

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

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

**Monday, October 7, 2024**

**CALL TO ORDER**

President of Council Kevin Stokes called the meeting to order at 6:02pm.

**ROLL CALL**

Present were President Stokes, Vice President Gavin DeVore Leonard and Council members Brian Housh, Carmen Brown and Trish Gustafson. Also present were Village Manager Johnnie Burns, Solicitor Amy Blankenship, Planning and Zoning Administrator Meg Leatherman, Project Lead Elyse Giardullo and Finance Director Michelle Robinson.

**SWEARINGS-IN**

Mark Carr and Chad Runyon as Planning Commission Alternates

Mark Carr as Environmental Commission Alternate

Chad Runyon as Board of Zoning Appeals Alternate

**ANNOUNCEMENTS**

Phillip O'Rourke, YS Chamber of Commerce Director announced the October 13<sup>th</sup> Street Fair.

Housh announced the following events upcoming: Halloween Trunk-or-Treat; Yellow Springs Film Festival and MVRPC Comprehensive Environmental Planning local assessment of emissions in Yellow Springs.

Housh announced the success of the recently held Mary's Way Dedication; School Board and Council Joint Meeting, and Council and Leadership staff teambuilding exercises.

Housh noted that the candidate selected for the Economic Development Director position for YSDC had declined the offer, and that the search will resume.

Housh lauded Public Works and YSPD for rapid and effective restoration of power and street cleanup during the recent storm event.

Brown noted the 94<sup>th</sup> birthday of Alyce Earle Jenkins, a notable Villager.

**CONSENT AGENDA**

1. Minutes of September 16, 2024 Regular Meeting
2. Minutes of September 27, 2024 Special Meeting: Teambuilding

Brown MOVED and Housh SECONDED a MOTION TO APPROVE THE MINUTES of September 16, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

DeVore Leonard MOVED and Brown SECONDED a MOTION TO APPROVE THE MINUTES of September 27, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

**REVIEW OF AGENDA**

There were no changes to the Agenda.

**PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

Dorothee Bouquet/Rebecca Potter re: School Facilities  
Carmen Brown re: Alyce Earl Jenkins  
Dirk Lackovich-Van Gorp re: LIHTC Concerns  
Rebecca Mark re: Endorsements for Support of Issue 1

## **PUBLIC HEARINGS/LEGISLATION**

DeVore Leonard MOVED and Housh SECONDED a MOTION TO WAIVE THE EMERGENCY READING OF ORDINANCE 2024-15. The MOTION PASSED 5-0 ON A VOICE VOTE.

**First Reading of Ordinance 2024-11** Rezoning One Parcel Totaling 3.612 Acres of Property at 420 E. Enon Road from Low Density Residential (R-A) to High Density Residential (R-C). Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Leatherman noted that this is a first reading, and that comment will be taken at the second reading of the ordinance, and that the public notice regarding the public hearing will go out later this week.

Leatherman stated that the Planning Commission report was provided as part of the packet, and provides a thorough analysis of the applicable code and findings associated with approval of the rezone request. Should Council vote to approve based on the Planning Commission's report and decision, the property would be rezoned from R-A to R-C.

Stokes declined to call a vote on the first reading.

**First Reading of Ordinance 2024-12** Approving the Final Plat Plan for Spring Meadows Subdivision. Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Leatherman stated that PC recommended approval of the Final Phase Two Final Plat. As in the case of previous ordinance, Leatherman noted that this is a first reading, that comment will be taken at the second reading of the ordinance, and that the public notice regarding the public hearing will go out later this week.

Housh requested further information on the open space requirement for the overall development.

Stokes declined to call a vote on the first reading.

**First Reading of Ordinance 2024-13** Repealing Section 238.04 "Investment Policy" and Enacting New Section 238.04 "Investment Policy" of the Codified Ordinances of the Village of Yellow Springs, Ohio. Brown MOVED and Gustafson SECONDED a MOTION TO APPROVE.

The Clerk noted a minor change to Section "p".

Stokes declined to call a vote on the first reading.

**First Reading of Ordinance 2024-14** Repealing Section 238.06 "Sale and Reinvestment of Renewable Energy Credits" and Enacting New Section 238.06 "Sale and Reinvestment of Renewable Energy Credits" of the Codified Ordinances of the Village of Yellow Springs, Ohio. Brown MOVED and Gustafson SECONDED a MOTION TO APPROVE.

Burns noted the single change to the requirement for annual review. Burns commented that he will bring a memo regarding use of the proceeds from the sale of RECs this year to the second reading.

Stokes declined to call a vote on the first reading.

**Emergency Reading of Ordinance 2024-15** Authorizing the Transfer of Funds and Declaring an Emergency. DeVore Leonard MOVED and Housh SECONDED a MOTION TO APPROVE.

Robinson explained that the Transfer Ordinance is normally brought to Council following passage of the annual budget. This had not been done for several years, she stated, and once the oversight was spotted, Robinson, following the advice of consultant Melissa Dodd and of Julian and Grube, was bringing the transfer ordinance before Council in an effort to correct the oversight for 2024.

Burns noted that the matter has been resolved moving forward.

Housh astutely noted that the transfer into the Widow's fund, \$80,000, seemed rather robust for flour and sugar, and wondered if perhaps the numbers had been transposed.

Robinson agreed that an error had been made.

Stokes OPENED THE PUBLIC HEARING.

Reilly Dixon asked which funds were reversed and received clarification.

Stokes CLOSED THE PUBLIC HEARING.

Housh MOVED and Stokes SECONDED A MOTION TO MOVE \$80,000 TO THE POLICE PENSION FUND FROM THE WIDOWS FUND AND \$1,500 FROM THE POLICE PENSION FUND INTO THE WIDOWS FUND (reverse the transpositional error). The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

**Reading of Resolution 2024-62** Supporting Passage of Issue 1 on the November 5, 2024 Election Ballot and Endorsing the "Citizens Not Politicians" Campaign. DeVore Leonard MOVED and Housh SECONDED a MOTION TO APPROVE.

Housh acknowledged the work of the three women present—Jill Becker, MJ Dodson and Rebecca Mark.

Mark asked for Council's endorsement on the website, and this was promised.

Rebecca Mark thanked Council for considering the legislation and lauded MJ Dodson for her tireless work on behalf of the Issue.

Dodson thanked the group and Council.

Stokes CALLED THE VOTE, and the MOTION PASSED 5-0 ON A VOICE VOTE.

## **CITIZEN CONCERNS**

Matthew Kirk pointed out the irony that there is a request on the agenda to assist TLT in the conservation of land when one of the reasons that land in the Township has scored so highly for LIHTC is the scarcity of housing enhanced by land conservation. Kirk cautioned that the Village is not building in capacity to expand housing options for future generations. Different choices need to be made to address the issue, he said.

Tom Degenhart expressed concern regarding the proposed density of the proposed PUD on the former Antioch Union site. He argued that there will not be nearly enough parking, and suggested extending North College Street to Corry and permitting access only off of that street.

Dino Pallotta asked what the “soft dollar costs” are to date in staff time to continue exploration of the LIHTC project. He cautioned that passage of the upcoming school levy is being put at risk by this continued exploration.

Brad Kayata, Director of the Greene County Learning Center (located in the ESC building), spoke to the nature of the GCLC’s students and programming. He stressed the need for recreational areas to calm down and to recreate, stating that proximity of housing, cars and traffic would negatively impact their programming and students’ sense of safety.

Molly Finch spoke in favor of the LIHTC project, citing difficulty finding affordable housing in the Village.

## **SPECIAL REPORTS**

**There were no Special Reports.**

## **MANAGER’S REPORT**

Manager Burns presented the Manager’s Report as follows:

Burns noted new building permits through the Building Department.

Burns gave hearty thanks to the Public Works Department as well as YSPD, MTFR and even citizens who helped out to restore power and safety following the effects of Hurricane Helene.

Burns noted that the Village will be picking up yard waste over the next several weeks.

Burns is awaiting a quote on a village-wide traffic study.

Burns reported that the Village is working to achieve top-level APPA ratings, and has submitted an updated RP-3 as part of that effort.

Blacktopping at various sites around the Village will take place the week of October 21.

Water meter replacement is on schedule to be completed in the next month.

Newsletters should go out to everyone in the 45387 area code in the next week.

## **OLD BUSINESS**

**LIHTC Update.** Burns stated that Village staff need to have an RFP ready to go by early November, and as such need Council to vote on whether to authorize an appraisal of the school property (not to exceed \$1,500.00) and on an RFP and timeline, and finally a decision as to whether Council is agreeable to a link to LIHTC information on the yso.com website.

Housh clarified that the three questions on which Burns is seeking Council decision are coming as recommendations from the LIHTC working group.

Burns stated that an appraisal is estimated to take 3-4 weeks to complete.

Burns stated that to date, \$12,008.50 has been spent in legal fees related to unencumbering the school property.

Gustafson commented that none of the information provided conveys the information she has heard which indicates that purchase of property adjacent to the school—both a 3-acre parcel and a 30-acre parcel—are not considered feasible and that use of Gaunt Park for the recreational soccer program is now being considered. She asked that more information be provided before moving forward on the rezoning.

Housh stated that the 30-acre parcel is off the table, but that the 3-acre parcel is still under consideration.

Gustafson stated her understanding that the owner of the 3-acre parcel is unwilling to negotiate on price per acre.

Brown interjected a request to return to the subject of the appraisal, asking how much remains of the \$20,000 legal set-aside.

Blankenship pointed out that the \$20,000 authorized by Council for this purpose was to be expended only for legal costs, stating that cost of an appraisal should not be taken from that \$20,000.

Housh noted that a meeting of the LIHTC group is scheduled for Tuesday, and many of the land acquisition issues are likely to be discussed.

Brown asked that a decision on an appraisal wait until the Tuesday meeting, stating that there are “too many questions on the table.”

Housh commented that less than a 10<sup>th</sup> of a percent of what the project could bring in has been spent on the LIHTC pursuit to date.

Stokes affirmed that the cost of the appraisal would come out of the Affordable Housing fund.

Stokes commented that concern regarding the replacement land for soccer is of concern because of the School Board resolution requiring the securing of land for similar use to before the school property could be released for sale or option.

Burns said that staff had initially had an RFP going out on November 8<sup>th</sup>, but that Housh had asked that an RFQ be issued on October 11<sup>th</sup>.

Burns stated that he would like to put out an RFP, which contains more detail and is more targeted, as opposed to an RFQ for a project with few parameters at this point. He commented that an appraisal is not necessarily needed prior to issuing an RFP, but that it does need to be done prior to any agreement for purchase.

Housh responded that the appraisal will take 3-4 weeks, and that there are other tasks to be accomplished, asserting that, given the tight timeline, it makes sense to clear as many tasks as soon as possible. He stated that, “we know what we’re looking for—a development that prioritizes family rentals, 2-3 bedroom units.” He added that the Village is also seeking a developer who is willing to contribute as much as \$500,000 towards the cost of replacement soccer fields.

Brown argued against acting in haste, asking that the decision wait until after the Tuesday meeting.

Gustafson asked that the time needed for preparing the replacement soccer fields be added into the timeline.

Leatherman pointed out that the replacement property is the critical item presently, given the terms presented by the School Board. She commented on the property still under consideration, pointing out that that property would need to be subdivided and would also have to receive verification that this could occur under Township zoning. She cautioned that any rezoning would likely take several months.

Stokes MOVED that staff create a LIHTC information site accessible from the Village website. Housh SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Housh noted that any questions should be sent to the Clerk.

Stokes MOVED TO APPROVE AN APPRAISAL TO BE FUNDED IN AN AMOUNT NOT TO EXCEED \$1,500 FROM THE AFFORDABLE HOUSING FUND. DeVore Leonard SECONDED, and the MOTION PASSED 3-2 on a VOICE VOTE, with Gustafson and Brown voting against.

The differences between an RFP and RFQ were discussed among Council members.

Brown again stressed the high number of variables at play and asked that the decision wait until the Tuesday meeting.

Burns stated that he wants to issue an RFP, but does not have enough information currently. He stated that a School Board decision regarding replacement land is critical and that he may have this information within several days.

Housh MOVED TO AUTHORIZE STAFF TO BRING A DRAFT RFP TO THE COUNCIL MEETING OCTOBER 21<sup>st</sup>, for dissemination November 1<sup>st</sup>. Gustafson added that this should only occur if the necessary information regarding replacement land options is available by that time.

Housh deferred his motion to Gustafson such that the motion is: Gustafson MOVED TO AUTHORIZE STAFF TO BRING A DRAFT RFP TO THE COUNCIL MEETING OCTOBER 21<sup>st</sup>, FOR DISSEMINATION NOVEMBER 1<sup>ST</sup>, IF THE NECESSARY INFORMATION REGARDING REPLACEMENT LAND OPTIONS IS AVAILABLE BY THAT TIME. Housh SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

Disagreement among Council members regarding whether a workable or realistic number has been provided regarding the cost of converting 3-acres of agricultural land to soccer fields has been provided.

Emily Seibel, Executive Director of YS Home, Inc., asked for clarification of Home, Inc's role in the LIHTC process, asserting that the RFP will require a CHDO.

Dorothee Bouquet, School Board member, spoke against use of Gaunt Park for High School soccer fields, commenting that Title 9 requires equal scheduling and access and pointing out that it is the girls' soccer field that would need to be replaced.

Matthew Kirk stated that there are only a few entities eligible to respond to the proposed RFP and that "this project is not attractive to begin with," coming extremely late in the process. He opined that there is no way a developer will be willing to offer to pay for replacement fields.

Rebecca Potter, YS School Board, asserted that enough land will remain after sale of the 3.6 acres that a girls' soccer field could be "carved out" of the remaining school property.

## NEW BUSINESS

**Tecumseh Land Trust Request.** Burns stated that he had spoken to Michele Burns of TLT, letting her know he is proposing that \$113,000 from the \$210,000 currently in the Green Space fund be allocated towards TLT's current request, an amount that matches the Township offer. Burns noted that he has been apprised of an upcoming request which falls within the Jacoby Greenbelt, and that funds should be retained to put towards conservation of this property.

Michele Burns, Director of TLT, verified that the imminently available property is indeed located within the Jacoby Greenbelt. She thanked Council for the ongoing support in conserving property.

A resolution will be brought to Council's October 21<sup>st</sup> meeting.

Krista Magaw asked Council to "pull in the Township" on the next land conservation plan, stating that these collaborations work to secure State and Federal funds.

Housh clarified Magaw's comment, stating that he believed the reference was to the 2010 visioning exercise conducted by the Village and in which the Township participated.

Matthew Kirk commented that many of the housing constraints faced by the Village are the result of land use decisions. He opined that the same decisions keep being made with an expectation that the results differ. HE asked that Council either make different decisions or accept the results of the decisions that are being made.

Marianne MacQueen spoke in favor of support for the land conservation. She asserted that conservation of farmland—which falls outside of the urban service boundary—differs from the issue of housing.

## FUTURE AGENDA ITEMS

- Oct. 21:      **Second Reading and Public Hearing of Ordinance 2024-11** Rezoning One Parcel Totaling 3.612 Acres of Property at 420 E. Enon Road from Low Density Residential (R-A) to High Density Residential (R-C)  
                 **Second Reading and Public Hearing of Ordinance 2024-12** Approving the Final Plat Plan for Spring Meadows Subdivision  
                 **Second Reading and Public Hearing of Ordinance 2024-13** Repealing Section 238.04 "Investment Policy" and Enacting New Section 238.04 "Investment Policy" of the Codified Ordinances of the Village of Yellow Springs, Ohio  
                 **Second Reading and Public Hearing of Ordinance 2024-14** Repealing Section 238.06 "Sale and Reinvestment of Renewable Energy Credits" and Enacting New Section 238.06 "Sale and Reinvestment of Renewable Energy Credits" of the Codified Ordinances of the Village of Yellow Springs, Ohio  
                 **Reading of Resolution 2024-63** Adopting a Policy to Allow Use of an "Employee Dishonesty and Faithful Performance of Duty" Coverage Document, in Lieu of Surety Bond for Eligible Employees  
                 Stoney Creek Lease  
                 Zoning Administrator Request for Consideration of Preliminary PUD Plan on Fewer than Five Acres  
                 Presentation of Council Strategic Plan Agreement
- Oct. 22:      Special Council Meeting: Budget Session #1: 2-4pm
- Oct. 29:      Special Council Meeting: Budget Session #2: 12-2pm

## ADJOURNMENT

At 8:17pm, DeVore Leonard MOVED TO ADJOURN. Brown SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Signed: \_\_\_\_\_  
Kevin Stokes, Council President

Attest: -----  
Judy Kintner, Clerk of Council