

**COUNCIL OF THE VILLAGE OF YELLOW SPRINGS
REGULAR COUNCIL MEETING
AGENDA**

IN COUNCIL CHAMBERS @ 6:00 P.M.

Monday May 15, 2017

Comments from the Public are welcomed at two different times during the course of the meeting: (1) Comments on items not on the Agenda will be heard under Citizens Concerns, and (2) Comments on all items listed on the Agenda will be heard during Council's consideration of said item. A Sign-In sheet will be made available on the small table at the rear of the Council Chambers. Please write your name and the topic you wish to discuss.

CALL TO ORDER (6pm)

ROLL CALL

EXECUTIVE SESSION

For the Purpose of the Evaluation of a Public Employee.

ANNOUNCEMENTS (7:05)

SWEARING-IN OF BOARD AND COMMISSION MEMBERS

Justice System Task Force: Cyndi Pauwels

Energy Board: Alan Brunsman

Economic Sustainability Commission: Sammy Saber

CONSENT AGENDA

1. Minutes of April 17, 2017 Regular Meeting
2. Minutes of April 24, 2017 Council Retreat
3. Minutes of May 1, 2017 Regular Meeting
4. Financials for April

REVIEW OF AGENDA

I. PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

GCPHD re: Seatbelt Challenge (online only)

GCPHD re: Allstate Grant (online only)

GCPHD re: Resource Fair (online only)

NAMI re: Membership Meeting and Newsletter (online only)

Ohio Dept. of Health re: Mosquito/Tick Season (online only)

Sharon Mohler re: Officer Meister

Dorothee Bouquet re: Personnel Records

Steve and Molli Diebold re: Chief Carlson

II. PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2017-11 Granting a Permanent Conservation Easement on a Portion of the Glass Farm

Reading of Resolution 2017-22 Adding to the Ohio Enterprise Zone Agreement by and between the Board of Greene County Commissioners and the Village of Yellow Springs and DMS, Ink

III. CITIZEN CONCERNS

IV. SPECIAL REPORTS

HRC End of Year Report
Environmental Commission End of Year Report

V. OLD BUSINESS

Chief of Police Selection Process Update
JSTF Process Discussion
Housing Needs Assessment Follow Up

VI. NEW BUSINESS

Proposed Smoking Ban for Village Property
Briefing of Requirements for Becoming a “Tree City”

VII. MANAGER’S REPORT

VIII. ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR’S REPORT

IX. INTERIM CHIEF’S REPORT

X. CLERK’S REPORT

XI. BOARD AND COMMISSION REPORTS

Report from Representatives:

Gerald Simms	Planning Commission (Hempfling) (Minutes)
Gerald Simms	Finance Committee Report
Brian Housh	Economic Sustainability Commission (Wintrow)
Brian Housh	Community Access Panel (Simms) (on hiatus)
Brian Housh	Arts and Culture Commission (Wintrow)
Judith Hempfling	Energy Board (MacQueen) (Minutes +REPORT/REQUEST: Walkey)
Judith Hempfling	Library Commission (Simms)
Judith Hempfling	Justice System Task Force (MacQueen)
Marianne MacQueen	Village Mediation Program (Simms)
Marianne MacQueen	School Board Liaison (Simms)
Marianne MacQueen	Human Relations Commission (Housh) (Minutes)
Marianne MacQueen	Environmental Commission (Simms)
Marianne MacQueen	Beaver Management Task Force (Simms)
Karen Wintrow	Greene County Regional Planning Commission (Simms)
Karen Wintrow	Miami Valley Regional Planning Comm.
Karen Wintrow	Chamber of Commerce

XII. FUTURE AGENDA ITEMS

May 16: 5pm. Interviews for Chief Position: EXECUTIVE SESSION
May 30: Public Forum with Chief Candidates: 7pm
June 5: Lodging Tax Discussion
Fiber Advisory Board Report
Housing Needs Assessment Follow-up Report
Second Reading and Public Hearing of Ordinance 2017-10 Granting a Permanent Conservation Easement on a Portion of the Glass Farm

Ordinance Designating Yellow Springs as a Tree City, U.S.A
Ordinance Adjusting Summer Sewer Rates and Declaring an Emergency
Resolution 2017-23 Adopting Guidelines for Policing for the Village of Yellow
Springs

June 19: Resolution Appointing Permanent Chief
Resolution Approving the Finance Director's 2018 Tax Budget for the Village of
Yellow Springs

XIII. ADJOURNMENT

The next regular meeting of the Council of the Village of Yellow Springs will be held at 7:00 p.m. on
Monday, June 5, 2017 in Council Chambers, John Bryan Community Center, 100 Dayton Street.

The Village of Yellow Springs is committed to providing reasonable accommodations for people with disabilities. The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the Village Clerk of Council's Office at 767-9126 or via e-mail at clerk@yso.com for more information.

**Council of the Village of Yellow Springs
Retreat Minutes**

Antioch University Midwest Room B105

Monday, April 24, 2017

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 9:04m.

ROLL CALL

Present were Wintrow, Vice President Brian Housh, Marianne MacQueen and Gerald Simms. Also present was Village Manager Patti Bates, Solicitor Chris Conard and Solicitor Jessica Brockman. Councilperson Hempfling arrived at 9:07, and Assistant Village Manager Melissa Dodd was present from 2:45 until 4:30pm.

COUNCIL RETREAT SESSION

The retreat followed the schedule provided, and included the following discussions:

9:05 Council, Staff and Solicitor thoughts/observations (3 minutes each). Notes for this portion of the retreat:

9:35 Council 2017 Goals Timeline and discussion. Notes for this portion of the retreat: Each of the Goals sections was discussed in terms of next steps. To be included in the goal re: the water plant was the demolition of the old plant in Fall 2017. To be added to the goal of fiscal sustainability was the addition of a Levy calendar inclusive of all known upcoming levy issues with an eye to potential impact upon tax levels/affordability, along with asking that ESC set up an educational forum for the end of July to address concerns and ideas related to the former CBE land. Council asked that the hotel tax issue be put on the agenda for May or June; Discussed with regard to the goal of improving the transportation system was the notion of maximizing connectivity. Related to the goal of reducing energy usage was the addition that staff gather information on attaining "Tree City" status.

11:30 Conflict of Interest Procedure Clarification (led by Chris Conard).

12:45 Project Management (relationship with staff, boards, commissions and consultants) Staff Workflow/Direction, Board/Commission Role in accomplishing Council goals, Process to move Board/Commission work to Staff and Council, Consultant Contracts, Role of Council in Project Management. Here, Bates presented a proposal in the form of a questionnaire which could be completed as a way of gathering needed information in the event that a consultant or other expert is needed.

1:45 Council/Staff handling of citizen inquiries and information requests. Here Council asked the Clerk to post more information regarding when/where boards and Commissions meet so that citizens are better informed upon entering the Bryan Center. Council also asked that minutes from Board and Commission meetings be consistently placed in the packet, and discussed how best to accomplish this.

2:15 Status of Leadership Training and Staff Development.

EXECUTIVE SESSION

At 2:45pm, Simms MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the purpose of discussion of Executive Session to Consider the Employment or Compensation of a Public Employee.

Present were Wintrow, Simms, Housh, MacQueen, Hempfling, Solicitors Conard and Brockman and Manager Bates and Assistant Manager Dodd. Housh left at 4pm, and Dodd, Bates, Conard and Brockman left at 4:30.

At 5pm, Simms MOVED TO EXIT EXECUTIVE SESSION. MacQueen SECONDED and the MOTION PASSED 4-0 on a voice vote.

ADJOURNMENT

At 5:01pm, Simms MOVED TO ADJOURN. MacQueen SECONDED and the MOTION PASSED 4-0 on a voice vote.

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council

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

In Council Chambers @ 7:00 P.M.

Monday, April 17, 2017

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 7:03pm.

ROLL CALL

Present were Wintrow, Vice President Brian Housh, Gerry Simms, Judith Hempfling and Marianne MacQueen as were Village Manager Patti Bates, Interim Chief Carlson and Solicitor Jessica Brockman. Melissa Dodd is currently on family leave.

ANNOUNCEMENTS

Wintrow announced the following: The Chamber is sponsoring the Shred It truck on Saturday, April 22; Home, Inc. will be sponsoring “Power to the People” a workshop regarding home affordability on Thursday evening at the Library.

Housh announced Buckeye Trail Fest for Yellow Springs, which will kick off with the designation as a “Buckeye Trail Town” which will occur on April 27th at Yellow Springs Station; Oklahoma, the High School theater production will run the next two weekends; a “Hip Hop Parkour Jam” will be held at the Bryan Center on Saturday morning, and Miami Township Fire Rescue will hold a public forum to discuss the levy for their proposed new station on April 22nd.

SWEARING IN OF PEACE OFFICER

Mayor Foubert performed the swearing in of Mariah England as a full time peace officer.

SWEARING-IN OF BOARD AND COMMISSION MEMBERS

Environmental Commission: Bettina Solas and Deanna Newsome were both sworn in.

CONSENT AGENDA

1. Minutes of April 3, 2017 Regular Meeting
2. Financials for March

Simms MOVED and Hempfling SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 5-0 on a voice vote.

REVIEW OF AGENDA

MacQueen asked for a follow up to the US Bank proposal, and this was moved for discussion to the May 1st agenda.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

Chris Conard re: David Carlson
Moya Shea re: Thank You Street Crew
Anita and Michael Brown re: Chief Carlson
Toni Laricchiuta Stratton re: Chief Carlson
Beth Bridgeman re: Chief Carlson
Mary Beth Burkholder and Gary Zaremsky re: Chief Carlson
Libby and Dan Rudolf re: Chief Carlson
Carol Allin re: Chief Carlson
Greene Co. Public Health re: Overdose Information and Distracted Driving
Greene Co. Visitor’s Bureau re: Hamvention
Mayor’s Monthly Report

Wintrow noted a letter regarding the upcoming “Hamvention”, and made citizens aware of the economic opportunities as well as the need for awareness regarding increased traffic during that time.

Wintrow received the permission of Council to write a letter of support for the Home Investment Partnership and for CDBG funding, directed to Ohio legislators.

Simms expounded upon the letter from his daughter, noting the positive impression Chief Carlson has made upon her first graders.

Bates noted a positive letter regarding Officer Charles’ performance.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2017-05 Repealing Section 1248.03 “Spatial Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1248.03 “Spatial Requirements.” Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained the legislation, stating that in 2016, two development projects were brought to the Planning & Zoning Office for consideration. At that time, she noted that the density regulations in residential districts of a maximum six units per acre in R-A, eight units per acre in R-B and 14 units per acre in R-C, coupled with square feet requirements for two-family and attached single-family caused confusion in the interpretation of the code and led to cases being brought before the Board of Zoning Appeals (BZA) for variances.

Bates noted that the current code states that two-family and attached single-family dwellings shall provide 4,500 square feet of property per unit in R-B and 4,000 square feet of property per unit in R-C. The Planning Commission reviewed this language and found it hinders the ability to use available land for infill in both the R-B, Moderate-Density Residential, and R-C, High-Density Residential, Districts. As an example, if a developer wants to put four attached single-family units on a quarter acre of land (10,890 sq. ft.) in R-B, the current requirement of 4,500 sq. ft. per unit would only allow two attached single-family units. Because there are no minimum requirements in the zoning code for the size of a dwelling unit, by following setback and lot coverage requirements as well as parking and landscape screening requirements, the square feet minimum land requirement for a two-family and/or attached single-family unit becomes insignificant, as the other requirements in the zoning code will dictate the density up to the maximum allowed in each residential district.

Wintrow OPENED THE PUBLIC HEARING.

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

First Reading of Ordinance 2017-09 Repealing Section 674.02 “Removal of Plants and Weeds by Owner” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 674.02 “Removal of Plants and Weeds by Owner” Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Wintrow noted that the ordinance had been tabled following the last reading for some revision.

Bates explained that Nick Boutis, Glen Helen Director, had send an expanded list of invasives and several corrections. Other changes to the revised ordinance are that permissible height of grass is set at nine inches and that the entire lawn has to be mowed unless the area is a managed natural landscape, in which case only the perimeter has to be mowed to comply with sightline criteria.

MacQueen asked how persons will know whether a plant is an invasive species. She asked that visual representations be made available.

Bates suggested that Environmental Commission be tasked with provision of a brochure.

Housh asked that the information be posted on the website.

Bates responded to a query, stating that enforcement, like all such matters in the Village, will be complaint based.

MacQueen received confirmation that if adjoining neighbors agree that there is no need to mow, than the perimeter mowing requirement along the side yards can be waived.

Dan Reyes questioned the need for legislation rather than education alone.

Wintrow pointed out that existing legislation is being clarified, rather than new legislation created, and that it encourages natural habitat over grass. She commented that educating the public around invasive species is another goal of the legislation.

Kate Hamilton asked why the section regarding the “no mow” date was removed.

Bates explained that grass was not in fact nesting habitat and hence the “no mow” date was removed.

Hamilton suggested that photos be made available of invasive species, perhaps at the library.

Wintrow CALLED THE VOTE. The MOTION PASSED 4-1 ON A ROLL CALL VOTE, with Hempfling voting “no”.

Reading of Resolution 2017-20 Declaring April 27th “Coretta Scott King Day” in the Village of Yellow Springs. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow CALLED THE VOTE, and the MOTION PASSED 5-0 on a VOICE VOTE.

CITIZEN CONCERNS

Hempfling noted that legislation related to short term rentals has been taken off the agenda and sent back to Planning Commission for further study.

Kate Anderson commented negatively upon the number of warm-weather visitors to the Village, and remarked that the level of safety is lowered on the weekends owing to the high number of visitors. She asked that more be done to control perceived parking and moving violations, which she commented are not consistently enforced.

Rick Sanders asked for more information regarding plans for the Glass Farm. Bates responded that she would be sending informational letters once the construction schedule for the solar array is set.

Wintrow commented that topics for Council will appear in the Yellow Springs News, and that this is a good way to stay abreast of Council business.

SPECIAL REPORTS

ESC End of Year Report/CBE Uses Discussion Summary. Saul Greenburg noted the members of the commission and noted the activities of the commission. Greenburg noted specifically a report from Green Energy Corporation, and agreed to pass this information on to the Energy Board.

Greenburg noted that the group has been working on the Revolving Loan Fund (RLF), and most recently an offer from the Yellow Springs Federal Credit Union (YSFCU) to potentially administer the RLF.

Housh noted that the ESC is preparing to present Council with a recommendation regarding working with the YSFCU to administer the RLF.

Sammy Saber presented the results of the surveys gathered regarding the CBE land use discussion.

Council discussed the possibility for another informational forum with perhaps some educational aspects regarding permitted uses for the land.

MacQueen asked for a history of businesses in the Village and impact of those upon taxes, use of land for commercial purposes, etc.

Dan Reyes encouraged openness to a variety of options and opportunity. Reyes noted that the covenants seem to align with villagers’ ideas regarding what should happen to the land. He touted the potential for democratic community potential.

Greenburg noted that the recent sale of the Arnovitz properties as well as plans for the Glass Farm have changed the conversation and the possibilities for how the CBE land may be viewed.

Wintrow asked that a date be selected for another forum.

Housh expressed agreement with this plan, noting that familiarity with the covenants will be helpful. He asked for some analysis regarding what uses may most positively impact cost of living in the Village.

Wintrow asked that Dodd provide some of this information at a future meeting.

OLD BUSINESS

The 365 Project re: Policing Vision Statement. Hempfling stated that Janet Mueller and Louise Smith brought the 365 Project’s policing vision draft document to the last meeting of the JSTF, and the JSTF decided to support that document, and to recommend its use as a hiring and evaluation guide.

Janet Mueller stated that the document came out of a document produced by Village Council several years ago called the “Vision for Community Policing”. (Housh later corrected this to: Vision for Local Policing”). The 365 Police Policy Committee decided to review that document with variety of perspectives. The group highlighted four sub-areas, those being: Safety Centered; Peaceful; Demonstrably Inclusive and Locally Minded. Mueller noted the high level of concern that the police department be actively anti-racist.

Wintrow asked what the next steps would be if the document is meant to replace the current Policing Vision.

Hempfling stated her expectation that it be put into legislation so that it is a policy of the Village to be used in hiring and evaluation processes.

Housh asked what this would mean for the current Policing Vision document.

Hempfling stated that this would replace that document.

Wintrow stated that she is comfortable with that approach, but asked whether Housh or MacQueen would like to add anything to the document, given that they had authored the original Policing Vision.

Both Housh and MacQueen stated that they would like to work on the document for “wordsmithing” purposes.

Hempfling asked for a resolution stating support of the Policing Vision and delineating how the document would be used. She asked for this to be ready for the May 1st packet.

Housh stressed the importance of operationalizing the policy. He commented that he wanted to assure that all officers were engaged in the community aspect of the policy, and that those engagements were not only undertaken by officers who desire the engagement. Housh noted a number of activities, and stated his appreciation for officers’ level of engagement, but stated that he seemed to always see the same officers participating.

Wintrow asked for comment from either Bates or Chief Carlson on the topic, and wondered where the document should be housed.

Bates suggested that the document become a part of the introduction to the General Orders Manual.

Council discussed how best to make the document accessible, and discussed creating a briefer version.

Louise Smith asked that the document be posted on the Village website to assist in attracting good prospective police officer candidates.

Janet Mueller stated the willingness of the 365 Project members to assist in operationalizing the document.

Wintrow asked whether the document is essentially ready for the next packet.

Gavin Devore Leonard commented that the 365 project would be prepared to create a “postable” version and to work on the longer version.

Simms stated that he would like the opportunity to compare the document against the current Policing vision, but stated that he would be ready to act upon the resolution by the May 1st meeting.

Wintrow asked that the resolution be brought to the May 1st meeting, and asked the Clerk to provide the current Policing Vision for that packet.

Update Regarding Chief Search Process. Wintrow responded to what she characterized as a perception that Council is not being transparent regarding the Police Chief search. She clarified that ‘there is currently no search occurring, and consequently there are no active resumes.’

Hempfling commented that she and Housh had crafted a document in response to concerns regarding the search process, stating that she and Housh recommend that in three months, at the first meeting in July, Village Manager and Council put the issue of hiring a permanent Chief on its agenda and determine with citizens next steps and timeframe. Hempfling commented that Chief Carlson has done an excellent job of restoring stability to the Police Department and in moving forward with stated objectives and bringing a restoration of trust. Whether to do a broader search would be discussed at the July meeting along with a process for evaluation, interviews, community input and final decision-making.

Bates asked to discuss the matter with Chief Carlson before Council makes a decision regarding the time frame.

MacQueen commented that hiring of the Police Chief is the purview of the Village Manager.

Wintrow responded that Council had made a pledge to the community to enact a responsive process. She opined that the current discussion is more about the process—over which Council does have control—than it is about potential candidates.

Bates stated that the position description is complete, and the process discussion is ongoing.

Simms asked that Council expedite the search process, noting that July would mean that Carlson had been in the Interim Chief position for over seven months. He questioned whether it was fair to continue to ask Carlson to put forth the commitment for such an extended period of time.

Simms stated that he has seen only favorable communications regarding Chief Carlson, and that while there has been mention made of negative comment, Simms stated that he has not seen these. He noted that Chief Carlson has brought good new officers on board, even bringing two officers back to the department. Simms questioned waiting until the July meeting. He stated that “I’m in favor of offering Brian a three year contract. . . it appears there are many more good things that he would like to do that he cannot do as interim.” I’m in favor of offering Brian a three year contract and moving on, Simms commented.

Hempfling commented that this is an area over which Council needs to have input. She stated that this was an area in which the Charter states that Council is not to have input, but that she disagrees with that, and believes that it does not work. Hempfling agreed that July seemed like too long a wait to her.

Wintrow commented that “two meetings ago we agreed to put this discussion on hold.” Now the matter is back on the table, she said, and it should move forward, not go “on hold” until July.

Wintrow asked Conard whether the Village Personnel Policy Manual (PPM) mandates that any position has to be posted internally regardless of whether it is posted externally.

Conard responded that he was not sure that that was relevant to the discussion as it currently stands.

Bates stated that the PPM states that when there is an opening, the Village Manager decides “whether to post it internally, externally or both.”

Housh stated that the word “whether” in the PPM seemed to him sufficiently vague to allow either interpretation, but added that in this case he felt that the position should be posted internally as a best practice.

Bates stated that there were other employees who had expressed interest in the possibility of the permanent position, as well as “numerous external interested parties”.

Wintrow commented that there may be conditions listed in the job description which would exclude any number of those interested.

Wintrow and Housh asked that the job description come to the next meeting.

Conard commented that the Village Manager does have the latitude to make the decision as to whether or not there will be an internal posting, bearing in mind that an internal posting is a best practice. He stated that the Charter, “empowers the Manager to make those decisions. . . . The “whether” language seems to allow the discretion of the Village Manger to determine whether or not to go through an internal posting, but it’s not mandated, but is done at the Manager’s discretion. It is certainly not mandated.”

Bates questioned Conard’s interpretation, having read the PPM as offering the option between posting both internally and externally or simply internally, with no option for not posting the position.

Wintrow asked whether a decision could legally and properly be made to simply appoint the Interim Chief to the permanent position.

Conard responded in the affirmative.

Bates argued that this would not be a fair labor practice.

Hempfling stated her support that the position be posted internally.

Housh agreed.

Wintrow asked that the job description be brought to the May 1st meeting.

Wintrow asked that the document regarding process be brought to Council as soon as possible.

In response to a comment from Hempfling, Wintrow stated that if there is to be a search of any kind, there has to be an agreed-upon process. She noted further that in the past, external searches for the position had not brought in a significant influx of qualified and appropriate candidates. She asked what outreach could be done to accomplish this goal, and asked Bates to bring this information to the next meeting.

Hempfling commented that some of the Village’s past practices for searches have been fruitful, and suggested using those as resource material.

Update Regarding YSPD Policy Changes. Hempfling stated that Council had agreed to the changes to the taser use policy at the previous meeting, and had agreed to CIT and implicit bias training as requirements for officers, but that this had not been followed up upon.

Wintrow remarked that what had been done at the previous meeting was that Council had moved to affirm and support the recommendations made to Council by the JSTF and to direct staff and the JSTF to

continue to work on the needed next steps. Each of the actions needed next steps, Wintrow commented, and noted that she did not know whether the Chief had weighed in on the taser use policy.

Hempfling commented that changes were made to taser use, and stated that she did not know how one would get the department to implement the policy. Hempfling acknowledged that Chief Carlson has taken steps in implementing some of the recommendations already.

Wintrow asked Council and Bates whether they believe that the taser use policy as written is ready to implement.

Bates stated that in her opinion it was not ready, and that she is working with the Chief to “hammer it out.”

Chief Carlson addressed the topic in a general sense. He commented that some of the policy changes are “on hold” given that his position is interim. He commented that at present, his role is more that of a caretaker. Carlson commented that “the whole book (General Orders Manual) needs to be changed,” stating that it is outdated in some areas, and has not been tailored to the Village.

Carlson commented that were he in the permanent position, one of his first actions would be to rewrite that document.

Policing at present, Carlson, is not merely about provision of statistics, or participating in activities, or chalking tires, and he expressed a high level of frustration at staffing levels that leave only one officer on duty on the weekends. A top priority when he came into the interim position, Carlson stated, was to increase staffing so that there were always two officers on duty at all times. “We will not be a functional department until we do,” Carlson said, “the reality is that this is on the street level. The changes are going to happen one interaction at a time from officers following the leaders and seeing what their boss likes.”

Carlson described an officer who has begun to change his interactions with citizens because of the modeling from the top.

Carlson commented that the work being done by the 365 Project is brilliant, in particular the request that the department strive to be actively anti-racist. He then noted that many of the infractions attributed to visitors to town during Citizen Concerns are actually committed by residents, many of them employees of downtown businesses.

Bates asked that Carlson address the taser use policy question that was initially asked.

Carlson responded that a myriad of groups and ideas—365 Project, HRC, JSTF, restorative justice, policy changes—have been presented to him as necessary considerations, and that while he agrees with their merit, again, he said, we have to fill shifts, and we have to get officers trained in the manner best suited to the values of the Village. The vision we all share, he said, is not going to be enacted by ‘some genius from the outside,’ but on the street level.

Wintrow asked how a new officer will be trained with regard to tasers.

Carlson stated that he is meeting with his mentor Bill Parsons to review the taser policy. The criticism he has already received from Parsons, Carlson stated, is that “there is too much there.” In the situation where a taser may need to come into use, he said, the officer is not remembering the specific instances under which s/he is permitted to draw that weapon, but is reacting in the moment. What is useful, Carlson said, is a broader framework that lets the officer understand what circumstances may dictate against taser use, eg; a crowd of people who may be injured.

Carlson commented that he is appreciative of the input and efforts, but commented that again, how officers are trained and what is modeled as positive approaches are the most critical elements of enacting change within the department.

Hempfling commented that policy changes should get both public and interdepartmental comment.

Hempfling wondered whether the JSTF needs to slow down their work.

Carlson responded that suggestions regarding change to the department may need to wait until the permanent chief position is filled.

MacQueen commented that the JSTF needs to keep working, but that at present, Chief Carlson is primarily tasked with the day to day operations.

Simms commented that once a document is completed and Council has agreed to it, then an implementation plan should be enacted.

Hempfling noted that the goal is for the changes being suggested become policy.

Wintrow commented that if the end goal is to rewrite the General Orders Manual so that the changes are incorporated, that it makes little sense to “cherry pick” policies to address prior to an examination of the document as a whole.

Carlson commented that there is a “fear factor” involved in addressing some of the policies, and stated that in his opinion having a more restrictive taser policy in place would likely not have changed the course of events on New Year’s Eve.

Hempfling disagreed, commenting that a taser should not be used to gain compliance.

Carlson agreed, noting that such a use is in violation of Ohio’s trainings standards, but acknowledging that such a practice is common.

Bates responded to Simms’ earlier comment, stating that she does not believe that any policy should be passed as legislation until an implementation plan is in place.

Kate Hamilton, who serves on the JSTF, wondered whether JSTF might like to set a priority list. She noted that she is recommending a Police Social Worker position, for example, but knows that this is not a priority.

Gavin Davore Leonard commented that prioritization rather than slowing down seems the best direction to take. He commented as well that there is a discipline process still underway which is taking a full time officer off the schedule. He asked that this be completed as soon as possible.

Housh agreed with the strategy of prioritizing actions of the various groups.

Hempfling asked for an update on the time frame for the disciplinary hearing.

Conard responded only that there is “a process underway.”

Council suggested that concerned citizens write letters addressed to Council to express any concerns they may have.

Housing Needs Assessment. MacQueen noted that the impetus for the HNA started with Swinger, who had expressed some concern over available properties for potential housing, and who had stated that the Village needs to be aware of what could happen if all or most of the properties are developed.

While it is important, MacQueen said, not to react out of a fear of development, those are factors that should be considered in a housing assessment. She also noted that a market needs analysis may be useful.

MacQueen estimated the cost at somewhere between 30 and 40 thousand dollars. She stated that she should have something for Council to review regarding the scope of the HNA for the next meeting.

Wintrow commented that there had been a scare about the Village outgrowing its Village status in the 1960’s, and the response to that scare has ultimately been highly detrimental to growth within the Village.

Retreat Agenda. Wintrow reviewed the Retreat Agenda, and Council discussed it briefly, with removal of a budget session with Melissa Dodd, who will be bringing the 2018 tax budget in July.

NEW BUSINESS

There was no New Business.

MANAGER’S REPORT

Bates reported that:

After meeting with Tecumseh Land Trust and walking the land with Simms and MacQueen, the easement on the Glass Farm is being redrawn to leave a wider access on the north end of the property off King Street. This 100 foot access corridor will remain outside the easement and allow more room to shield a potential future entrance from surrounding homes via a barrier of some sort. The easement will also slant slowly south along the wetland area and creek to ensure conservation while allowing development of the remainder of the property. The re-drawn easement area is expected to be ready for legislation at Council’s May 1 meeting. Bates noted that an allowance for a trail does not have to be contained in the easement, since an unimproved trail is permissible under the terms of the easement.

Community Solutions has indicated to Tecumseh Land Trust (TLT) their interest in a permanent conservation easement on approximately 80 acres encompassing the riparian corridor of the Jacoby Creek through what was formerly the Arnovitz property. According to the agreement between the Village and TLT, the Village would contribute 58% of the funding for the easement (80 acres x

\$1400/acre x .58= \$64,960). These funds will be fully refundable from the Nature Conservancy at a later date if a grant is approved.

Greene County Parks & Trails has received complaints about brush and low-hanging branches along the hike-bike trail, particularly near the Xenia Avenue crossing. To that end, the Village, in collaboration with GC Parks and Trails and Glen Helen Ecology Institute, will be clearing this brush which is primarily honeysuckle. The Village will have the brush cut back and Ecology Institute staff and volunteers will treat stumps following the same management protocol used in Glen Helen and the Village land behind the Bryan Center. The area will be marked appropriately for a short period of time so everyone is aware of the effort to make the trail safer for walkers and cyclists. The work may require a brief trail closure. Notices will be posted to the Village Facebook page once a removal date is set.

Last summer, as part of a Village commitment to use safer, organic compounds on the grounds of all Village-owned properties, the Village and several other local organizations participated in a seminar and training session with Beyond Pesticides. Half of the open field at the northeast corner of Gaunt Park will be used as a test plot for these compounds. There will be a sign noting the help of Beyond Pesticides in the area. These products are safe for use in public areas, including around children and pets.

INTERIM CHIEF'S REPORT

Chief Carlson reported that the YSPD is excited to introduce their newest officer to the team. Mariah England will begin her training with FTO Jeff Beam on April 26th.

The police department has scheduled their first implicit bias training session for May 11th with Bias Recognition Diversity Specialist Mr. Keane Toney of toneypolicconsulting.com

Officers will be joining Antioch students for lunch on campus followed by a tour of the campus on April 19th at 11:00am.

The department is sending two officers—Carlson and Watson--to be CIT trained the third week of April.

Preliminary reports suggest that the Yellow Springs High School scored a 90% this year for the annual seat belt challenge.

The police department is seeking student volunteers who would be interested in walking with officers to share experiences of life in Yellow Springs.

Housh had a question regarding the Facebook page.

Carlson commented that the former Chief's page is still up. Bates responded that it was linked to his personal page and that he is having difficulty taking it down.

CLERK'S REPORT

The Clerk noted that the many lights purchased by Council have mostly been distributed, and noted that she would need a commitment from Council to purchase enough to have lights for all schoolchildren in the Village.

Housh MOVED to approve about \$700.00 for the purchase of lights. Simms SECONDED and the MOTION PASSED 5-0 on a voice vote.

BOARD AND COMMISSION REPORTS

Simms reported that Planning Commission will be bringing some text amendments to Council after they review them at their May 10th meeting.

Hempfling commented that the JSTF would like to bring recommendations regarding Mayors Court to the May 1 meeting.

Energy Board will be meeting with EMPOWER to discuss energy efficiency ideas. This is a second meeting with that group.

Hempfling commented that she had missed the meeting of the Library Commission, but it was determined that the meeting had been cancelled.

MacQueen stated that she has not met with Steve Conn regarding the School Board.

MacQueen stated that HRC had met with Pastor Aaron Saari regarding sanctuary cities and had approved two grants, one for a Parkour/hip hop event, and the other for the Bulldog Boogie. The Chief also attended the HRC meeting.

MacQueen stated that the Beaver Management Task Force has not met, but that the culvert near the flow device may need attention.

Wintrow noted that Greene County Regional Planning meets on Tuesday, and she thanked Ken LeBlanc for his report which was provided as a part of the Village's contract with that agency.

Wintrow reported a meeting of MVRPC will meet on Wednesday.

The Chamber meeting is this Thursday, Wintrow said. Wintrow noted that on May 18th, the Chamber will hold a Business After Hours at DMS, Ink.

AGENDA PLANNING

- April 24: Council Retreat (Antioch University Midwest; 9-4)
- May 1: Second Reading and Public Hearing of Ordinance 2017-09 Repealing Section 674.02 "Removal of Plants and Weeds by Owner" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 674.02 "Removal of Plants and Weeds by Owner"
First Reading of Ordinance 2017-10 Granting a Permanent Conservation Easement on a Portion of the Glass Farm
Resolutions Regarding Gustafson Easement
Design Nine Final Community Fiber Report
Discussion Regarding US Bank Accounts
Draft Police Chief Job Description
Draft Hiring Process Document for Permanent Chief
JSTF Recommendation to Council (re: Mayor's Court/Social Worker)
Housing Needs Assessment
- May 15: Resolution 2017-XX Adding to the Ohio Enterprise Zone Agreement by and between the Board of Greene County Commissioners and the Village of Yellow Springs and Dayton Mailing Services, Inc.
HRC End of Year Report
Environmental Commission End of Year Report

Hempfling asked to add the JSTF recommendation of a social worker to the May 1 agenda.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

At 10:12pm, Simms MOVED and Housh 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: www.yso.com.

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council

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

In Council Chambers @ 6:00 P.M.

Monday, May 1, 2017

CALL TO ORDER

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

ROLL CALL

Present were Wintrow, Vice President Brian Housh, Gerry Simms, Judith Hempfling and Marianne MacQueen.

EXECUTIVE SESSION

For the Purpose of the Discussion of Potential Litigation and the Potential Hiring of a Public Employee.

ANNOUNCEMENTS (7:05)

REACH Center Presentation: Jeff Brock, Greene, Memorial Hospital President of Greene Medical Foundation and Dale Brunner, Greater Dayton YMCA. This presentation focused upon the variety of services that will be available to patrons of the REACH Center. The model centers around partnerships, gathering services into a central location to offer more services to more patrons. Outside of service provision, a major goal of the REACH model is to increase workforce readiness. Towards that end, college classes, primarily geared towards workplace development, will be offered in that setting. Medical services will likewise be offered through Kettering Health Services.

Housh announced that tomorrow is Election Day, and he noted the two issues on the ballot: the MTRF request for funding for its new fire station and a school levy renewal

Bates noted the "Swimming For All" program available through the Village Manager's office, stating that interested persons should contact her office. She noted that pool passes are now available in the Bryan Youth Center, 12-9pm.

CONSENT AGENDA

1. Minutes of April 17, 2017 Regular Meeting

Due to substantive changes to the minutes after the packet posting, the minutes were moved to the May 15th meeting.

REVIEW OF AGENDA

Resolution 2017-21 was added to Legislation. Hempfling asked that staff reports be moved just after Legislation so that more persons would hear the reports. Nominations and the TLT funding request were added under New Business.

PETITIONS/COMMUNICATIONS

Housh reviewed communications received as follows:

- Brian Housh re: Nomination of Luciana Lief and Sammy Saber (moved to New Business)
- Barbara Mann re: Airbnbs
- Susan Oldham re: Airbnbs
- Mikasa Simms re: Chief Carlson
- Mike and Carol McKeever re: Chief Carlson
- Jeff Reich re: YSPD Concerns
- Sharon Mohler re: YSPD Questions
- Tecumseh Land Trust re: Request for Funds (moved to New Business)
- GCCHD re: Health Care Provision (on line only)

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2017-09 Repealing Section 674.02 "Removal of Plants and Weeds by Owner" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 674.02 "Removal of Plants and Weeds by Owner". Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates explained that Nick Boutis, Glen Helen Director, had sent an expanded list of invasives and several corrections. Other changes to the revised ordinance are that permissible height of grass is set at nine inches and that the entire lawn has to be mowed unless the area is a managed natural landscape, in which case only the perimeter has to be mowed to comply with sightline criteria. The legislation no longer gives a mow date, since this is superseded by the height restriction.

Housh commented upon the content of the list of invasives, noting duplication in two sections that could be contradictory, and asked that three of the species be listed only in the first section, which is more directive in terms of restriction.

Nick Boutis, Glen Helen Director, concurred with Housh's suggestion citing the stronger language regarding removal of those species in Section One.

Housh MOVED TO AMEND THE PROPOSED ORDINANCE BY REMOVING THE PLANTS LISTED as F, G and H in Section One be removed from Section Three. MacQueen SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Hempfling stated her intention to vote "no" based upon the existence of de facto meadows—large unmowed areas—in various sections of town.

Wintrow commented that managed natural landscapes such as meadow or prairie would be permitted under this legislation.

Hempfling commented that she wanted even unmown grassy areas to be permitted to exist.

Wintrow OPENED THE PUBLIC HEARING.

There being no comment, Wintrow CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 4-1 ON A ROLL CALL VOTE, with Hempfling voting against.

Emergency Reading of Ordinance 2017-10 Authorizing the Village Manager to Take All Steps Necessary to Complete the Sale of a Portion of Sutton Farm to Glen Helen Association, Inc., and Declaring an Emergency. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Bates noted that Boutis had contacted her regarding the scheduled close of the sale of a portion of the Sutton Farm land to Glen Helen Association on May 26th.

Boutis noted that his title agent has requested that whoever is present to authorize the sale be officially authorized to sign documents on behalf of the Village.

Wintrow pointed out that the ordinance does authorize Bates to sign on behalf of the Village.

Wintrow OPENED THE PUBLIC HEARING.

Hempfling asked what amount the Village would receive for the sale.

MacQueen asked whether a Clean Ohio Grant was received and what the purpose of the purchase is.

Boutis responded that a Clean Ohio Grant was received, and that the purpose was to ensure that the 76 acres are official managed to provide a meaningful ecological corridor in ensuring the protection of the Birch Creek. Boutis noted that the land has been protected through a conservation easement since the 1990s.

Wintrow noted that the Village will receive about \$206,000.00 from the sale.

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

Reading of Resolution 2017-21 Authorizing the Village Manager to Enter into an Agreement and Release with Randall J. Hawley. Simms MOVED and Housh SECONDED a MOTION to APPROVE.

Conard explained that Officer Hawley's lawyer had contacted him to discuss a separation, based upon the events of New Year's Eve. Conard characterized the terms of the separation as having been arrived at in the spirit of mutual agreement.

Conard noted that Officer Hawley's last day of employment would be May 4th.

Laura Curliss commented that the resolution is a good result, and asked that an apology from Officer Hawley to the citizens of the Village be included.

Wintrow CALLED THE VOTE, and the MOTION PASSED 4-0 on a VOICE VOTE, with MacQueen abstaining.

MANAGER'S REPORT

Bates reported that:

The Community Solutions closing on parcels sold at the Arnovitz property auction occurred on Friday, April 28th. The easement on the approximately 80 acres was part of that closing, so the riparian corridor of Jacoby Creek through those parcels will be protected.

Council discussed the fact that \$64,000.00 had been committed from the Green Space Fund for this purpose, and that this amount may be recouped if grants are received.

Last summer, as part of a Village commitment to use safer, organic compounds on the grounds of all Village-owned properties, the Village and several other local organizations participated in a seminar and training session with Beyond Pesticides. Half of the open field at the northeast corner of Gaunt Park will be used as a test plot for these compounds. There will be a sign noting the help of Beyond Pesticides in the area. These products, e.g. molasses, are safe for use in public areas, including around children and pets.

The Village has received all relevant grants for the Dayton-YS Road Infrastructure Project. AT&T is moving its fiber line the last week of April and staff has met with Majors Enterprises, which hopes to return to the project in June, after the completion of its current project in Monroe, Ohio.

The water plant continues to progress ahead of schedule, with softeners installed and the metal building quickly taking shape. (Council members asked for a tour of the plant, and Bates agreed to set this up for next week.)

CLERK'S REPORT

The Clerk commented that it is rewarding to work with staff who care about and enjoy interaction with Villagers and cited several examples. She noted that bike lights are enroute from the manufacturer and expressed hope that they will arrive before the May 10 "Bike to School Day".

INTERIM CHIEF REPORT

Chief Carlson noted that he and Sergeant Watson had spent the previous week in CIT training offered through the Montgomery County Alcohol Drug Addiction and Mental Health Services Board. Carlson described the training, characterizing it as "some of the best Law Enforcement training I've received".

Carlson reported that he had met with Samuel Sarpiya who has trained the Rockford, IL Police Department in Kingian Nonviolence, to discuss his work. This was a very good meeting, Carlson stated.

CITIZEN CONCERNS

Chrissy Cruz expressed frustration that Council has not yet brought a discussion regarding a lodging tax to the table. She commented that the Village's practice of informing landlords when their renters miss utility payments is embarrassing for these renters, a result of holding landlords accountable for missed payments. Cruz opined that this constitutes public shaming. She commented that the amount owed the Village at the time the change in notification was made was about \$14,000.00.

Cruz then referenced a Council decision made early in 2016 to postpone any decision regarding an excise tax of 3% on the new hotel. (At that time, the conversation was tabled with the agreement that the new hotel should be permitted to establish its business before a decision is made on the matter.)

Cruz argued that if one adds up the amount of an excise tax on rooms rented only on weekends at \$150.00 per night at 3%, the Village would receive between \$14,000.00 and \$15,000.00 annually. Cruz stated that she was told when she initially made this argument (December, 2016) that the topic would be brought back in April, and it is now May. This, she argued, indicates that that sum of money is not significant to the Village.

Cruz argued further that the Village provided "\$265,000 worth of infrastructure work" in support of the hotel construction. She stated that Manager Bates had told her that the work would not have been done had a hotel not been planned. Cruz then commented that Council had indicated that it would revisit the practice of informing landlords when tenants fall behind in payment of utilities, and noted that this has not yet occurred.

Wintrow asked Bates when the Hotel Excise tax will return to the Agenda, and was informed that this will come up for the June 5th meeting.

Hempfling commented that she had asked during the Council goals discussion that the practice of informing landlords of tenant nonpayment and of holding landlords responsible for that payment be reconsidered. She commented that she will be meeting with staff to discuss the matter.

Housh noted that at the Council Retreat it was confirmed that the excise tax was returning to the agenda, stating that it should, therefore, have been on the upcoming agenda items list.

Wintrow responded that this would have been the case, but that there had not yet been an agenda planning meeting.

SPECIAL REPORTS

Design Nine Final Community Fiber Report. Dr. Andrew Cohill delivered the final report on municipal broadband. This report discussed the feasibility of municipal broadband. Cohill acknowledged that in the process of analyzing the data, it was clear that while many citizens want improved connectivity, many do not believe that this provision is the responsibility of Village government.

Cohill differentiated between dark fiber and lit fiber, noting cost differences.

Cohill ran through several different scenarios for fiber provision, from a full-service operation though simply running the lines and then leasing them to a third party provider. He noted costs and effort entailed in each of those options, including provision to just the downtown area.

Cohill noted that some of the Village's poles do not have easements for fiber, and these would have to be obtained.

Cohill touched upon funding options, noting that with a full buildout option, it would not be sustainable unless a minimum of 50% of Villagers were committed to purchasing the fiber.

Cohill stated that the average cost for the municipal fiber, for internet alone, would be about \$75.00 a month, not inclusive of the cost of access.

Cohill commented that competitors are likely to "compete vigorously" and would be unlikely, based upon experience in other communities, to lease from the Village. In response to a question from Housh, Cohill admitted that he had not specifically conducted local research to support this assertion, indicating that it might be overstated.

Bates commented that Spectrum is preparing to roll out a program offering lower cost internet to persons with low income.

Cohill noted that this would negatively impact the take rate.

Housh asked why the report focused upon buildout options with dark fiber rather than with lit fiber for the downtown area.

Cohill responded that this was because lit fiber is quite expensive and labor intensive in terms of staff needs and, in his experience, business owners are unwilling to pay those significantly higher costs.

Cohill cautioned that financing is critical, as is assuring a high enough take rate. He responded to a question from Housh, opining that there is likely to be little funding coming from the federal government for fiber infrastructure, but that he does not anticipate significant roadblocks.

In response to a comment from MacQueen, Cohill stated that cost per household is not likely to be less than \$65.00 or \$70.00, and in some places could be as high as \$90.00.

Matt Cole, Springs-Net member, stated that he had been working on the project for several years. Cole opined that Cohill's conclusions fail to consider that Yellow Springs is unique. He stated that no one with whom he has spoken willingly subscribes to the existing providers for internet, concluding that Villagers will opt in to a fiber option at a higher-than-average rate. He touted the positive of assuring that the money would be going to local government.

Cole commented that obstacles such as the need to trim trees are readily dealt with. He commented that it would be a positive if Spectrum were to offer lower cost options to lower income residents, and opined that this would not negatively impact the number of persons willing to pay for the higher capacity fiber.

Scott Fife, Springs-Net member, commented that the group has spent "literally hundreds of hours" on this matter, and asked that the group be permitted to return to discuss the matter after they have had time to digest the report and respond. Fife commented that "over one hundred fourteen million dollars leaves the Village in payment to a variety of cable and internet providers every year. He commented that the Village has its own electric utility, and opined that this is because the Village has a priority of using renewable energy, and opined that this same desire for local control will drive a high level of use.

Thor Sage asked that the group be invited to return, and commented that it seemed to him that the fiber project should not have to bear the entire cost of the alley tree trimming, since this would be of benefit to any utility using any of the poles in question. Sage questioned the statement made by Cohill regarding cost per month for the fiber, which Springs-Net has researched at as low as \$39/month and the statement made regarding cost for the infrastructure. Sage estimated implementation cost per household at \$1,300-

\$1,800, while Cohill put the cost at \$2,100-\$2,600. Sage asked that Council speak with fiber to the home vendors. He noted that Cedarville has established a co-op to set up municipal fiber.

Dan Carrigan opined that staff burden would not be significant since the work required to maintain the fiber would be contracted out.

Tim Barhorst asked that the Manager's Advisory Board be reconvened to examine the proposal.

Housh asked that the alley clearing piece be reexamined, along with the issue of easements on all poles.

Bates commented that if broadband is run as a utility, any profit would need to go into the enterprise fund. She commented that the tree/alley trimming would indeed need to be done in any case, but that absent of the need to install fiber, this would normally be done one section of town at a time, over a period of years, rather than incurring a large one-time cost.

Wintrow asked the Fiber Advisory Board to focus on the economics and to look into funding mechanisms for the start up costs. She noted that this model is asking citizens to come up with a great deal of money to fund the initial installation, and asked the Board to follow the cycle through five-to-ten years.

Housh commented that the highest return was on lit fiber, and asked that the Board look at that option.

OLD BUSINESS

Discussion Regarding US Bank Accounts. Wintrow noted a letter she had received in response to Council's letter to US Bank asking it to consider divestment from the Dakota Access Pipeline (DAPL) and any participants therein. Wintrow noted that the letter of response states that US Bank did not provide project financing for the DAPL but does have a relationship with one of the companies involved in the project, providing a line of credit. The letter talks about US Bank's economically sustainable business practices, Wintrow noted.

MacQueen stated that initially citizens had requested that the Village withdraw funds from US Bank because that bank was "a primary funder of the DAPL". At that point, Council sent a letter to the CEO, the Ohio District Manager, and the Branch Manager. MacQueen stated that in the process of reviewing banking practices and seeking a possible alternative, it was learned that no financial institution is free of what some would question as unethical business connections. MacQueen used as an example WesBanco's funding of companies involved in fracking and in the coal industry. She noted that research into use of the Yellow Springs Federal Credit Union proved that that facility is unable to meet the Village's extensive high level banking needs. MacQueen noted that a positive for US Bank is its local connections and the ease for Village staff use of the facility.

MacQueen stated that she had asked for other suggestions from the group that had asked for divestment from US Bank and received no response. She stated that in light of this information, she did not see withdrawal of Village funds from US Bank as a feasible option at this time.

Dodd addressed the topic, providing a document provided by the Treasurer that compares the available local institutions – US Bank, WesBanco, the Credit Union and Huntington – in terms of where they are headquartered, whether they provide small business loans, their involvement with the fossil fuel industry as well as available services. Her overall conclusion is that it makes sense at this point to remain with US Bank as having significant local ties and its ability to meet the Village's service needs, including the lockbox function for bill payment.

Hempfling asked where other municipalities that may have divested moved their funds.

Wintrow commented that Council has responded to citizen concerns and made an informed response.

Hempfling asked for further outreach to concerned citizens.

Wintrow commented that the discussion has been well publicized.

Draft Police Chief Job Description. Bates noted that she had worked with Janet Mueller and Pat Dewees on the job description, using input from many sources.

Council discussed the job description and offered several suggestions.

Housh stated that he would like concrete examples and specific behavior highlights in the document itself rather than simply references to an additional document (i.e. Guidelines for Village Policing). He stated that he would like to see a stronger statement about support of the LGBT community in the job description. Housh offered to assist in any editing.

Draft Hiring Process for Permanent Chief. Wintrow noted that there were two-to-three processes on the table at the end of the last meeting. She noted that the proposal submitted by Bates is that for the full-blown national search process.

Simms commented that he would like to see an internal search, to occur as soon as possible.

MacQueen stated that she will support others who may desire a full search as it does provide the opportunity to compare candidates. That said, however, no one who has not been local over the past years has been a successful chief.

Hempfling stated her support for an internal search and asked that language in the Personnel Policy Manual be clarified to indicate that an internal search will always be done when there is a position open.

Housh stated that he wants to assure maximum ability for citizens to comment and have input into the process.

Wintrow expressed agreement with the foregoing, and asked that Bates post the internal search as soon as possible.

Council discussed a timeline and an approach to interviews and citizen input.

Bates stated that she would post the job description for one week starting on Tuesday May 2nd.

Following discussion, Council decided to interview any internal candidates who apply on May 16th. This would be followed by a public forum with all candidates present, taking questions from citizens with Village mediators present. This would be followed by a meet and greet session.

Council discussed levels of citizen involvement, finally agreeing that all citizens will given the opportunity to ask candidates questions during the public forum and be asked to fill out comment cards on the candidates during the meet and greet, but that no citizens would be present for the interview sessions.

Laura Curliss read from Ordinance 242.02, which states that the Chief of Police shall be appointed by the Village Manager, and questioned that the interviewers would be selecting the candidate rather than simply advising the Village Manager.

Wintrow commented that Council would be playing an advisory role, but that the Ordinance in question refers to the protocol for an external hiring process.

Pat Dewees commented that there might be a high number of internal candidates, and asked what the initial winnowing process would look like. She commented that citizen involvement is important and needs to be transparent.

Housh responded that all candidates should be interviewed.

Hempfling disagreed.

Council addressed the matter by scheduling the interviews separately from the meet and greet and agreeing to interview all applicants.

David Turner stated that there is no need to rush the process and that if the process is rushed, the selected individual will be “tainted”.

Uta Schenck asked that Council take care with the next candidate because the Village “has not had good luck”. She acknowledged good things that have occurred, such as CIT training, but stated that there is a lot of work to be done. Schenck commented that her grandson, who has recently been incarcerated, has not been helped by the system.

Simms commented that the process may seem to be rushed, but that he has received a great deal of positive input from the community regarding Council’s direction in the matter. Simms cited pressure on current staff in his recommendation that the process needs to move forward promptly.

Council decided to select one date for all interviews—May 16th—and selected May 30th for the public process, including candidate interviews.

JSTF Recommendation to Council (re: Mayor’s Court/Social Worker). David Turner spoke to the matter briefly, stating that “everybody likes the Mayor’s Court” and that the JSTF would like Council to direct the police to take all eligible cases through Mayor’s Court.

Hempfling stated that the next step is to work on finding a prosecutor for Mayor’s Court, which is a next step for the JSTF. She asked if Chris Conard would attend the next JSTF meeting.

Wintrow asked for any change in numbers for Mayor’s Court.

Chief Carlson stated that there are fewer citations being written following January 1st, but that he has sent out a memo asking officers to cite cases to Mayor's Court whenever possible.

Wintrow asked whether the JSTF could summarize those charges eligible for Mayor's Court in a brief document.

Wintrow noted that citizens seem generally to think that most charges should be able to come through Mayor's Court, and that a list of eligible offenses might be useful.

Housh agreed with the useful nature of an explanatory document.

Chief Carlson commented that the citations are a matter of officer discretion, so this is a matter of a culture change.

Hempfling disagreed that the charges have to be a matter of officer discretion.

Laura Curliss pointed out a list of eligible offenses, commenting that a citizen can be charged either under Chapter Six of the Codified Ordinances or can be charged under the Ohio Revised Code, in which case the offense would be heard in Xenia.

MacQueen pointed out the lateness of the hour, and suggested that all recommendations be kept in a working document binder with any recommendations for further action needed.

David Turner berated Council, stating that he did not understand, for example, why at the last meeting, the taser policy presented by the JSTF was not adopted for use. He asked what Council's purpose is in asking the JSTF to do this research and make recommendations if it does not know what it plans to do with the recommendations.

MacQueen stated that this is a new arena for Council, and that members are working to address policy issues thoughtfully and correctly.

Wintrow commented that all recommendations brought to Council so far have needed to return to the JSTF for more work.

Hempfling agreed with Turner that "there is some disjuncture," and questioned why Council had not been willing to pass a resolution on the taser policy. Hempfling stated that "it feels like we're going back and forth."

Housh commented that the General Orders Manual (GOM) covers police policy issues, and addressing that document needs to be done in an overall fashion and not piecemeal. He commented that he does believe that Council is addressing the recommendations, and that Chief Carlson has been highly responsive to all suggestions made. Housh also indicated that a process has been discussed, i.e. a 'preamble' to the GOM that contains all policy changes that Council has approved in principle.

Wintrow noted that, at the last meeting, the Chief had spoken for some time, stating that he is having difficulty implementing all of the things that various groups, including Council, are bringing to him, particularly given that he is in an interim role. Now, Wintrow commented, it appears that we are willing to ignore those concerns and again ask that changes be implemented immediately. We have expressed public support, Wintrow stated, but that does not mean that we are ready to enact policy or pass legislation. We are piece-mealing policies, which are bound to interact with other pieces.

Al Schlueter stated that "all Council needs to do is look at this graph" which shows a decline in Mayor's Court use since the 1970s. All Council needs to do, Schlueter opined, is to back up the Chief when he asks that all cases that can go to Mayor's Court do go to Mayor's Court.

Wintrow stated that one of the reasons the JSTF was started was to reinvigorate Mayor's Court, and that it was Council that asked the Chief to direct his officers to cite cases to Mayor's Court whenever possible.

Pat Dewees commented that a number of citizens, including those on the JSTF, have committed themselves to police reform. This is occurring nationwide, Dewees noted, and is a profound shift in philosophy away from the "warrior" metaphor and toward a "guardian" metaphor. Dewees noted that the big picture needs to be kept in mind since the change is immense and should not be viewed as small or fast in its scope. This will take quite a bit of time, Dewees said. Dewees suggested keeping a model and a vision at the forefront and inserting suggestions into that model.

Dewees presented information regarding the police social worker recommendation on behalf of Kate Hamilton, who was present but recovering from illness.

Dewees noted that Hamilton has spoken to a number of police departments in Illinois where police social workers are common. She noted the high volume of police calls that deal with or involve a social work component. Dewees stated that research has shown a positive impact through these programs. She stated that a group within the JSTF would be formed to look at funding possibilities. She noted as well that

Hamilton had spoken with both Manager Bates and Chief Carlson to discuss the possibility, and that they were receptive to the concept.

Hempfling MOVED that Council direct the Village Manager and Interim Chief to pursue the full- or part-time hiring of a police social worker. Housh SECONDED, and the MOTION PASSED 4-1, with MacQueen opposing.

Hempfling asked that a JSTF working group work with Bates regarding funding.

MacQueen expressed frustration that there had been no opportunity for discussion on the motion and stated that she would rather determine how the position will be funded prior to voting on the matter.

Wintrow apologized for the rapid call for the vote, and suggested that perhaps implementation be considered for the 2018 budget year.

Hempfling commented that this is a long-term goal.

Simms commented that Council had made a motion directing the Manager and Interim Chief to investigate the hiring of a police social worker, not a motion to immediately make a hire.

Wintrow asked that the motion be broadened to include other social service resources.

Kate Hamilton stated that the police social worker is aware of available resources and acts as a facilitator between citizens in need and the services they may need. Officers now have resources available to citizens but are not facilitators. This approach, Hamilton said, cuts down on calls to officers for more social service-related concerns.

Bates stated that she will work with Hamilton on the matter.

Housing Needs Assessment. MacQueen stated that a phone conversation with Patrick Bowen and his assistant, who provides real estate analysis, had been held on Friday evening. MacQueen stated that participants in the phone call were Bates, Denise Swinger, Brittany Baum from Home, Inc., Wintrow and MacQueen. She noted the purpose of the call as gaining a sense of what the Village might ask for in a housing assessment and the cost thereof. MacQueen stated that the Village needs to determine its current state of housing and its future needs.

A housing study can look at many aspects of the housing stock and the citizens who live in town and those who may desire to live in town. MacQueen stated that determining the scope of the HNA is critical, and the extent of the scope will drive the cost, which she averaged at between \$10,000.00 and \$30,000.00.

MacQueen suggested that there may be entities in town interested in participating in the funding of the HNA because it would benefit their interests as well.

MacQueen will follow up with the other organizations in town to begin to determine the scope. She will write up information from the phone call for the May 15th packet.

MacQueen estimated the time frame until the start of the HNA as 4-7 months.

Housh stated that he is interested in gaining a sense of the impact upon utility costs or overall cost of living of different ways of building out the housing stock.

Wintrow commented that the results of a study would indicate the amount of which types of housing the Village should make available, and from that point, staff should be able to determine the impact of various types of housing on the Village.

Wintrow asked that MacQueen provide materials for the next packet.

NEW BUSINESS

Nominations to Economic Sustainability Commission. Housh MOVED TO NOMINATE Sammy Saber as a full member and Luciana Lieff from alternate to full member. Wintrow SECONDED and the MOTION PASSED 5-0 on a voice vote.

Tecumseh Land Trust Request for Funds. Bates explained that the TLT is requesting that the Village sponsor its annual Harvest Auction, again asking for a \$200.00 "Green Tractor" donation as it did last year. Housh asked that Bates ensure that the Village's logo be included in the program this year.

Simms MOVED to approve the request. Hempfling SECONDED, and the MOTION PASSED 5-0 on a voice vote.

AGENDA PLANNING

- May 15: First Reading of Ordinance 2017-10 Granting a Permanent Conservation Easement on a Portion of the Glass Farm
Resolution 2017-XX Adding to the Ohio Enterprise Zone Agreement by and between the Board of Greene County Commissioners and the Village of Yellow Springs and DMS ink.
Resolution 2017-XX Adopting Guidelines for Village Policing for the Village of Yellow Springs
HRC End of Year Report
Environmental Commission End of Year Report
Executive Session for the Purpose of the Evaluation of a Public Employee
- June 5: Second Reading and Public Hearing of Ordinance 2017-10 Granting a Permanent Conservation Easement on a Portion of the Glass Farm
Resolution Appointing a Permanent Chief
Lodging Tax Discussion
Fiber Advisory Board Report

ADJOURNMENT

At 10:20pm, Simms MOVED and Hempfling 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: www.yso.com.

Karen Wintrow, President

Attest: Judy Kintner, Clerk of Council

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2017-11**

**APPROVING A CONSERVATION EASEMENT TO THE TECUMSEH LAND
PRESERVATION ASSOCIATION FOR A PORTION OF THE PROPERTY KNOWN AS
THE GLASS FARM**

WHEREAS, Tecumseh Land Preservation Association (“Tecumseh”) has received a grant from the Ohio Public Works Commission to maintain open space at the Glass Farm; and

WHEREAS, in order to receive the grant, the Village of Yellow Springs needs to grant a conservation easement to Tecumseh to preserve the open space at the Glass Farm; and

WHEREAS, the Village has determined that it would be in the best interests of the Village to grant the conservation easement.

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. The Village hereby grants a conservation easement to Tecumseh Land Preservation Association for the preservation and maintenance of open space at the Glass Farm.

Section 2. A copy of the easement is attached hereto and incorporated herein as Exhibit “A”.

Section 3. The Village Manager is authorized to execute and record the easement in the same or substantially similar form.

Section 4. This Ordinance shall take effect and be in full force at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll Call: Karen Wintrow _____ Brian Housh _____ Gerald Simms _____

Judith Hempfling _____ Marianne MacQueen _____

CONSERVATION EASEMENT

This Conservation Easement (the "Easement"), dated _____, 2017, is made and entered into by and between VILLAGE OF YELLOW SPRINGS, 100 Dayton St., Yellow Springs, OH 45387, an Ohio municipal corporation ("Grantor"), TECUMSEH LAND PRESERVATION ASSOCIATION, P.O. Box 417 Yellow Springs, OH 45387, an Ohio nonprofit corporation ("Grantee", being the Applicant for Clean Ohio Conservation Funds), acting pursuant to Ohio Revised Code ("R.C.") Sections 5301.67 through 5301.70, and the OHIO PUBLIC WORKS COMMISSION, 65 East State Street, Suite 312, Columbus, Ohio 43215 ("OPWC"), as its interest may appear herein, for the purpose of preserving the property described herein as open space in perpetuity.

This is an agreement for the sale and purchase of a conservation easement and the monitoring and enforcement of that easement. Specifically, the Grantor agrees to convey and the Grantee agrees to purchase the Easement for **Forty-eight Thousand Five Hundred dollars (\$48,500)** and be the holder of the Easement. The Grantee, its successors and assigns, agree to monitor the property described herein in perpetuity and assist with the enforcement of the terms of this Easement. The OPWC agrees to enforce the terms of this Easement, as necessary.

Recitals

- A. Grantor is the owner in fee simple of real property located in Greene County, Ohio, as more specifically described in Exhibit A which is attached hereto and made a part hereof ("Protected Property"), pursuant to instruments recorded at Greene County Deed Book _____, Page _____.
- B. Pursuant to the Ohio Public Works Commission Project Grant Agreement dated January 12, 2016 (the "Agreement"), Grantee received a grant from the State of Ohio, acting by and through the Director of the OPWC, pursuant to R.C. 164.20 et seq. (the "Grant"). As a condition of receiving the Grant, Grantee must use the Grant funds to purchase an easement on and restrict the use of the Protected Property to open space, as further set forth herein.
- C. In order to fulfill Grantee's obligations under the Agreement, Grantee must record a conservation easement in order to maintain the Protected Property as open space in perpetuity.
- D. Grantee is an entity authorized to hold conservation easements under R.C. 5301.69.

NOW THEREFORE, the parties hereto, for themselves and their successors and assigns, hereby agree to the following:

1. Granting Clause. Grantor, for the consideration set forth above and the mutual promises, conditions and restrictions set forth herein, conveys to Grantee a perpetual conservation easement, as defined by R.C. 5301.67(A), on the Protected Property. The Grantor warrants that Grantor has full authority to grant this Easement, has good and indefeasible fee simple title to the Protected Property described in Exhibit A, that the legal description in Exhibit A is complete and accurate to the best of Grantor's knowledge, and that the Protected Property is free and clear of all liens and encumbrances that are inconsistent with the purpose of this Easement set forth herein. Grantor agrees to defend title to the Protected Property against all lawful claims of all persons.

2. Purpose. It is the purpose of this Easement ("Purpose") to assure that the Protected Property will be maintained as open space, as defined by R.C. 164.22(A) by preserving and protecting the land through a perpetual restriction on the use of the Protected Property. The parties hereby agree, for themselves and their successors and assigns as future owners of the Protected Property, as follows:
 - a. The Protected Property shall be maintained as open space and

 - b. Use and development of the Protected Property must emphasize the following:
 - i. The support of comprehensive open space planning and incorporation of aesthetically pleasing and ecologically informed design;

 - ii. The protection of habitat for rare, threatened, and endangered species or the preservation of high quality, viable habitat for plant and animal species;

 - iii. The preservation of existing high quality wetlands or other scarce natural resources within the geographical jurisdiction of a council;

 - iv. The enhancement of educational opportunities and provision of physical links to schools and after-school centers;

 - v. The preservation or restoration of water quality, natural stream channels, functioning floodplains, wetlands, streamside forests, and other natural features that contribute to the quality of life in Ohio and to the state's natural heritage; and

 - vi. The reduction or elimination of nonnative, invasive species of plants or animals.

 - c. As specifically set forth in the Agreement, Grantee shall use the Grant funds to acquire a conservation easement on the property located on King St. with project name Glass Farm Wetland and Conservation Area.

 - d. Conservation Values. The Protected Property possesses natural scenic and open-space values/features (the "Conservation Values") which are of great importance to the people of Greene County, Ohio. The Conservation Values are summarized as follows, and are described in detail in the Baseline Documentation referred to herein.
 1. Natural Resource Values: The Protected Property includes a wetland and the Yellow

Springs Creek, a headwater stream to the Little Miami River, Ohio's only National and State Scenic River. The creek flows from the Protected Property into Glen Helen Nature Preserve where it meets the Little Miami River.

2. Open Space Features: Protection of the Property benefits the general public, providing/securing scenic vistas (in an area subject to residential development pressure) along some 830 feet of frontage along King St. The Property has managed trails that are open to the public during daylight hours.
3. Responsibilities of the Grantor. The Grantor shall be responsible and perform all of the following obligations:
 - a. Grantor shall be responsible for payment of all taxes and assessments levied against the Protected Property, if any.
 - b. Grantor shall be responsible for the upkeep and maintenance of the Protected Property.
4. Responsibilities of the Grantee.
 - a. Grantee shall take all reasonable and necessary steps for the diligent enforcement of the terms of this Easement.
 - b. Grantee shall conduct annual monitoring of the Protected Property to ensure compliance with the terms of this Easement. Grantee shall provide reasonable notice to the Grantor of its intent to enter the Protected Property for purposes of the required annual monitoring.
 - c. Grantee shall conduct investigations of any violation or potential violation of this Easement and take appropriate enforcement action. Grantee shall notify the OPWC of any violation or alleged violation. The OPWC reserves the right to conduct an inspection of the Protected Property and enforce the terms of this Easement as set forth in Paragraph 8 below.
5. Prohibited Uses. Activities on or use of the Protected Property inconsistent with the Purpose of this Easement are prohibited. The following activities and uses are expressly prohibited on the Protected Property, except as otherwise set forth herein:
 - a. Construction/Development. There shall be no construction of new buildings or structures or placing of any dwelling, residence, building, athletic or recreational structure, landing strip, helicopter pad, fence or sign, asphalt, concrete pavement, billboard or other advertising display, antenna, utility pole, tower, conduit line, or any other temporary or permanent structure or facility on the Protected Property without the express, prior written consent of OPWC except as allowed in 6c and d;
 - b. Commercial and Industrial Activity. There shall be no commercial or industrial activity undertaken or allowed on the Protected Property including any portion of the Protected Property being used for agriculture. No right of passage shall be granted or retained across or upon the Protected Property if that right of passage is used in conjunction with such prohibited activities;

- c. Mining and Mining Operations. Mining or extraction of soil, sand, gravel, oil, natural gas, minerals or other material is prohibited. Any activities associated with mining operations, including drilling, excavating, and transportation of any mined material by vehicle, pipeline, or other means, are also prohibited on or across the Protected Property;
 - d. Hydromodification. Hydromodification projects such as dams, dredging, channelization, sedimentation, and bank clearing are prohibited on the Protected Property;
 - e. Water. There shall be no disturbance of streams or other bodies of water on the Protected Property. Grantor and Grantee shall not transfer, encumber, lease, sell, or otherwise separate water rights from title to the Protected Property itself;
 - f. Waste and Dumping. Dumping, accumulation, or storage of contaminated soil, non-compostable garbage, abandoned vehicles or parts, appliances, machinery, hazardous substances, or toxic or hazardous waste are prohibited;
 - g. Roads. There shall be no building of new roads, parking lots, or other paved surfaces, or the widening of such existing surfaces on the Protected Property without the express, prior written consent of OPWC except as allowed in 6c;
 - h. Utility Services and Septic Systems. Activities described in the existing utility easements or rights-of-way on the Protected Property recorded in the Official Land Records in Greene County as of the date this Easement is recorded are permitted. Otherwise, the granting of easements or rights-of-way for power lines, gas lines, sewer lines, water lines, telecommunication towers, wind farms, or other similar types of utilities is prohibited.
 - i. Motorized Vehicle Use. There shall be no use of motor vehicles on the Protected Property or grant of permission for such use except as necessary for maintenance of the property, law enforcement, and public safety purposes, or as deemed necessary by the Grantee;
 - j. Surface Alterations. There shall be no removal, filling, or other disturbances of soil surface, and no changes in topography, surface or subsurface water systems, wetlands, or natural habitat;
 - k. Subdivision. The Protected Property may not be divided, partitioned, subdivided or conveyed except in its current configuration; and
 - l. Signs. No signs, billboards, or outdoor advertising shall be erected, displayed or maintained on the Protected Property.
6. Grantor's Reserved Rights. Grantor reserves for itself, its successors and assigns, all rights and privileges as owner of the Protected Property to use the Protected Property for all purposes that are not expressly prohibited by this Easement and are not inconsistent with the Purpose of this Easement. The following rights are expressly reserved by the Grantor:
- a. Conveyance. Grantor may sell, give, mortgage, lease or otherwise convey the Protected Property, provided that such conveyance is made subject to this Easement and written notice is provided to Grantee and the OPWC in accordance with Paragraph 14 below;

- b. Signage. Grantor may place interpretive signs, such as signs identifying that the Protected Property is protected by this Easement, or signs identifying habitat improvements, as well as “no hunting” or similar signs on the Protected Property;
 - c. Construction. To maintain, improve, and replace existing trails; to construct a bird blind and boardwalk; to construct a new paved trail; to install no more than 8 parking spaces using pervious pavers; and to increase the size of the wetland area if necessary to facilitate surface water drainage;
 - d. Other Improvements. To construct, maintain, and improve fences, trails, culverts, utility lines, and wells, to serve existing or future permitted improvements or uses;
 - e. Timber. To selectively harvest trees to prevent harm or damage to the public.
7. Rights and Remedies of Grantee and the OPWC. In order to comply with and enforce the terms of this Easement, the Grantee and the OPWC shall have the following rights and remedies:
- a. Right of Entry. Grantee shall have the right to enter the Protected Property in a reasonable manner and at a reasonable time, with advance notice to the Grantor, for the purposes of: (i) inspecting the Protected Property to determine if Grantor is complying with the provisions of this Easement; and (ii) obtaining evidence for the purpose of seeking judicial enforcement of this Easement. OPWC shall have the right to enter the Protected Property after notifying Grantor as needed to exercise its rights pursuant to this Section 8 of this Easement. All notices to the Grantor under this Paragraph may be made either in writing or verbally, at the discretion of the party providing the notice.
 - b. Right of Enforcement. If Grantee, in its discretion, determines that a material and potentially irreversible violation of this Easement has occurred or is imminent, Grantee and/or the OPWC may take legal action, without prior notice to Grantor, to enforce the terms of this Easement, to enjoin the violation, and/or to require Grantor to restore the Protected Property to its condition prior to the violation. If Grantee determines that a minor, or reversible, violation has occurred or is threatened, and that such violation should be remedied or prevented, Grantee shall first inform Grantor in writing of the nature of the violation, and request Grantor to take corrective action to cure or avoid the violation and/or to restore any damage to the Protected Property that has occurred as a result of the violation. If Grantor fails to correct any such violation within a reasonable period of time (not to exceed 30 days, unless such violation cannot be cured within such 30-day period days, in which event Grantor shall be permitted such additional time as required to cure the violation provided Grantor diligently commences and pursues such cure during the 30-day period), Grantee and/or the OPWC may take appropriate legal action to enjoin the violation and/or to require Grantor to restore the Protected Property to its condition prior to the violation.
 - c. Right of Enforcement of the Ohio Public Works Commission. The restrictions set forth in this Easement shall be perpetual for the benefit of, and shall be enforceable by, the OPWC. The OPWC shall have the right to enforce all restrictions, conditions, and covenants of both Grantor and Grantee set forth herein by any proceedings at law or in equity. The OPWC may exercise this right of enforcement under any authority available under state or federal

law if Grantee fails or is unable to enforce any of the terms of the Easement, as determined in the sole discretion of the OPWC Director. No delay or omission by Grantee or the OPWC in the exercise of any right or remedy shall impair such right or remedy or be construed as a waiver thereof.

- d. No Liability for Natural Acts or Occurrences Beyond Grantor's Control. Grantor shall have no liability to restore the Protected Property with respect to damage caused by natural acts or other occurrences beyond Grantor's control.
 - e. Remedies. In the event that Grantee becomes aware of a violation of the terms of this Easement, Grantee shall give notice to Grantor at Grantor's last known post office address of such violation via certified mail, return receipt requested, with a copy to the OPWC, and request corrective action sufficient to abate such violation and restore the Protected Property to its previous condition. Except as provided in Section 7(b) herein, failure by Grantor to cause discontinuance, abatement or such other corrective action as may be requested by Grantee within thirty (30) days after receipt of such notice shall entitle Grantee to enforce, by proceedings at law or in equity, the provisions of this Easement, including, but not limited to, the right to require the restoration of the Protected Property to its condition at the date of the recording of this Easement. Grantee shall not waive or forfeit the right to take action as may be necessary to ensure compliance with the terms and conditions of the Easement by any prior failure to act. If Grantee, in its sole, reasonable discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the intended use of the Protected Property, Grantee may pursue its remedies under this Section 8(e) without prior notice to the Grantor or without waiting for the period for cure to expire. Nothing herein shall be construed to entitle Grantee to institute any enforcement proceeding against the Grantor for any changes to the Protected Property due to acts or other occurrences beyond the Grantor's control, such as changes caused by fire, flood, or storm. Grantor shall notify Grantee of any occurrence which would adversely affect or interfere with the Purpose of this Easement, whether caused by the acts or omissions of Grantor or third parties.
 - f. Other Remedies. Grantee shall be entitled to seek expedited injunctive relief to enforce its rights with respect to the Protected Property, and Grantor waives any bond requirement otherwise applicable to any petition for such relief. Grantee shall have the right to report to regulatory authorities any environmental conditions or any potential or actual violations of environmental laws, including noxious weed laws, with respect to the Protected Property. In the event Grantor or Grantee becomes involved in legal proceedings against the other to enforce such party's respective rights or interests under this Easement, the prevailing party shall be entitled to receive from the non-prevailing party reasonable attorneys' fees incurred in connection with any such proceedings. However, the immediately preceding sentence shall not apply to the OPWC if the OPWC exercises its rights under this Easement.
8. Perpetual Burden and Modification of Easement. This Easement shall run with and burden the Protected Property in perpetuity and shall bind the Grantor and the Grantee, their heirs, successors, agents, and assigns. This Easement shall not be amended, released, extinguished or otherwise modified without the prior written consent of the OPWC, which consent may be withheld in its sole and absolute discretion.

9. Liquidated Damages. If Grantor, or its successors or assigns as owner of the Protected Property, fails to observe the conditions and restrictions set forth herein, Grantor or its successors or assigns as applicable shall pay to the OPWC, upon demand, as liquidated damages, an amount equal to the sum of the following: (a) an amount equal to all Grant funds disbursed to Grantee; and (b) liquidated damages equal to one hundred percent (100%) of the funds disbursed by the OPWC together with interest accruing at the rate of six percent (6%) per annum from the date of the award of the Grant. Grantor acknowledges that such sum is not intended as, and shall not be deemed, a penalty, but is intended to compensate for damages suffered in the event of a violation of this Easement, the determination of which is not readily ascertainable. Failure by the OPWC to proceed with such enforcement shall in no event constitute a waiver of the right to enforce the original violation at a later date or a subsequent violation.
10. Transfer of the Easement. Grantor and Grantee acknowledge that the Grant for this Easement is specific to Grantee and that the OPWC's approval of Grantee's application for the Grant was made in reliance on Grantee's continued ownership and control of the easement through its successors and assigns. Accordingly, Grantee shall not voluntarily or involuntarily sell, assign, transfer, lease, exchange, convey or otherwise encumber the easement without the prior written consent of the OPWC which consent may be withheld by either in their sole and absolute discretion, and with notice to the Grantor. If Grantee fails to observe this condition, Grantee shall pay to the OPWC, upon demand, as liquidated damages, the amount set forth in paragraph 9 above.
11. Immunity. Nothing herein shall be deemed a waiver, express or implied, of Grantor's sovereign immunity pursuant to Ohio law.
12. Severability. Each provision of this Easement is independent of and severable from the remainder of this Easement. If any provision contained herein shall be held to be invalid or unenforceable, or not to run with the land, such holding shall not affect the validity or enforceability of the remaining provisions of this Easement.
13. Public Health and Safety Provision. The Land Trust may decline to enforce the restrictions imposed by this Easement with respect to a violation thereof, which it determines to be necessary to avoid substantial and imminent danger to persons or damage to property, or with respect to the acquisition/use of a portion of the Property by a public authority having the power of eminent domain for the improvement or expansion of an existing public right-of-way along or through the Property for the purposes of public health and safety, and subject to the terms of the Amendment and Termination clause of this easement document.
14. Notices. Notices or any communication relating to this Easement shall be in writing and shall be sent certified or registered mail, return receipt requested, or by other national overnight courier company. Notices or communications may also be personally delivered. Notice shall be deemed given upon receipt or refusal to accept delivery. Each party hereto shall notify the other parties of a change of address according to the provisions of this paragraph. The notice addresses of the parties are as follows:

Grantor: Village of Yellow Springs
100 Dayton St.
Yellow Springs, OH 45387

Grantee: Tecumseh Land Trust
P.O. Box 417
Yellow Springs, OH 45387

OPWC: Ohio Public Works Commission
65 East State Street, Suite 312
Columbus, Ohio 43215
Attn: Director

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

To have and to hold unto Grantee and the OPWC for perpetuity, the covenants agreed to and restrictions imposed, as aforesaid, shall be binding upon the Grantor, its heirs, successors, and assigns.

IN WITNESS WHEREOF, the parties hereto have caused this Conservation Easement to be executed this ___ day of _____, 2017.

GRANTOR:
VILLAGE OF YELLOW SPRINGS,
an Ohio municipal corporation

By: _____
Name: _____
Title: _____

STATE OF OHIO)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___day of _____, 2017, by _____, the _____ of the Village of Yellow Springs, Ohio, an Ohio municipal corporation, on behalf of the Village of Yellow Springs, Ohio.

Notary Public

GRANTEE:
TECUMSEH LAND PRESERVATION ASSOCIATION,
an Ohio nonprofit corporation

By: _____
Name: _____
Title: _____

STATE OF OHIO)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___day of _____, 2017, by _____, the _____ of the Tecumseh Land Preservation Association, an Ohio nonprofit corporation, on behalf of such corporation.

Notary Public

OPWC:
OHIO PUBLIC WORKS COMMISSION

By: _____
Name: _____
Title: _____

STATE OF OHIO)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____day of _____, 2017, by _____, the _____ of the Ohio Public Works Commission, _____, on behalf of such _____.

Notary Public

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Exhibit A: Description of Protected Property

EXHIBIT A

Description of Protected Real Property

[To be inserted.]

Exhibit A
LOUIS A. GREEN AND ASSOCIATES
Land Planners-Surveyors-Engineers



Louis A. Green, P.S.
5820 STATE ROUTE 734, JAMESTOWN, OHIO 45335
Phone 937-675-6400
greenresources@att.net

**LEGAL DESCRIPTION OF THE TECUMSEH LAND TRUST
CONSERVATION EASEMENT ON KING STREET IN YELLOW SPRINGS, OHIO**

Located in Section 20, Town 4, Range 8, Village of Yellow Springs, Greene County, Ohio, and being further described as follows:

Beginning at an iron pin found in the westerly line of King Street at the northeast corner of Lot 1 of the Thistle Creek Planned Unit Development, Phase One, as recorded in Plat Cabinet 36, Pages 177A-179A, of the Plat Records of Greene County, Ohio, thence in a westwardly direction with said northerly line of the Thistle Creek Planned Unit Development, Phase One, becoming the northerly line of the Thistle Creek Re-plat of Lots 7 and 8, as recorded in Plat Cabinet 37, Page 110A, on a bearing of north eighty-eight degrees fifty-two minutes forty-two seconds (88°52'42") west for a distance of three hundred ninety-nine and 39/100 (399.39) feet to an iron pin found at the northwest corner of Lot 7A of said Thistle Creek Re-plat, said pin also being in an easterly line of land conveyed to the Village of Yellow Springs, by deed recorded in Volume 505, Page 879, of the Deed Records of Greene County, Ohio;

Thence continuing with a line to said Thistle Creek Replat of Lot 7A and its extension being the westerly line of Common Area 1, in a southwardly direction on a

bearing of south no degrees sixteen minutes fifty-six seconds ($00^{\circ}16'56''$) east for a distance of one hundred ten and no/100 (110.00) feet to a iron pin found at a southeast corner of said Village of Yellow Springs land;

Thence in a westwardly direction with the south line of said Village of Yellow Springs land on a bearing of north eighty-eight degrees fifty-two minutes forty-two seconds ($88^{\circ}52'42''$) west for a distance of one hundred forty and 77/100 (140.77) feet to a iron pin set at a new division line by this survey;

Thence in a northwardly direction with said new division line by this survey and westerly line for the Tecumseh Land Trust Conservation Easement herein described for the following two courses:

- 1) North four degrees nineteen minutes forty-one seconds ($04^{\circ}19'41''$) east for a distance of two hundred seventy-three and 86/100 (273.86) feet to an iron pin set, and;
- 2) North eleven degrees sixteen minutes seventeen seconds ($11^{\circ}16'17''$) east for a distance of four hundred eighty-eight and 91/100 (488.91) feet to an iron pin set at a point of curvature;

Thence on a curve to the right having a radius of one hundred fifty and no/100 (150.00) feet for a distance of one hundred sixty and 77/100 (160.77) feet to a point of terminus, the chord bearing for this curve is north sixty degrees twenty-seven minutes fifty-six seconds ($60^{\circ}27'56''$) east and the chord length is one hundred fifty-three and 18/100 (153.18) feet;

Thence continuing with said new division line and with the northerly line of said Conversation Easement in an eastwardly direction on a bearing of south eighty-eight degrees forty-nine minutes fifty seconds ($88^{\circ}49'50''$) east for a distance of three hundred four and 82/100 (304.82) feet to an iron pin set on said westerly right-of-way line of King Street;

Thence in a southwardly direction with said westerly line of King Street on a bearing of south one degree ten minutes ten seconds ($01^{\circ}10'10''$) west for a distance of seven hundred twenty-two and 57/100 (722.57) feet to the point of beginning and

containing eight and 3316/10,000 (8.3316) acres and being subject to all easements and restrictions of record.

The reference bearing for this survey is South 88°52'42" East which is the bearing for the northerly line of the Thistle Creek Planned Unit Development, Phase One, as recorded in Plat Cabinet 36, Pages 177A-179A, of the Plat Records of Greene County, Ohio.

The above described Conservation Easement is over of land conveyed to the Village of Yellow Spring, Ohio, by deed recorded in Volume 505, Page 879, of the Deed Records of Greene County, Ohio.

The above description is based on a field survey conducted by Louis A. Green, Registered Surveyor No. 6147, State of Ohio, completed September 29, 2016 and revised May 5, 2017.

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2017-22**

AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN ADDENDUM TO THE OHIO ENTERPRISE ZONE AGREEMENT BY AND BETWEEN THE BOARD OF GREENE COUNTY COMMISSIONERS, THE VILLAGE COUNCIL OF YELLOW SPRINGS, OHIO, AND DAYTON MAILING SERVICES, INC.

WHEREAS, the Village, the Board of Greene County Commissioners (the “Board”), and Dayton Mailing Services, Inc. (“DMS”) previously entered into an Ohio Enterprise Zone Agreement (the “Agreement”) to enable a business and production facility expansion project within the Village; and

WHEREAS, it is necessary to modify the Agreement to extend the applicable tax exemption period by to allow DMS to complete its project; and

WHEREAS, it would be beneficial for the Village to enter into the addendum to the Ohio Enterprise Zone Agreement extending the applicable tax exemption period to allow DMS to invest in the Village as set forth in Exhibit A (the “Addendum”); and

WHEREAS, the Village Manager recommends Village Council authorize the Village Manager to enter into the Addendum with the Board and DMS.

NOW, THEREFORE, THE COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY RESOLVES THAT:

Section 1. The Village Council accepts the recommendation of the Village Manager and hereby authorizes the Village Manager to enter into an Addendum to the Ohio Enterprise Zone Agreement with the Board and DMS extending the applicable tax exemption period by as set forth in the Exhibit A.

Section 2. The Village Manager is hereby authorized to enter into an Addendum to the Ohio Enterprise Zone Agreement attached hereto as Exhibit “A” in the same or substantially similar form.

Section 3. This Resolution shall become effective immediately upon its adoption.

Karen Wintrow, President of Council

PASSED:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Karen Wintrow _____

Brian Housh _____

Gerald Simms _____

Marianne MacQueen _____

Judith Hempfling _____



Brief on Addendum to Enterprise Zone Agreement

Prepared by Patti Bates

May 15, 2017

In your packets is a resolution authorizing an addendum to the original Enterprise Zone agreement we entered into two years ago with DMS Ink. If you remember, the Village, along with the YS Schools, agreed to this tax abatement **on new construction** at the DMS Ink site at 888 Dayton Street. Please note that the abatement does not apply to the current building and/or equipment, but only to **new construction**.

As part of the original agreement, DMS Ink was to begin compliance activities (such as the new construction) within a specified period of time. However, their construction has been delayed and they have asked for an extension of the time period to begin those activities. This addendum simply grants a 1-year extension to the commencement of those activities. It does not in any way change any other conditions of the future abatement. I have spoken with YS Schools Superintendent Mario Basora and he has no issues with the extension.

ADDENDUM TO THE OHIO ENTERPRISE ZONE AGREEMENT

BY AND BETWEEN

THE BOARD OF GREENE COUNTY COMMISSIONERS

(HEREINAFTER REFERRED TO AS "BOCC")

THE VILLAGE COUNSEL OF YELLOW SPRINGS, OHIO

(HEREINAFTER REFERRED TO AS "VILLAGE")

AND

DAYTON MAILING SERVICES, INC.,

(HEREINAFTER REFERRED TO AS "CORPORATION")

WHEREAS, the above identified parties previously entered into an Ohio Enterprise Zone Agreement attached hereto;

WHEREAS, the parties mutually intend and agree to modify the applicable tax exemption period found in paragraph four of the Ohio Enterprise Zone Agreement;

WHEREAS, the parties agree the PROJECT will commence January 1, 2017 and all acquisition, construction and installation will be completed by December 31, 2018;

WHEREAS, as a result of the PROJECT commencing January 1, 2017 and being completed by December 31, 2018, the COUNTY agrees to grant CORPORATION a tax exemption for the real property as set forth in Section 1 of the Ohio Enterprise Zone Agreement, for improvements made pursuant to the PROJECT site pursuant to Ohio Revised Code 5709.63, commencing the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after January 1, 2019, nor extend beyond December 31, 2029. The tax exemption shall follow the schedule identified identified in Section 4 of the Ohio Enterprise Zone Agreement.

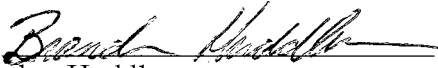
WHEREAS, the parties mutually agree that the terms of the Ohio Enterprise Zone Agreement, herein incorporated as if fully rewritten herein, also govern this addendum;

THEREFORE, the Ohio Enterprise Agreement is hereby amended as provided in the clauses above to reflect the correct dates.

IN WITNESS WHEREOF, the BOARD OF COMMISSIONERS OF GREENE COUNTY, OHIO by Brandon Huddleson, Greene County Administrator, and pursuant to Resolution No. 17-3-23-16, has caused this Addendum to be executed this 23rd day of march, 2017 and the VILLAGE COUNCIL OF YELLOW SPRINGS,

GREENE COUNTY, OHIO by Patti Bates, Village Manager and pursuant to Resolution No. _____, has caused this addendum to be executed this _____ day of _____, 201__ and DAYTON MAILING SERVICES, INC., by _____, its _____, has caused this instrument to be executed on this _____ day of _____, 201__.

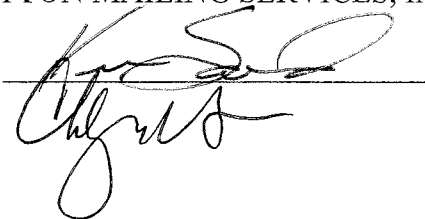
BOARD OF COMMISSIONERS FOR
GREENE COUNTY, OHIO

By: 
Brandon Huddleson
Greene County Administrator

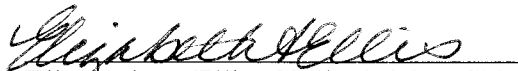
VILLAGE COUNCIL FOR
YELLOW SPRINGS, OHIO

By: _____
Patti Bates
Village Manager

DAYTON MAILING SERVICES, INC.

By: 

Approved as to form:



Elizabeth A. Ellis, Civil Division Chief, Greene County Prosecutor's Office
Statutory Counsel for the Board of Commissioners, Greene County, Ohio

Christopher R. Conard
Counsel for Village of Yellow Springs, Greene County, Ohio

Environmental Commission 2016 Annual Report to Village Council

The Environmental Commission has made significant progress on its goals during the 2016 calendar year. Although a setback occurred, as described below, when the chairperson, Jessica D'Ambrosio, stepped down because she changed jobs and relocated from the area. The following is a summary of activities from 2016.

- Village Source Water Protection Plan
 - Met with representatives from Ohio EPA to get input and guidance
 - Plan nearly complete, including the following updated elements:
 - Characterization of risks
 - Mapping of groundwater and times of travel
 - Jessica stepped down and is transitioning responsibility to Deanna
 - Education/outreach still outstanding, planned for 2017
 - Plan needs to be approved by the EPA and Village Council in 2017
- Glass Farm Conservation Area
 - Developed plan for wetlands renaturalization and acquired grant funding
 - Began executing plan, 50% of grant executed
 - significant progress on invasive plant removal
 - 99% of invasive pears removed
 - 50% of honeysuckle
 - Native trees have been planted
 - Beaver Management Task Force created and flow devices installed
- Pesticide Reduction
 - Secured grant to conduct educational workshops for alternatives to pesticides for lawn care management
 - Conducted an initial workshop with local public entities
 - Village has started adopting alternative pesticides
 - A follow up workshop is planned for 2017, as well as a separate public workshop
- Waste Stream Reduction and Diversion
 - Coordinated with Village Manager to increase environmentally friendly practices into the specifications for the Waste Hauler Contract Request for Proposals
 - Patti is coordinating with rest of the county. Setting a goal to achieve the national standard of 40% diversion rate (currently at 37%, highest in the county).
 - Has reached out to local schools to promote recycling, using available resources from local solid waste contractors
- Coordinate with Yellow Springs Resiliency Network (YSRN)
 - 6 month education program on 6 focus areas (transportation, food, local economy, buildings, waste, and energy) and electricity monitoring dashboard
- Climate Action Plan
 - Started CAP process, collecting data for baseline inventory but found much was not available. For example, transportation is a large contributor, but granularity of data was not available in existing data sources.
 - Council said to move ahead with the CAP without the baseline.
 - Had an initial meeting with stakeholders to gather input.
 - 2017 will put on Village website, collect more input and begin actions



DATE: May 12, 2017

TO: Yellow Springs Village Council

FROM: Marianne MacQueen

RE: Suggested Housing Goals and Housing Needs Assessment Update

I have suggested the following housing goals to inform our discussion regarding why we want a Housing Needs Assessment:

- Ensure community members have adequate, safe, affordable housing
- Spread the burden of taxes and utilities to provide greater affordability
- Endeavor to meet the housing needs of existing and future village residents with focus on:
 - Family housing to encourage an increased and sustained critical mass of public school students
 - Workforce housing so people who work here can also live here
 - Senior and accessible housing for those wishing to downsize and improve functionality

The Village of Yellow Springs seeks a Housing Needs Assessment (HNA) to inform us on our current housing situation and potential future needs and opportunities. The immediate impetus for commissioning a HNA is a potential housing development project on the Glass Farm. However, an Assessment can also provide more comprehensive housing information for the Village as a whole. It can provide data about the current state of housing in Yellow Springs, where the gaps are in terms of need and availability, and what needs and trends there may be in the next decade or so.

Below is a list of what might be included in an HNA:

- Current housing stock data, age, condition, size, price range, etc.
- Data on current and projected households (income, household size, employment information and income as related to housing costs)
- Resident and stakeholder surveys
- Analysis of the For Sale and Rental Housing markets, including nontraditional rentals
- Housing costs needed for certain income groups (total cost/mortgage/rent)
- Current and future projected housing needs over the next 5 or 10 years, including rental to homeownership and market rate to affordable housing.
- Projection of demographic changes in YS
- Projected housing absorption rate
- Special housing types: senior, disabled, workforce, artists, entrepreneurs, etc.
- Types of housing best suited for the Glass Farm, including percentage mix of rental to home ownership and affordable to market rate.
- Potential Funding sources
- Impact of increased housing on taxes and utilities

We anticipate a HNA will cost between \$10,000 to \$30,000. The cost will depend up on what information we want which we are still assessing. We are also looking at what information and resources we already have or can easily get; what the price points might be for HNAs of varying depth and breadth; what other potential stakeholder groups might want to be involved in this process; and what information can be gathered by volunteers and staff. We (our team at this point is Karen W., Patti B., Denise S. and myself) have talked with Patrick Bowen and his assistant of Bowen Research in Columbus to help us assess what questions to ask. We have received some studies from Home, Inc. and have a request out to Antioch College to see what might be shared from the College's research. Karen has set up a stakeholders meeting for June 1st. I've developed a flowchart that indicates that this would be a 5-6 month process from where we are now to having a completed HNA.



Components of a Successful Policy

1. Include the rationale for developing and implementing the policy

Include the reasons for having a policy: health effects of tobacco (first-hand and secondhand smoke), concerns about increased youth use of electronic cigarettes, concerns about a safe and healthy environment to play in, reinforcement of tobacco educational efforts and support for appropriate role-modeling for young people.

2. Consider who the policy will cover

Identify participants, staff, officials, visitors, and all parties the policy will affect.

3. Locations and/or facilities where the policy applies

Identify all grounds and facilities and include organization-sponsored events, even if held off-site.

4. Definition of terms

Describe clearly which tobacco products and electronic delivery devices (electronic cigarettes/e-cigarettes) are being banned and what determines use and/or possession.

5. Enforcement of policy

Describe how the policy will be enforced: for example, utilizing signage, having staff and/or volunteers ask people to refrain from tobacco use during recreational activities, or publicizing it at each event.

6. Consequences of violation

Consider what the consequences will be for violating the policy. This could include verbal warnings, or, if the problem persists, an escort off the grounds.

7. Activities that support the policy

Identify opportunities that complement the tobacco-free policy, such as communicating the policy, promoting the tobacco-free message at events, providing educational materials, trainings, and utilizing adult and peer role models as spokespeople.

8. Dissemination of policy

Develop plans to notify participants, parents, and spectators of the policy. This can include updates to the policy manual, team & participant pledges, trainings, newsletter articles and signage.

Adapted from Creating Tobacco-Free Schools, Connie Alcott, author.



Tobacco-Free Policies For Outdoor Recreational Facilities Make Sense. Here's Why:

Secondhand Smoke is Harmful:

- **It harms everyone.** Exposure to secondhand smoke is a leading cause of preventable death in the United States. 1 in 4 nonsmokers (58 million people) in the US are still exposed to secondhand smoke. It kills more than 400 infants and 4100 nonsmokers every year.¹
- **It can be harmful in outdoor settings.** According to a leading secondhand smoke expert, secondhand smoke levels in outdoor public places can reach levels as high as those found in indoor facilities where smoking is permitted.² The 2006 Surgeon General's report concluded that there is no risk-free level of exposure to secondhand smoke.³ Cigarette butts are the most commonly discarded piece of waste worldwide. Worldwide, it is estimated that 1.69 billion pounds of cigarette butts end up as toxic trash each year.⁴

Cigarette Litter Causes Problems:

- **Policies reduce litter.** Cigarette butts are the one of the most commonly littered items in the world. In the 2015 International Coastal Cleanup over 2 million cigarette butts were collected. Out of this amount, the United States accounted for the highest percentage of these items. In addition to being a nuisance, they can also affect surrounding wildlife. Cigarette butts are not fully biodegradable and can be eaten by animals who think they are food.⁵ Tobacco-free policies reduce litter because smoking isn't taking place anymore.

Tobacco-Free Policies Promote Healthy Communities:

- **Communities everywhere are adopting policies.** Communities throughout the United States are creating tobacco-free outdoor recreational facilities out of concern for the health of their citizens. In addition to cities in Minnesota, cities across the country have adopted tobacco-free policies for their outdoor recreational facilities. California also has enacted a state law that prohibits tobacco use at playgrounds, tot lot sandbox areas and beaches.
- **Policies create a consistent message for all outdoor recreational facilities in the community.** Since many school districts prohibit tobacco use at their outdoor facilities, a tobacco-free policy for city-owned outdoor recreational facilities creates continuity and eliminates confusion about which facilities are tobacco free. A tobacco-free policy also provides support to recreational organizations that already have an existing policy and use the city's facilities.
- **Policies help change community norms.** Tobacco-free policies establish the community norm that tobacco use is not an acceptable behavior for young people or adults.⁶
- **Policies allow leaders to model healthy lifestyle choices.** In a tobacco-free environment, coaches and recreational leaders become tobacco-free role models, which sends a powerful message to youth that tobacco use is not part of a healthy lifestyle.
- **Break the connection between tobacco and sports.** For years the tobacco industry has sponsored and advertised at sporting events, misguiding young people's perception of tobacco use. Research indicates that sporting events expose youth to extensive tobacco use by people they view as positive role models.⁷

¹ Center for Disease Control and Prevention. (2015). Secondhand Smoke: An Unequal Danger

² CARB. (2003). "Technical Support Document for the Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant: Part A," Technical Report. California Environmental Protection Agency, California Air Resources Board, Office of Environmental Health Hazard Assessment, Chapter 5, pp. V6-V19.

³ U.S. Dept. of Health and Human Services. (2006). *The Health Consequences of Involuntary Exposure to Secondhand Smoke: A Report of the Surgeon General—Executive Summary*. U.S. Centers for Disease Control, Office on Smoking and Health, p.9.

⁴ Carlozo L.R. Cigarettes: 1.7 billion pounds of trash. Chicago Tribune. 2008 Jun 18

⁵ Register, K. "Underwater Naturalist" Bulletin of the American Littoral Society, Volume 25, Number 2, August 2000.

⁶ Forster, J. (2000). "Policy Approaches to Reducing Adolescent Tobacco Use." *Healthy Generations 1* (1). University of Minnesota, School of Public Health, Division of Epidemiology, Maternal & Child Health, p. 10.

⁷ Madden, P. & Grube, J. (1994). "The Frequency and Nature of Alcohol and Tobacco Advertising in Televised Sports, 1990 through 1992." *American Journal of Public Health 84*, pp. 279-299.



Smoke-Free Greenspace Brief
Prepared by Patti Bates
May 15, 2017

Earlier this year, Shernaz Reporter from the Greene County Combined Health District make a presentation before Council asking consideration of an ordinance to prohibit smoking and the use of tobacco products on all parks grounds within the Village. At that time, Council asked me to gather further information on the topic and bring it back to Council. That information is below.

Several other governmental entities in Ohio have passed restrictions on tobacco use in public greenspaces. These include, but are not limited to: Oakwood, Marysville, Athens, Columbus, Oberlin, and Champaign County Parks. Each of them incorporates different levels of restriction. For instance, Oberlin restricts use in only certain areas (bleachers, pavilions), while Oakwood prohibits the use entirely. Some include vapor cigarettes in their ordinances while others don't. The level of fines varies greatly. Some first offenses are \$10 (increasing with each subsequent offense), while others are up to \$200.00 for each offense.

Given the healthy lifestyle choices made by most Yellow Springers, it seems logical to pass such an ordinance for the Village. However, Council would need to decide the level of restriction they wish to implement by the action.



Becoming a Tree City, U.S.A.

Prepared by Patti Bates

May 15, 2017

During a previous meeting, Council discussed the possibility of becoming a Tree City, U.S.A. and asked that further information be provided. That information is below.

To become a Tree City, we must meet four standards. We must have a Tree Board or Department. This standard could easily be met by Council establishing a new Tree Board, which would likely incorporate the existing Tree Committee.

The second standard involves enacting a tree care ordinance. This, also, is easily done and I can provide samples, if we choose to move forward.

The third standard is to establish a forestry program with at least \$2.00 per capita budgeted for tree installation and maintenance. While we would have to formalize this budget in our annual required reports to the Arbor Day Foundation, we already far exceed this in our annual tree care costs.

The final standard is to have an annual Arbor Day observance and proclamation. There are a number of ways this could be accomplished. For instance, the Tree Committee's annual tree giveaway could be formalized and expanded to include a program at Mills Lawn with a speaker and the distribution of a seedling to each student.

There is no cost to apply to become a Tree City, U.S.A.

Other Tree Cities in our area include: Oakwood, Dayton, Columbus, Springfield, Amberley Village, Williamsburg, Cincinnati, Hamilton, and Granville. (Ohio has more Tree Cities than any other state.)

Tree City USA Standards

To qualify as a Tree City USA community, you must meet four standards established by the Arbor Day Foundation and the National Association of State Foresters. These standards were established to ensure that every qualifying community would have a viable tree management program and that no community would be excluded because of size.

Four Standards for Tree City USA Recognition

Standard 1

A Tree Board or Department

Someone must be legally responsible for the care of all trees on city- or town-owned property. By delegating tree care decisions to a professional forester, arborist, city department, citizen-led tree board or some combination, city leaders determine who will perform necessary tree work. The public will also know who is accountable for decisions that impact community trees. Often, both professional staff and an advisory tree board are established, which is a good goal for most communities.

The formation of a tree board often stems from a group of citizens. In some cases a mayor or city officials have started the process. Either way, the benefits are immense. Involving residents and business owners creates wide awareness of what trees do for the community and provides broad support for better tree care.

Standard 2

A Tree Care Ordinance

A basic public tree care ordinance forms the foundation of a city's tree care program. It provides an opportunity to set good policy and back it with the force of law when necessary.

A key section of a qualifying ordinance is one that establishes the tree board or forestry department—or both—and gives one of them the responsibility for public tree care (as reflected in Standard 1). It should also assign the task of crafting and implementing a plan of work or for documenting annual tree care activities.

Ideally, the ordinance will also provide clear guidance for planting, maintaining and removing trees from streets, parks and other public spaces as well as activities that are required or prohibited. Beyond that, the ordinance should be flexible enough to fit the needs and circumstances of the particular community.

For tips and a checklist of important items to consider in writing or improving a tree ordinance, see [Tree City USA Bulletin #9](#).

Standard 3

A Community Forestry Program With an Annual Budget of at Least \$2 Per Capita

City trees provide many benefits—clean air, clean water, shade and beauty to name a few—but they also require an investment to remain healthy and sustainable. By providing support at or above the \$2 per capita minimum, a community demonstrates its commitment to grow and tend these valuable public assets. Budgets and expenditures require planning and accountability, which are fundamental to the long-term health of the tree canopy and the Tree City USA program.

To meet this standard each year, the community must document at least \$2 per capita toward the planting, care and removal of city trees—and the planning efforts to make those things happen. At first this may seem like an impossible barrier to some communities. However, a little investigation usually reveals that more than this amount is already being spent on tree care. If not, this may signal serious neglect that will cost far more in the long run. In such a case, working toward Tree City USA recognition can be used to reexamine the community's budget priorities and redirect funds to properly care for its tree resources before it is too late.

Standard 4

An Arbor Day Observance and Proclamation

An effective program for community trees would not be complete without an annual Arbor Day ceremony. Citizens join together to celebrate the benefits of community trees and the work accomplished to plant and maintain them. By passing and reciting an official Arbor Day proclamation, public officials demonstrate their support for the community tree program and complete the requirements for becoming a Tree City USA!

This is the least challenging—and probably most enjoyable—standard to meet. An Arbor Day celebration can be simple and brief or an all-day or all-week observation. It can include a tree planting event, tree care activities or an award ceremony that honors leading tree planters. For children, Arbor Day may be their only exposure to the green world or a springboard to discussions about the complex issue of environmental quality.

The benefits of Arbor Day go far beyond the shade and beauty of new trees for the next generation. Arbor Day is a golden opportunity for publicity and to educate homeowners about proper tree care. Utility companies can join in to promote planting small trees beneath power lines or being careful when digging. Fire prevention messaging can also be worked into the event, as can conservation education about soil erosion or the need to protect wildlife habitat.



Manager's Report, May 15, 2017

Permanent Chief Search Update

We had 3 applicants for the Chief of Police position: Brian Carlson, Dave Meister and Tim Spradlin. Council is scheduled to interview all candidates on May 16th in executive session. The public forum and meet-and-greet are scheduled for May 30 at 7:00 P.M. Any resident who cannot attend the public forum and would like to submit a question to be answered by the candidates can send that question to me at pbates@vil.yellowsprings.oh.us.

Water Quality Report Update

The water quality report was revised and posted online in April. The original report was missing two results from 2014, for Barium (0.143 mg/l) and Fluoride (0.22 mg/l), neither of which was a violation. It was also missing results from the source water assessment plan, which is a voluntary assessment plan that was conducted in 2015 by the OEPA. There was a notice posted on each utility bill from April with a link to the new report, new report posted in public places, and a notice placed in YS newspaper. Upon revising the report and resubmitting to OEPA there will be no violation committed.

Update on Water Plant

The current water plant sand filter underdrain system had a major failure due to age and condition. The failure of this filter was resulting in higher than normal Iron results in the treated water, causing brown water. No results were over the secondary standard of Iron (0.3 mg/l) and once this failure was recognized the filter was immediately taken out of service. The plant is still able to run normally and meet water demands with only two filters online and we will continue to run this way until the new WTP is in operation. The Ohio EPA was notified on the issue and are scheduled to conduct our annual assessment on 5/23/17.

Requested Information

Please find in the packet two briefs that Council previously requested. One provides further information on other municipalities who have made public parks and other properties non-smoking, while the second provides information on becoming a Tree City, U.S.A.

Gaunt Park Pool

Gaunt Park Pool opens Saturday, May 27th. Pool passes are available at the Bryan Youth Center during hours of operation, which are normally 3-9 P.M., through May 26. Once the pool opens, passes will be available only at the pool during normal hours of operation.

I'm happy to answer any questions. Thank you! Patti Bates

	4-26-16 4-26-16	Solar Zoning Permit, 631 Thistle Creek, J Robinson/S Gordon Addition Permit, 1016 Livermore Street, C & A Pickerill
Construction companies re: Zoning	4/24/17 4/25/17 4/28/17	Sugartree re: single family dwelling zoning permit Scanlan Const. re: uses of property for sale by Xylem/parking requirements – explained parking/setbacks-called back and left msg. re: overlay district. Spencer Group – letter of variance approval/need acc. structure permit
Violations	4/28/17	Met w/Patti re: ongoing mediation of a public nuisance
Planning Commission Work	4/28/17	Final legislation approval for pocket neighborhood developments - consideration in the zoning code as a conditional use. Met with Barry Rich attorney for Mr. Buster re: minor subdivision – requested to see packet.
BZA Work	Week of 4/24	Michael Spencer x 3 phone calls re: BZA
Economic Sustainability Work		
Meetings		

	4/26/17	Mediation meeting – 5 pm
	4-27-17	BZA Meeting – 7 pm Staff Leadership Training – 8 to 12
	4/28/17	10 -11 Conference Call w/Bowen Research on housing/land assessment
Other	Week of 4/24	Jessica Brockman re: legal questions related to planning and zoning

Permits Issued Week of 4/24/2017

BZA BZ17-02

130 N Walnut St

BZA approved a variance of 4 feet to height of accessory structure –BZA requested PC look at a text amendment to the height requirements for accessory structures.

2017-22

375 Stewart Dr

Single Family Dwelling

2017-23

631 Thistle Creek

Solar Agreement – Accessory Structure

2017-24

1016 Livermore St

Addition

Planning, Zoning & Economic Sustainability Log Week of:

Tasks Accomplished	Dates	Description
Realtors/appraisers re: zoning		
Citizens re: Zoning Richard Davis Jason Hamby – okay w/project	5/10/17	Followed up w/Mr. Davis re: sidewalk extension. Okayed by J Hamby. Sent working in ROW permit and instructions. Told him to contact Jason prior to start of project. Will also need to be inspected prior to the pour.
Construction/Other companies re: Zoning Armor Fence	5/8/17	Left message for a fence permit – easement for water in location
Ugicom/Spectrum Cable	5/8/17	Borings in ROW for cable line-sent Work in ROW Permit-w/talk to J Hamby when it is returned.
Van Lehn Construction	5/8/17	Todd called re: 214 N Stafford – needs UT sign offs by UT superintendents.
Armor Fence	5/9/17	Contacted Jason with Armor Fence re: permit for 655 Omar Circle. Explained requirements and directions to the Village offices. Location w/be in a water easement. Will check this with J Burns.
J Hamby/J Burns	5/9/17	Email correspondence w/staff. J Burns confirmed WR/ER off and w/sign doc for Verification of UT d/c.
Armor Fence	5/9/17	Asking more questions about WR easement. Owner willing to remove fence if problem occurs. No other place to put it. Will get back with him once I've talk to J. Burns.
J. Burns	5/10/17	J. Burns said no on a fence in the location of a water line.

<p>Armor Fence - Jason</p> <p>J Hamby</p> <p>Renewal by Anderson</p> <p>Todd VanLehn</p>	<p>5/10/17</p> <p>5/10/17</p> <p>5/10/17</p> <p>5/11/17</p>	<p>Called and explained he can't put fence there. Asked more questions. Gave him JB's number and told him to talk directly to him as he would know where the water line location is. If JB approves then he can turn fence permit in to zoning.</p> <p>Confirmed p/up of two zoning signs.</p> <p>Forwarded the Work in ROW permit for Ugicom to make two road bores on N High for cable install at residence. W/contact Ugicom once JH approves.</p> <p>Wanted to know if there was a permit requirement for the installation of residential windows. Let him know VYS does not.</p> <p>Called Todd re: completed UT sign off sheet. Asked him to come before 11 or after 3 to process.</p>
<p>Violations</p> <p>Ellen Hoover w/Millworks</p> <p>Diane Chiddister</p>	<p>5/8/17</p> <p>5/8/17</p>	<p>Ellen received a letter from Diane C. re: noise. Told her PC was getting the letter now, too, as it was too late for the packet. Explained that I have not yet read it, but let her know that the PD did noise levels but it was not complete. Will contact her back when I know what PC wants to do.</p>

<p>Brian Carlson</p>	<p>5/8/17</p>	<p>Called Diane re: letter and explained to her I would be letting PC know staff is still gathering the noise levels.</p>
<p>Anonymous</p>	<p>5/8/17</p>	<p>Talked w/Brian about noise letter and he indicated he would finish the noise levels and then we can get back with PC if necessary.</p> <p>Anonymous call re: 453 Fairfield Pike above ground pool – installed it and there are no railings or locked gate, no securely fenced in yard; wondered if they had a permit. Loud music and lack of security; drained it last year and made a mucky mess.</p>
<p>Lori Beckman</p>	<p>5/10/17</p>	<p>Checked the property on GIS and owned by a company. Went to property and took a photo of pool from the street. Will contact the company re: pool permit and safety issues.</p>
<p>John Gudgel</p>	<p>5/10/17</p>	<p>Re: public nuisance of garage – mediation process – asked for demo info from neighbors but didn't get it so contacted P&Z for it.</p> <p>Contacted John re: mediation process for garage – sent copies of demo paperwork from both parties.</p>
<p>Park Hills Centre – Lagos</p>	<p>5/10/17</p>	<p>Had Cameron call re: permit and non-compliance w/safety. Confirmed w/Lagos that the pool needed to be secure w/fencing to keep small children from entering or the pool needs to be removed. He was not aware the tenant had installed an above ground pool. I sent him a photo, the permit form and the regulations.</p>
<p>Resident at 453 Fairfield Pike</p>	<p>5/10/17</p>	<p></p>

<p>Patti Bates</p>	<p>5/11/17</p>	<p>Talked w/resident about pool and compliance requirements – sent permit and regulations. She said she will get it in compliance.</p> <p>Meeting re: next steps re: garage dispute.</p>
<p>Planning Commission Work</p>		
<p>Micah David</p>	<p>5/9/17</p>	<p>Called Mr. David to ask that he contact his surveyor re: Book 300 Page 197 for PC to review</p>
<p>Judy Kintner</p>	<p>5/9/17</p>	<p>Met w/Judy to review the PC meeting of 5/8/17.</p>
<p>PC Agenda for 6/13/17</p>	<p>5/9/17</p>	<p>Began a draft of June PC agenda</p>
<p>Greene Co. Recorder Office</p>	<p>5/10/17</p>	<p>Sent intern to get a copy of Book 300, Page 197 re: 745 Dayton St on his way into work. Already received it from legal by the time he arrived there.</p> <p>Had Cameron check with GIS re: retrieving data about lots in residential zones.</p> <p>Travis Owens followed up w/me and we discussed the parameters. He suggested having Ken LeBlanc involved and possibly using his GIS Intern to help. If they are not able, he has some ideas on getting some of that data for the VYS.</p>
<p>Laura Curliss</p>	<p>5/10/17</p>	<p>Asking questions about the lot split on an easement. Explained it's allowed in the ZC. Wanted to know if that was new to this ZC. Unable to answer that w/o</p>

Jessica Brockman	5/10/17	researching the previous code. Explained legal said it was allowable. Wanted me to consider designation of a street. Discussion re: private road w/easement vs. designated street.
BZA Work		
Economic Sustainability Work Jake Brummett-Wander & Wonder	5/8/17	Received a call from the owner of a new business venture in CBD. Taking space where OATS was located. Provided info on permits needed by VYS and GC. Followed up w/email mentioning YSCOC and YS News.
Patti Bates	5/8/17	Met with P. Bates re: new business Wander & Wonder which she indicated is a backpacking gear store.
Jake Brummett	5/9/17	Met w/Jake Brummett re: Wander & Wonder retail shop. Processed change of use and sign permits.
Meetings	5/8/17	Planning Commission meeting @ 7PM
	5/11/17	Leadership training – 11AM-3PM
Other		
Jessica Brockman	5/8/17	Message to call (VYS law firm). Left message back. Later talked to Jessica about noise ordinance and how we both interpret the language to discuss with PC.
Zoning	5/11/17	Created a demo form under the change of use category. The form we had was a duplicate of Greene county's and the charges were not approved by ordinance.

Permits Issued

2017-31	5/9/17	Change of Use for new business
2017-32	5/9/17	Sign permit for new business
PC17-18	5/9/17	Short term rental approved in an existing ADU at 5/8/17 PC meeting
2017-33	5/11/17	Working in ROW to install cable line
2017-34	5/11/17	Change of use demo permit w/UT signature sign off sheet completed

Planning, Zoning & Economic Sustainability Log Week of: May 1, 2017

Tasks Accomplished	Dates	Description
Realtors/appraisers re: zoning	5-4-17	Sam Eckenrode re: easements at Stancliff
Citizens re: Zoning	5-1-17	Accessory Structure, 130 N. Walnut St., Mike Spencer
	5-1-17	Fence Permit, 133 W. Whiteman St., J & R Davis
	5-1-17	Fence Permit, 1220 Corry St., GMHA
	5-3-17	Emily Siebel re: Stancliff Lot 5 – reviewed easements-site plan
	5-3-17	Fence Permit, 135 Miami Dr., C. Fang/B. Olesko
	5-3-17	Tiny House on Chassis, Brett Henderson
	5-4-17	1016 Livermore, Craig Pickerill, addition to porch
	5-4-17	Micah David re: lot splits
	5-4-17	Robb Cooper re: demo x2
Construction companies re: Zoning	5-4-17	Tom Noftle, re: demolition & acc structure permits
Violations	5-4-17	Noise complaint - Yellow Springs Brewery, Diane Chiddister
Planning Commission Work	5-3-17	Review of planning commission minutes

	Week of 5-1-17 5-3-17	Finalized packet for Planning Commission, accessory dwelling, minor subdivision, and pocket neighborhood development Letter from neighbor regarding minor subdivision for PC meeting, 745 Dayton Street – discussed w/Legal; Utilities Supt.; Village Mgr. – requested it be in PC packet.
BZA Work	5-4-17	Carol McKeever re: BZA sign to pick up Michael Spencer re: Garage plans; BZA variance and accessory structure permit
Economic Sustainability Work	5-4-17	Ken Bouchard re: economic development/hyperlink issue
Meetings	5-3-17	Meeting w/resident Carol Fang re: fence permit
Other	5-3-17 5-3-17 5-3-17 5-3-17 5-4-17 5-4-17	Melissa Dodd and Rachel McKinley re: receipt Phone call from legal re: zoning issues Richard Zopf re: Zoning code interpretation Checked w/PBates, TDonnell and legal re: zoning code interpretation Patti/Judy re: lot split email Denyelle Willis re: tap fees

Permits Issued Week of 5-1-17		
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2017-25	130 N Walnut	Accessory structure
2017-26	133 W Whiteman	Fence
2017-27	1220 Corry St	Fence
2017-28	135 Miami Dr	Fence
2017-29	860 Dayton	Demo
2017-30	860 Dayton	Accessory structure



Assistant Village Manager Report
May 15, 2017

Now that the weather is finally turning warmer, every few days or so, I would like to propose a few changes in the summer sewer ordinance. The first being the change in how the credit is calculated as the ordinance still refers to the quarterly billing process and we are now billing monthly. The second is to put a maximum credit given in the ordinance. We have seen extremely large credits be given which could be attributed to leaks, pool fills and other non-permitted uses. This cap would allow us to minimize any potential misuse of the ordinance. We feel that a maximum of 6,000 gallons over the course of the 3 summer months is a reasonable amount. Lastly, we want to add a provision about apartment complexes and multi-unit dwellings. This change would require the owner to apply for the summer yard and gardening credit versus individual tenants for any outdoor areas that need tended to. We have seen a number of individual tenants apply and we should limit this to one credit per unit. If council is agreeable to these changes I can bring those in an ordinance to the next meeting.

The utility billing software conversion is still coming along. The first training on the new software will be for 3 days at the beginning of June. I anticipate that the first parallel billing will be that month and hopefully we will be able to go live on the new system for the July billing cycle.

I am also registered for training for the new finance software that we will be implementing through the state auditor's office at the end of June. This has been a long delayed process due to the few trainings offered each year that kept conflicting with my schedule.

I am excited about the positive changes being implemented in the finance and utilities offices!

Respectfully Submitted,
Melissa Dodd



Police Department Report, May 15, 2017

The Yellow Springs Police Department consists of dedicated dispatchers and peace officers. We are public servants sworn to protect and serve the community. We will treat every person we encounter with dignity. We will seek peaceful resolutions to each situation, using force only as an absolute last resort. We will keep the safety of the community in mind at all times.

The police department had its first implicit bias training session on May 11th with Bias Recognition Diversity Specialist Mr. Keane Toney. Pat Dewees and Dave Turner sat in on the lecture as well. It was an informative and interesting presentation focusing on how to keep ourselves aware of the implicit bias we all carry in our subconscious minds.

Mr. Toney also spoke of how each individual encounter we have as officers is either a deposit or withdrawal into the bank of respect from the community we serve. I liked this comparison as I believe we do earn or lose our respect one encounter at a time.

The department has our second session with Mr. Bill Parsons scheduled for June 2nd as we continue our de-escalation and effective community policing segment of the training.

I am happy to answer any questions you may have.

Brian Carlson

Interim Chief of Police

5-15-2017

To: Council

From: Judy Kintner

Re: Clerk's Report

It's been fairly busy in the clerk world—many meetings, packets and minutes. I have attached a basic breakdown of the differences between venues available at the Bryan Center for Council to use in making a decision as to where to hold the events scheduled for May 30th, which I hope is of use.

The annual OMCA Institute is scheduled for July 16-21, and I may try to attend at least one-to-two days of that event which I have termed Clerk Camp, because it essentially is. . . .

If no one else has mentioned it: child care will be available through the Youth Center on May 30th between 7 and 9pm if you wish to attend the Police Chief Forum and Meet and Greet sessions unencumbered! Snacks, crafts and movies will be made available to all kids.

--Judy Kintner

Information for Venue Selection

When using the JBC

Council Chambers: Permitted capacity is 60. This translates to a capacity for an audience of about 53 with as many as 7 at the dias. Chambers is set up for live broadcast and media broadcast (TV monitors). A&B can be used as overflow space with a monitor broadcasting the live meeting (this would involve a small tech set up cost). Always available to Council.

Rooms A&B: Permitted capacity is 70. If a setup is placed at the front of the room to accommodate a panel or Council, and taping gear is set up than the capacity is realistically 7-10 at the front table and an audience of about 55. If it needs to be set up for live broadcast there would be a charge involved, as well as about 90 minutes of setup time required for the tech. Media projection is possible, onto a wall. Booking may displace a regularly scheduled user.

Gym: Permitted capacity is 270, and this is accurate as to actual space with a table set up. Setup need is extensive, involving about an hour from staff and 2-3 hours from tech plus another 90 minutes or so if they are there to assure the live feed stays good through the event. There is no way to easily provide media projection. Gym meetings have cost an average of \$504 (and this is including a substantial discount from TechAdvisors) per use just for the tech support. We normally also displace whatever group is scheduled for the Gym from mid-afternoon on (Zumba, judo, basketball or volleyball).

Energy Board Recommendation to Partner with Empower G&E LLC to provide
Residential Energy Efficiency Program

Empower Gas and Electric provides energy services with a web based savings evaluator, a free on-site energy audit and then provides quotes through certified partners to do energy efficiency updates including air sealing, insulation, LED lighting and smart thermostats. This service will be at no charge to the village, but we recommend that to increase participation, the village set aside \$10,000 to be used as rebates for Empower services. These rebates would range from \$250-\$500 per structure and can be combined with rebates from Vectren to discount the services. Our recommendation is that for structures of less than 1000 square feet the rebate would be \$250, 1000 sq.ft. to 2000 sq.ft. \$375 and 2000 sq.ft. and above \$500.

A couple of key points make this proposal much better than the Efficiency Smart program we were involved in:

- 1) Because Empower is a Gas and Electric Company+(even though they don't sell either) they can access residential gas usage data which makes their web based energy modeling work correctly. In the past, while working with the University of Dayton, not having this information made modeling much less accurate.
- 2) There is no cost to the village other than the rebates which go directly to the customer.
- 3) Empower uses certified contractors and does random post install audits to assure quality.
- 4) Empower offsets their costs through additions to the price of services.
- 5) Empower will provide advertising to get people to sign up.

Empower has worked with Cincinnati, Dayton and Athens among others.

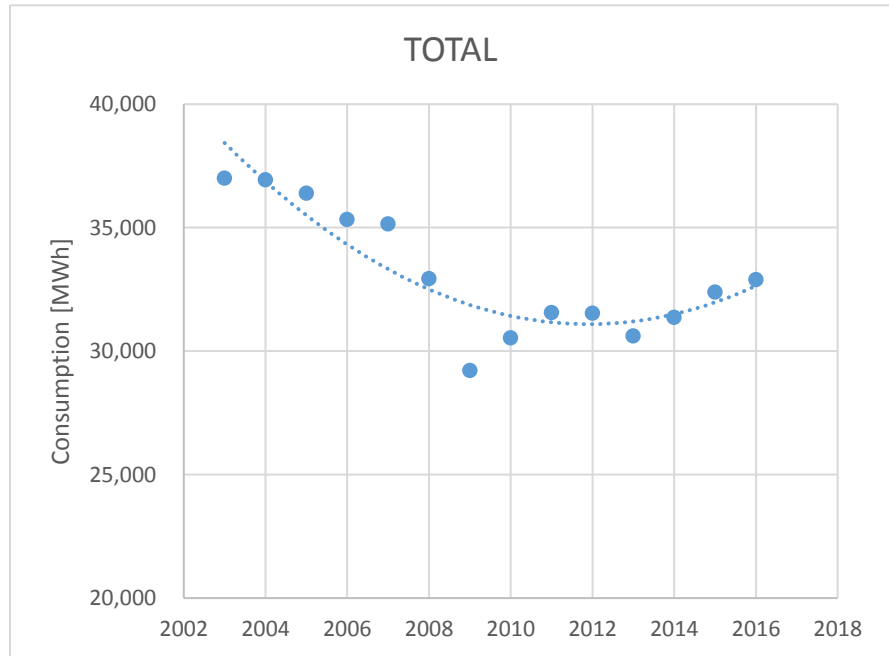
Look at: <http://www.empowersaves.com/online-assessment/> for an example of an online home assessment, and to see their services.

Empower would also like to explore with the Energy Board and Village Staff the potential for creating an on-bill pilot program for energy efficiency services in Yellow Springs. Neither Empower nor Yellow Springs would have any obligation to move forward with the pilot if the exploration deems an on-bill pilot to be too burdensome, costly, or otherwise unobtainable.

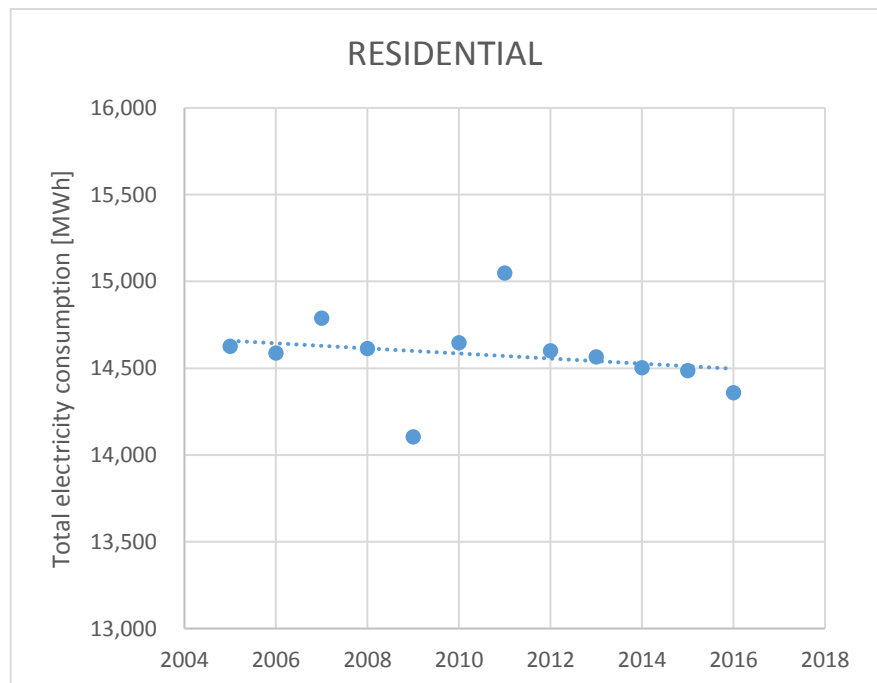
The Energy Board recommends that the village partner with Empower Gas and Electric to provide energy efficiency services for the Village of Yellow Springs.

How is Yellow Springs progressing in our goal to reduce energy use and carbon dioxide emissions? Using data made available by the Village (thank you to Village Manager Patti Bates and to Melissa Dodd) we can track overall electricity use over time, and separate consumption into the sectors Residential, Commercial and Industrial. Here we will take a look at residential use, as well as overall consumption. The other factor to look at is the amount carbon dioxide being emitted by our electricity consumption. Over the past few years the Village has made a concerted effort to work with AMP, our supplier, to find sources of electricity with lower carbon emissions intensity.

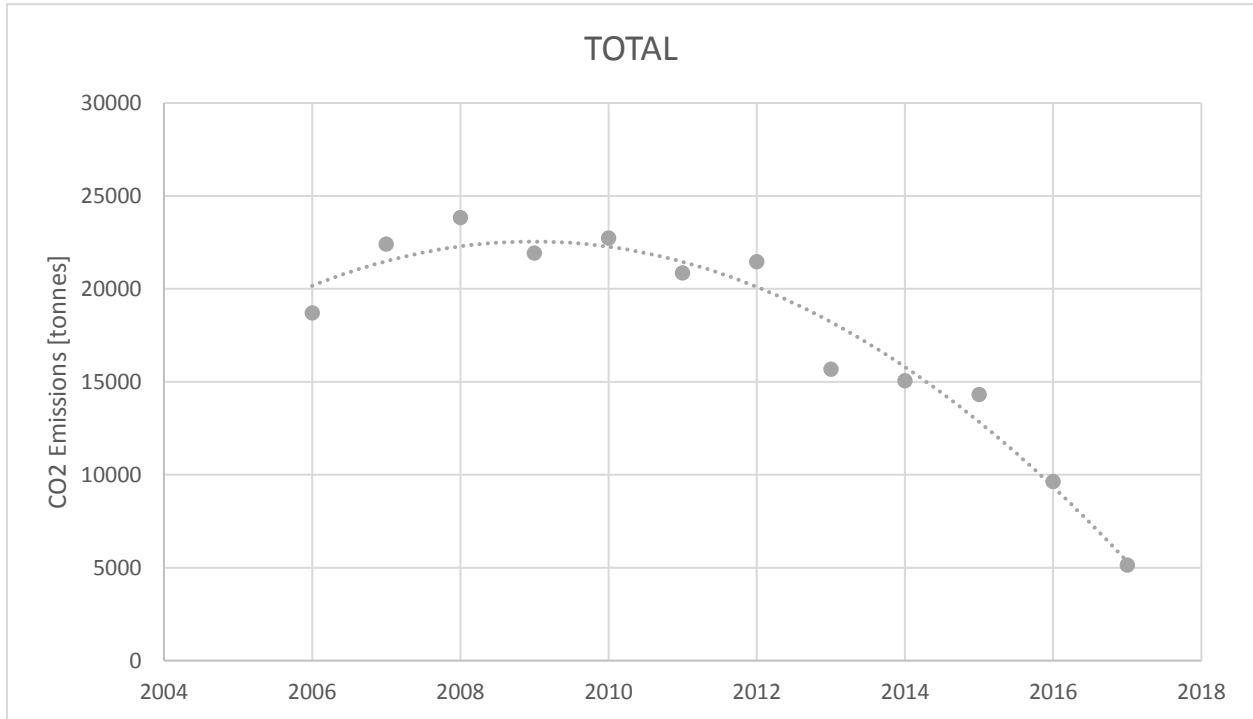
If we start with residential electricity consumption over the past decade or so, we see that there has barely been any change at all. According to census data, there are about 1700 households in Yellow Springs, so the average yearly electricity use is about 8200 kWh/year per household. This seems to compare very favorably with the regional average of about 11,000 kWh/year per household, even if the change over time has been minimal.



Total electricity use in the Village decreased for several years around the time of Antioch College closing and during the worst of the recession. Since about 2009 total electricity use has increased by about 10%, but is still 10% less than it was in the several years prior to the recession.



The more interesting trend is that of CO₂ emissions from electricity. Emissions were more or less constant from about 2007 to 2012, but have started to drop significantly in recent years. Projecting slightly ahead to expected emissions for this year, emissions have dropped by about 75% since 2012. Most of this decrease has been due to the change in composition of the electricity sources we purchase through contracts with AMP. There are a lot of ways of looking at this trend, but one of these is to consider what the EPA estimates to be the indirect cost to society of emitting CO₂. Currently a good value to take from their work is about \$40 for each metric ton, which means that by reducing our emissions from 22,000 tCO₂/year to 5000 tCO₂/year, we are contributing to a decrease in costs to the broader society of approximately \$680,000/year.



Energy Board Recommendation to Accept 2 free chargers from Tesla Motors to install at Bryan Center

Telsla Motors, the electric car company, has a Destination Charger+program where they supply free chargers to increase the options for Tesla owners to charge. These chargers work for Tesla electric cars only. Tesla has agreed to provide the following at no cost to the village:

- 1) 2 Tesla Destination Chargers
- 2) 2 Pedestals for mounting chargers
- 3) \$1500 for each charger for a total of \$3000 to offset the cost of installation

Please look at: <https://www.tesla.com/support/destination-charging> for more information on Tesla's destination program.

The destination chargers would be listed in Tesla's on-board navigation system and would draw people to town who would charge and have 2-3 hours to visit Yellow Springs.

After conversations with staff we recommend that three parking places be set aside for electric car charging with one place having a combination of one Tesla charger and one of our present chargers, one for the second of our present chargers and one for the other Tesla charger.

The Energy Board recommends that the Village accept and install two new Tesla electric car chargers.

Energy Board Minutes

March 14, 2017

Members present: Rick Walkey (Chair), Eric Johnson (Secretary), Judith Hempfling (Council Representative), Dan Rudolf

Members Absent: Bob Brecha, Franklin Halley

Others Present: Patti Bates, Village Manager, Alan Brunzman, Tremaine Phillips, Empower, Jason Berdine, Empower

Judith: Council may be willing to commit funds to the right proposal from the Energy Board.

The minutes of February 14, 2017 were voted on and approved.

Patti reported that the solar array is moving forward with a planned ribbon cutting in August.

Judith – Council showed interest in the idea she raised about planting trees. Brian suggests getting involved in “Tree City USA.” Ohio has more “Tree Cities” than any other state.

Objectives with Empower:

Provide low-cost high impact energy efficiency for homeowners and landlords

Design digital marketing components using utility data

Use innovative financing approaches

Verifying results to customers

Bringing in regional/national partners

The result does positively impact property values

We input the utility data into our proprietary software and a reliable savings projection can be made and later verified. We guarantee the process will work.

Empower has been set up legally to be seen as a utility which theoretically could resell gas and electricity and this enables us to obtain data on Vectren customers. We already have DP&L, but YS owns its own electric utility.

Dan – That was an issue for us when we tried to do this in the past. We could not obtain the Vectren data without getting each resident’s permission.

Empower now has software to allow individuals to analyze and see what savings they would get.

Dan – It is still hard to get people to do it.

Jason – The process is turnkey up to the financing stage. We have a pay as you save program that takes from 3-5 years and usually is net zero cost to the customer's original bill.

The savings are based on a normalized year so there could be some fluctuation. We can identify the role of behavior by looking at the base load.

Originally a lawsuit against Duke Energy provided \$500k that was allocated to our company as a loan fund to assist consumers. The lawsuit targeted the fact that Duke had been working to saver corporations energy but not consumers.

Dan – Does it incentivize landlords?

We do have lease language to help make it work for renters and landlords.

We focus mainly on air sealing the attic and increase insulation to R49. The basement joist is also insulated to prevent heat transfer. Smart thermostats are also used. In some cases smart thermostats can save landlords maintenance costs.

The total cost averages \$2,500 and could save as much as \$1,000 annually.

We work with highly skilled contractors that have to have 5 100% inspections before we will work with them. After that we spot check 10% of the jobs. It involves a BPI Certification to be considered. We offer warranties and do conduct blower door tests.

In some cases, if there are HVAC issues, we identify them and make recommendations.

Windows are low on the list of priorities. Dan – Yes, about tenth.

Our assessments are free. We identify first who needs us the most. If they indicate no interest, we drop the effort with that customer.

Judith – Empower should probably present a proposal to Council and if it is approved, we can work with the paper to get the word out, use the Village website or call.

Patti will discuss this further to see what is possible.

Energy Board Minutes

April 18, 2017

Members present: Rick Walkey (Chair), Eric Johnson (Secretary), Dan Rudolf, Alan Brunzman, Franklin Halley arrived @ 6:30.

Members Absent: Bob Brecha, Judith Hempfling (Council Representative)

Others Present: Patti Bates, Village Manager, Tremaine Phillips, Empower, Melissa Dodd, Johnnie Burns, Superintendent of Village Utilities.

Tremaine explained that Empower received a \$500k settlement from Duke Power to provide residential energy savings through installation of insulation, air sealing, and programmable thermostats. Empower has been piloting projects in Cincinnati, Athens and Cleveland offering loans at no cost that would be paid through savings on utility costs during a three year period. The resident typically pays no more than \$10-\$20 per month (above normal rate) to cover a loan of \$1,500 to \$3,500 (with \$1,000 provided from the Village per household). Empower guarantees savings and ensures quality installations from vendors with a proven track record. After the loan is paid, the resident's bill shows a net savings.

Tremaine said that they would like to pilot a project in Yellow Springs. It is not a source of profit for Empower as much as a case study for Empower and Duke.

A discussion of how to cover defaults and what percentage of customers might actually default followed. Melissa and Patti raised that if failure to pay the Empower portion of the bill caused a default, they would not want customers to be shut off. Patti said the utility staff get enough grief as it is. How many homes to start?

Tremaine: Maybe 25-50 homes. Vectren has a generous rebate program which could provide a viable source of funds. We make our money from vendor mark up.

Dan – Having the certified vendor list is a real advantage. Bob and I did not have that when we were doing this. Also the free audits is a big plus.

Melissa: In the next month, we will be initiating a new billing system. We need six months to ensure the software is working well before we consider doing an on-bill method of recouping loan payments.

Tremaine: We could use that time to resolve issues and get started with a few cases. We also have a system that can work well for a tenant/landlord situation so that renters are not left out.

Johnnie: I am opposed to putting anything on our utility bills. At this point, we have a six month record of who has defaulted, but that is confidential

Patti: We could explore using property tax bills as a repayment method.

Tremaine: I think we need to do some due diligence of credit worthiness up front.

Dan: New renters would get the benefit of energy savings but would still be responsible for increased payments.

Dan: We need to determine an initial program that might be rebates instead of using billing system. Then we can consider trying something more down the road.

Tremaine: We would focus on the properties with the highest need. If the audit doesn't flag insulation, it doesn't get into our model.

Johnnie: How about commode and water flow because that is a big cost.

Tremaine: We could look at that.

Patti: Someone should put together a proposal for Council.

Tremaine: Local industries should consider a PACE Program.

Dan: I will write a proposal that would request \$10,000 from Council to get started.

Tremaine: We could then start with 20 homes and use Vectren rebates.



The Economic Sustainability Commission provides information and makes recommendations to Council regarding economic development for the Village of Yellow Springs, identifying primary opportunities for economic development in the Village and strategies to support these efforts and facilitating a forum for incubating ideas and networking among diverse groups working on economic development in the Village.

Economic Sustainability Commission Minutes

Wednesday April 5, 2017

Council Chambers, John Bryan Community Center

Attendees: Saul Greenberg, Henry Myers, Brian Housh, Luciana Lieff, Karen Wintrow, Mark Crockett, and Sammy Saber.

Announcements

- Matthew Kirk has resigned from this Commission

Annual Report

- Annual report to be prepared and presented to Council by Saul on April 17, 2017
- One page highlights of what we are focused on (RLF, CBE, etc.)

CBE

- Saul to email Survey Monkey Survey's results to ESC members
- Henry to organize a subcommittee of three ESC members to prepare a report with results from CBE forum, Survey Monkey, and paper survey feedback
- Report to show main categories of results
 - Development (housing, business, etc.)
 - Energy (solar, windmill, etc.)
 - Non-development (farming, green space, etc.)
- Subcommittee to present report for reviewing and voting on next ESC meeting on April 12, 2017, at 4pm
- Saul to present report to Council on April 17, 2017

Next meeting April 12, 2017, at 4pm, Council Chambers



The Economic Sustainability Commission provides information and makes recommendations to Council regarding economic development for the Village of Yellow Springs, identifying primary opportunities for economic development in the Village and strategies to support these efforts and facilitating a forum for incubating ideas and networking among diverse groups working on economic development in the Village.

Economic Sustainability Commission Minutes

Wednesday April 12, 2017

Council Chambers, John Bryan Community Center

Attendees: Saul Greenberg, Henry Myers, Brian Housh, Luciana Lieff, Karen Wintrow, Dino Pallotta, and Sammy Saber.

Annual Report

- Annual report was prepared by Saul and approved by all members present
- Saul to present annual report to Council on April 17, 2017

CBE Community Conversation Summary Report

- Report was prepared by Henry and Sammy
- Some corrections were made by ESC members
- Brian and Sammy to make corrections to the report by Friday morning
- Saul to present report to Council on April 17, 2017

Next meeting May 3, 2017, at 7pm, Council Chambers

Minutes for JSTF

Attendance: David Turner, Pat Deweese, Judith Hempfling, Jen Berman, Bill Randolph, Kate Hamilton, John Hempfling, Al Schlueter, Steve McQueen, Cyndi Pauwels, Jacob Ellis

Chief's report- Having a Social worker to work with officers as well as citizens in order to start putting faces and stories and lives to the cases and repeat offenders etc that the police deal with. The chief has now printed out sheets of paper that can show offense and race and outcome.

365 mission statement discussion- the group gathered a lot of info from local sources as well as national sources. 365 project endorsed the recommendations to present to JSTF. Motioned made to fully support the 365 committee when they bring they're findings to Council. Motioned passed. We will continue to work together.

Some groups are bringing speakers to speak to the public and we want to make sure the people on the task force know this beforehand.

Mayor's Court- instead of prosecutor, court mediator. Court mediator would have a law background. They can be either as equal as the mayor or slightly less. Preemptive backlash of not having a law experienced person involved with mayor's court. A book given to David by Chief Carlson has every crime that mayor's court can handle called "criminal". Motion to table, motion didn't pass. Motion to amend sub group wording. Motion was not passed. Motion to recommend the words written by the sub group to be presented to Council. Motion passed.

Social Worker- How to finalize the recommendations? Do we direct council or just recommend that a social worker work with police. Begin the exploration for finding a social worker especially because the chief is excited about it. Motioned made to have council pursue hiring a social worker. Motioned passed.

**Planning Commission
Regular Meeting Minutes**

Council Chambers 7:00pm

Monday, April 10, 2017

CALL TO ORDER

The meeting was called to order at 7:02 P.M.

ROLL CALL

Planning Commission members present were Gerald Simms, Council Representative, Susan Stiles, Acting Chair, Chris Zurbuchen and Adam Abraham. Also present were Denise Swinger, Zoning Administrator, and Jessica Brockman, Village Solicitor. (Simms arrived at 7:05pm).

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Stiles Moved and Simms Seconded a Motion to adopt the Minutes of March 13, 2017 as written. The MOTION PASSED 3-0 on a voice vote with Zurbuchen abstaining due to absence from that meeting.

COMMUNICATIONS

There were no communications. Zurbuchen reported fruitful attendance at a regional planning workshop.

CITIZEN COMMENTS

There were no comments made.

PUBLIC HEARINGS:

- 1) **Conditional Use Application** – Yellow Springs Brewery – 305 N. Walnut Street – I-1 Industrial District. Ted Donnell, on behalf of the owners Lisa Wolters and Nate Cornett has made application for the addition of a fence to an outdoor patio area at the Yellow Springs Brewery, which requires a review of retail incidental to the manufacture or production of goods on the premises, not exceeding 30% of the total floor area of the principal building. Parcel ID# F19000100110025900

Ted Donnell has submitted plans to erect a fence around an outdoor patio area. Because this newly defined area potentially creates additional outdoor space, an application was made for a review of the retail incidental to the manufacture or production of goods on the premises, not exceeding 30% of the total floor area of the principal building, which is a conditional use requirement under section 1252.02 (Table) Schedule of Uses: Industrial Districts.

The property is located in the I-1, Light Industrial District at 305 N. Walnut St. It is a 2.997 acre commerce park owned by Millworks Development Corp. that contains an industrial complex with multiple tenants. The Yellow Springs Brewery is one of the tenants in the Millworks complex.

The Yellow Springs Brewery now encompasses 6,962 square feet of space within Millworks. The retail incidental to the production of goods on the premises cannot exceed 2,089 square feet. With the fenced in outdoor area, the total square feet designated now as retail is 2,087 square feet. The area defined by the fence is labeled patio, however staff has been told this will actually be a crushed gravel area for standing room only customers and not a traditional seating area with tables and chairs. The taproom hours beginning Memorial Day through Labor Day are M-F 3-10 PM, Sat 1-10 PM and Sun 1-8 PM, for a total of 51 hours per week.

Zurbuchen questioned the plan for a gravel-only space, stating that chairs and even tables might make the space more customer friendly.

Donnell responded that the idea was not to entice customers, but simply to provide an overflow space so that customers will not leave the property with alcoholic beverages as now happens on occasion.

Stiles OPENED THE PUBLIC HEARING.

Dianne Chiddester, a near neighbor, spoke positively about the Brewery, but noted that there is a “price to be paid,” that being primarily noise and a potential for that to increase with an increase in space and, thereby, clientele. Chiddester acknowledged that while at times disruptive, the noise of people socializing is not unpleasant. Chiddester went on to describe noise that she hears from her home which is, “a low-level industrial hum.” Chiddester identified the source as a chiller associated with the Brewery, which, she said, runs continuously. This hum, she stated, is far more disturbing than the sound of patrons.

Chiddester noted that she has communicated concern this to co-owner Lisa Wolters, whom she described as responsive to her concerns, but she asked whether a more effective sound barrier could be installed, given that Wolters' solution of plantings was ineffective.

Chiddester noted that she lives in R-B, which is directly across the bike path from the Industrial district.

Stiles invited response from Wolters or Cornett.

Simms pointed out that the noise complaint brought forth is not the matter before the Planning Commission.

Swinger offered to address the complaint with Cornett and Wolters at a later date, but wondered if there were other ways to explore a sound barrier for the graveled area.

Donnell agreed that the shrubs had not served to abate the noise, and commented that the issue is one of determining how the sound is being directed, and then determining how best to redirect it.

Donnell commented that the district is zoned as industrial, and as such will at times produce noise in excess of that permitted in a residential district. He stated that he would not wish his client to be affected by a complaint based upon residential standards. Donnell noted that the Industrial district in that area preceded the Residential district, and that addressing a noise complaint based upon a residential standard may be "going down a slippery slope."

Simms invited Donnell's comment upon Chiddester's concern that the graveled area will bring in more patrons.

Donnell commented that the graveled area is not meant to bring in more patrons, and is only meant as an overflow area. He noted that patrons are already overflowing into the (now) grassy area with their alcoholic beverages, and the fencing plan is primarily to accommodate this without violating the terms of the liquor license.

Susan Harrison asked about what type of fence is planned, and Donnell responded that it would be chain link, four feet high.

Stiles CLOSED THE PUBLIC HEARING.

Simms MOVED THAT THE CONDITIONAL USE BE APPROVED AS SUBMITTED. Zurbuchen SECONDED, and the MOTION PASSED 4-0 on a roll call vote.

- 2) **Text Amendments** -The Village of Yellow Springs is applying for an amendment to the zoning code for the addition of Pocket Neighborhood Developments (PNDs).
Amend Chapter 1262.08 (e) (6) Conditional Use Requirements – the addition of pocket neighborhood developments with specific conditional use requirements.

Swinger explained that at the Monday, April 3rd meeting of Council, she had presented the text amendments for spatial requirements and short-term rentals. There was considerable discussion among Council and citizens about short-term rentals, and Swinger suggested that PC look at these again.

Swinger noted that she was also asked to stay for a presentation on the Glass Farm presented at the Council meeting. It was during this presentation, made by Ken LeBlanc of the Regional Planning and Coordinating Commission of Greene County, that a discussion ensued regarding a housing needs study. Swinger shared concerns that with the changes in the zoning code allowing for increased infill, a comprehensive study of all of the lots in the Village of Yellow Springs seems in order. Such a study would ideally help determine what the Village could build out and project resulting population potential. Council agreed to have the Village Manager and staff consider the elements needed in such a survey and to seek proposals to implement it.

Because of this, Swinger opined that if PC chooses to move forward with the PND legislation, they may wish to consider limiting it to the high-density residential zoning district until completion of the proposed housing needs study.

Simms noted a concern regarding exceeding the 5,000 mark in terms of population, but also commented that a housing study makes sense in terms of making an informed approach to the issue.

Swinger commented that a land study, rather than just a housing study is required in this case.

Swinger commented that the question of increasing past the 5,000 mark is an important.

Zurbuchen asked whether Swinger is concerned that putting the PND legislation on the books would allow more growth with fewer constraints.

The group discussed the matter generally.

Donnell commented that if one plans around maximum densities, it is likely that there will be resistance to growth. He noted that simply having land that might be developed does not ensure that this will occur. He opined that adding something like PNDs to the zoning code merely “adds another tool to the toolbox” and gives a potential developer more options to work with.

Donnell stated that an increase in population to 4,500 would be a 25% increase in population, and ‘that won’t be accomplished with accessory structures or pocket neighborhoods.’

Donnell stated that if the PND legislation works with the densities that already exist within each residential area, than potential growth is not being exponentially affected, but a developer is given more options as to what might be done with any given available piece of land. Donnell commented that he has been seeking a piece of land upon which to build a PND in the Village for 25 years, and has not yet been about to find such a parcel.

Abraham commented that he knows many persons who struggle to find housing in the Village, and agreed with Donnell that there seems no reason to fear overgrowth.

Donnell commented that review of the Comprehensive Plan is on the Agenda, and noted that this is the perfect place to look at the density issue holistically.

Swinger commented that there are many Village documents that need to be updated, the Comprehensive Plan foremost.

Swinger read through the requirements for the text amendments as listed above and discussed these with PC.

PC discussed whether or not to permit an existing structure with “four additional” structures, or whether the existing structure should be considered one of the four structures required for a PND.

Swinger noted that she would like to see a minimum of four detached single unit dwellings.

Abraham noted that if the existing dwelling is not considered one of the four dwelling units, its footprint may prohibit the ability to build four structures on the space.

Zurbuchen commented that she read the text as including the existing dwelling in the required total of four dwellings.

Stiles pointed out that if the dwelling is a duplex, than four “detached single unit dwellings” are still required.

Zurbuchen suggested changing the language to say “a minimum of four dwelling units” rather than “detached dwelling units” to cover the possibility of an existing duplex.

Swinger agreed to this change.

Swinger asked Donnell whether PNDs, in his experience, tend to be a mix of different types of dwelling, and he responded in the affirmative.

Swinger then informed PC that she had checked with Greene County Auditor, and that entity confirmed that they do use lot lines to determine taxation for each unit, so that the Home Owners’ Association never receives a tax bill. Each unit is taxed for the land under the home and for an equal portion of the total land comprising the remainder of the lot.

Swinger asked for clarification regarding perimeter setbacks.

Donnell commented that frontage would be relative to the road, not relevant to the orientation of the home or homes to the road. He noted that the rear yard would be then in relation to the frontage, regardless of orientation of dwellings.

Swinger stated that she will need to bring the matter back because she has made a number of changes.

There were no comments from the public.

COUNCIL REPORT

Simms reported on Council’s response to the legislation regarding Short Term Rentals. PC discussed this. Simms noted that from a PC standpoint, they were primarily concerned with neighbor notification and with assurance that staff were aware of the presence of STRs.

Simms commented that some on Council and some citizens believed that the legislation was meant to limit STRs.

The Clerk commented on the response to the legislation, noting that there is a perception that a conditional use will place an undue burden upon anyone asking for a conditional use, and that they may be denied. This, she opined, changed the discussion regarding the legislation and obscured PC’s reason for initiating the change.

Stiles commented that Council is then saying that they do not want STRs to be regulated.

Swinger noted that the impetus for addressing the STR issue began with an anonymous complaint.

Swinger commented that no code had been created, but that Accessory Dwelling Unit language was duplicated in the STR section, and the condition was changed to “30 days or fewer”.

Abraham stated that he is more concerned with Air B&Bs which are operating without having an owner on the premises or even as a local resident.

Swinger made the point that the term “short term” is meaningless unless it captures the daily or weekly rentals.

Simms commented that there had been objection from residents wishing to rent one or two rooms who did not see any need to let the Village know of the rental situation. He commented that the reason to know about the rental capacity of the home would be for use by the emergency squad or the Police Department.

Abraham commented that knowledge of STR properties would be critical to the accuracy of a housing study. He commented further that the explosion of Air B&Bs has made a significant negative impact upon the availability of long-term rentals.

The Clerk suggested that Planning Commission represent their perspective at Council meeting.

Donnell commented that there is a perception on the part of Council that the zoning code is broken because there has been a series of text amendments. He pointed out that these are to be expected as a new code is tailored to a specific community, and concluded that Council and citizens should be communicated with regarding the desired outcome of the change to the STR section, that is, better information for the Village, the YSPD and MTRF, and the ability to allow neighbors to express any concerns so that PC is able to address these, as needed, in any conditions applied to the use.

The possibility of recusals on the part of Council was briefly discussed, regarding the STRs.

Language limiting the number of adults to two in an ADU was briefly discussed

Simms gave information regarding the lawn care ordinance, and its discussion at Council table.

OLD BUSINESS

Comprehensive Land Use Plan: Discussion of Update Process. Swinger noted that she would like to look at the appendixes as a starting point.

AGENDA PLANNING

The next meeting of Planning Commission will take place on May 8th.
Comprehensive Land Use Plan.
Chapter 1248.02.

ADJOURNMENT

At 7:28pm, Zurbuchen MOVED and Simms SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

Susan Stiles, Acting Chair

Attest: Judy Kintner, Clerk

Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.

Police Data Analysis MOU
May 9, 2017 Memorandum of Understanding

John Bottomley, (contractor), agrees to complete the following work, for a fee not to exceed \$250 paid by the Village of Yellow Springs upon completion of the report.

Scope of Work: The attached data set of police citations will be analyzed to answer the following questions:

Questions of Race

What is the raw racial disparity between the citations received by people of color and white people?

What is the raw racial disparity between black people and white people?

Race by Sex

Looking separately at men and women, what is the raw racial disparity between the citations received by people of color and white people? What is the raw racial disparity between black people and white people?

Age Groups

What is the raw disparity between the citation rates for different age groups?

Race by Age Group

The data appears to be unsuitably uncertain for black people, with margins of error equal to or greater than the black population estimated to be residents of Yellow Springs. Therefore, there is probably no baseline for comparison. However, we would still be interested in the descriptive statistics for Race by Age Group.

Working with Disparities in the Data

John Hempfling, member of the Yellow Springs Justice Task Force, will consult with Mr. Bottomly on how any disparities in the data will be addressed.

Confidential Information Mr. Bottomly acknowledges that during the course of this work, he may obtain or have access to information that maybe sensitive in nature. This information would include names of law enforcement officers and names and addresses of individuals issued citations. It is understood that this information is never to be disclosed to another party and will be coded when in the report.

Signatures...

May 10, 2017

Yellow Springs Village Council/ City Manager:

RE: Brian Carlson

We are writing to endorse interim police chief Brian Carlson for the full time position of Yellow Springs Police Chief. We strongly urge Council and the City Manager to make the right and clear choice for this position.

Brian has already made a positive impact on the Yellow Springs community and has brought the community closer together with his creativity and poised manner. He has demonstrated strong leadership and it is time for this Village to again make the right choice for our leading peace officer so he can then teach and train new recruits and newly hired officers coming into this community what is expected of them and how to truly demonstrate how to protect and serve this diverse town.

When you find the right choice, by appointing Brian as interim chief in the first place, why would you change? This is a very important decision and Brian's view on how the office should be managed and the attitude his officers should present to the public match our values perfectly.

As home owners and business owners in this community we need Brian Carlson!

Sincerely,

Steve and Molli Agna Diebold
Orton Rd.
Yellow Springs, OH

Judy Kintner

From: Brian Housh
Sent: Tuesday, May 02, 2017 10:13 AM
To: Judy Kintner
Subject: Fwd: choosing a chief

----- Forwarded message -----

From: Sharon Mohler <smmart937@att.net>
Date: May 1, 2017 1:10 PM
Subject: choosing a chief
To: Brian Housh <brianhoush@vil.yellowsprings.oh.us>, Brian Housh <brianhoush@vil.yellowsprings.oh.us>
Cc:

Dear Brian , and rest of Council .

I hear that the local person applying for the position of Chief is officer David Meister .

He lives in YS , He has ALWAYS been friendly with the public -did not have make a special effort ,because the department was getting a bad reputation .

He pays taxes here , his children are in school here . He is a volunteer fireman here .
All of these things make him be more connected to the heartbeat of Yellow Springs .

YS is a small town .most of us know the folks who have mental problems .,But a person that only comes here to work does not have the knowledge .

I cite the Paul Shook incident .

An officer that lives here is not likely to bully the people that he must live with .

I cite the Talitha Green incident , The NY eve incident ,and several others .

An officer that people know ,and have known for a long time [perhaps he helped put a fire out at their home } -is going to be trusted ,and get citizen cooperation .

David Meister is quiet ,and does not brag a lot ,but I think that he would be the best candidate for the leader of the Yellow Springs Police Dept. .

Brian Colson is friendly ,and a busy campaigner ,but that has come about since the NY eve incident . I am not sure what other business interests that he has , but I think that he does not live in YS . If he has done volunteer work in this community I have not heard about it

Thank you for reading this
Sharon Mohler

Judy Kintner

From: Dorothee Bouquet <dorothee.bouquet@gmail.com>
Sent: Tuesday, May 02, 2017 3:19 PM
To: Patti Bates; Brian Housh; Gerald Simms; Judith Hempfling; Marianne Macqueen; Karen Wintrow
Cc: Judy Kintner
Subject: Paragraph 11 of the Resolution 2017-21

Dear Council members and Village Manager,

I have just read the Resolution 2017-21 in its entirety and the paragraph 11 caught my attention:

“The Village agrees Employee’s personnel file shall not include any disciplinary action for matters pertaining to the handling of the “2016 New Years Eve Ball Drop” that was the subject of an independent investigation”

What is the point of an Employee's personnel file if it does not disclose events leading to their termination? How does this practice of editing personnel files help the community trust their police officers and police department?

Last night I heard Chief Carlson talking about his meeting with Samuel Sarpiya who led the revamping of policing in Rockville, IL. One of the cornerstones of their success lies in a (costly) feedback system, in which any resident can anonymously and publicly provide feedback on their interaction with police officers. Do we need to look at such a system for Yellow Springs, since the personnel files are unreliable?

Best,

Dorothee

FOR IMMEDIATE RELEASE

May 4, 2017

Contact: Office of Communications (614) 644-8562

Fight the Bite: Mosquito and Tick Season Begins in Ohio

ODH offers tips on how to prevent mosquito- and tick-borne diseases

COLUMBUS – Mosquito and tick season has officially begun in Ohio, and the Ohio Department of Health (ODH) urges people to “fight the bite” and take precautions to prevent bites from mosquitos and ticks which can carry diseases such as West Nile virus, Zika virus and Lyme disease.

In Ohio, ticks are most active April through September, and mosquitoes May through October.

Mosquitoes

Ohio has a type of mosquito that can transmit West Nile virus, and 17 cases were reported in the state last year.

The primary mosquito that transmits Zika virus is found in the tropics and southern U.S., but it is not known to be established in Ohio. A “cousin” of the mosquito is found in parts of Ohio and may potentially transmit Zika virus. Ohio had 95 travel-associated Zika cases last year in returning travelers from Zika-affected areas, and three travel-associated cases so far in 2017.

Nationally, there have been more than 5,000 travel-associated Zika cases in the U.S. since Jan. 2015. The only cases of local mosquito-borne Zika transmission in the continental U.S. were in South Florida and Brownsville, Texas, last year.

“You can take some simple precautions at home and when traveling to prevent potentially serious mosquito-borne diseases,” said Sietske de Fijter, ODH State Epidemiologist and Bureau Chief of Infectious Diseases.

Mosquitoes can live indoors and outdoors, and some species bite during the day while others bite at dusk and dawn. Here are some tips to avoid mosquito bites and prevent mosquito-borne diseases:

- If you are outdoors when mosquitoes are most active, be sure to wear long pants, a long-sleeved shirt, shoes and socks.
- Wear light-colored clothing, which is less attractive to mosquitoes.
- Use EPA-registered mosquito repellent and follow the label directions.
- Wear clothing and gear treated with permethrin, an insecticide (do not apply permethrin directly to skin).
- Install or repair screens on windows and doors to keep mosquitoes out of your home.

(More)

Here are some tips to eliminate mosquito breeding sites around your home:

- Eliminate standing water.
- Empty or remove water-holding containers, such as buckets, unused flower pots and bird baths.
- Make sure all roof gutters are clean and draining properly.
- Keep child wading pools empty and on their sides when not being used.

Ticks

The types of ticks found in Ohio can transmit a variety of diseases, including Lyme disease, and 160 cases were reported in the state last year.

“If you find a tick attached to your body, remove it and monitor your health to watch for a fever, rash, muscle or joint aches or other symptoms,” said de Fijter. “If you experience any of these symptoms, contact your healthcare provider.”

Here are some tips to avoid tick bites and prevent tick-borne diseases:

- Avoid direct contact with ticks by avoiding wooded and bushy areas with high grass and leaf litter, and by walking in the center of trails.
- Wear clothing and gear treated with permethrin, an insecticide (do not apply permethrin directly to skin).
- Use EPA-registered tick repellent and follow the label directions.
- Here are some tips for finding and removing ticks attached to your body:
 - Use fine-tipped tweezers to grasp the tick as close to the skin's surface as possible.
 - Pull upward with steady, even pressure. Do not twist or jerk the tick, which can cause the mouth parts to break off and remain in the skin. If this happens, remove the mouth parts with tweezers. If you are unable to remove the mouth easily, leave it alone and let the skin heal.
 - After removing the tick, thoroughly clean the bite area and your hands with rubbing alcohol, an iodine scrub or soap and water.
 - Dispose of a live tick by submersing it in alcohol, placing it in a sealed bag/container, wrapping it tightly in tape or flushing it down the toilet. Never crush a tick with your fingers.
 - Avoid folklore remedies such as "painting" a tick with nail polish or petroleum jelly or using heat to make the tick detach from your skin.

Go to the ODH website at odh.ohio.gov for more information about how to prevent mosquito-borne and tick-borne diseases and other information and resources.

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Note to Media – Click on the following links for more information on:

- Zika virus <http://www.odh.ohio.gov/odhprograms/bid/zdp/diseases/zika.aspx>
- West Nile virus <http://www.odh.ohio.gov/odhprograms/bid/zdp/diseases/wnv.aspx>
- Lyme Disease <http://www.odh.ohio.gov/odhprograms/bid/zdp/diseases/lyme.aspx>



Public Health
Prevent. Promote. Protect.

Greene County Public Health

Melissa Branum, MS, MBA, MPH, RN, RS, Health Commissioner

Robert P. Dillaplain, MD, Medical Director

Press Release

For Immediate Release
May 5, 2017

Contact: Laurie Fox, Public Information Officer
937-374-5669/866-858-3588; lfox@gcph.info

Greene County Safe Communities Receives Allstate Grant

XENIA, OHIO – The Greene County Safe Communities Coalition has announced that they are the recipient of an Allstate Foundation Helping Hands in the Community grant in the amount of \$1,000.00. Safe Communities Coordinator, Jillian Drew, said “Thank you to Allstate volunteer Scott Pauley for being a positive force for change in our community. Scott gave his valuable time and enabled us to receive this grant”. The money will be used for the fall 2017 and spring 2018 high school seat belt challenge that encourages our local youth to buckle up. Every trip. Every time.

The Allstate Foundation supports the causes that Allstate agency owners, financial specialists and employees care about most by providing Helping Hands in the Community grants to nonprofits where they volunteer their time to bring out the good in their communities.

For more information on Greene County Safe Communities, please call Jillian Drew at 937-374-5683 or email her at jdrew@gcph.info.

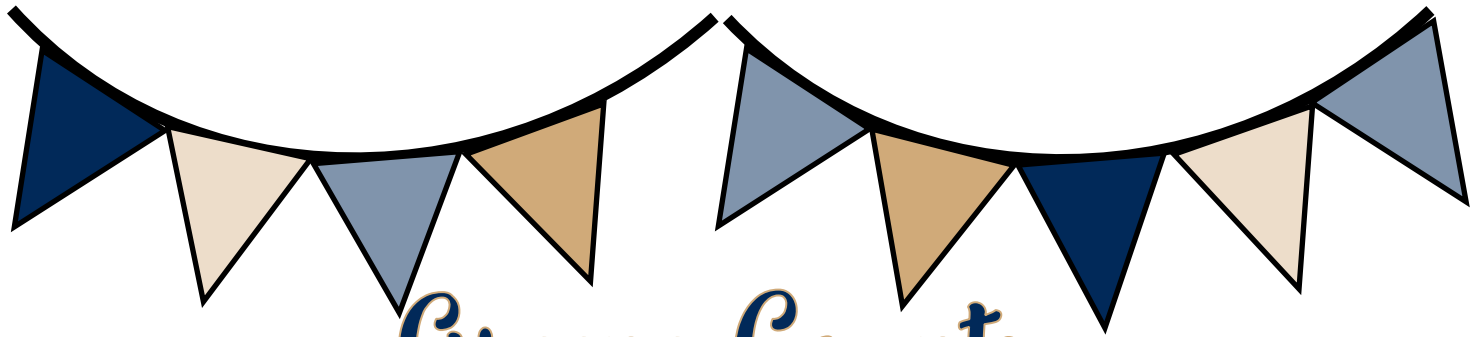
About Greene County Public Health:

Our services are designed to protect and improve the health of the community. We provide convenient, population-based health services to families, WIC, families in need of special services for children with medical and developmental needs, school inspections, general operations, nuisance abatement, rabies, and other environmental health investigations. We ensure safety of food and water, protection from disease, and readiness to respond to emergencies. The organization was created by Ohio Revised Code 3707 and 3709 in 1920. Our mission is to prevent disease, protect our environment, and promote healthy communities and wellness in Greene County.

Greene County Public Health...
Your Trusted Local Public Health Authority Since 1920

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360 Wilson Drive • Xenia, Ohio 45385
(937) 374-5600 • toll free (866) 858-3588 • Fax (937) 374-5675
www.gcph.info



Greene County RESOURCE FAIR

A FREE event to raise awareness of the valuable services available to Greene County residents to help make their lives better!

FRI | MAY 12, 2017 | 2PM—6PM

XENIA LIBRARY, 76 E. MARKET ST, XENIA, OH



“With God’s Grace” Mobile Food Pantry located outside the Library

★ **RAFFLE PRIZES** ★ **GIVEAWAYS** ★

Family Fun Activities & More!

*Greene County Public Health • Equitas Health • Greene County Recycling • Greene County Soil & Water
Family Violence Prevention Center • TCN • Parenting Network • Greene CATS • CareSource • United Way
Greene County Job & Family Services • Greene County Fair Housing • ABC Pediatric Therapy
Community Action Partnership • YMCA • Vectren • With God’s Grace Food Pantry
Clark State Community College...and more!*



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For more info, contact:
Jessica at 937-374-5621
jwarner@gcph.info

Press Release



Greene County Public Health
A Safe Communities Grantee of Ohio Department of Public Safety
Ohio State Highway Patrol-Traffic Safety Division
360 Wilson Drive, Xenia, OH 45385



Contact Person:

Jillian Drew, Safe Communities Coordinator
937-374-5683; jdrew@gcph.info

FOR IMMEDIATE RELEASE
Wednesday, May 3, 2017

-FOR IMMEDIATE RELEASE- Spring High School Seat Belt Challenge Winner Announced

XENIA, OH – Greene County Safe Communities Coalition has announced that the winner of the 2017 Spring Break Seat Belt Challenge was Fairborn High School. The \$575.00 cash award will be presented to the school on Monday May 8th, 2017 at 10:00am at Fairborn High School located at 900 E Dayton Yellow Springs Road in Fairborn. The award was donated by Cali & Associates – Allstate Insurance, C&H Carstar, Collett Propane, Reichley Insurance Agency, and Scott Pauley Allstate Insurance. Representatives from the Safe Communities Coalition, local Fairborn City officials, School Resource Officer Jim Hern, members of the school administration, and representatives from the supporting businesses will join students and staff of Fairborn High School to accept the award.

This is a bi-annual project (spring and fall) of the Greene County Safe Communities Coalition to raise awareness about seat belt use and encourage students to buckle up every trip, every time. The two weeks prior to each high school's spring break, announcements about the dangers of driving unbelted, statistics, and encouraging messages were provided, and an unannounced check was completed at the schools. The high school with the highest percentage of students buckled as they were leaving at the end of the school day won the challenge. A total of nine (9) high schools participated in the challenge.

For the third time in a row Fairborn High School has won with 100% of their students buckled. Second place went to Bellbrook High School with 97.7%, and third went to Legacy Christian Academy with 94.4%. According to Jillian Drew, Safe Communities coordinator, "This spring, we increased the seat belt use of local high school student by 6.8%. Seat belts reduce death by 45% and serious injury by 50%, per the National Traffic Safety Administration. With the help of local businesses support, high school administration, and the Safe Communities Coalition members, we are taking great strides in helping to keep our teen drivers safe."

For more information on the Greene County Safe Communities Coalition, call Jillian Drew at 937-374-5683 or email her at jdrew@gcph.info.

Greene County Public Health...
Your Trusted Local Public Health Authority Since 1920

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Clark, Greene &
Madison Counties

Annual Membership Meeting

Thursday, May 18th, 2017

7 - 8 pm

The Vernon Center
222 East Street, Springfield, OH 45505
(937) 322-5600

We will provide an overview of NAMI CGM growth and successes, information on ways to get involved, and networking.

**Join us in maximizing our community impact
and get involved!**

Network! Learn! Ask questions! Get involved! Make a difference!

We are better together!

Light refreshments will be served.

NAMI Clark, Greene and Madison Counties • 222 East St. • Springfield, OH 45505
(937) 322-5600
www.namicgm.org

Upcoming Outreach Events

Here's just a small sampling of some of the public events NAMI CGM will participate in:

Greene County Resource Fair – free, raffle, giveaways, family fun activities, food pantry.

Friday, May 12, 2-6 pm,
Xenia Library, 76 E. Market St., Xenia

Madison County Substance Conversation – panel discussion on substance abuse, resources before and after panel.

Wednesday, May 17, 6-7 pm
336 Elm St., London H.S. auditorium, 43140 .

Community Action Day – free lunch, door prizes, entertainment, kid friendly, resources.

Friday, May 26, 11 am-2 pm, Shawnee Park Pavilion, 591 South Park Dr., Xenia

Yellow Springs Street Fair – Entertainment, food, fun, arts & crafts, music, shopping. Booth faces Nipper's Corner.

Saturday, June 10, 9 am-5 pm,
Downtown Yellow Springs 45387

FatherFest/Juneteenth Celebration – family fun, games, rides, entertainment, book fair, health screenings, food vendors, resources. Gammon Hse.

Saturday, June 17, 11 am-7 pm,
620 Piqua Place, Springfield

London Strawberry Festival – rides, games, car show, strawberry foods, music, fun, more

Saturday, June 24, 9 am-11p, Route 56,
Historical downtown London, 43140.

We welcome you to join us in making these events truly successful. To volunteer, email Kathryn at kathryn@namicgm.org or call 937-322-5600.



May is Mental Health Month!

Each year, millions of Americans face the reality of living with a mental health condition, as 1 in 5 U.S. adults will experience a mental health condition in their lifetime. However, *everyone* is affected or impacted by mental illness through friends and family.

Throughout May, NAMI CGM and participants across the country are raising awareness for mental health. Each year, we fight stigma, provide support, educate the public and advocate for equal care. Each year, the movement grows stronger.

Help us spread the word through the many awareness, support and advocacy activities by showing you're **#IntoMentalHealth**.

To find out how you can be inspired, informed and involved, go to:

[Get Involved](#) or call us at 937-322-5600.



For news, advocacy alerts & updates:

Go to our public [NAMI CGM Facebook Page!](#)

Go to our public NAMI Facebook [Lighthouse Page!](#)

Chat privately on the NAMI [Peer Only Lighthouse FB Page!](#)

(You must attend the Lighthouse to join this secret group. Send your email address to dustin@namicgm.org or call 937-873-2220.)

Managing Stress

The effects of stress tend to build up over time. Taking practical steps to manage your stress can reduce or prevent these effects. Following are some tips from the National Institute of Mental Health (#OM 16-4310):

- ⇒ **Recognize the Signs** of your body's response to stress, such as difficulty sleeping, increased alcohol and other substance use, being easily angered, feeling depressed, and having low energy.
- ⇒ **Talk to Your Doctor or Health Care Provider.** Get proper health care for existing or new health problems.
- ⇒ **Get Regular Exercise.** Just 30 minutes per day of walking can help boost your mood and reduce stress.
- ⇒ **Try a Relaxing Activity.** Explore stress coping programs, which may incorporate meditation, yoga, tai chi, or other gentle exercises. Schedule regular times for these and other healthy and relaxing activities.
- ⇒ **Set Goals and Priorities.** Decide what must get done and what can wait, and learn to say no to new tasks if they are putting you into overload. Note what you have accomplished at the end of the day, not what you have been unable to do.
- ⇒ **Stay Connected** with people who can provide emotional and other support. To reduce stress, ask for help from friends, family, and religious or community organizations, like NAMI Clark, Greene & Madison Counties.



AVOID LABELS SUCH AS THE FOLLOWING:

- > Challenged
- > Crazy
- > Demented
- > Lunatic
- > Normal/not normal
- > Psycho/psychopath
- > Schizo
- > Special
- > Sufferer/victim
- > Wacko



EVERYONE CAN PLAY A ROLE

- > Use respectful language to talk about mental health conditions.
- > Challenge misconceptions when you see or hear them.
- > See the person, not the condition.
- > Offer support if you think someone is having trouble.

