, brought information regarding alternatives. She commented that there is limited funding for prevention, given that the success of prevention is not readily calculable. She noted that this is relevant to the argument against the Task Force that there is no easy way to show what the Task Force may have prevented from occurring. Rudawski stated that she is concerned about the Village becoming a soft target. Rudawski stressed the need to support the Police Department in its assessment of its own needs. Rudawski spoke in terms of strengthening support networks for addicts and their recovery.

Rudawski presented research about PAARI, describing the program briefly.

Rudawski described the Angel Initiative Program, which assists those who identify themselves as addicts in need of help by assigning an angel who walks them through each step of the process of entering treatment.

Rudawski explained another model called the Arlington Outreach Initiative, which involves a public health clinician embedded within the police department who can provide that perspective.

Rudawski noted two Ohio police departments who are presently partnering in these programs, one in Lodi and one in Bandon Township. She suggested bringing in surrounding municipalities and counties and gathering information regarding an approach from the resources she has researched and from municipalities in the area who are using the PAARI model.

Rudawski noted the concerns of most citizens and suggested formation of a Public Safety Commission in the Village for the purpose of voicing community concerns, accessing training and strategizing on approaches. Rudawski stressed that support and assistance need to be in place if Council plans to remove what the Police Department sees as important tools.

Any (no last name given) related a personal account of being stopped by a new officer just outside of the Village and she and her companion being coerced and pressured to serve as informants in order to avoid drug charges. The incident, she stated, happened at the end of her Senior year of high school. She urged that Council vote against the Task Force.

Simms stated that over the last two weeks, his eyes have been opened. He stated that the 60 Minutes episode that aired on Sunday night made a significant impact on him. Simms stated that he might still vote against leaving the Task Force, but that his rationale now is different and is based upon his fear that if there is not a Yellow Springs representative at the table, things might get out of control. He stated as well that he did not like to abandon one plan without having another in place. Simms expressed hope that the plan laid out by Rudawski would prove effective.

Wintrow stated that the decision has been one of the most difficult in her time on Council. She related the depth of the research she had engaged in, and referenced her visit to the Task Force with Simms. Wintrow stated that she believes that the members of the Task Force with whom she spoke are sincere in their efforts to improve the health and safety of the community.

Wintrow stated that she has been encouraged by Dr. Halley's efforts through TCN and possibilities for greater impact through that vehicle, perhaps in some of the ways suggested by Rudawski.

Wintrow noted that she had spoken with Superintendent of Schools Mario Basora and High School Principal Tim Krier to assure that she understood the issue from their perspectives.

Wintrow praised Chief Hale's passionate and honest defense of the Task Force as a policing tool in the effort against drug trafficking, stating her understanding of his position. However, she stated, the burden of membership in the Task Force has become emotionally and financially too great.

Wintrow concluded by referencing the 60 Minutes episode about Drug Task Forces, which featured young persons who had been pressured into acting as informants and who, in some cases, had been murdered.

Wintrow opined that the Village should step off of the Task Force, but should continue to collaborate with the Task Force in ongoing investigations with ties to the Village. She expressed confidence in the ability of Yellow Springs officers to work with the Task Force and other agencies to address criminal activities surrounding drug use.

Wintrow referenced the need for education and treatment options, expressing hope that the energy around and need to address the heroin epidemic will continue.

Wintrow closed by expressing dismay that the discussion had devolved into accusations of white supremacy and racism against those who favor the Task Force as polarizing rhetoric. Wintrow pointed out that despite complaints and accusations from Task Force opponents at recent meetings that Council is taking too long in making a decision, it is Council's practice and responsibility to seek out voices and opinions that may not otherwise be heard.

Askeland commented that American societal institutions are shaped by the racism inherent to society, and that while it may be wrong to select one in particular, she believes that policing around drugs reflects that racism. Askeland described her discomfort with Furtherance of Justice funds and her disagreement with that process in general. Askeland noted her disagreement with the "semi-public/semi-private" nature of the entity. Askeland concluded by stating that the problems arise from policy makers and policies rather than from "bad apples".

Askeland referenced Rudawski's suggestions, noting that alternatives to the Task Force need to be enacted.

MacQueen asked Simms to clarify whether he thought the Task Force was currently acting in an inappropriate manner. Simms responded that he did not believe this, but that he believed that without being at the table to observe and participate, this could occur.

MacQueen commented that participation in the Task Force allows the Village not to address the larger issues around addiction. She expressed confidence in the community's ability to address this issue.

Housh commented that there is agreement that the issue of drug abuse needs to be addressed, although the means to do so remain controversial. Housh expressed confidence in the YSPD's ability to move forward from the Task Force decision positively. He stated that the YSPD has built up goodwill on the Task Force and knows how to work effectively with that entity.

Housh stated that he expects citizen action to continue to work towards a solution, commenting that it is not desirable to exit the Task Force without a plan in place. He stated that the drive to get off the Task Force is not a majority movement, and he noted the great effort that Council has made to elicit opinion and gather information on this topic in an effort to make an informed decision.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-1 on a VOICE VOTE, with Simms voting against.

CITIZEN CONCERNS

Anna and Dennis McClure, MD, described a suboxone treatment program that they had run out of a home office in the Village, treating about 100 patients a month. McClure stated that his area of expertise is in neurosurgery. He described the intersection between chronic pain and depression, which correlate to addiction. McClure stated that the accepted method of treatment for this triad is medication assisted treatment such as methodone and, more recently, suboxone.

McClure stated that he now works in a Pain Management and Addiction Recovery Center in Dayton. He noted the irony in his ability to prescribe an unlimited number of pain medications but is limited in the amount of suboxone he can prescribe the situation should be the opposite.

Anna McClure stated that their treatment model had resulted in successes and offered to provide a similar model for the Village.

OLD BUSINESS

There was no Old Business.

MANAGER and ASSISTANT VILLAGE MANAGER REPORTS

Bates commented upon her year-end report. She added that the company subcontracted by Efficiency Smart to provide rebates for appliances has gone into receivership. Bates advised that anyone with an outstanding rebate should contact her office for assistance.

Vanzant commented that the bulk of her report was the Budget.

CLERK REPORT

The Clerk noted the 2016 meeting schedule is out and will appear in the paper in the next week.

FUTURE AGENDA ITEMS

Dec. 10 (6pm) Special Meeting of Council for Presentation from Finalists for Water Plant Design/Build

Dec. 21 (6pm) **Regular Session**

Second Reading and Public Hearing of Ordinance 2015-32 Extending Yellow Springs Police Powers to Village Owned Properties Located Outside the Village Limits

Second Reading and Public Ordinance 2015-33 Raising the Discretionary Spending Limit of the Village Manager to \$30,000.00

Resolution 2015-52 Expressing Appreciation for Outgoing Council Member Lori Askeland

Resolution 2015-56 Approving a Design-Build Contractor for the New Water Treatment Plant

Resolution 2015-57 Authorizing Cooperative Agreement between the Village of Yellow Springs, Ohio and the Ohio Water Development Authority for Construction of a New Village of Yellow Springs Water Plant

Resolution 2015-58 Contract with the Clerk of Council for 2016

Jan. 4 (7pm) Swearing-in of New and Returning Council Members and the Mayor

NOMINATIONS

Simms NOMINATED Jane Scott (five years) and Dina Pallotta (three years) for seats on the Utility Dispute Resolution Board. MacQueen SECONDED and the MOTION PASSED 5-0 ON A VOICE VOTE.

I. ADJOURNMENT

At 8:45 p.m., Housh MOVED and Simms 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 minutes is available for viewing in the Clerk of Council's office between 9am and 3pm Monday through Friday.

Karen Wintrow, President

Attest: Judy Kintner, Clerk