

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

**IN COUNCIL CHAMBERS @ 7:00 P.M.**

**Tuesday, January 2, 2018**

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**

**ROLL CALL**

**REGULAR SESSION (7:00)**

**SWEARING IN OF NEW COUNCIL MEMBERS AND MAYOR (7:05)**

**NOMINATION AND VOTE FOR COUNCIL PRESIDENT AND VICE PRESIDENT (7:10)**

**ANNOUNCEMENTS (7:15)**

**CONSENT AGENDA (7:20)**

- I. Minutes of December 18, 2017 Regular Meeting

**REVIEW OF AGENDA**

**I. PETITIONS/COMMUNICATIONS (7:25)**

The Clerk will receive and file:

Krista Magaw re: Jacoby Partnership Press Release  
Chief Carlson re: Officer Charles and Officer Bennington Thank You  
Dino Pallotta re: Resignation from ESC

**II. PUBLIC HEARINGS/LEGISLATION (7:30)**

**Reading of Resolution 2018-01** Authorizing the Sale During Calendar Year 2018 of Municipally Owned Personal Property Which is Not Needed For Public Use, or Which is Obsolete or Unfit for the Use for Which it was Acquired, by Internet Auction, Pursuant to Ohio Revised Code Section 721.15(D) (Bates)

**III. CITIZEN CONCERNS (7:35)**

**IV. SPECIAL REPORTS**

**V. OLD BUSINESS (7:40)**

JSTF re: Report on Taser Policy (Deweese)  
Council Rules and Procedures Discussion Follow-Up (Housh)  
Ethics Regarding Boards and Commissions (Hempfling)  
House Bill 49 Update (Conard)

**VI. NEW BUSINESS (8:35)**

2018 Council Retreat Agenda (Housh)

**VII. MANAGER'S REPORT (8:50)**

**VIII. ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR'S REPORT (9:00)**

**IX. CHIEF'S REPORT (9:10)**

**X. CLERK'S REPORT (9:20)**

**XI. FUTURE AGENDA ITEMS (9:25)**

Jan. 10: Council Retreat; AUM, 9am-12pm.

Jan. 16: Bowen Presentation re: Housing Needs Assessment

Selection of Council Members to Boards and Commissions

Voluntary Tax Collection Discussion

Revolving Loan Fund Follow Up

2018 Goals

**EXECUTIVE SESSION**

**ADJOURNMENT**

The next regular meeting of the Council of the Village of Yellow Springs will be held at 7:00 p.m. on **Tuesday, January 16, 2018** 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](mailto:clerk@yso.com) for more information.

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

**In Council Chambers @ 5:30 P.M.**

**Monday, December 18, 2017**

**CALL TO ORDER**

President of Council Karen Wintrow called the meeting to order at 5:34pm.

**ROLL CALL**

Present were Wintrow, Vice President Brian Housh, Council members Gerald Simms, Marianne MacQueen and Judith Hempfling.

**EXECUTIVE SESSION**

At 5:35pm, MacQueen MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Evaluation of a Public Employee. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

The session started with all above noted individuals present. At approximately 6:35pm, Council Clerk Judy Kintner entered the session.

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

Manager Patti Bates and Assistant Manager Melissa Dodd joined Council at the table following the session.

**SWEARING IN OF NEW COMMISSION MEMBERS**

Library Commission: Rebecca Eschliman; Dorothy Smith; Leigh Duncan.

**ANNOUNCEMENTS**

Housh reiterated a call for volunteers for the Active Transportation Committee's planning group.

Housh announced the following upcoming events: January 19<sup>th</sup> is the re-opening celebration for the John Bryan Center Gallery with the opening from 6-9pm; The Little Art Theater will hold its annual New Year's Eve Celebration starting at 8pm.

Wintrow noted that the New Year's Eve ball drop will occur downtown.

Housh noted that new Council members and Mayor will be sworn in during the New Year's Eve celebration by incumbent Mayor Foubert.

Wintrow noted that the annual Martin Luther King Jr. Day march will start from the Subway parking lot this year, and will end at the Bryan Center.

Dodd announced a water main break currently being addressed in the Meadow Lane/Allen St. area.

Dodd noted that the new water plant is nearing completion, and needs a final EPA approval before going online.

Housh commended Simms and Wintrow for their service and appreciated them.

MacQueen seconded the sentiments, and appreciated Village staff for their service as well.

Wintrow commented upon last week's groundbreaking for Cresco, noting that they were the first in the state of Ohio to break ground.

**CONSENT AGENDA**

1. Minutes of December 4, 2017 Regular Meeting

Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE the Consent Agenda. The MOTION PASSED 5-0.

## **REVIEW OF AGENDA**

The Clerk asked that Resolution 2017-61 be moved just after Resolution 2017-58.

## **PETITIONS/COMMUNICATIONS**

Housh reviewed communications received as follows:

Donna and Al Denman re: Affirmative Action in Hiring  
Judith Hempfling re: Council Orientation  
Cyndi Pauwels re: Resignation from JSTF  
Ellis Jacobs re: JSTF Data Analysis  
Lisa Kreeger re: Outreach Specialist  
Brian Housh re: Active Transportation

## **PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2017-42** Amending Utility Dispute Resolution Board Establishment; Authority. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Dodd explained that the UDRB has met recently for the first time in a long while and, at that time, it was recognized that the makeup of the Board needed to be amended to better reflect a strong level of citizen participation.

Dodd noted that there is an existing Board of Tax Appeals (BTA), and the idea in amending the UDRB was to mirror the makeup of the Tax Board so that the same citizens could serve on both Boards. These Boards, Dodd noted, meet very rarely.

Dodd noted that this will mean the board is made up of three members, two of whom are appointed by Council, and a third appointed by the Village Manager. None of the members can be a member of the Finance Department.

Wintrow OPENED THE PUBLIC HEARING.

There being no public comment, Wintrow CLOSE THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 on a roll call vote.

**Emergency Reading of Ordinance 2017-43** Approving Fourth Quarter Supplemental Appropriations and Declaring an Emergency. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Dodd highlighted the expenditures, noting that the supplemental covers those expenses which were not originally budgeted for, but for which funds are available.

Dodd explained each of the transfers, noting particularly that power costs were higher than budgeted for, and that the first bill for the water treatment plant did arrive prior to 2018 and will be paid out of the 2017 budget.

Dodd noted that the power cost adjustment will cover the increase, but that she has to deposit those funds and show both outgoing and incoming revenue to the auditor.

Housh MOVED that the line entitled "Human Relations" be changed to read "Council Boards and Commissions". This was agreed upon, and in fact Dodd noted that he had previously asked for this change, and that this was her oversight. Wintrow SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Wintrow OPENED THE PUBLIC HEARING.

There being no public comment, Wintrow CLOSE THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 on a roll call vote.

**Emergency Reading of Ordinance 2017-44** Authorizing the Annual Transfer of Funds and Declaring an Emergency. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Dodd noted that the title was incorrect, and should read "Approving Fourth Quarter Transfers and Declaring an Emergency."

The Clerk acknowledged her error, and will correct this for the signed copies/final version.

Wintrow OPENED THE PUBLIC HEARING.

There being no public comment, Wintrow CLOSE THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 on a roll call vote.

**Emergency Reading of Ordinance 2017-45** Authorizing the Annual Transfer of Funds for 2018 and Declaring an Emergency. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Dodd noted that anywhere in the 2018 budget that Council approved funds be moved are reflected here.

Wintrow OPENED THE PUBLIC HEARING.

There being no public comment, Wintrow CLOSE THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 on a roll call vote.

**Emergency Reading of Ordinance 2017-46** Adding the Position of Community Outreach Specialist to the Village Organizational Chart and Declaring an Emergency. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates noted that the position description has been worked on with herself, Chief Carlson, Kate Hamilton and the JSTF. Bates noted that the legislation adds the position into the structure of the Village.

Wintrow noted that until a position exists within the Village structure, that position cannot be filled. She commented that the process has made more clear how the position will be funded and how it will function within the department.

Chief Carlson read his summary regarding the position, which, he said, reflects his thoughts on the matter.

It is difficult for officers to maintain pace with the community demand for continual outreach services.

The more time officers are able to spend helping our at-risk populations, including engaging them with area social services, the more positive the impact will be on the community as a whole. This position would be the primary conduit for consistent contact with those at-risk populations, to better ensure that they have the resources they need to be successful. The COS would preferably have some understanding of law enforcement culture, as this will aid in navigating the environment in order to best help the individuals served; however, the main focus will be in community outreach.

Carlson asked that Council consider the position a pilot program which will provide the immediate benefit of more community contact and officer assistance through a single source of direction. Carlson noted that while there has been consideration regarding the position having some type of collaboration with the Mayor's office, he has concluded that concerns about potential conflicts of interest due to the sensitive nature of our cases and the law have changed his position.

Due to the recent departure of a full time officer, the police department has three vacant full time positions. Carlson commented that ideally those positions should be filled with sworn officers, but stated that he feels strongly enough in the need for this position that his request to Council is to fill one of those positions with the Community Outreach Specialist. This will be of great benefit to the community and the department.

Hempfling expressed concern that the ordinance would need to be passed as an emergency. She commented further upon her discomfort with emergency legislation in general.

Hempfling expressed that the job description is good, and stated that she had had a good conversation with the Police Social Worker contact provided by Hamilton.

Hempfling MOVED TO MAKE THE ORDINANCE A NON-EMERGENCY. Housh SECONDED.

Wintrow expressed that the ordinance only adds the position to the Village organizational structure, and does not approve the job description. She further noted that the Chief is unable to advertise the position or start that process until the position is added.

Wintrow commented that having a number of pieces of emergency legislation at the end of the year is very predictable, given that budgets have to be finalized and that year's business concluded. There should not be an implication that this is any attempt to circumvent transparency, she said.

Simms commented that addition of the position does not lock in the position description, and agreed with Wintrow that the position needs to go on the books.

Wintrow CALLED THE VOTE UPON HEMPFLING'S MOTION. The MOTION FAILED, 2-3 with Wintrow, Simms and MacQueen voting against.

MacQueen expressed her support for the measure, and gave appreciation for the re-written job description.

Housh added that the discussion with the Police Social Worker was useful, and noted the importance of the position.

Wintrow commented that a lot of work has gone into making this decision on all fronts. Wintrow noted that all five Council members have agreed upon the existing job position, and asked that there be some guarantee that the Chief can proceed with advertising and hiring for the position as described, rather than facing a potential change with a new Council.

Bates noted that the Chief and she expect the job description to evolve as they go. Those changes cannot be made, she commented, until this person is in the field.

Wintrow commented that it is the initial hire who will determine whether the position will succeed. She offered her vote of confidence in Carlson to follow through and her confidence that the new Council will oversee the situation as appropriate.

The Solicitor commented that a motion could be made to the effect that Council approves of the job description as it currently stands.

MacQueen MOVED to APPROVE the present job description for Outreach Coordinator as a pilot program to allow the Chief to advertise and hire for that position, with the understanding that the job will evolve, and that regular reports to Council will occur. Simms SECONDED.

Housh commented that this is the first time Council has seen this job description in this form.

Lisa Kreeger encouraged Council to drop use of the word "pilot", given that in her experience as an employee in positions with the term "pilot", that this conveys a lack of confidence on the part of the administration. Calling the position a "new position" and expecting that it will change over time conveys more confidence in the position.

Kevin Stokes agreed with Kreeger's comments, and noted that he is accustomed to an evaluation period for any new hire or new position. This approach might work well in this instance, he noted, and a specific evaluation period should be assigned.

David Turner commented that Council is beating the subject to death, and should move forward. The job descriptions are all "basically the same" he stated, and Council needs to move forward, particularly given that the JSTF has agreed to the position.

Housh disagreed, stating that the new description fleshes out specifically what is needed more clearly.

Bates stated that any new village position or hire is on probation for six months.

Wintrow CALLED THE VOTE ON MACQUEEN'S MOTION SANS THE TERM "pilot". The MOTION PASSED 5-0 on a voice vote.

Wintrow OPENED THE PUBLIC HEARING.

Simms stated his concern regarding the loss of a full time position, and urged incoming Council to look at funding the Outreach Coordinator position in the future, citing safety concerns for officers if a full time position is lost.

Chief Carlson stated that this position fills the position which the Village regained when it left the Drug Task Force. Carlson commented that good police officers are social workers, and that the majority of their work is serving those in need, with only a small portion of their duties being criminal activity. Carlson stated that he foresees this position as assisting in balancing the scales. With addition of the two currently unfilled full time positions, Carlson stated, the department will be staffed at a level with which he and the Sergeants are comfortable.

There being no public comment, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 4-0 on a roll call vote, with Hempfling abstaining “due to the nature of the emergency legislation only”.

**Emergency Reading of Ordinance 2017- 47** Amending the Fee Schedule for Transient Guest Lodging Permits and Declaring an Emergency. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Bates noted that this legislation merely adds the \$25.00 fee to a permit for a transient guest lodging. This is not currently provided in the fee schedule, and will need to be in place for those permits beginning on January first.

In response to a question from Wintrow, Dodd reported that she is attempting to load interactive forms online, but that the server is currently not permitting this. She stated that the forms can be printed off and brought in, however. She stated also that it is unlikely that the Village will put the capability to accept credit cards online for this use. She stated that she will look into this possibility, however.

Wintrow OPENED THE PUBLIC HEARING.

There being no public comment, Wintrow CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 on a roll call vote.

**Reading of Resolution 2017-54** Approving Use of the ORC Approved Non-Partisan Nominating Petition as the Village Council and Mayor Nominating Petition. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Housh noted that the Village nominating form requires many things not required by the Ohio revised Code. In an effort to make it easier to run for office, Housh said, this form will align with the instructions provided by the Board of Elections, and can be accessed online as well.

There being no public comment, Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

**Reading of Resolution 2017-55** Declaring Support for the Proposed Yellow Springs-Clifton Bicycle Connector. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Alex Bieri, Mayor of Clifton, spoke to the resolution, representing the Village of Clifton. He noted that Clifton passed a resolution in support of the measure in October.

Bieri commented that the connector addresses “quality of life issues”.

Bieri reviewed the history of the connector project, noting that the plan has been attempted on several occasions and has met with a variety of roadblocks.

Bieri stated that the current involvement of the Glen, and access to properties formerly restricted in use as well as available funding and a general momentum make this an ideal time to move the project forward.

Bieri noted that Clifton has promised \$3,000.00 towards a feasibility study, which represents a significant portion of their budget. The study, he commented will set out the technical and engineering guidelines for the project and will make it possible to more clearly envision it and set it in motion.

Bieri noted that Clifton is encompassed by Miami Township which includes Yellow Springs, noting that there is a shared common interest.

Housh commented that the Yellow Springs Community Foundation is seeking projects which include the Township.

Wintrow noted that any monies set aside for the study will not be spent until all funding is in place to complete it. She encouraged outreach to the Greene County Parks system as well.

Housh noted that Clean Ohio has a two year look back.

Wintrow commented that a project lead will need to be determined soon.

Ted Donnell commented that as a former member of the Bicycle Enhancement Committee and of the Northern Gateway Committee, this project, or one similar, has been on the Village books for close to 20 years. He noted that this project was a condition for the Village receiving Bicycle Enhancement

status. He commented that that effort included getting the stoplight put in at the intersection of 343 and Cemetery Street. He expressed his full support for the resolution.

There being no public comment, Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

**Reading of Resolution 2017-56** Adopting a Complete Streets Policy for the Village of Yellow Springs. Simms MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh commented that a Complete Streets policy is similar to a “dig once” policy, in that it requires that all users of the street or sidewalk be considered before a project is approved. The policy sets out guidelines, but does not require adherence to any specific set of rules. Housh noted that if the Village passes the legislation, it will be one of only a few municipalities in Ohio to pass such legislation. He noted that this policy is now being discussed at the state level.

Wintrow acknowledged Miami Valley Regional Planning Commission, stating that the Village has been able to use their policy as a template, and noting that they have assisted with educational pieces.

Housh noted a high level of input from citizens for the project, particularly those with differing mobility levels.

MacQueen asked how this policy would affect any upcoming developments, such as Cresco or housing on the Glass Farm, for example.

Wintrow responded that the policy would need to be integrated into the Comprehensive Plan, and would need to be run through Planning Commission to get the onboard. She commented that members of the Commission are already aware of the need to accommodate bicycles. The policy needs to be in the packet of information provided by the Planner to developers.

Bates commented her understanding of how the project needs to work, and noted that she will be working with Planning Commission so that it is integrated into the Comprehensive Plan.

Wintrow commented that there needs to be an interim piece for the Planning Commission to pull together, which explains what the policy means to a developer.

Housh expressed hope that a representative from Planning Commission would be involved with the Active Transportation Committee as it develops the parameters for the policy.

Wintrow noted the need for staff involvement as well, particularly roads, sidewalks and parks.

There being no public comment, Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

There being no public comment, Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

**Reading of Resolution 2017-57** Approving a Pay Increase for the Village Manager for 2018. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow expressed appreciation for Bates.

Housh commented upon the great amount of projects getting done over the last years.

Bates acknowledged the outstanding performance of her staff in making those projects come to fruition.

There being no public comment, Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

**Reading of Resolution 2017-58** Approving a Pay Increase for the Council Clerk for 2018. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

There being no public comment, Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

**Reading of Resolution 2017-61** Authorizing the Village Manager to Engage the Law Firm of Walter/Haverfield Jointly with the Regional Income Tax Agency and Other Municipalities for Purpose

of Challenging the Constitutionality of Amendments to Chapter 718 of the Ohio Revised Code Relating to Municipal Income Tax. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Conard explained that House Bill 49 alters the net profit tax by facilitating the centralized filing and administration of the net profit portion of the municipal income tax paid from a business or profession conducted both within and without the boundaries of a municipal corporation. Taxpayers, other than individuals, may now “opt in” and file their net profit municipal income tax returns solely through the State of Ohio Department of Taxation under R.C. 718.80(A).

House Bill 49 also eliminated the “nexus to nowhere” sales provision which established a taxable situs in a municipal corporation if the “property [wa]s shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.”

Several Ohio municipalities have formed a coalition and filed a mandamus action seeking injunctive relief and/or declaratory judgment action in a Court of Common Pleas, against the municipal income tax provisions as set forth in HB 49, as well as the original legislation comprehensively rewriting the municipal income tax statute, HB 5 (enacted in 2014).

The Regional Income Tax Agency (“RITA”) initiated litigation on behalf of its members in the Lorain County Common Pleas Court raising constitutional challenges to HB 49 through the Walter & Haverfield law firm in Cleveland. Before the RITA lawsuit was filed, the Frost Brown law firm initiated a separate lawsuit in the Franklin County Common Pleas Court. The Frost Brown litigation requires municipalities to participate through an initial retainer with accruing fees as the litigation progresses. The RITA initiated litigation is for the benefit of all members of RITA with fees and costs absorbed by RITA members without municipalities having to pay out of pocket. For this reason, joining the RITA litigation is preferred since the fees will be assessed to all members whether they participate as named plaintiffs in the lawsuit without the need to pay any retainers. The RITA litigation can be viewed as a benefit conferred upon its members with economies of scale because of the shared cost structure that comes with RITA membership.

The importance of the Village participating in the litigation is primarily twofold. The first reason is practical. The Village and municipalities are at risk of losing control of their tax revenue because the state both collects the tax and will charge an administrative fee of 5%. The management fee would ordinarily be used to offset the management and administration of the local tax collection and RITA. In addition, many communities are concerned that the effort by the state to gain control over local tax revenue is a first step toward total control of local tax revenue. Municipal attorneys also correctly contend HB 49 poses another effort by the state to encroach and limit the home rule powers of all municipalities.

The resolution authorizes the Manager to sign a letter on behalf of the Village to join the RITA litigation as a named Plaintiff.

Conard noted that the Village may need to pass an ordinance making changes to existing tax policies at their first meeting in January. He is currently determining whether participation in the RITA lawsuit makes the need to pass legislation regarding tax policy unnecessary in that it acts as a stay against any action on the part of the State of Ohio.

Wintrow noted the need for constant vigilance regarding municipal income tax.

Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

**Reading of Resolution 2017-59** Honoring Departing Council Member Gerald Simms. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Each Council member and Bates offered a fond remembrance of Simms and thanked him for his service.

Simms paid tribute to each member of Council, and to staff, including Bates and the Clerk.

In his comments, Simms urged continued attention to the environment, to economic growth, and to providing housing in the Village to encourage affordability.

Johnnie Burns presented Simms with a personalized Village Crew jacket, and told him that he is welcome to assist them in the future as he has done during his years on Council.

Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

**Reading of Resolution 2017-60** Honoring Departing Council President Karen Wintrow. Simms MOVED and Housh SECONDED a MOTION TO APPROVE.

Wintrow agreed with sentiments expressed by Simms. She noted the plethora of forward moving projects since the installation of Manager Bates.

Wintrow expressed gratitude for having been able to see the Cresco project through to groundbreaking, and promised to continue her work on economic development through her job with the Chamber. She encouraged continuation of a focus upon housing in the Village.

Al Schlueter expressed appreciation for Wintrow's ability to pull the Council into a realm of more civil discourse.

Kevin Stokes spoke in appreciation for both Simms and Wintrow.

Johnnie Burns presented Wintrow with a personalized hard hat as a representation of her role in the groundbreakings that have occurred, and of those yet to come.

Council members and Bates spoke in appreciation of Wintrow, offering memories and gratitude for her mentorship.

Housh spoke 12 words which he stated define Wintrow.

Dodd expressed her thanks to both Simms and Wintrow for bringing her into her job and for supporting and mentoring her in that position.

Wintrow CALLED THE VOTE. The MOTION PASSED 5-0 on a voice vote.

#### **CITIZEN CONCERNS**

Wintrow introduced a new Station Manager for Channel 5, Spencer Glaser, and thanked Susan Gartner for her hard work on Channel 5.

#### **SPECIAL REPORTS**

There were no Special Reports.

#### **NEW BUSINESS**

#### **OLD BUSINESS**

**JSTF re: Citation and Warnings Report.** Hempfling introduced the topic, stating that data monitoring is a standard practice in justice work, hence the interest on the part of the JSTF in collecting this particular data set.

Hempfling commented that that Wright State University statistician, Mike Bottemley, was paid for only two hours of work, and has put far more than that in. She commented that John Hempfling has put in many hours as well.

Hempfling noted the clarification report offered by Bottomley, which notes the study as an exploratory study.

Pat Dewees of the JSTF noted the presence of Beth Crandall, whom she described as a "citizen consultant" who is familiar with the area of statistics.

Dewees stated that the JSTF has a consensus that the data work was important to a culture of transparency. It looks at policing activities, at who is cited, and for what, and allows a look at whether community values are aligned with policing values. Dewees commented that the data is "central to the goals of the project."

Dewees noted that the work was done in an effort to learn about what information the PD collects, and what is involved in making a fair analysis and then what is the best way to report the data.

Dewees stated that because the analysis is exploratory, it does not indicate why a situation may have occurred. This indicates perhaps a need for "a next level of analysis" because no conclusion can be drawn.

John Hempfling concurred that causality cannot be determined from an exploratory study. The only way to examine causality would be to set up a study, which would be nearly impossible to do.

John Hempfling stated that the JSTF was interested in comparing the number of persons receiving citations or warnings against the total population of the Village, to determine whether disparities existed during that time period.

MacQueen asked for a more general overview.

John Hempfling stated that the JSTF was attempting to determine whether, of the persons receiving citations, there was a higher number of citations received by any particular demographic.

Jonh Hempfling stated that there was no statistical significance for race, but that “it was for age and gender”.

Regarding warnings given, Hempfling stated that there was no significance based upon race or gender, but there “was an interaction between race age and sex”. Hempfling stated that Black men in two particular age groups received a higher level of warnings.

Beth Crandall summarized that the design of the study was simple, consisting of four measures. Two of the four measures, she stated, show some kind of effect of race. Three-to-four of the measures show an effect of age. It shows that there is a relationship, she stated, but not why there is a relationship. Crandall stated that “community, Council and the police” need to come together for a conversation.

MacQueen asked what the next steps should be.

Crandall commented that the conversation is likely to occur regardless, and that the PD needs to be involved.

Crandall stated that she had been working with John Hempfling since the summer. She wondered whether a next step would be to ask the JSTF what the next steps should be.

Wintrow commented that there has been significant meaningful change in the PD recently. Given the serious intent on the part of Council and the PD to move forward proactively, she asked, why are we spending the human and financial currency on this older data? Should we set 2017 as a new starting point for data collection and move from there, she inquired.

John Hempfling stated that the same questions were raised by Al Schlueter, and pointed out statistics in his report. He stated that his view is that “police departments aren’t known to shift radically over a period of time.” He commented that the JSTF shares some of the same concerns, so that to respond to the concerns fully “it would make sense to do some statistical analysis along at least those dimensions.”

Crandall commented upon looking at past data, noting that it could be important in that “it offers empirical data to support the view of those in the Black community that they have been targeted”.

Deweese stated that she had met with the Dayton Community Council, who noted that their biggest challenge is how to communicate information to Council. Dewees commented that “this concern follows through three police chiefs”

Al Schlueter commented his concern that the data would not be meaningful in the current climate. He stated that he was not happy with the report to Council, and had done his own analysis, looking at the number of tickets written to which groups of citizens by individual officers. He stated that he’d like to continue this work.

David Turner commented that all that the data tells is what is going on. Just the analysis is useful, but should be considered a jumping off point to considering how to change the processes contributing to those issues.

Housh commented that the trend analysis is interesting, but notes that Melissa Dodd could run those numbers on an ongoing basis. Housh agreed with Turner that now that a benchmark has been created, change should be the focus. Housh noted that data should be reported back regularly, but commented that the data is not difficult to compile or analyse.

Judith Hempfling commented that the idea of citizens, Council and the YSPD meeting to discuss the information has value and commented on how important the information is “to particular members of our community”. She asked the JSTF to determine the next steps.

Wintrow commented that she is not surprised by the existence of racial bias, and asked that this be used to move forward. She noted that the report is piles and piles of paper, much of which is rebuttal of data and analysis contained in the report and then rebuttal of the rebuttal.

Wintrow questioned the value of gathering more data around this question, and suggested moving forward collaboratively.

John Hempfling commented that “the many corrections and clarifications” were “just part of the learning process”. He commented that the statistician, “made a number of errors which I corrected.” Hempfling added that he believes the clarifications were helpful.

Judith Hempfling asked staff to look at “where citations are being sent” to make sure Mayor’s Court is used more effectively.

Simms commented that “what some of us have found out regarding these statistics, the Black community has known for years.” There is no need for us to further analyse the data. The statistics may help some, but what is needed is to come together and start talking about how to create the change. We can’t fix the national problem, but we can address our own, starting with acceptance of every community member.

Again, Simms stated, you guys can look at the data, but within the Black community we have been working with our youth to prepare them to be safe in the environment that we know exists. The community should strive to make things better for Black citizens to alleviate the fears and assure that they are treated as equal citizens.

Wintrow noted that next step suggestions will be forthcoming from the JSTF.

**Revolving Loan Fund Follow Up.** Conard commented that his suggestion is that a Community Investment Corporation (CIC) be established.

Wintrow asked whether another governmental organization could be used.

Conard suggested that the Village establish its own CIC to offer greater flexibility. Staff would be on the board, in likelihood.

Hempfling stated that she likes this as a more transparent option.

MacQueen expressed concern with the concept unless the fund is significantly increased.

Wintrow followed up upon the concern regarding transparency in the private financial information would be made public.

Housh commented that the YS Credit Union could offer that privacy, but that they would need to be a part of the designated CIC.

Wintrow noted that these would be higher risk loans which would not fall under typical loan funding. She asked whether these could be grant or unsecured loans.

Conard commented that he would not be comfortable with this concept.

MacQueen commented that members of the Economic Sustainability Commission (ESC) should be involved in the discussion. There needs to be more communication between the ESC and Conard.

**Follow Up on Designated Smoking Areas/Signage.** Bates went over the five properties with designated smoking areas, providing graphics. She noted no smoking area at the Train Station given limited space in that area.

Bates provided information regarding a door hanger as well as the signage to be provided in the smoking areas.

Housh objected to the location suggested for the Bryan Center, suggesting that it be located behind the building as less visible.

## **MANAGER’S REPORT**

Bates reported on the following:

Plans have been submitted to Greene County for approval of the new crew quarters. The Village will break ground as soon as permits are issued.

There is a new process in place for all Village events. Anyone wishing to have an event, either on Village property or that requires road closure or other assistance from the Village, the process needs to start the process with Samantha Stewart in the Youth Center. Sam will assist with the application, discuss fees (if any) and insurance requirements, and then route the application to appropriate departments.

Earlier this year, the State Legislature passed a bill governing small cellular towers/antennae in the right-of-way. This legislation places many restrictions on the local government as far as how municipalities can oversee the positioning of these towers and antennae. Staff will meet about this on Monday, December 18<sup>th</sup> and will continue to keep you informed.

Wintrow pointed out an excellent report provided by Denise Swinger.

## **ASSISTANT VILLAGE MANAGER/FINANCE DIRECTOR REPORT**

There was no report.

## **CHIEF’S REPORT**

The Chief announced that the department has hired Shane Reed as a part time dispatcher. The department has interviewed nine candidates for the open officer positions.

**CLERK’S REPORT**

The Clerk reported a high number of public records requests. She wished Council persons Simms and Wintrow well in future endeavors.

**BOARD AND COMMISSION REPORTS**

Simms noted Swinger’s report as summing up the recent activities on Planning Commission handily. He clarified that what had been approved on Xenia Avenue for the YS Brewery is a special events center, and pointed out provided drawings.

Housh reiterated the upcoming re-opening of the John Bryan Center Gallery on January 19<sup>th</sup> from 6-9pm.

Housh noted that the ACC had judged the downtown decorating contest, with House of Ravenwood, Glen Garden Gifts and the Mills Park Hotel receiving honors.

Hempfling stated that the Library Commission will be going to quarterly meetings. They introduced new members and reviewed some housekeeping items.

Hempfling noted that Wendi Van Buren presented at the last Energy Board meeting and that Hempfling would like to bring a tree planting goal to Council as a means to reduce heating and cooling power usage.

Hempfling noted two open seats on the JSTF and one on Planning Commission and asked that these wait until after a new Council is seated.

MacQueen noted a 30 year celebration for the Mediation program.

MacQueen noted meeting with the School Board liaison and having an interesting discussion regarding the differences between the School Board and Council.

MacQueen noted that HRC cancelled its December meeting, and that she did not attend the Environmental Commission meeting.

Wintrow noted that the Director of Greene County Regional Planning will be retiring soon, and noted his positive effect upon the commission.

Regarding Miami Valley Regional Planning Commission, Wintrow noted updates slated for the Route 35 corridor project. Wintrow noted her own and retirement of another member who are one of the few democrats on that commission.

In Chamber news, Wintrow noted exiting and entering board members and noted the annual meeting on February 14<sup>th</sup>, and an annual retreat set for January 12<sup>th</sup>.

**AGENDA PLANNING**

- Jan. 2: Swearing-In of New Council and Mayor  
JSTF Taser Policy Presentation  
Retreat Agenda
- Jan. 16: Bowen Presentation re: Housing Needs Assessment  
Voluntary Tax Collection Discussion

**ADJOURNMENT**

At 10:33pm, Hempfling 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](http://www.yso.com)*

\_\_\_\_\_  
Karen Wintrow, President

\_\_\_\_\_  
Attest: Judy Kintner, Clerk of Council

**VILLAGE OF YELLOW SPRINGS, OHIO**

**RESOLUTION 2018-01**

**AUTHORIZING THE SALE DURING CALENDAR YEAR 2018 OF MUNICIPALLY OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR WHICH IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION, PURSUANT TO OHIO REVISED CODE SECTION 721.15(D)**

**WHEREAS**, this Council is required to adopt a Resolution expressing its intent to sell municipally owned property by internet auction, including a description of how the auctions will be conducted, specifying the number of days for bidding, and stating the general terms and conditions of sale; and

**WHEREAS**, after extensive research and due diligence, and based upon positive results in previous years, the Village of Yellow Springs is recommending GovDeals, Inc. at gov.deals.com or at Municibid at Municibid.com as the Village's contracted representatives to conduct auctions on its behalf.

**NOW THEREFORE** be it **RESOLVED**, by the Council of the Village of Yellow Springs, Greene County, Ohio, that:

**Section 1.** During calendar year 2018, municipally owned personal property which is not needed for public use, or which is obsolete or unfit for the use for which it was acquired, as determined pursuant to the procedure set forth in the Codified Ordinances of the Village at Section 206.02, may be sold at internet auction. This is addition to the methods provided otherwise in Section 206.02.

**Section 2.** Any said auction sales shall be conducted under the authority and direction of the Village of Yellow Springs Village Manager, whose address and telephone number is as follows: 100 Dayton Street, Yellow Springs, Ohio 45387; (937) 767-1279.

**Section 3.** Any such internet auction sales shall be conducted by GovDeals.com internet auction services or Municibid.com internet auction services, pursuant to the rules and regulations promulgated and in effect for that sales organization, on file with the Clerk, and as amended from time to time. However, the sales fees to be paid by the Village of Yellow Springs for such internet auction service shall in no event exceed the amount of seven and one half (7-1/2%) per cent of the accepted auction bid.

**Section 4.** In connection with each such contemplated internet auction sale, bidding shall remain open for not less than fifteen (15) days, including Saturdays, Sundays and legal holidays.

**Section 5.** That in connection with each such contemplated internet auction sale, the terms of payment shall be cash, payment in full on or before the date of delivery to the successful bidder; further, the successful bidder shall be solely responsible for all acts and expenses associated with the delivery of such item(s) so purchased.

**Section 6.** This Resolution shall be in full force and effect immediately upon adoption.

\_\_\_\_\_  
Signed:, President of Council

Passed:

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

**ROLL CALL:**

Brian Housh\_\_\_\_ Marianne MacQueen\_\_\_\_ Judith Hempfling\_\_\_\_

Kevin Stokes\_\_\_\_ Lisa Kreeger\_\_\_\_

From: Ellis Jacobs, YS Justice System Taskforce  
Rationale regarding changes in Taser Use Policy  
11/5/2017

The rationale for modifying the current policy is an awareness that Tasers (CEW) which are defined as less than lethal force, are actually quite dangerous with vulnerable populations, and recorded deaths are not unusual. Second, the current training on Taser use appears to encourage officers to depend on Tasers for compliance in many situations where other tactics and tools are available. Nationally, there have been numerous reports of officers using a Taser for simple traffic stops. It is recognized that Tasers are an important tool for law enforcement in dangerous situations, but they can have serious consequences and can be unnecessary force in many situations where a less violent intervention is possible.

Modifications to the guidelines in the Policy are derived from several sources. Two important ones are “The National Consensus Policy on the Use of Force,” January 2017, (This National Consensus Policy on Use of Force is a collaborative effort among 11 of the most significant law enforcement leadership and labor organizations in the United States --Funded by the International Association of Chiefs of Police.)

The second major source is the American Civil Liberties Union research and case law regarding the use of Tasers.

Summary of Recommendations from “Shocking Lack of Taser Policy in MN” Dec. 2011 ACLU - MN

- The ACLU-MN recommends a uniform, statewide use of force continuum, which places Tasers higher than hard, empty hands and at the same level as a baton.
- Each agency, which owns a Taser, should have a separate Taser Use Policy, which accounts for the risks unique to Taser use such as risk of falling, risks to vulnerable populations, and risk of fire.
- Agencies should have strong restrictions on the use of force on people suffering mental health crises.
- Training for Taser use should address the risks of Tasers more explicitly than the materials provided by state training agencies.

**Next Steps:** The Yellow Springs Police Department will modify its Use of Force Policy to include the attached Guidelines and then design Field Training that reflects the new policy.

**Yellow Springs CEW (Taser) Use Policy**  
**(This policy is a part of General Order 1.3, the Use of Force Policy. The CEW policy begins on page 8 of that General Order.)**

*(All material related to CEW has been moved from D to E.)*

**D. Prohibited Less Lethal Weapons**

Offices may not carry:

- Brass knuckles, slappers, saps;
- Karate sticks;
- Any other item or object, unless approved by the Chief of Police.

**E. CEWs (Conducted Electrical Weapon) use policy:**

1. The Taser X-26P is the authorized CEW to be used by officers certified in its operation. Use of this device is strictly limited to officers who have received and passed the training and annual re-certification. Such training will be conducted by certified instructors and the records maintained by The police department. The CEW instructor is responsible for the care, maintenance and inspection of these types of weapons, however, officers shall inspect the CEW at the beginning of each shift.
2. The CEW will be used in accordance with the Response to Resistance policy and the provisions of this CEW use policy. The decision to use the CEW is based on the actions of the subject(s) or threat facing the officer(s) and the totality of the circumstances surrounding the incident.
3. Officers should not become overly dependent on the use of the CEW to the exclusion of other reasonable alternative force options. Officers should articulate their decision to use the CEW based on the totality of circumstances known to the officer at the time of the incident and in light of available force options reasonably available to the officer at the time.
4. Before the CEW is implemented, the officer should announce "Taser" to provide the individual and other officers or bystanders with a sufficient warning that the CEW is about to be used. **The center mass of the subject's back should be the primary target where reasonably possible; and lower center mass of the chest or the legs should be the secondary targets.**
5. Officers should use the CEW for one standard five second cycle and stop to evaluate the situation. As a guideline, officers may only use subsequent five second cycles under the same standards and limitations as the first shock. Continuous shocks are prohibited.

In those incidents where subsequent cycles are necessary, and as the

situation is being constantly re-evaluated, officers shall only use the minimum number of cycles necessary to cease the danger and place the subject in custody.

6. If more than one officer and CEW are on the scene of an incident, no more than one officer should activate a CEW against a person at a time.
7. A chief of police/supervisor or designee should be notified as soon as practical and if on duty, the chief of police/supervisor should respond to the incident scene where a CEW was activated and conduct an initial review of the incident.
8. **All-person who has been exposed to CEW activation with probes or in the “drive stun” mode shall receive a medical evaluation.** An officer or supervisor may remove the probes except if the probes are located in a sensitive area (any area involving the head, neck, breast, and groin) the person should be immediately removed to the hospital. Protective gloves shall be worn when removing probes from the skin and a sanitizing spray or gel shall be administered to each puncture site along with a Band-Aid. CEW darts should be treated as a biohazard. All persons who have been subjected to a CEW activation should be monitored regularly while in police custody even if they receive medical care. Photos will be taken of the area(s) of the body in which the probes impacted and any injuries as the result of the using of the CEW
9. Except for readiness testing prior to issuance, every time a CEW is pulled and aimed at a subject and every discharge of a CEW will be documented. A Use of Force Report shall be completed for any discharge against a person or animal. Anytime there is an accidental discharge of a CEW cartridge, a memo shall be completed by the employee responsible for the accidental discharge through the chain of command. All spent cartridges will be retained and logged as evidence. This does not apply to cartridges used for training purposes.

Officers should attempt to locate the AFID micro-dots+dispersed at the time of the cartridge firing. These should be collected and placed into evidence with any expended cartridges for identification purposes. The probes are evidence and should be placed in containers for safe storage of sharp objects.

Reports shall include the CEW and Air Cartridge serial number.

10. The Probe Mode+should be the primary setting option, with Drive Stun Mode+used only as the secondary option. It is subject to the same deployment guidelines and restrictions as that of the Probe Mode+.
11. Approved uses of this device are:
  - (a) CEWs should only be used to protect life or prevent serious injury. CEWS may only be used against individuals who pose an immediate threat of serious injury or death to themselves, the officer, or others.

- (b) To disarm subjects in a situation that may escalate to deadly force. This could include but is not limited to persons holding themselves hostage with knives or other sharp instruments, blunt weapons, or martial arts practitioners.
- (c) When a vicious animal is threatening or is attacking a citizen, an officer or other animal and the use of other force is not reasonable, or may not be desired given the situation.

12. Not approved uses:

- a. Solely to secure compliance with orders or instructions or where the sole purpose is to facilitate taking a subject into custody.
- b. Against a passive subject.
- c. In a punitive or coercive manner.
- d. In horseplay of any kind.
- e. CEWs should not be used in the presence of combustible vapors and liquids or other flammable substances including but not limited to alcohol based Oleoresin Capsicum (O.C.) Spray carriers.
- f. CEWs should not generally be used against pregnant women, elderly persons, young children, and visibly frail persons unless significant exigent circumstances exist. Nor should they generally be used against people suffering the effects of drugs or mental illness who are highly agitated or delirious unless significant exigent circumstances exist.
- g. Against people with known heart problems or neuromuscular disorders such as muscular sclerosis, muscular dystrophy or epilepsy.
- h. CEWs should not generally be used when a subject is in a location where a fall may cause substantial injury or death.
- i. CEWs should not be used against a fleeing subject unless the subject poses an immediate threat of death or serious injury to the officer or others.
- j. CEWs should not be used on handcuffed persons, unless used to prevent individuals from causing serious injury to themselves or others.
- k. Officers should avoid intentionally firing darts or using drive stun mode at a subject's head, neck, middle chest and genitalia, except in life or death situations. It is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the CEW darts to a precise target area, and prompt, ongoing care should be taken to monitor the care of the subject.
- l. CEWs should not be used against suspects in physical control of a

vehicle in motion to include automobiles, trucks, motorcycles, ATVs, bicycles and scooters unless exigent circumstances exist.

13. An Internal Investigations Response to Resistance investigation should be initiated when any of the following factors are involved:
  - a. subject experiences death or serious injury;
  - b. CEW appears to have been used in a punitive or abusive manner;
  - c. there appears to be a material deviation from training or policy;
  - d. CEW has been used on a person in an at-risk category.
14. A CEW may be used only within the scope of employment and authority of an officer.

**VILLAGE OF YELLOW SPRINGS, OHIO**

**Resolution 2016-05**

**ADOPTING RULES AND PROCEDURES FOR COUNCIL**

**WHEREAS**, the Charter for the Village of Yellow Springs, Ohio, calls for Council to adopt rules and procedures governing its meetings; and,

**WHEREAS**, Council for the Village of Yellow Springs has engaged in review and revision of their Rules and Procedures in meetings open to the public and welcoming of public input,

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

**Section 1.** The attached rules (Exhibit A) and procedures are adopted.

**Section 2.** These rules and procedures shall take effect at the earliest date permitted by law.

\_\_\_\_\_  
Karen Wintrow, President of Council

Passed: 2-1-2016

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

Roll Call:

Wintrow \_\_Y\_\_                      Housh \_\_Y\_\_                      Simms \_\_Y\_\_  
MacQueen \_\_Y\_\_                      Hempfling \_\_Y\_\_

February 1, 2016

**VILLAGE OF YELLOW SPRINGS COUNCIL  
RULES AND PROCEDURES**

**Ethics**

Council Members shall act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity and impartiality of government are conserved and enhanced. Each member of Council, the Village Manager and Clerk of Council shall become familiar and comply with the most current version of the Ohio Ethics Laws (O.R.C. Ch. 102 summarized in Attachment 1) and Related Statutes (O.R.C. Ch. 2921 summarized in Attachment 2), specifically, as they apply to elected officials and public employees of Villages. The President of Council will ensure that each Council member receives a copy of the Ohio Ethics Laws and Related Statutes upon his or her election or appointment. Any Council member or Employee who believes that he/she may have a conflict of interest with a pending issue should seek the advice of the Village Solicitor or Ohio Ethics Commission prior to entering into any discussion or voting on that issue.

**Meetings**

All meetings of Council shall be properly advertised and, with the exception of executive sessions (see below), shall be open to the public--whether they are regularly scheduled meetings, special meetings or emergency meetings. Three (3) Council members constitute a quorum, which is required to hold any meeting.

*Regularly Scheduled Council Meetings* will convene at 7:00 p.m. on the first and third Mondays monthly (except when Monday is a recognized holiday, in which case the meeting will be held on Tuesday of that week) in Council Chambers (unless otherwise advertised) located on the second floor of the John Bryan Community Center. The Clerk of Council will present a meeting schedule for the coming year at a regular Council meeting by December of the preceding year. Additionally, notice specifying time, place and agenda shall be published the week prior to the regularly scheduled meeting in a local newspaper of general circulation. Council will endeavor to conclude the regular meeting by 10:00 p.m.

*Work Sessions* may be called at times when Council wishes to hear more extensively from staff or advisors and wishes to facilitate additional citizen response and input than can be afforded in a Regular Meeting of Council. A Work Session agenda shall be noticed as is a Regular Meeting agenda, and may omit some agenda items seen on the Regular Meeting agenda in the interest of increasing time for participation regarding the topic of the Work Session. Legislation may be heard at a Work Session and must be noticed per Charter specification.

*Special Meetings* may be called by the President of Council, by two Council members, or by an affirmative vote of the majority of Council taken at any Regular or Special Meeting, to conduct non-emergency Council business that should be addressed before the next regularly scheduled meeting. All news media outlets that have requested such notification will receive 24-hour minimum advance notification of any Special Meeting with time, place and purpose of the meeting being stated. No other matters may be put to a vote after notice is given.

*Emergency Meetings* may be called by the President of Council to address issues that are time-sensitive and must be addressed immediately. All such meetings shall comply fully with the requirements of Ordinance 2009-20, which is summarized in Attachment 3.

Emergency Meeting notices will be displayed in the first floor lobby of the John Bryan Community Center and at the Yellow Springs Public Library within the same time period that

## Exhibit A

news media notification is made.

All Council members will be notified of the time, place and purpose of each Special Meeting or Emergency Meeting. The President of Council, Village Manager and Clerk of Council may jointly coordinate the notification of Council members.

The Clerk of Council shall be responsible for ensuring that advance notification of all meetings is accomplished and notices are displayed as described above.

*Executive Sessions* may be called at any meeting on affirmative vote of the majority of Council members present to deal with matters relating to personnel, real estate, litigation and other such matters as permitted by the laws of the State of Ohio. (Charter, Section 14, summarized in Attachment 4, and Chapter 121.22 of the ORC: <http://codes.ohio.gov/orc/121.22>).

Additionally, state law permits the following reasons to hold executive sessions:

1. Preparing for, conducting or reviewing collective bargaining strategy.
2. Matters required to be kept confidential by federal law, federal rules or state statutes.
3. Specialized details of security arrangements in which disclosure of the information to be discussed in executive session might reveal information that could be used to commit, or avoid prosecution for, a violation of the law.

Council may invite such persons to Executive Session as may be required for advice and information.

### **Meeting Agenda & Materials**

The Clerk of Council shall work with the President of Council and the Village Manager in constructing the agenda for each Council meeting. Items to be considered for the agenda will be accepted until 10:00 a.m. on the Monday prior to the next scheduled meeting.

The Clerk of Council shall cause to be placed into the possession of each member of Council and the Village Manager, seventy-two (72) hours in advance of the regular meeting, a packet containing copies of the agenda, minutes of the previous meeting, proposed/pending legislation, reports and communications. Meeting packets can be distributed electronically or in print as requested by each Council member. The same information will be placed in the John Bryan Community Center lobby and the Yellow Springs Public Library as well as linked to the Village of Yellow Springs website, [www.yso.com](http://www.yso.com), in advance of a regularly scheduled meeting.

The Clerk of Council will work with the Village Manager to provide comprehensive reports and other information as deemed appropriate to Council members by the most efficient means possible as soon as those items become available. When time allows, those materials will be added to the information available to the public. Meeting materials will also be available on a table outside Council Chambers on the day of the meeting.

### **Meeting Minutes**

The Clerk of Council will prepare and maintain full and accurate minutes of all meetings. These minutes shall provide sufficient facts and information to permit an understanding of the rationale behind Council decisions.

### **Order of Business**

1. Call to Order
2. Roll Call
3. Announcements
4. Consent Agenda (including Review of Minutes)

## Exhibit A

5. Review of Agenda
6. Review of Petitions/Communications
7. Public Hearings/Legislation
8. Citizens' Concerns
9. Special Reports
10. Old Business
11. New Business
12. Standing Reports (Second Monday)
13. Manager and Assistant Managers' Reports
14. Clerk's Report
15. Agenda Planning
16. Executive Session (If Required)
17. Adjournment

Council may decide during the Agenda Review at the beginning of the meeting to vary from this order as needed.

### **Recess**

The presiding officer may call for a seven (7) minute recess, for the convenience of the Council and citizen participants at his or her discretion, or at the request of another Council person or staff participant, especially when a regular meeting extends beyond two and one half hours and is expected to continue for more than one half (1/2) hour. The meeting will reconvene promptly after seven (7) minutes.

### **Decorum**

While the Council is in session, order and decorum must be preserved. Therefore, Council members and citizen participants shall observe rules for debate and participation outlined below, and shall not, by conversation or other means delay or interrupt the proceedings or disturb duly recognized speakers. Council will endeavor to communicate Council rules during meetings, but persons who ignore or violate Council rules or refuse to follow the orders of the presiding officer may be asked to leave the premises.

### **Rules of Debate**

Council meetings will be conducted using [Robert's](#) Rules of Order as a general guideline. The President, Vice President or other member of the Council who may be presiding shall not be deprived of any rights and privileges of a Council member (move, second and debate, etc.) by reason of acting as the presiding officer.

Council members shall wait until the presiding officer has recognized them before speaking. A member, once recognized, shall not be interrupted except under the general guidelines of parliamentary debate.

### **Citizen Participation**

Village Council, in convening its meetings, shall provide for, encourage and assist public participation. Procedures for public participation are intended to promote dialogue, the full sharing of information and perspectives, and thoughtful analysis of the issues before Council.

Comments from the public are welcomed at two different times during the course of a regular 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, subject to the following guidelines:

## Exhibit A

1. The presiding officer must recognize citizens wishing to speak. When they have been recognized, they shall go to the microphone, give their name, and state the subject of their concern or comment.
2. Comments shall be addressed to the presiding officer. No conversations will be carried on between individual citizens in attendance or with individual Council members, except as recognized by the presiding officer.
3. The use of profane or threatening language or gestures while making comments will not be tolerated.
4. Individual comments should be limited to three (3) minutes with only one (1) comment per person. Persons with other views on the same subject will be given equal time for response. The presiding officer may terminate continued discussion at any point in the discussion after opposing views have been equally addressed.
5. A Sign-In sheet will be made available outside Council Chambers. Please write your name and the topic you wish to discuss.
6. Citizens should address all staff and/or personnel matters to the Village Manager prior to coming to Council.
7. All cell phones shall be silenced during meetings.

### **Public Hearings**

The second reading of each proposed ordinance is designated a Public Hearing, **the official opportunity for citizens to be heard**. Citizens are encouraged to comment and make inquiries as to the nature or impact of the ordinance or to offer their approval if that is their desire. The presiding officer will open the floor to public hearing after the second reading and following a motion to adopt and a seconding by Council. Following the public hearing, Council will hold a discussion and take appropriate action.

**In time-sensitive situations, an ordinance may be declared an emergency, which means it will go into effect immediately rather than in thirty days as is standard for an ordinance. An Emergency Ordinance can have one or more readings with the final reading including a Public Hearing.**

Resolutions will not normally require public hearing. However, the scope of the particular resolution may be such that it warrants such a hearing. When that is the case, the process will follow the same procedure for the second reading of an ordinance.

Reports to Council from commissions or task forces may also be designated public hearings, at which time the public is encouraged to express its views and opinions on the subject matter to Council.

Public comments should be limited to three (3) minutes with only one (1) comment per person. Persons with other views on the same subject will be given equal time for response. The presiding officer may terminate continued discussion at any point in the discussion after opposing views have been equally addressed.

### **Other Agenda Items**

The presiding officer may recognize members of the public who are in attendance during discussion of other agenda items, when and to the extent it is appropriate.

### **Letters to Council**

Letters to Council must be received by the Clerk of Council by 10:00 a.m. on the Friday preceding a regularly scheduled meeting to be considered in that meeting. Items received after 10:00 a.m., unless having direct bearing on a topic slated for discussion, will be held without review or action until the following regularly scheduled meeting unless it is determined that such

## Exhibit A

delay would create an emergency or require special action on the part of Council or Village staff. Regarding the aforementioned: Items having direct bearing on a topic of consideration for that meeting will be made available to Council Members at the Council table and by e-mail if received electronically. To the extent possible, Council Members will endeavor to review all such material prior to the start of the Council Meeting.

### **Reserved Time Participation**

Any group or individual wishing to make an oral presentation to Council may, by notifying the Clerk of Council not later than 10:00 a.m. on the Monday before the next regularly scheduled meeting, make a request to Council to be placed on the agenda. A short summary defining the intention of the presentation must be provided to the Clerk at that time.

Any such addition to the Agenda requires the approval of Council. Council may elect to defer the presentation to the following meeting, to request further information regarding the group or the presentation, or, if appropriate, to deny the request altogether. In the latter instance, the group or individual may still elect to speak during Citizen Concerns.

Any materials for inclusion in the Council packet must be delivered to the Clerk of Council not later than 11:00 a.m. on the Thursday preceding the meeting.

Please contact the Clerk of Council regarding this procedure. Appropriate time periods for public review and comment will be determined for each report.

Yellow Springs Village Council  
January 2, 2018

### **Proposed Commission Membership Restrictions**

The idea has been raised that citizens should not be appointed to council commissions if the council liaison is a family member. This restriction is being suggested because of complications that can arise should the family member become involved in a conflict with other commission members for example, as did occur on the Justice System Task Force in recent months.

Initially, I thought this restriction made sense. However as I've thought about it further it strikes me that we need to look at this a little more carefully. If we are going to restrict family members are we also going to restrict close friends who may be as close as or even closer than a family member? There are also business friendships/relationships which may occur in the area of economic development where financial benefit is not occurring, but where important policy recommendations are being considered.

In our little village, we all know a lot of people; the kind of people we might want to encourage to apply for a commission membership. Restricting who can apply could end up hurting the community because they prevent qualified and passionate citizens from being able to apply for membership on commissions where they have expertise, knowledge and interest.

I made a call to Chris Conard, our legal counsel, and he stated that there is no legal restriction in this area and it is not a legal conflict for family members or friends to participate on commissions. On the other hand, there are times when a Council member may find themselves torn between two roles, one as a friend or family member, and one in our role as an elected official, and in those cases, it makes sense to consider asking the alternate liaison, in the case of commissions, to step in if one cannot fulfill one's commitment to both roles effectively. Another avenue we always have is recusing ourselves.

I look forward to our discussion on this matter. I think it is important that we have this conversation at a village council meeting, because these issues are of importance to citizens, the issue of conflict of interest can be an area of significant confusion, and because input from citizens may be very helpful in assisting us in making the best decision possible.

## **SOLICITOR'S REPORT ON HB 49**

January 2, 2018

In my report to Council on December 18, 2017, I discussed two aspects of HB 49. The first aspect pertained to the need to adopt changes to the Village's Codified Ordinances found in Section 881. Code Section 881 entitled "Earned Income Tax Regulations" was adopted in 2015 following changes to tax regulations adopted by the Legislature known as HB 5. This existing code needs to be amended to correct some internal inconsistencies impacting filing dates. These changes are considered non-substantive and are being recommended by the Regional Income Tax Agency ("RITA"). RITA administers the Village tax collection program.

At our next meeting, Council's agenda will include the ordinance(s) required to "clean up" the inconsistencies. This step will be done via emergency, which is permitted under the Village Charter.

In December, I also updated Council on the status of the two lawsuits filed on behalf of a municipalities challenging the State's effort to have businesses pay net profit taxes through Columbus, rather than locally, with the State charging a 5% administrative fee. At our last meeting, Council approved a Resolution for the Village to join the RITA initiated litigation filed in Lorain County.

Since then, a significant event occurred in the Franklin County lawsuit challenging HB 49. The State has agreed to a preliminary order delaying the date that the provisions of HB 49 that are being challenged take effect. The order impacts the entire state and means that the Village can delay the passage of substantive changes required by the HB 49 legislation at least until late February. A copy of the proposed order follows my report.

At our next meeting, Council's agenda will also include the ordinance(s) that substantively adopt the HB 49 changes, but the legislation will likely be presented for a first reading as non-emergency legislation so that we are prepared to act as needed depending upon how the court may rule. The situation is still very fluid and our next step may change from today and our next Council meeting.

**IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS  
CIVIL DIVISION**

**CITY OF ATHENS, *et al.*,**

*Plaintiffs,*

**Case No. 17 CV 10258**

**v.**

**Judge David E. Cain**

**JOSEPH A. TESTA,  
TAX COMMISSIONER, *et al.*,**

*Defendants.*

**AGREED ORDER**

The Plaintiffs have requested a preliminary injunction staying the effect and enforcement of House Bill 49 of the 132<sup>nd</sup> General Assembly (“H.B. 49”).

The matter came before this Court on a status conference as of this date.

The Parties have agreed to a preliminary order as follows:

1. Certain provisions of H.B. 49 require municipalities to reconcile their ordinances in accordance with H.B. 49 by January 31, 2018 (“Ordinance Reconciliation”). Because of the Parties’ intent to brief issues in this matter and taking into account the intervening holidays, the Parties have agreed to stay the Ordinance Reconciliation provisions (Section 803.100(B) of H.B. 49 of the 132<sup>nd</sup> General Assembly) until February 24, 2018, or until further order of this Court, whichever is sooner.
2. Plaintiffs shall submit a brief by January 12, 2018
3. Defendants shall submit a brief by February 2, 2018.
4. Plaintiffs shall submit a reply brief by February 9, 2018.
5. A Preliminary Injunction hearing is scheduled for February 12 – 13, 2018.

6. All other provisions of H.B. 49, other than the Ordinance Reconciliation provisions, shall remain in full force and effect until or unless further order of this Court.

This order is interlocutory and not subject to appeal. Bond is waived.

Signature blocks on proceeding pages.

IT IS SO ORDERED.

\_\_\_\_\_  
Judge David E. Cain

\_\_\_\_\_  
DATE

AGREED:

/s/ Eugene L. Hollins

12/20/2017

Eugene L. Hollins (0040355)  
Frank J. Reed, Jr. (0055234)  
Stephen J. Smith (0001344)  
Yazan S. Ashrawi (0089565)  
Thaddeus M. Boggs (0089231)  
Michelle Y. Harrison (0093814)  
FROST BROWN TODD LLC  
10 West Broad Street, Suite 2300  
Columbus, Ohio 43215  
Phone: (614) 464-1211  
Facsimile: (614) 464-1737  
Email: ghollins@fbtlaw.com  
[freed@fbtlaw.com](mailto:freed@fbtlaw.com)  
ssmith@fbtlaw.com  
yashrawi@fbtlaw.com  
tboggs@fbtlaw.com  
myharrison@fbtlaw.com

DATE

*Attorneys for Plaintiffs*

AGREED:

Michael DeWine (0009181)  
STATE OF OHIO ATTORNEY GENERAL  
30 East Broad Street, 14<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone: 614-466-4986

/s/ Jeffrey C. Miller  
Jeffrey C. Miller (0068882)  
Victoria L. Ferrise (0085012)  
BRENNAN, MANNA & DIAMOND, LLC  
200 Public Square  
Suite 3270  
Cleveland, OH 44114  
Phone: 216.658.2323  
Facsimile: 216.658.2157  
Email: [jcmiller@bmdllc.com](mailto:jcmiller@bmdllc.com)  
[ulferrise@bmdllc.com](mailto:ulferrise@bmdllc.com)

Authorized by email 12/20/2017  
DATE

*Attorneys for Defendants*  
*Special Counsel*

0137438.0653794 4826-5567-4201v3

**Retreat Agenda**  
**January 10, 2018**  
9:00 am – 12:00 pm

Retreat Location: Antioch University Midwest Room B102

Overarching Goals for the Retreat

- Discussion of Council Role on Boards and Commissions
- Management of projects and proposals between Council, Commissions and Staff

- 9:00 Check-in with Council members and staff (3 minutes each)
- 9:15 Discussion of Council Roles vis a vis Boards and Commissions
- 10:30 Break
- 10:45 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
- 12:00 Adjournment



Manager's Report, January 2, 2018

### **Crew Quarters**

The plans have been submitted to Greene County for approval. We will break ground as soon as the permits are issued.

### **Special Events Policy**

Last year, staff found a few instances where the special events process did not work as smoothly as it could have. To that end, staff has reviewed the process from beginning to end and come up with a few revisions of both the form and the process. **These changes apply to any event on Village property or any event that requires a road closure.** The new form is attached to this report. As for the new the process, it starts with Samantha Stewart in the Youth Center. Sam will assist you with the application, discuss fees (if any) and insurance requirements, and then route your application to appropriate departments. Please note that we are also instituting a deadline for event applications of **30 days prior to the event.** This allows proper processing and coordination of the various departments that may be involved. Please contact Samantha Stewart at the Youth Center (767-7209) with any questions.

### **Planning and Zoning Office**

Beginning in mid-January (firm date to be determined), Planning and Zoning Officer Denise Swinger will begin working full-time. While the position is considered a full-time position as far as the organizational chart is considered, we initially thought that Denise could fulfill this position working 30 hours a week. However, because the office is so busy, Denise regularly works between 33 and 36 hours a week. I expect the Planning & Zoning office to be even busier in 2018, as we have initiated a Complete Streets Policy, will begin work on our Active Transportation Plan, will begin a review of the Comprehensive Plan and, possibly, continue our discussions on sidewalks. After consideration of alternatives, increasing Denise's hours to 40 per week seemed the best alternative.

### **Upcoming Topics**

Earlier this year, the State Legislature passed a bill governing small cellular towers/antennae in the right-of-way. This legislation places many restrictions on the local government as far as how we can oversee the positioning of these towers and antennae. Staff continues to meet about this, but new developments indicate that the legislature may be changing the original form of the bill, and we will keep you updated on that, as well.

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

**EVENT/PARADE PERMIT APPLICATION**  
**Events involving public streets and venues in the Village**

Name of Applicant/Group: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

NAME OF EVENT: \_\_\_\_\_

Date(s) of Event: \_\_\_\_\_ Time of Event: \_\_\_\_\_ until \_\_\_\_\_

Streets or Public Areas requesting to close: \_\_\_\_\_

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**Please highlight the event area or the parade route on a map and submit with this form.**

\*Electric Panel

\*Barricades

\*Additional request(s)

**IMPORTANT INFORMATION:**

- This form must be received by the Village of Yellow Springs Parks and Recreation Coordinator, Samantha Stewart, AT LEAST 30 days prior to the event. Applications received less than 30 days prior may not be considered for approval.
- Unforeseen public services (excessive overtime, etc.) may be charged to the applicant or organization requesting the permit. The Village Manager will make a determination based on the additional costs to the Village.
- It is the sponsoring organization's responsibility to clean up debris left over from the event. This would include but is not limited to: debris from parade floats, animal manure, markers or signs along a parade route. Failure to clean up after the event will result in additional clean-up fees being charged to the applicant or organization requesting the permit. The Village Manager will make a determination based on the additional costs to the Village.

***Participant Safety is Vital!***

Prior to the beginning of a bike/run/walk, it is important that all participants be advised to **obey pedestrian regulations** and **cross only at intersections or as directed by the police.**

**HOLD HARMLESS: The Permittee will hold harmless and indemnify the Village, its elected officials, officers, employees and agents from any damages which may arise as a result of the conduct of the parade or assembly for which the permit is sought by persons who were, or reasonably should have been, under the control of the Permittee.**

*Signature of Applicant* \_\_\_\_\_ *Date* \_\_\_\_\_

**\*\*\*\*\*INSURANCE INFORMATION\*\*\*\*\***

FOR ALL EVENTS INVOLVING STREET CLOSURES, YOU MUST HAVE YOUR INSURANCE COMPANY SEND A CERTIFICATE OF INSURANCE TO THE VILLAGE OF YELLOW SPRINGS, ATTENTION SAMANTHA STEWART AT 937-767-7209 or sstewart@vil.yellowsprings.oh.us.

THE FOLLOWING LANGUAGE MUST BE ON THE CERTIFICATE: "The following are Additional Insureds: The Village of Yellow Springs, Ohio and its elected and appointed officials, all employees agents, volunteers, all boards, commissions and/or authorities and board members, including employees, agents and volunteers thereof. Coverage shall be primary to the Additional Insureds and not contributing with any other insurance or similar protection available to the Additional Insureds whether other available coverage be primary, contributing or excess." FAILURE TO PROVIDE A CERTIFICATE OF INSURANCE VOIDS AN OTHERWISE APPROVED EVENT PERMIT.

DATE CERTIFICATE OF INSURANCE RECEIVED BY THE VILLAGE: \_\_\_\_\_

\*\*\*\*\*

EVENT DETERMINATION

Approved: \_\_\_\_\_  
Disapproved: \_\_\_\_\_

cc: Police Department  
Fire Department  
Street Department  
Applicant  
Parks Dept.

\_\_\_\_\_  
Village Manager's Signature / Date



Assistant Village Manager Report  
January 2, 2018

**Expanded Utility Billing Office Hours**

I am excited to announce that we are again expanding the hours of the Utility Billing Office. When I started in 2013 the office was open from 10am – 2pm. We then expanded the hours in 2016 from 8am – 3pm.

Starting today, January 2, 2018 the office will be open from 8am until 5 pm Monday through Friday. We will no longer be open until 6pm on bill due date however.

Other than that, it's business as usual wrapping up the end of 2017 and working on the beginning of 2018.



January 2<sup>nd</sup> 2018

*The Police Department is pleased to announce:*

*The Department has promoted Officers David Meister and Jeffery Beam to the position of Corporal.*

*We are in the process of interviewing qualified applicants for two full time officer positions.*

*I am happy to answer any questions.*

*Regards,*

*Brian Carlson,  
Chief of Police  
937-767-7206  
chief@yso.com*

## Clerk of Council 2017 Overview December 2017

In 2017, Council held a total of 24 meetings, including the annual retreat. There were 11 Planning Commission meetings, and three BZA meetings—a total of about 97 hours-worth of meetings to turn into minutes written for those meetings and 38 agendas and packets to prep and post. Packets for several boards and commissions were also regularly PDF-ed for those groups and posted to the website.

Records were destroyed in a timely fashion in 2017, in keeping with the goal of following the guidelines set forth in our RC-2 document. The Records Committee met three times in 2017 to assure that updates to the RC-2 and all requests for records destruction were properly vetted.

Many records requests were fulfilled in 2017, although this year saw fewer hours of work providing records than in 2016. The greatest number of requests were fulfilled by the Police Department. Many thanks to Josh Knapp for being the person to track and assure fulfillment of PD requests.

2018 will likely continue the increase in work with Boards and Commissions which began in 2016, in particular with Planning Commission, as Denise Swinger has been making this a focus of her efforts in the past year and as the relatively new zoning code continues to be refined.

The part of this position I perhaps like best is talking to, or exchanging e-mail with, Council and citizens. I am afforded a pretty good view of Council and the Village from this office as well as of state level concerns and the problems addressed in other municipalities by those citizens and councils. I enjoy the privilege of providing information in as unbiased and accessible a fashion as possible when asked.

Review of the Clerk's 2017 goals shows that I have been consistent in addressing all but the most challenging one for me, which is work with the [www.ysc.org](http://www.ysc.org) website. After several years of wrangling with this website, I am interested in divesting from the current platform in favor of a more user-friendly option. I believe a change in this area will improve my fledgling tech abilities and will result in a more interactive site for all users.

## Ongoing Goals

- Continue to serve as a liaison between Village Council and Village Staff to the greatest extent possible.
- Continue to serve as a liaison and communication facilitator between Village Council and citizens whenever possible.
- Strive to improve ability to communicate clearly and effectively.
- Promote a professional response to all records requests; deliver promptly, and with any necessary vetting through the law department.
- Maintain minutes, resolutions and ordinances as currently as possible.
- Use the Village website to greater effect as a way to provide information on Boards and Commissions.
- Continue to strive for maximum accessibility and positive response to citizen concerns and requests.
- Continue work towards MMC designation.
- Work with Records Commission to keep up to date with records destruction and to amend the Village RC-2 as needed.

For Immediate Release

Contact:

Krista Magaw

Executive Director

Tecumseh Land Trust

Yellow Springs, Ohio

937-767-9490

[krista@tecumsehlandtrust.org](mailto:krista@tecumsehlandtrust.org)

Tecumseh Land Trust's "Jacoby Creek Partnership" proposal was selected for funding this week by the Natural Resource Conservation Service. The award includes up to \$1.44 million in federal funding for improving conservation practices and preserving farm and forest land in two sub watersheds of the (State and National) Scenic Little Miami River – Jacoby Creek and Yellow Springs Creek. Twelve local and state partners will match at least this much value, through funding or expertise for the project, with the aim of improving water and habitat quality. The project period is 5 years, and the land trust will be contacting eligible landowners soon about potential benefits of the project for them.

NRCS selected 91 Regional Conservation Partnership Projects in all for funding in 2018. NRCS plans to invest approximately \$220 million in these projects, all across the country. This program is a part of the Farm Bill, and emphasizes innovative and committed public-private partnerships that improve water quality.

Tecumseh Land Trust's proposal, and the Jacoby partnership emerged after a critical piece of farm and natural land went to auction in the winter of 2017. The land trust, its supporters, and the Village of Yellow Springs raised funds to work with potential "conservation buyers," who would minimize commercial and residential development on the land by managing it, permanently, for agriculture and conservation purposes. Conservation buyers were found, among them Community Solutions, a local nonprofit. They secured the largest parcel of the property at auction, and committed to preserve at least 80 acres of the property through a permanent conservation easement.

Soon after the auction, the village and the land trust agreed that action was needed to protect as much as possible of the long desired "Jacoby Greenbelt" area, around the village, as soon as possible. The land trust invited other organizations to join the Jacoby Partnership Project, including The Nature Conservancy, Xylem/YSI and Central State University, the Greene County Soil and Water Conservation District, the Yellow Springs School District, Ohio EPA, Antioch College, and the Clean Ohio Local Agricultural Easement Purchase and Open Space programs. All eager to collaborate to demonstrate improved water quality in the watershed, and Community Solutions is offering their new property to be a demonstration site for best practices and stream restoration.

Tecumseh Land Trust is a local, member supported, nonprofit organization that has protected over 26,000 acres and 42 stream miles in southwest Ohio. In addition to over 150 farms, the land trust protected over 1000 acres in the Glen Helen Nature Preserve, also a part of the Jacoby Greenbelt. "Our members, including the new contributors to the Jacoby Farm auction fund, make all our work possible," says Krista Magaw, Tecumseh Land Trust Executive Director. "The love of the land and the water unites us. That and our desire to protect this bounty and beauty for the next generation." Go to [www.tecumsehlandtrust.org](http://www.tecumsehlandtrust.org) to find out more.

## **Judy Kintner, YSO Village Clerk**

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**From:** DinoPallo <dinopallo@me.com>  
**Sent:** Wednesday, December 20, 2017 5:16 PM  
**To:** Judy Kintner, YSO Village Clerk; Patti Bates, YSO Village Manager; Karen Wintrow; saulgreenberg1@gmail.com; Luciana Lieff; brianhoush@gmail.com; Brian Housh, YSO Village Council; henrywmyers1@live.com  
**Subject:** ESC

Greetings to all, I hope your preparations for the upcoming holidays are drawing to a close so that you can spend much needed time with your families.

I am writing to discuss my continued membership in the ESC. As most of you know, I was a member of Community Resources with respect to the CBE. We worked long and hard to try to find businesses for this land. But in the end, we found that transferring the land back to the Village was in CR's best interest and the Village's best interest since their resources were much deeper.

I then joined the ESC with the sole purpose and goal of following through with the Village by getting the land prepped with water and sewer (through a grant) and one day visualizing a business or businesses being built on that land. ESC successfully put together surveys, questionnaires and two open forums for villagers to come together to discuss and understand the purpose of the CBE and its taxing benefits.

Well friends, through the strong leadership of the Village Council, Management and Staff, groundbreaking occurred last Thursday for Cresco!!! Alas, my goals were achieved. It was great to play a small part in watching the CBE finally come to fruition. Hats off to those of you who finally made it happen. What a great accomplishment to each and everyone of you!!!

Having said that, I wish to thank you for this opportunity to be a member of the ESC. It has been my pleasure meeting, working and getting to know each of you. However, the time has come for me to step down and return to concentrating fully on my business. It has been a privilege and the honor to work with each of you and I wish you continued success at the ESC.

Warmest Regards,

Dino Pallotta

Sent from my iPhone

## **Judy Kintner, YSO Village Clerk**

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**From:** Brian Carlson, YSPD Chief  
**Sent:** Saturday, December 23, 2017 1:31 PM  
**To:** Naomi Watson, YSPD Sgt; Stephanie Bennington; Joshuah Knapp, YSPD Sgt; Jeff Beam; Mark Charles; David Meister, YSPD Officer; Dennis Nipper, YSPD Officer; Doug Andrus; Luciana Lieff, YSPD Officer  
**Cc:** YSPD Dispatch; YSPD Property; Patti Bates, YSO Village Manager; Melissa Dodd; Ruthe Ann Lillich; Judy Kintner, YSO Village Clerk  
**Subject:** Wat to go Stephanie

A resident approached me at a crowded restaurant in Beavercreek to express how impressed he was with one of our officers.

He told me Officer Bennington was professional, kind and understanding when she came to his home.

Way to go Stephanie. You are a credit to the YSPD!

Brian

*Brian Carlson  
Chief of Police  
Village of Yellow Springs Police Department  
100 Dayton Street  
Yellow Springs, Ohio 45387  
937-767-7206 Office*

**WARNING:** This communication or its attachments may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please notify the sender and destroy all copies of this communication.

## Judy Kintner, YSO Village Clerk

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**Subject:** FW: Commendation for Officer Mark Charles

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**Subject:** FW: Commendation for Officer Mark Charles

Great job Mark. Another deposit in the community bank. I received this today, from Ms. Steiger. You assisted her on a medical call.

Thank you for your service. Keep it up!

*Sergeant Joshua Knapp  
Yellow Springs Police Department  
Yellow Springs, OH 45387  
937-767-7206 – Dispatch  
937-767-9281 – Fax  
937-374-6524 – Office  
Email: [jknapp@vil.yellowsprings.oh.us](mailto:jknapp@vil.yellowsprings.oh.us)*

**From:** carla steiger [<mailto:carlaannsteiger@gmail.com>]  
**Sent:** Tuesday, December 19, 2017 11:34 AM  
**To:** [jknapp@vil.yellowsprings.oh.us](mailto:jknapp@vil.yellowsprings.oh.us); Joshua Knapp, YSPD Sgt <[JKnapp@vil.yellowsprings.oh.us](mailto:JKnapp@vil.yellowsprings.oh.us)>  
**Subject:** Commendation for Officer Mark Charles

Dear Sergeant Knapp,  
Officer Charles was a great help to me this past Saturday when I suffered an unexpected heart event. He came to our house instantly when we called 911. He was calm and compassionate when he interviewed me about what had transpired and efficiently directed medical personnel into the house. He deserves high praise for his professionalism.

Sincerely,  
Carla Steiger