

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

Virtual Meeting @ 6:00 P.M.

Monday, November 15, 2021

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 Lisa Kreeger, Kevin Stokes and Laura Curliss. Also present were Village Manager Josue Salmeron and Solicitor Breanne Parcels.

EXECUTIVE SESSION

At 6:01pm, Kreeger MOVED and Stokes SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Discussion of Employee Evaluations and Pending or Imminent Litigation. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 6:59pm, Stokes MOVED and Curliss SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 on a voice vote.

ANNOUNCEMENTS

Housh announced the annual Tree-Lighting Ceremony to take place on December 4th at 6pm.

Kreeger announced that the World Housh Choir will sing at the Tree Lighting Ceremony. She urged interested Villagers to join this group.

CONSENT AGENDA (7:10)

1. Minutes of November 1, 2021 Regular Session

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

REVIEW OF AGENDA

The Swearing- In was moved to follow Legislation.
Resolution 2021-57 and Resolution 2021-58 were added to Legislation.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Carol Cottom/Bruce Bradtmiller re: Oberer Development
Carol Cottom re: Oberer Development
Carol Young re: Oberer Development LOE
Emily Seibel re: Proposed Senior Housing Development Funding Request
Emily Seibel re: APA Presentation on PNDs
Mayor's Clerk re: Court Charges and Report (2)
Kevin Stokes re: Inclusive and Resilient Yellow Springs

MacQueen reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

Emergency Reading of Ordinance 2021-30 Approving a Fourth Quarter Supplemental and Declaring an Emergency. Stokes MOVED and MacQueen SECONDED A MOTION TO APPROVE.

Dillon explained that the supplemental is for the \$160,000 needed to cover the down payment for the purchase of Lawson Place.

Salmeron noted that the legislation for approval of this acquisition follows. He gave a history of the purchase, noting that this has been below-market rate rental units for its history. Loss of these units, he said, would significantly impact availability of affordable housing.

Salmeron noted that a 20% down payment is required for the purchase price of \$800,000. Salmeron noted that the purchase is an investment, resulting in a tangible asset.

Salmeron described repairs and improvements which will need to occur, stating that he will be requesting an additional amount to make improvements to this structurally sound structure.

Curliss inquired as to the source of funds, and was informed that these will come from the General Fund Reserves. She was also informed that the loan can be paid off early.

Kreeger asked what the plan for ongoing property management and maintenance will be.

Salmeron stated that he has reached out to property management companies for the short term solution, and other options will be considered (continue with property management; form a resident cooperative; ownership given to a community land trust).

Salmeron noted that the Village is considering the roof repair as a potential utility demonstration project site, stating that he is seeking grant funding for these projects as upgrade of the building is considered.

Housh OPENED THE PUBLIC HEARING.

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

Reading of Resolution 2021-57 Appointing Paige Burge as Interim Chief of Police. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Salmeron noted the need for an Interim Chief, explaining that as the search for a permanent Chief continues and Chief Carlson's last day was November 12th, that office must be covered, or the Sheriff's office takes over that duty. He expressed full confidence in Sergeant Burge's ability to fulfil this role, noting that this appointment has the support of the Chief Search Committee.

Stokes commented that he had attended the PD staff meeting at which the announcement was made, commenting that most officers were enthusiastic, and all were supportive. Stokes expressed confidence that Burge will continue Chief Carlson's positive legacy.

Kreeger spoke to the challenging nature of interim appointments opining that this is a critical role and that it speaks well of the department that there is a candidate willing and able to take this on.

Curliss pointed out that Burge is not one of the current candidates for the permanent Chief position.

Housh expressed his enthusiasm for the appointment, stating his expectation that the work of the Justice System Collaboration Committee, Chief Carlson, 365 Group and the JSTF will be continued and built upon.

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

SWEARING IN

Sergeant Burge was sworn in as Interim Chief by President Housh.

Chief Burge made a brief statement, expressing her appreciation for the trust placed in her, stating her commitment to the Village, and noting that she chose to serve with the village of Yellow Springs because of the Villages unique policing model.

PUBLIC HEARINGS/LEGISLATION

Emergency Reading of Ordinance 2021-31 Accepting Dedication of Multiple Utility Easements for the Dayton Street Stormwater Project and Declaring an Emergency. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Burns explained that the easement will permit the Village to add stormwater lines to the electric utility easement as they reroute the stormwater lines on Dayton Street.

Parcels added that the tax map has some corrections which property owners will need to sign, after which the easements will be recorded.

Housh OPENED THE PUBLIC HEARING.

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

Reading of Resolution 2021-54 Opposing House Bill 175. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

MacQueen explained the importance of ephemeral streams to the health of the water system. She commented that protection of waterways has been rolled back in the last four years, and expressed the urgency that these protections be restored.

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

Reading of Resolution 2021-55 Authorizing the Village Manager to Take All Necessary Steps to Acquire Real Estate Located at 10 Lawson Place Including Obtaining Financing Pursuant to RC 717.01(A) and (AA). Stokes MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron remarked that there will be enough income from rent to assure operation funds. He noted that the pro forma shows that the investment will be cash flow positive.

Salmeron described the repair needs, and improvements he would like to undertake, these being costs that will exceed the operating costs. He reiterated the need to retain this affordable housing apartment.

Salmeron commented that establishing a Community Reinvestment Area might be a feasible strategy to abate property taxes.

Housh stated that the Village became involved because the property was being advertised as available for high end condos, which would eliminate an affordable option within the village.

Leah Naeve asked whether the rent would be controlled.

Salmeron stated that the intent is to maintain the rent as affordable. Affordable as well as cash flow positive places rents between six and seven hundred per month. Persons receiving reduced rents or subsidies would be considered individually, he said. The Village is not purchasing the property to increase rents, he said.

Housh noted that Section 8 is a welcome payment option in Yellow Springs.

Stokes asked whether the rent will ever exceed \$700/month.

Salmeron responded that at present, that number is the upper end of what is needed to make the property sustainable.

In response to a question from Stokes, Salmeron stated that the property has been appraised at a significantly higher amount than previously (previous assessment was \$360,000) which will significantly impact the property taxes that the Village will be responsible for paying. This, Salmeron stated, will mean a need for Council action on establishing a CRA.

Stokes asked who would be the owner of record, with respect to Section 8, and was told that this would be the property management company, once that is established.

Kreeger stated that while she is generally in favor of the acquisition, she has concerns regarding the long term implications, particularly the financial and human relations capacity of the Village. She asked that consideration of the future of the property be prioritized.

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

Reading of Resolution 2021-56 Authorizing the Finance Director to Complete an Inter-Fund Transfer of \$15,686.85 from the Bond Retirement Fund to the General Fund. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Dillon stated that the Village received a finding from last year's audit asking that the Village attempt to reduce the number of funds it maintains. The fund in question, Dillon said, was initiated to manager payment of a bond taken out for improvements to the Bryan Center, and has not been used since 2016. The resolution allows for elimination of the fund through transfer of the remaining monies back to the General Fund.

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

Reading of Resolution 2021-58 Approving the Annual Distribution of Flour and Sugar to Village Widows and Widowers. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

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

CITIZEN CONCERNS

Mitzie Miller made a verbal records request for all donations made to Home, Inc. since their existence, including in kind services, waivers, land and financial contributions. She commented that housing for all income groups should be considered, not only low income.

Matthew Kirk asked questions related to the Lawson Place project. He asked whether this will set a precedent as to these kinds of purchases, asking what the “means test” would be. He asked for more information regarding the CRA, opining that perhaps the Lawson Place project would not be applicable to a CRA. He wondered whether this would be seen as subsidizing rent for the residents of Lawson Place.

Housh responded that the CRA is on the agenda for the next meeting, and asked that Kirk’s questions be addressed at that time. With regard to Kirk’s “means test” comment, Housh challenged Council members to start considering responses to this question as they consider their goal of affordability.

Housh read in a letter from Ursa Northstar regarding her communication with Archangel Michael and her subsequent requests to the Village as his earthly liaison.

Carol Young commented on the Oberer project, expressing aesthetic concerns and proposing alternatives. She also asked for more greenspace in the PUD.

Parker Buckley asked for information related to parking on Phillips and Elm Streets, asking for attention to drainage.

SPECIAL REPORTS

Third Quarter Financials. Dillon reviewed the third quarter financials, overall indicating that revenue goals are expected to be met for the end of the year. Because the Clerk did not call for a Motion to Approve, the approval will take place on December 6th during Old Business.

Housh received an explanation regarding the end balance, with Dillon explaining that there is about \$700,000 in savings projected.

Salmeron stated that he is hoping to continue savings activities to increase the year-end balance.

MacQueen received confirmation that at the start of 2021, the Village had anticipated expenditures about two million dollars in excess of revenue. Through savings activities and grants, this amount was greatly reduced.

OLD BUSINESS

Budget Updates. Salmeron stated that he had provided Council with a list of projects that were not budgeted for in 2022 due to budget constraints. He noted that one such project that may have to reappear is a bypass for the lift station. He warned that there is only one pipe feeding the lift station, and if it fails, the system will be down.

Housh asked Council members to request their projects.

Curliss asked for \$15,000 for a CRB, “to get it going”.

Curliss asked for a wetland delineation study of the Glass Farm.

Curliss commented on the parking matter, opining that some money should be spent on signage and an application for locating parking in the Village.

Curliss MOVED to APPROPRIATE \$15,000 for the Citizen Review Board (CRB). Housh SECONDED.

In response to a question from MacQueen, Kreeger parsed out the request, stating that the \$15,000 requested would cover administrative costs, similar to those of Village Mediation, and that legal expenses would be funded out of different budgets’ legal fees lines. This amount, she said, is about \$39,000 (funds not needed to pay the current solicitor, but appropriated in anticipation of additional legal fees.)

Kreeger argued that, given these regular set-asides, which are sometimes used and sometimes not used, the CRB would not “create additional costs.”

Stokes reiterated his support for the CRB, but his opposition to the notion that any person serving on the CRB receive compensation for that service.

MacQueen expressed general support, but was unwilling to commit to funds being set aside for payment.

Housh responded that what the funds are spent on, or even whether they are spent, will occur at a later point.

Dillon stated that he needs to restrict the funds, and so would like a formal motion.

Curliss stated her belief that the Chair of the CRB should be compensated, and made clear that this is contemplated in her request.

Curliss MOVED to CREATE A LINE ITEM UNDER BOARDS AND COMMISSIONS, and to FUND IT IN THE AMOUNT OF \$15,000. Kreeger SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Housh stressed that “these are placeholders for a budget that we still have to vote on: this doesn’t mean that the final budget will have these things in it.”

Curliss MOVED TO REQUEST \$15,000 for a Glass Farm Wetland Delineation Study.

MacQueen interrupted the motion to request an additional \$3,000 for a Conservation Development Concept Plan, dependent upon the results of the Delineation study. She then asked whether monies could be taken from the Glass Farm maintenance fund and put towards the Concept Plan.

Salmeron responded that the \$5,000 in that fund is not sufficient even to cover maintenance costs.

Curliss agreed to this addition.

Housh SECONDED, and the Motion as AMENDED PASSED 5-0 ON A ROLL CALL VOTE.

Housh brought up the matter of parking, and asked for a targeted amount for signage and perhaps some short term projects.

Curliss expressed support for signage and a parking application, and perhaps creation of a parking lot on Cemetery Street—a total of \$45,000.

Burns commented that he would like to see Phillips Street improved for parallel parking.

Housh inquired as to Burns' "wish list" for parking funding.

Burns expressed a desire for \$200,000 to "get it all done", but stated that he would be content with \$75,000 to get mapping, QR coding, striping and Cemetery Street—possibly Elm Street—completed.

Lindsay Burke commented that relining the downtown area to add efficiency and reconfiguration of the Bryan Center parking lot would be advisable.

Leah Naeve objected to additional parking in general and continued this at length, citing her view and quality of life should she have to look at parked cars, and her opinion that there is not a parking problem in the Village.

Curliss MOVED to APPROPRIATE \$25,000 for signage and an application, and \$20,000 for creation of a parking area on Cemetery Street for a total of \$45,000. MacQueen SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

MacQueen requested \$25,000 "to extend the CASP project into 2022". She suggested that the funds come from the sale of Renewable Energy Credits (RECs).

MacQueen MOVED TO APPROVE \$25,000 to EXTEND CLIMATE ACTION PLANNING THROUGH JUNE 2022 THROUGH THE SALE OF RECs." Stokes SECONDED.

Housh amended the motion to eliminate reference to the sale of RECs.

Burns noted that the Village has an RFP out now to retain an engineer for a load study, and the results of that study may well indicate infrastructure improvements which would properly be funded through the sale of RECs, thus using that available amount. He highly recommended not using REC funds for the CASP.

Parcels cautioned that the person currently serving as the CASP Coordinator is under contract, and that the contract would have to be re-bid to be amended.

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

MacQueen MOVED TO REQUEST \$30,000 for Home, Inc. predevelopment for a 28-unit housing complex.

Curliss commented that Council has just voted to spend \$160,000 on Affordable Housing for the Lawson Place project. Had we not done that, she said, I would be more favorably inclined. She then expressed greater acceptance for a 28-unit project.

MacQueen commented that other organizations need to contribute to affordable housing.

Stokes commented that Lawson Place does not add units, it only maintains existing units.

Kreeger commented that “a project was presented to two Council members, not to Council.” She opined that “Council is not voting on a project—we are not approving a project.” Kreeger further commented that because villagers voted down a school levy, Village government has “no choice but to double down on affordable housing for young families to get into the Village.”

Housh **SECONDED THE ORIGINAL MOTION**, and the **MOTION PASSED 5-0** on a **ROLL CALL VOTE**.

Housh asked that these requests be added to the budget ordinance.

Dillon cautioned that the requests add \$133,000 to the budget, stating that “we are already \$185,000 over our projected revenue for next year.” He noted that this would increase the deficit to over \$300,000 for 2022.

Salmeron reminded Council that \$12,000 for Home, Inc. and a commitment to the Green Space Fund will carry over into 2022.

NEW BUSINESS

MANAGER’S REPORT

FUTURE AGENDA ITEMS

- Dec. 6:** **Emergency Reading of Ordinance 2021-32** Recognizing Formal Dedication of Right of Way along Xenia Avenue by Replat of Property Previously in Public Use by Common Law Dedication and Declaring an Emergency
 First Reading of Ordinance 2021-33 Village of Yellow Springs 2022 Budget and Declaring an Emergency
 First Reading of Ordinance 2021-34 Approving Amendments to the Personnel Policy Manual and Declaring an Emergency
 First Reading of Ordinance 2021-35 Rezoning 52.65 Acres of Property Located North of East Hyde Road and West of Spillan Road to Planned Unit Development Residential (PUD-R) and Amending the Zoning Map Thereby Approving the Preliminary Development Plan
 Agraria Update
 Parking Recommendation from Planning Commission
- Dec. 20:** **Reading of Resolution 2021-XX** Authorizing the Village Manager to Execute an Easement Agreement with Massie’s Creek Ventures LLC for Use of Village Property and Right-Of-Way Improvements Located Adjacent to 108 Cliff Street
 Second Reading and Public Hearing of Ordinance 2021-34 Approving Amendments to the Personnel Policy Manual and Declaring an Emergency
 Second Reading and Public Hearing of Ordinance 2021-35 Rezoning 52.65 Acres of Property Located North of East Hyde Road and West of Spillan Road to Planned Unit Development Residential (PUD-R) and Amending the Zoning Map Thereby Approving the Preliminary Development Plan
 Recommendations re: Body Worn Cameras
- Jan. 3:** **Swearing in of New Council Members**
 YSDC End of Year Summary
- Jan. 18:** Village of Yellow Springs 2021 Accomplishments

ADJOURNMENT

At 9:31pm, Kreeger MOVED, and MacQueen SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council