

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

In Council Chambers @ 6:30 P.M.

Monday, December 17, 2018

CALL TO ORDER

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

ROLL CALL

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

EXECUTIVE SESSION (6:00)

MacQueen MOVED and Kreeger SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of the Potential Discipline of a Public Employee; the Evaluation of Public Employees, and the Potential Sale of Public Property. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 7:03, Stokes MOVED and Kreeger SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ANNOUNCEMENTS

MacQueen announced programming for the upcoming Martin Luther King, Junior holiday.

Kreeger highlighted the MLK march, World House Choir concert, and awarding of student essay prizes.

Housh noted that Council's regular meeting will occur on January 22nd.

Housh noted Christmas tree pickup scheduled for January 14 and 15.

Housh announced new bike lights from the "You Move" movement from Active Transportation, available from the Police Department.

REVIEW OF AGENDA

Kreeger added nominations to New Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Gary Greenburg re: Fluoridation
Lori Askeland re: Affordable Housing
Mitzie Miller re: Questions re: PUD
Green Co. Public Library re: Greetings
Marcia Wallgren re: Vernay Cleanup

PUBLIC HEARINGS/LEGISLATION

Emergency Reading of Ordinance 2019-01 Authorizing the Annual Transfer of Funds and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Harris stated that the ordinance is a housekeeping measure, assuring that funds are available to pay for goods and services approved in the budget.

Housh noted the ongoing effort on the part of Council to "right size" the budget so that funds are expended upon needed current projects and are not reserved too far in advance or in amounts in excess of what is required.

Housh OPENED THE PUBLIC HEARING.

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

First Reading of Ordinance 2019-02 Rezoning Ten Parcels of Village Land Currently Located in the R-B District to Planned Unit Development (PUD). MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh clarified that the ordinance is rezoning the Home, Inc. property approved for development as senior low-income housing.

There being no comment from those present, Housh addressed a letter from Mitzie Miller which asked several questions.

Housh noted that there is no preference given to village residents, other than the courtesy of informing that group of the application date first.

Seibel stated that "as soon as approval is received for the project, and interest list will be started. Once the application period is open, persons on that list will be informed of that fact. It is, however, first come, first served. There is no higher score for being a village resident.

Housh stated that there is no need to assume a "worst case scenario", noting that it generally works out that local residents comprise the majority of accepted applicants. He stressed the need to provide ongoing education regarding the process, and asked that Home, Inc. provide this education.

Housh addressed the issue of parking, expressing his comfort with the initial number of 42 parking spaces. He asked that there be some flexibility around the issue, and asked that Home, Inc. determine the possibilities for shared parking with Friends Care and the future fire station.

Housh commented upon the traffic issues raised, stating that he did not believe there will be a significant problem, but that if that were to occur or be predicted through a traffic study, that any cost for a light at that intersection could be funded through a grant.

Kreeger asked whether Miami Township conducted a traffic safety analysis when they selected the location.

This was not known.

Kreeger stated that the fire station traffic concerns her more than residential traffic.

Kreeger asked whether pets are permitted in the proposed senior housing facility.

Seibel stated that she will bring the latter information to the January 22nd meeting.

MacQueen stated that there should be no concern about "outsiders", stating that "not everyone wants to live here" and those who wish to move here appreciate the village.

Mitzie Miller commented that there is not a fear about "outsiders", but stated that the information has not been fairly shared with village seniors. She commented that it "scars her to death" that there are local seniors who believe that the structure is being built "for them", and that they do not understand that they may not qualify. She asked that more education be provided.

Housh CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE, with Sanford recusing for reasons of conflict of interest.

Reading of Resolution 2019-01 Supporting Agraria Trail. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Susan Jennings showed a map of the proposed trail, noting that it will enable Middle and High school students to walk or hike to Agraria.

There being no further comment, Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A VOICE VOTE.

Reading of Resolution 2019-02 Authorizing the Sale During Calendar Year 2019 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). Kreeger MOVED and Stokes SECONDED a MOTION TO APPROVE.

Bates noted the resolution as a housekeeping item in place to allow the Village to sell off unwanted items.

There being no comment, Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A VOICE VOTE.

Reading of Resolution 2019-03 Awarding a Lease to Farm All Village Farmland Properties to JCW Enterprises, LLC. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Bates explained that the areas in question have to be bush hogged or otherwise maintained at Village cost if they are not farmed. JCW was the only completely non-chemical farming response received, she noted.

Bates noted that while the rental will bring in about \$5,600.00, those funds are subject to taxation.

Housh noted the clause permitting the Village to proceed with any development activity, with the caveat that crop loss would have to be paid for if appropriate.

Susan Jennings commented that the farmer is known to Agraria, as he organically farms that property. Jennings encouraged the Village to use the opportunity to educate villagers about regenerative farming.

Housh clarified that the properties are located at the Glass Farm, Sutton Farm and the CBE.

Housh asked for clarification regarding one clause in the contract referencing the "conservation reserve contract lease", and asked that Bates bring any relevant information to the next meeting.

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

CITIZEN CONCERNS

There were no concerns

SPECIAL REPORTS

Mayor's Court Report re: Eligible Charges Sent to Mayor's Court in 2018. Mayor Conine and Court Clerk Elise Burns presented an updated monthly report, noting that they will now provide information regarding activities as well as Mayor's Court data. Conine noted that since enactment of a resolution requesting that all eligible charges be brought to Mayor's Court, all such charges have been heard in Mayor's Court.

Burns differentiated between "charges" and "offenses", noting that the distinction helps one understand why bundled charges would all be sent to one court setting.

Housh commented that this type of report is just what Council would like to see in order to best understand how well Village Policing is working.

MacQueen asked that more cases be considered to be brought to Mayor's Court.

Burns commented that those cases that can, are.

Housh commented that this may be something for the new Justice System to look at.

Chief Carlson noted that violent incidents cannot come to Mayor's Court.

Housh noted that the question as to whether to hire a prosecutor has bearing on the discussion.

Conine commented that in restorative justice trainings she has participated in does not seem suited to Mayor's Court but more to mediation. She stated that she conducts Mayor's Court "with a restorative lens" to the greatest extent possible.

Mayor's Court Request to Update Fine Schedule. Conine addressed the fine schedule, which, she stated, had not been updated since 2009.

The Mayor and Clerk asked that Council approve an update to the fine schedule. This matter was discussed, with Council agreeing to approve the update.

Housh asked for quarterly reports of the same nature as those provided at this meeting.

OLD BUSINESS

Village Manager Search Update. Housh noted that the position has been posted, and that he and Kreeger are working on listing the position on LinkedIn. He noted a well conducted search for another city, and noted that he has gathered some tips from this.

Housh commented that he would like to work with Bing Design on promotion of the Village Manager brochure and on the LinkedIn option, with a cap of \$1,000.00 for the total expenditures to Bing.

Bates noted postings on a number of sites.

MacQueen suggested posting with local universities.

Housh suggested the APA as an option for posting.

Kreeger noted that she is working to assure that the key words needed for LinkedIn are right to find the type of candidate desired. She exhorted every citizen to reach out to prospective applicants and encourage their application.

Housh noted that the Chamber has donated ad space in City Beat to the VM advertisement.

Housh noted that the nominations for the citizen committee will come to Council at their next meeting.

NEW BUSINESS

Report on Scenario-Based Training. Chief Carlson reported on the following:

On December 4th 2018, the department held a mandatory meeting covering our plans for the scenario based exercises, and discussed updates regarding systems and procedures, with all PD Staff present.

Carlson noted that the training was difficult and meaningful for the participants.

On December 12th, all PD team members participated in selected Scenario based exercises with all PD staff present:

- 2- Traffic stops resulting in excessive use of force
- 1-multiple officers with non-compliant violent subject ó excessive use of force
- 2-Officer escalation situations
- 1-non-compliant violent subject with distraction strikes resulting in social media storm
- 1-shoot don't shoot scenario
- 1-CFS for "suspicious person" who baits officer on camera

After reviewing each of the scenarios, the team reviewed mistakes made and discussed alternative approaches to handling the different situations which could have resulted in positive outcomes.

Carlson noted that in each incident, there is a "key moment" when the situation shifts either towards resolution or towards escalation.

The department's next session is slated for early February.

COS Randolph stated that things are going well in the Police Department. She noted that the training did trigger some trauma among some officers, and that this needed to be addressed.

The Chief asked for scenario suggestions from citizens.

COS Randolph asked for volunteers actors from Council.

The Chief stated that the process is still evolving within the department, and that for now, he would like to limit any visitors to Council members.

Board and Commission Assignments. Council members discussed the assignments they had gone over at their retreat.

Housh noted that he is suggesting an Active Transportation Committee.

MacQueen commented that it is unreasonable to expect the Council liaison to attend all meetings, and suggested that they only attend as needed.

Housh clarified that the alternate should simply be a known entity, and attend from time to time.

MacQueen commented upon Board and Commission budgets.

Kreeger stated that each board/commission should make a proposal for a budget.

Housh commented that each commission should have the opportunity to make their case for funding. He noted that there are now a number of commissions to which entities can apply for funding, and this changes the overall funding picture.

Council 2019 Draft Goals. Housh iterated the process he used in preparing the draft 2019 goals.

Housh noted that he had added a new goal, the goal of which geared towards balancing the budget so that taxpayer money is being spent upon current projects to the greatest extent possible.

Housh commented that problem-solving to support infrastructure needs is important, as is cost-sharing for those groups which consistently use Village space or resources.

Housh noted that the Levy Renewal is coming up for 2020 which will require planning and looking at other options so that a proper mix of funding is accomplished.

Kreeger stated that she is building interest around the "Culture of Health" activities which are occurring of late, and that she will add this either to an existing goal or perhaps create a new goal. She asked for input from Council as to the best placement for this goal.

Housh reminded Council that he would like to gather citizen input on the goals and that he would like to start gathering information regarding participatory budgeting so that the process can be in place for the 2020 budget process.

Transient Guest Lodging Report. Bates introduced the topic, explaining that in 2017, Council passed legislation instituting a lodging tax on all transient guest rentals. A transient guest is defined as a guest who rents a room or home for a period of less than 30 days. That legislation also requires all providers of transient guest lodging to register with the Village.

During the discussions on TGL, Bates noted, concerns were brought forward regarding the conversion of long-term rental units to transient guest lodging. There were discussions of possible ways to minimize this impact, including allowing only owner-occupied properties to become TGL (excluding hotels and those establishments with 4 rooms or more) and limiting the number of licenses.

Bates then noted a number of possibilities for mitigating the concerns raised by TGL establishments:

- Make only owner-occupied properties eligible for a TGL permit. This could be a room in a home or an accessory dwelling unit.
- Of the current 33 establishments, to the best of staff knowledge, 16 are owner-occupied, 14 are not owner-occupied, 3 are not known
- Limit the number of TGL permits allowed in each zoning district, or ban them entirely in some zoning districts
- Limit the number of TGL permits available and establish a waiting list for new permits
- Require insurance certificates from TGL establishments when they obtain a permit
- Limit TGL permits to permanent residents (those who currently reside within the municipal limits of the Village) only (excluding hotels and establishments w/4 rooms or more currently operating)

Bates noted that any currently operating TGL establishment would be grandfathered-in.

Stokes noted the impact that TGL specific homes have a negative impact upon the housing market.

MacQueen stated that the Housing Advisory Board is looking at similar issues. One set of strategies involves existing homes, she said, and the issue of "house-flipping" also impacts the market negatively. She commented that TGLs should be owner-occupied in order to address the problem.

Bates asked whether Planning Commission (PC) should be involved.

Housh responded that Council should hold another meeting to clarify the issues and to come to a consensus on possible approaches before engaging the PC. He noted that many municipalities are addressing the issue.

Stokes cautioned that the matter should be addressed before it becomes a larger issue.

Housh asked that there be an active outreach to participants. He asked that key topics in general be highlighted for citizens.

Bates suggested that those topics be highlighted during Agenda Planning.

Cellular Tower Lease Buyout Staff Recommendation. Bates explained the recommendation as follows:

Currently, the Village leases to SBA Properties space at Sutton Farm for a cellular tower. At the current lease rate, the Village receives \$1,520.88/month (\$18,250.56/year) for that lease. Previously, the Village also received 10% of the rent collected by SBA from other providers leasing space on the tower itself. However, as of January 1, 2019, another provider (Cricket Mobile) has terminated their lease with SBA, following the path of Cincinnati Bell and Sprint. Only T-Mobile is left on the tower, for minimal rent.

SBA has proposed a buyout of the lease, allowing them a perpetual lease on the space for a lump sum payment of \$280,000. The Village would no longer receive the monthly payments. In the past, staff has recommended against these buyouts, as the regular income was sometimes helpful in budgeting. Given the expected increase in 5G small cell towers, staff has reconsidered and recommends to Council that the Village take advantage of this buyout offer, per the attached agreement.

If Council agrees, the necessary legislation would be brought to the January 22nd meeting, as this offer is good until January 23rd.

Bates requested that, if a decision is made to take advantage of this offer, at least half (\$140,000) of the payment be earmarked to remove the massive spoils piles and old chemicals that have accumulated at Sutton Farm over the years.

In response to a question from Housh, Bates stated that there is not much that could go on the tower to either benefit or disadvantage the Village.

Kreeger expressed approval of the plan.

Megan Bachman, Yellow Springs News, asked whether other communities are also selling out.

Bates stated that it was about half and half, and that with the advent of 5G some large towers will still be needed, but that the company has a large tower on the east side of the Village which could serve that purpose.

Housh asked that Bates gain assurance that the company could not place another use on the spot. If that is the case, he said, bring the legislation to the next meeting.

Nominations. MacQueen NOMINATED AJ Williams to the full member slot and Dino Pallotta to the alternate slot on Planning Commission. Kreeger SECONDED, and the NOMINATION WAS APPROVED on a 5-0 voice vote.

Kreeger NOMINATED Henry Myers to a second full slot on the ESC. Stokes SECONDED, and the NOMINATION WAS APPROVED on a 5-0 voice vote.

Kreeger NOMINATED Ara Beal to the full slot on the ACC. Stokes SECONDED, and the NOMINATION WAS APPROVED on a 5-0 voice vote.

Sanford noted that work is continuing on the JSC process, and that this should be ready to come to Council soon.

MANAGER'S REPORT

She also noted that the Utility Round Up Program is operational.

SOLICITOR'S REPORT

There was no Solicitor's report.

CLERK'S REPORT

The Clerk noted that a Retreat Agenda is needed. Council listed goals; impact upon the Village team of the Council goals; Boards and Commissions budgeting; Commission efficacy.

MacQueen asked that proper communication with boards effectively communicating with the bounds of sunshine law be discussed.

Housh asked that the new goal be thoroughly vetted.

Housh asked that Harris and Burns be present if possible, but noted that they are not required to be present.

FUTURE AGENDA ITEMS

Jan. 22: **Emergency Reading of Ordinance 2019-01** Authorizing the Annual Transfer of Funds and Declaring an Emergency

Second Reading and Public Hearing of Ordinance 2019-02 Rezoning Ten
Parcels of Village Land Currently Located in the R-B District to Planned Unit
Development (PUD)

Ordinance Adjusting Mayor's Court Fee Schedule

Public Works End of Year Report

Charter Review Discussion

Manager's End of Year Report

Nominate Community Advisory Council

Candidate Vetting Process

Council 2019 Goals

Feb. 4: Reach Out Clinic/Culture of Health Report

Feb.19: ESC Annual Report

ACC Annual report

ADJOURNMENT

At 9:31pm, Kreeger MOVED and MacQueen SECONDED a MOTION TO ADJOURN. The
MOTION PASSED 5-0 ON A VOICE VOTE.

*Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in
the Clerk of Council's office between 9am and 3pm Monday through Friday or any time via youtube
link from the Village website:*

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council