

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

Council Chambers @ 6:00 P.M.

Monday, November 4, 2024

CALL TO ORDER

President of Council Kevin Stokes called the meeting to order at 6:00pm.

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, Finance Director Michelle Robinson, and Tiffany Hiser, Shared Resources.

BUDGET WORK SESSION

Robinson revisited each of the requests made for budget additions. Each was discussed, with the following amounts being approved:

Channel 5: \$28,957

Gaunt Park Pool: \$42,000

PACC: \$9,500

EC: \$10,000

Economic Development: \$40,000

Broadband: \$50,000

Affordable Housing: \$100,000

DeVore Leonard received confirmation that initiatives in excess of the Manager's spending limit of \$30,000, requests for expenditures would come to Council for approval.

Council discussed the request for \$180,000 from Home, Inc. for Phase II of the Cascades project.

Each Council member stated their position, and Gustafson, Brown and Stokes indicated a "no" to the request for \$180,000, citing a desire to follow the direction of the Village Manager, who recommended not funding the request on. Housh and DeVore Leonard indicated a "yes" to the request.

Burns reiterated staff position that the project has received almost \$160,000 to date for Cascades and that Home, Inc. leadership was not responsive to three suggestions from staff and the Village Engineer for ways to reduce cost of the project.

Stokes indicated several times that Home, Inc. could continue to plead their case, stating that the budget process is not concluded until the second reading of the budget ordinance.

The Clerk noted that any substantive change to the ordinance would require another reading of the ordinance.

Hiser stated that if all requests are included in the 2025 budget, the budget will be in excess of resources by \$460,000.

Stokes commented that one request had been made for addition to the budget and that the proponent of the request had not been invited to speak at the previous budget meeting and the request had not been sponsored. On that basis, Stokes invited the requestor to speak.

Laura Curliss spoke on behalf of the request that “1% of ¼ of the Police Department budget, not including Dispatch” be allocated to the formation of a Citizen Review Board.

Brown indicated her position that the request not be funded, opining that changes have been made to the Police Department since the issues referenced occurred and since there is a Village Mediation Program which is able to provide services supportive to those with concerns, should they arise.

Stokes stated that he will raise the idea for consideration as part of the Strategic Plan.

Stokes indicated that comment from supporters of the Cascades request would be heard during Citizen Concerns.

SWEARINGS IN

Following laudatory remarks from Chief Burge, Mayor Conine ceremonially swore in Andrew Bluma as Peace Officer.

ANNOUNCEMENTS

Housh announced a successful Halloween evening, and thanked the Village team for their efforts.

Housh announced MVRPC’s walking audit of the downtown area set for November 15th from 3-5:30, which will update the Active Transportation Plan.

Housh noted that John Gudgel was the recipient of the NCCJ award.

Housh reminded all to vote, and urged support of the school levy.

CONSENT AGENDA

1. Minutes of October 21, 2024 Regular Meeting
2. Minutes of October 22, 2024: Special Meeting: Budget Session #1
3. Minutes of October 29, 2024: Special Meeting: Budget Session #2

Brown MOVED and Housh SECONDED a MOTION TO APPROVE THE MINUTES of October 21, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

DeVore Leonard MOVED and Gustafson SECONDED a MOTION TO APPROVE THE MINUTES of October 22, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

DeVore Leonard MOVED and Gustafson SECONDED a MOTION TO APPROVE THE MINUTES of October 29, 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:

Dirk Lackovich-Van Gorp re: LIHTC Information
John Gudgel re: Gaunt Park Mural
John Gudgel re: Concerns re: Relocation of Soccer Fields to Gaunt Park
Chris Westhoff re: Support for Housing and Soccer
Alissa Paoletta re: Support for Housing and Soccer

Cindy Sieck re: Support for Housing and Soccer
Alyssa Troquille re: Support for LIHTC Project
Sue Parker re: Support for Affordable Rental Units
Len Kramer/Toni Dosik re: Housing and Soccer
Chloe Manor re: Support for Housing and Soccer
Kevin McGruder re: Support for LIHTC Project
Kathy Adams re: Support for Housing and Soccer
Lori Askeland re: Support for LIHTC Project
Amy Bailey re: Accountability in LIHTC Process
Janice and John Gairy re: Support for LIHTC Project
Angie Hsu re: Support for LIHTC Project
Ellis Jacobs re: Support for LIHTC Project
Yellow Springs Equity re: Flier
Home, Inc. Board re: Support for LIHTC Project
Marianne MacQueen re: Support for LIHTC Project
Laura Lucas re: Support for LIHTC Project
Sarah Wallis re: Objection to LIHTC Project
Valerie Bickett re: Support for LIHTC Project
April Welford re: Support for LIHTC Project
Jason Bailey re: Three Renderings LIHTC vs Soccer Use (3)
Amy Bailey re: Summary of Sports Stakeholder Meeting
Art Boulet re: Soccer Needs
Anthony Fife re: Support for LIHTC Project
Alan Raney re: Support for LIHTC Project
Susan Stiles re: Support for LIHTC Project
Dino Pallotta re: Objection to Funding Cascades Project

DeVore Leonard summarized the communications.

PUBLIC HEARINGS/LEGISLATION

Reading of Resolution 2024-65 Honoring the Legacy of Wheeling Gaunt and Approving the Annual Distribution of Flour and Sugar to Village Widows and Widowers. Brown MOVED and Gustafson SECONDED a MOTION TO APPROVE.

Following tradition, Housh read the resolution in full.

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

Reading of Resolution 2024-66 Approving Purchase of a 3000KVA Transformer. Brown MOVED and Housh SECONDED a MOTION TO APPROVE.

Burns explained that the Village purchasing the transformer will save the school district about \$50,000, and that the expense will be repaid once the transformer is obtained. He noted that there is a wait time of approximately 30 weeks to receive the item.

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

Reading of Resolution 2024-67 Approving Purchase of Five Stock Transformers. Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Burns explained that the purchase replaces stock that has been expended, and the replacement will enable the Village to continue to respond swiftly to power outages, failures, or emergencies.

These new transformers will replace five stock pad mount transformers that were previously sold for project fulfillment, and for which the Village has received reimbursement.

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

Reading of Resolution 2024-68 Authorizing Additional Expenditure to Prepare Legal Documents Necessary to Facilitate a Purchase Option Agreement Between Yellow Springs School District and the Village of Yellow Springs for the Purpose of Pursuing Low Income Housing Options. Housh MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Blankenship explained that to date, Council has authorized \$20,000.00 in legal fees to pursue the possibility of a Low-Income Housing Tax Credit project in the Village located on 3.6 acres of land currently owned by Yellow Springs Schools. These fees have facilitated the legal work necessary to unencumber the Schools' property. As of November 1, approximately \$21,083.00 has been incurred in legal fees in furtherance of this goal. Both U.S. Bank and BAM have agreed to the drafted documents to effectuate releasing the land. At this point, Blankenship posited, it will likely take another 10-15 hours of bond counsel's time to finalize the process, including acquiring the appropriate signatures and finalizing documents for recording.

Blankenship noted that Council had previously determined that after the initial investment in legal fees was expended, the matter would be re-visited for approval of any continued funding.

The next step will involve drafting an option agreement for the Village to have an option to purchase the land from the Schools, a step Blankenship will enact if given Council approval for the approximately 15 hours of attorney time necessary to complete that task.

Blankenship asked that Council consider the legal fees necessary to cover next steps in the amount of an additional \$15,000.00.

Stokes commented that he was in favor of the request as a completion of "a commitment we made to unencumber the property."

Matthew Kirk asked for clarification as to whom the commitment was made.

Stokes responded that Council was requested by the school board to engage in unencumbering the property.

Housh noted that the effort was on behalf of the community as a whole, in his view.

Housh commented that if the effort is successful and a developer is secured, that "there is not an additional expense for the Village."

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

Reading of Resolution 2024-69 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. Brown MOVED and Housh SECONDED a MOTION TO APPROVE.

Blankenship explained that Ohio law has changed in the last several years to allow public employees who require bonding to instead retain coverage through municipal insurance.

Blankenship responded to several queries from Council, stating that the coverage provides different and arguably better coverage for a smaller fee than traditional bonding.

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

CITIZEN CONCERNS

Chris Bongorno, Home, Inc. Board President, read a statement urging continued funding of the Cascades project and offering reasons for refusing the suggestions made in July by Village staff for cost reduction.

Ryan Hutchins, resident, advocated for funding affordable housing efforts.

Jessica Thomas, resident, advocated for funding affordable housing efforts.

Angie Hsu, local business owner, advocated for funding affordable housing.

Rebecca Potter, School Board Vice President, stated that progress is being made on securing playing fields and advocated for the LIHTC project.

April Wolford, Home, Inc. Board, stated that she was speaking as a resident in advocating for the LIHTC project. She purported to have engaged in research showing “no increase in crime in housing located near schools,” characterizing such housing as beneficial overall.

Cindy Seick, resident, commented her concern over the conflation of safety concerns with low-income housing and spoke in favor of the LIHTC project.

Marianne MacQueen spoke in support of the LIHTC effort and asked that the Village support recreational soccer as well.

Matthew Kirk commented that the site is problematic for a number of reasons, not least of which is that the K-12 long term plan is to expand at the High School property in coming years. He added concerns regarding space to expand Middle School soccer. Kirk asked that the Village issue an RFP for Village-owned property rather than continue to pursue this project.

Emily Seibel, Home, Inc., advocated for funding the LIHTC project, adding that of course it is “non-negotiable” that any such project ensures soccer fields to replace any eliminated by the project. She then pivoted to advocating for funding of the Cascades Phase II project, stating that HI intends to request an additional 1.2 million from OHFA and had planned to use the Village contribution as a way to score well in that request.

Seibel addressed the Village suggestion that the stormwater retention area be phased in, stating that this would not work. She added that HI intends to request funding from the Village for each phase of the project.

Kevin McGruder, Home, Inc. Board member, spoke in favor of funding affordable housing, stating it as necessary for diversity and stating that “the market does not build affordable housing.”

Lori Askeland characterized funding of Cascades as “sacrificial” and as an investment that will return.

SPECIAL REPORTS

There were no Special Reports.

MANAGER'S REPORT

Burns reported successful Halloween activities in the Village.

Burns reported that Public Works will be sending out a weekly update regarding the week's projects.

Northwood neighborhood sewer relining begins next week: noticing has been robust for residents of that neighborhood.

Burns noted a speed reduction on Dayton YS Road. This has been thoroughly advertised and goes into effect on November 11th.

Burns reported that two speed bumps have been stolen, from North Wright Street and Fairfield Pike.

Inside meter replacement is underway: customers who have not responded to repeated requests for response may have their water shut off.

OLD BUSINESS

Update re: Purchase of 3.6 Acres for Potential LIHTC Project. Burns noted that the RFP is on hold pending information regarding the appraisal and a Purchase Agreement.

In response to a question from Housh, Burns stated that the RFP is essentially ready to send out, once the necessary information is available.

Leatherman stated that she had sent the RFP around to Council for comment and had received none. She stated that she will run the draft back past the Solicitor and Village team before it is released.

Blankenship commented that timing will be difficult, given that once papers are drawn up, drafts will likely need to be exchanged.

NEW BUSINESS

Blue Creek Wind Power Purchase Recommendation. Burns stated that the Village has a power contract rolling off in October of 2025, and he is recommending purchase of .8 MW to partially replace this power supplier. Burns recommended that the remaining .8 MW needed be contracted in a power resource that supplies Renewable Energy Credits (RECs) as a way to support capital projects over time.

Burns has spoken to the Village's Power Portfolio Advisor, John Courtney, regarding the plan, and Courtney has expressed support for this strategy.

Burns noted that transmission and capacity rates have increased by 21%, and that any local production will aid in reducing those costs.

FUTURE AGENDA ITEMS

Housh repeated his request that the Gateway Overlay be addressed because of the restrictions it imposes on development.

Blankenship advised that the consideration should start with Planning Commission.

Nov. 18: **Emergency Reading of Ordinance 2024-17** Approving a Supplemental Appropriation for the Fourth Quarter of 2024 and Declaring an Emergency
 First Reading of Ordinance 2024-XX Approving the 2025 Budget for the Village of Yellow Springs and Declaring an Emergency

Emergency Reading of Ordinance 2024-XX Authorizing the Village Manager to Enter into a Power Purchase Agreement with American Municipal Power for Blue Creek Wind Zoning Administrator Request for Consideration of Preliminary PUD Plan on Fewer than Five Acres (Leatherman: 10 min.)

Quarterly Financials (Robinson: 5 min.)

Treasurer's Report (Kintner: 5 min.)

Community Outreach Specialist Report

Dec. 2: **Second Reading and Public Hearing of Ordinance 2024-XX** Approving the 2025 Budget for the Village of Yellow Springs and Declaring an Emergency

Dec.16:

ADJOURNMENT

At 7:53pm, DeVore Leonard MOVED TO ADJOURN. Gustafson SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Signed: _____
Kevin Stokes, Council President

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