

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

**In Council Chambers @ 6:00 P.M.**

**Monday, February 18, 2019**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 6:01pm.

**ROLL CALL**

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

**EXECUTIVE SESSION**

Stokes MOVED and MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION for Discussion of the Potential Discipline of a Public Employee. The MOTION PASSED 5-0 ON A ROLL CALL VOTE. The Solicitor was present.

At 7:02pm, Stokes MOVED and Kreeger SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

**ANNOUNCEMENTS**

Kevin McGruder related information regarding the Wheeling Gaunt sculpture and the Wheeling Gaunt Service Award, giving historical information about Wheeling Gaunt and his impact upon the Village. The ceremony will occur on February 28<sup>th</sup> from 6:30-8pm.

Mayor Conine stated that she will be promoting the proclamation process more actively. The family of Dr. Alfonso Smith was present to acknowledge his upcoming birthday and to celebrate his contributions to the community. The Mayor read highlights of the proclamation which will be presented on his birthday.

Housh congratulated the Yellow Springs News on their ninth year in a row recognition by the Ohio News Media Association for Best Weekly Paper in its class. Housh appreciated the paper for its efforts to represent all views.

Housh expressed appreciation to the Council Clerk.

Housh noted that a favorite community member, Lonya Clark, has been reported missing, and asked that everyone who can be on the lookout and mindful of helpful information that might bring Lonya safely home.

**CONSENT AGENDA**

1. Minutes of February 4, 2019 Regular Meeting
2. **Resolution 2019-08** Approving a Wage Increase for the Village Manager
3. **Resolution 2019-09** Approving a Wage Increase for the Council Clerk

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

**REVIEW OF AGENDA**

Kreeger asked that Special Reports be moved before Citizen Concerns. She also asked that several items be placed on the Future Agenda as placeholders so that they are not forgotten, and this was done.

Housh added the three Letters of Complaint to New Business.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Fire Chief re: New CO Regulations  
Laura Curliss re: Marijuana Regulation and Article  
Pan Reich re: Letters of Complaint  
Kate Hamilton re: Air BnB Article  
Mayor's Clerk re: Eligible Charges Reports  
SpringsNet re: SBA Lease

**PUBLIC HEARINGS/LEGISLATION**

**First Reading of Ordinance 2019-04:** Repealing Section 452.13 "Limited Parking Areas" of the Codified Ordinances of the Village of Yellow Springs and Replacing it with a New Section 452.13 "Limited Parking Areas". Kreeger MOVED and MacQueen SECONDED a MOTION to APPROVE.

Burns addressed the need for the ordinance, stating that currently the area is posted as a four hour maximum, but that there is not statute governing it. This ordinance allows a citation to be written to those who exceed the maximum time limit for the charging station.

Housh noted that the charging station is meant to attract those from out of town who can charge their vehicles while visiting the area.

Sandy King argued that the chargers are not sustainable since they require non-sustainable means to create the electricity.

MacQueen noted that the Village electric portfolio is 95% renewable.

King charged that "Villagers are not allowed to use the chargers, and the Village is paying for the electricity."

Housh noted that the electrical cost of the chargers is a minimal amount annually, and worth the encouragement to use electric vehicles.

Stokes clarified that Villagers are permitted to use the charger, just not to park there all day.

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

**First Reading of Ordinance 2019-05:** Repealing and Replacing Chapter 238.04 Section B (1) "Investment Officers" of Chapter 238 Treasurer of Title Six "Administration" of the Codified Ordinances of the Village of Yellow Springs, Ohio. Kreeger MOVED and MacQueen SECONDED a MOTION to APPROVE.

Housh noted the importance to Council of investment decisions, and the desire that the investment committee include elected officials. Housh noted that the more proactive approach over the past year has yielded increased interest income.

Housh asked whether the ordinance might be missing an attachment, and the Clerk promised to look into the matter and correct the ordinance for its public hearing.

Housh opted not to call a vote on the first reading.

## **SPECIAL REPORTS**

ESC Annual Report. Saul Greenburg presented the annual report.

Scott Fife purported to ask Greenburg a question, which was an effort on behalf of a local fiber network to promote that utility.

Housh noted that this is a 2019 goal, and may not need the ESC to weigh in, as work is now underway on the matter.

## **CITIZEN CONCERNS**

Prior to hearing from citizens, Housh made a statement, noting that he would strictly enforce the "no clapping/expressing support" rule so that all can hear, and so that none feel intimidated.

Bob Baldwin expressed support for Officer Meister.

Housh commented that Scenario Based Training is now in use in the YSPD, and this technique has been credited with effectively addressing positive decision making and progressive change.

Chief Carlson related that his department is undertaking ways to be more visible and interactive in the community, and that some of this is based upon suggestions made by the officers themselves, when asked for suggestions.

Carlson commented that foot patrol will be increased, that bike patrol will return in the Spring, and that there will be officers visiting Mills Lawn to tutor. He noted that Sgt. Watson just completed working with High-and-Middle School students on the Day of Empowerment.

Jim Zehner spoke in support of Officer Meister, laying fault upon the YSPD for attempting to discipline him. He characterized the situation with the YSPD as impossible to remedy.

Sandy King spoke in support of Officer Meister, asking why it would be Meister's responsibility to back up the officer who went to the scene alone. She stated that this is a management problem.

Sharon Mohler expressed support for Meister and stated that she does not understand the Village structure or the PD and how it works.

Alyce Earle Jenkins expressed support for Officer Meister, stating her understanding that Meister needed permission to assist the other officer.

Housh noted that the Pre-disciplinary hearing report did not arrive on Monday as scheduled, and so is not available.

**ACC Annual report.** Lisa Kreeger read the annual report, noting that new Chair Cheryl Durgans has just agreed to the role. Kreeger stressed that one of the goals of the ACC is to effect social change, including that needed to heal communication and trust issues within the community.

Kreeger MOVED to APPROVE \$5,000.00 to the ACC for their 2019 budget. Housh SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

### **OLD BUSINESS**

**YSPD Assessment Proposal Update.** MacQueen noted that the proposal was made during the 2018 budget process, and that given the emotional and political nature of policing, both nationally and locally, this effort seems particularly timely.

MacQueen referenced a proposal written by herself and Kreeger, and stated that she and Kreeger had spoken with Robert Wasserman, a nationally recognized policing consultant who has ties to the area and who has expressed interest in engaging in at least an initial conversation about the proposal.

Kreeger added that this was identified as an opportunity to do better and to increase capacity within the YSPD. She noted that this has to do with fiscal health, positive community/police relations. She noted that a community meeting on policing, as soon as March, facilitated by Village Mediation, should take place. The forum can serve as a way to hear concerns and positive suggestions, and if the consultant is not in place at that time, the meeting will be taped for reference.

Housh expressed appreciation for the effort and the comprehensive approach. He noted the positive work of the JSTF over a two year period. He noted that the training officers receive is antithetical to the type of approach desired in the Village, and expressed appreciation for the efforts Chief Carlson has made to assure that officers receive other types of training, such as Crisis Intervention and Scenario Based trainings, and the openness of officers to undertake that training.

Stokes expressed that ongoing assessment is useful. He noted that the YSPD does a lot that is positive, and suggested that there be a formalized place where positive and more personalized information on officers can be posted.

Kreeger noted that some of this could fall into the work of the new JSC.

Sanford commented that the JSC will be involved in this type of activity once it is formed.

MacQueen reiterated that the proposed community-wide meeting take place in March, with the consultant ideally starting work in April.

**Transient Guest Lodging Proposal.** MacQueen noted that the Housing Advisory Board is proposing a community conversation on the topic in March to discuss the ups and downs of the matter.

Housh noted that TGL tax applies across the board, not simply to established hotels.

Council expressed support that the community conversation take place.

Sharon Mohler commented that homeowners should not fear low income residents.

**Review of Village Manager Vetting Process.** Sanford noted that the Citizen Committee has now met, and a rubric has been created to use in evaluating candidates. Her sub group is working on perfecting the rubric.

Housh commented that the project management piece is important, and suggested using IT to gain efficiency as an evaluation, and reminded all of the importance of soft skills.

The Clerk responded to a question from Housh, stating that there are at least 37 qualified candidates at this point.

Housh referenced his timeline, stating that this is the week to begin evaluating candidates, then over the next two weeks the pool is narrowed further.

MacQueen commented that one person from each sub group will read resumes once it is time to narrow the pool of candidates.

The group discussed methodology.

Housh suggested that the pool be narrowed by about one-half this week, then the larger group looks at that smaller pool to come up with the 4-6 semi-final candidates. He noted the need for background checks.

The Clerk suggested that Council interview references.

Housh, Kreeger and Stokes expressed interest in the process.

MacQueen suggested involvement of the Citizen Committee.

Kreeger stressed the need for consistency and the need for a referenced questions checklist.

Housh commented that the subcommittees need to be worked-with to identify the process which will be used to narrow the candidate pool to the final group.

Kreeger commented that HR should maintain a high level presence throughout this process.

**Discussion of Proposed SBA Cell Tower Buyout.** Burns noted that the recommendation from Village staff is to sell the cell tower lease. Burns acknowledged that 5G is coming to the Village, and it can be placed in rights-of-way. He asked Council for direction as to which way to go.

Stokes commented that he wants the Village to be in the best position possible.

Burns responded to Stokes that SBA did approach the Village a year ago wishing to buy out the lease, but no amount was offered. Burns noted that there is only one company still on the tower, and that company has plans to depart.

Stokes opined that a better offer could likely be obtained by using a consultant whose job it is to negotiate. He suggested a counter proposal.

Scott Fife again gave a pitch for municipal fiber.

Housh asked how municipal fiber and 5G are relevant to the SBA buyout.

Fife opined that the offer is likely too low, and asserted that 5G may be something in the works that might increase the value, hence the reference to 5G. He stated that Springs Net thinks expert advice would be useful.

MacQueen asked what the group was willing to do.

Stokes opined that he did not trust SBA, and that asking for more money is feasible.

Housh asked Burns his opinion of hiring an agent to negotiate a higher buyout amount.

Burns opined that that would be more money spent that might not be recouped. He suggested going back to SBA and asking for a better deal. He reminded Council that the tower is losing and has lost providers. He responded to a query from Housh, stating that the lease agreement through 2054 is still in place, so there would be nothing lost in negotiating.

Housh asked for information from the Finance Director regarding the timeline for rents and how long it would take to get a return on the amount offered.

Housh stated that a decision should be able to be made at the March 4<sup>th</sup> meeting.

## **NEW BUSINESS**

**Letters of Complaint.** Housh addressed the letters received by Council and signed by Pan Reich, Kate Mooneyham, Carlos Landaboro, Sharon Mohler and Sommer McGuire.

Housh commented that he had called for support regarding the evaluation process from the 365 Group two years ago, but that has not occurred. The effort has continued internally, Housh said, although he acknowledged that this has been "an ongoing gap." Housh clarified that the Personnel Policy Manual states that there shall be an annual evaluation. But does not state that that should be in written form. Housh affirmed that the Village as a whole can and will do a better job of completing and documenting the evaluation process for all employees.

Housh reminded those present of the new "CORCLE" standards, which highlight village values and traits, and which he stated he would like to see incorporated into every evaluation.

All evaluations are either scheduled at this point.

Housh commented that he takes exception to some of the extreme language in the complaint, and to the implication that the evaluative process would be the only reason that there would be performance problems in the Meister situation.

MacQueen commented that formal evaluations have historically not been completed in the police department over decades of good, not as good, local and not local police department employees and chiefs.

Housh then addressed a complaint letter from the above group referencing taser use. Housh noted that complainants are cherry-picking policies and not referencing them completely. He then read from the YSPD taser policy, stating that "tasers should not be used solely to gain compliance." He read in what situations a taser could be used, per that policy. Housh noted that the complaint asks why the internal investigation into the taser use was not treated in the same manner as the Meister investigation. Housh then clarified that this was not an "internal investigation," but was a use of force review, which is done when any use of force occurs. The process is the same in each case, Housh stated.

Housh then read from the report, commenting that the subject in the tasing incident referenced "had a mental illness, but that does not mean that he was not violent and threatening." Housh noted that the individual vigorously resisted four officers and threatened to kill the officers and to kill Friends Care Center staff. The taser was put into "stun" mode, and was deployed twice because the individual was wearing winter clothing which blocked the effect of the taser.

Housh concluded that the use of force review was done properly.

MacQueen asked for clarification that he did not attack an officer.

Chief Carlson stated that although he (Carlson) was struck, the subject was not charged because Carlson believed the blow to have been inadvertent and as a result of his struggle to resist.

Housh then addressed the third complaint letter, which asserted that Sergeant Knapp was derelict in his duties associated with the New Year's Eve incident and the current incident related to the shooting on December 13<sup>th</sup> 2018.

Housh clarified that the decision as to whom to place in charge in New Year's Eve and what officers would be present at that event was a decision of then Chief Hale, and was a factor in Housh's request that he resign. This was not in Sergeant Knapp's purview, stated Housh.

Housh then addressed several allegations which, he stated, have been proven untrue. Housh stated that Officer Meister departed before Sergeant Knapp was called, in contradiction to Meister's claim that he waited to hear that he was not needed on scene.

MacQueen pointed out the absurdity that any officer, standing in uniform in dispatch, when hearing of a potential active shooter one block from the PD would think that he needed to ask a supervisor whether he should respond.

Housh characterized the three letters as an "ongoing attempt to rationalize poor decision making."

Bob Baldwin responded to Housh's comments, arguing that "you had this officer hamstrung" and "that is the big problem here."

MacQueen stated that "there are people in the community who are intentionally waging a vendetta against our police department, and it is creating an untenable situation." MacQueen opined that it is easy to read part of a report or watch a video and to assume that you know how a situation should have been better handled. "None of us are experts on how to handle a police department," she said, which is why experts are engaged.

Baldwin advised taking "small slow steps" in the matter. Baldwin opined that the problem may be jealousy on the part of other officers who know he is a favorite son.

Jim Zahner commented that the decision regarding Meister will not be fair or based upon his actions.

MacQueen responded that this incorrect insinuation is being made by a person or persons who are "associated with" a person or persons who do work for the Village, and that this intentional misinformation regarding confidential matters is both detrimental to the process and impossible to control.

Zahner commented that "the stream has been polluted." Citizens have to be convinced that this is not a fake procedure.

#### **MANAGER'S REPORT**

There was no verbal report.

#### **CLERK'S REPORT**

There was no Clerk report.

#### **BOARD AND COMMISSION REPORTS**

MacQueen NOMINATED Sue Pfeiffer for Environmental Commission. Sanford SECONDED, and the NOMINATION PASSED 5-0 on a voice vote.

#### **FUTURE AGENDA ITEMS**

- March 4: Consideration of Planning Commission Recommendation re: PUD Rezoning Request  
**Second Reading and Public Hearing of Ordinance 2019-04:** Repealing Section 452.13 "Limited Parking Areas" of the Codified Ordinances of the Village of Yellow Springs and Replacing it with a New Section 452.13 "Limited Parking Areas"  
**Second Reading and Public Hearing of Ordinance 2019-05:** Repealing and Replacing Chapter 238.04 Section B (1) "Investment Officers" of Chapter 238 Treasurer of Title Six "Administration" of the Codified Ordinances of the Village of Yellow Springs, Ohio  
**Resolution 2019-07:** Approving Council's 2019 Village Goals  
Progressing Toward a Culture of Health: Sharon Sherlock/Cindy Sieck  
Proposal for Police Department Assessment  
Discussion of Proposed SBA Cell Tower Buyout  
Manager's Housing Advisory Board Report  
Village Manager Search Update
- March 18: Process for Narrowing Candidate Pool to 10-15  
Charter Amendment Follow Up
- April 1: Announcement of Village Manager Candidate Finalists  
Dark Skies
- April 15:
- May 6: Village Manager Announcement and Transition Plan

#### **ADJOURNMENT**

At 9:58pm, Kreeger MOVED and Stokes 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:*

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council