

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

Council Chambers @ 6:00 P.M.

Monday, November 18, 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 (via ZOOM) and Council members Brian Housh and Carmen Brown. 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. Trish Gustafson joined the meeting at 6:10.

ANNOUNCEMENTS

Meter Reader Rose Pelzl informed all that some Villagers will be receiving a letter which the Village is required to send per the Ohio EPA which will indicate that their service lines have a status of “lead status unknown”. She informed citizens that the Village has been conducting a survey of residential lines to identify all galvanized lines. Galvanized lines can emit lead from second-hand sources, she noted, while brass or chrome fixtures can leach lead.

Pelzl assured Council that as soon as the survey is complete, letters will be sent to all households informing them of the status of their service lines.

Brown announced a successful VIDA Award Celebration held at Herndon Gallery on November 16th.

Housh announced a successful Walking Audit of the downtown area on November 15th with members of MVRPC and village participants.

CONSENT AGENDA

1. Minutes of November 4, 2024 Regular Meeting
2. Credit Card Statement for October

Brown MOVED and Gustafson SECONDED a MOTION TO APPROVE THE MINUTES of November 4, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

Brown MOVED and Gustafson SECONDED a MOTION TO APPROVE THE CREDIT CARD STATEMENT for October. 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 Wolford 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

Housh MOVED to permit emergency legislation to be read by title only. Brown SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Emergency Reading of Ordinance 2024-17 Approving a Supplemental Appropriation for the Fourth Quarter of 2024 and Declaring an Emergency. Gustafson MOVED and Brown SECONDED a MOTION to APPROVE.

Robinson noted the worksheet for the ordinance which lists each item in the supplemental, asking whether Council had questions on any of the items.

Stokes OPENED A PUBLIC HEARING. There being no questions, Stokes CLOSED the Public Hearing and CALLED THE VOTE. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

First Reading of Ordinance 2024-18 Approving the 2025 Annual Appropriations for the Village of Yellow Springs and Declaring an Emergency. Gustafson MOVED and Brown SECONDED a MOTION to APPROVE.

Robinson referenced her memo, noting that the proposed 2025 budget is fiscally sound has a balanced General Fund.

Stokes noted that there is no Public Hearing on the first reading and stated that he would not call a vote.

Housh MOVED to add \$90,000 for the Cascades project. DeVore Leonard SECONDED.

Housh stated that the funds would be an investment and that the project would bring in revenue in taxes.

Brown commented that she does not want the perception that if Council members vote no to further Cascades funding that they are opposed to affordable housing.

Gustafson stated that her previous vote stands, and that she is opposed to either \$180,000 or \$90,000.

Stokes commented that his decision to vote no was based upon staff recommendation and has no bearing on his support for affordable housing.

Housh argued strenuously to permit Home, Inc. and citizens to comment.

Stokes reiterated that there will be a Public Hearing on the matter. He asked whether Home, Inc. had “anything additional to add that they had not previously stated.”

Emily Seibel stated that she did not have new information.

DeVore Leonard stated that he wished to see some amount of funding provided and some further conversation on the matter.

Stokes CALLED THE VOTE on the proposed addition of \$90,000 to the proposed budget in support of the Cascades project. The MOTION FAILED 2-3 ON A ROLL CALL VOTE, with Brown, Gustafson and Stokes voting against.

Emergency Reading of Ordinance 2024-19 Authorizing the Village Manager to Enter into a Power Purchase Agreement with American Municipal Power for Blue Creek Wind and Declaring an Emergency. Gustafson MOVED and Brown SECONDED a MOTION to APPROVE.

Burns explained that while AMP recommended 1.6 MW, he has consulted with the Village’s Power Portfolio consultant on the matter and is recommending purchase of .8 MW so that an additional .8 MW can be contracted for from a source that will provide Renewable Energy Credits (RECs).

The subject contract will begin January 1, 2025 and run for 5 years.

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

Reading of Resolution 2024-70 Approving an Option to Purchase Agreement with Yellow Springs Exempted Village School District. Housh MOVED and Stokes SECONDED a MOTION to APPROVE.

Blankenship noted that Exhibit A has several incomplete sections, those being matters requiring Council perspective and approval. She proceeded to go through the document, addressing each incomplete section, one of those involving a request from the School District for additions to conditions.

Regarding purchase price, Burns stated the appraised value of the 3.6 acres in question as \$339,000.00.

Housh MOVED and Stokes SECONDED a MOTION TO INSERT A FIGURE OF \$339,000.00 for the Purchase Price. Stokes CALLED THE VOTE, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Blankenship read sample language she had prepared for the School District request in Section 2 as follows:

Option Contingencies. Buyer exercising the Option will be contingent upon 1. An award of Low-Income Housing Tax Credits by the Ohio Housing Finance Agency for development on the Property; and 2. Seller previously providing written confirmation to Buyer that Seller has secured land to replace the Property and has funds available to convert the replacement land into athletic fields.

Brown MOVED to add a new subsection to section 2 entitled “Option Contingencies” as read by the Solicitor. Housh SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Council discussed the one-year term.

Stokes expressed that the time from a decision to purchase to an actual purchase might extend the timeframe.

Stokes asked Seibel to weigh in.

Seibel stated that a date in the first half of 2026 might be a safer bet, based on time needed to close a sale.

Stokes MOVED to add a subsection to section 2--(c) to continue the OTP through June 30, 2026. Housh SECONDED, and the MOTION PASSED 4-1, ON A VOICE VOTE, with Brown voting against.

Stokes asked for input from school officials.

Judith Hempfling, School Board President, commented that Home, Inc. had driven the LIHTC process, starting with Council, then approaching the School Board. Hempfling detailed the chronology of the project exploration. Hempfling stated that there is a School Board meeting set for Thursday evening at which the OTP will be discussed, as will, according to Hempfling, the acceptance of a land donation of 3.6 acres for the development of replacement athletic fields. Hempfling noted that the donation is contingent upon the receipt of LIHTC funding.

Lynn Hardman, Youth Soccer, expressed concern that reference to replacement soccer fields is now being referenced as “athletic facilities” which she noted is very broad.

Brown stated that her “no” vote came from a desire not to encumber the land donor for any unnecessary length of time.

Stokes commented that the option to purchase could expire prior to obtaining LIHTC funding without the extension.

Ralita Hilderbrand commented that while she supports affordable housing, the funds being discussed and the property in question belong to the taxpayers. She asked that Council not support the LIHTC project as not in line with integrity and public service. Hilderbrand pointed out hypocrisy in the “save Mills Lawn Green Space” movement given apparent willingness to sell land in active use at the high school.

Chrissy Myers asked that more than the appraisal price be paid for the school land in order to “make the school district whole”. She complained that families are being asked to raise money for sports fields, which, she said, should not be the case.

Matthew Kirk commented that the contract points responsibility to obtain replacement land back on the school district and that this is a significant distraction from what the schools should be addressing. Kirk commented that Council should take on this responsibility.

Mike Chambers asked for the overarching Village affordable housing plan, stating that “this feels like a pickup game”. He commented that a development which will allegedly house a large number of children will be put in at the cross-section of two busy roads and across from a superfund site, asking how Council intends to address these issues.

Anita Brown asked who school board members are intended to protect and defend, stating that she does not believe that commitment is being honored.

Melissa Heston commented that the LIHTC endeavor began as a collaborative process, but was “hijacked by the school board president” who got enough board votes to override the school superintendent. Heston commented that the district is struggling now to provide sufficient social services to children and that better social service infrastructure is needed before a large-scale housing project is initiated. She added that the scale of the LIHTC project was wrong for a small village, and would overburden local funding resources.

Marianne MacQueen advocated for the project, stating that the sale fulfills a public purpose and that it is in the interest of the school system to bring more families with children into town. She stated her understanding that the plan is to make the schools and rec soccer “whole”. She commented that the “western side of the Vernay property does not contain any pollution.”

Jessica Thomas advocated for the LIHTC project and asked that Council pass the option to purchase resolution. She noted that all forms of diversity are supported by diversity of housing opportunities.

Angie Hsu stated that she wants to live in a place where there is engagement about schools, kids and housing. She opined that it is possible to support all of the perspectives forwarded.

Matt Raska spoke in support of the LIHTC project.

Asa Duffy commented that he moved out of town in search of lower rent but would like to live in the village.

Amy Bailey, School Board member speaking as a citizen, stated that the school board is unable to fund replacement soccer fields. If Council did not offer to “make us whole”, she asked, than who did? She asked that Council replace all resources fully, but only if it does not result in a loss of any other Village resources. Bailey cautioned that Council is committing to an amount whose upper limit is unclear, and that committing without a clear sense of the total requirement is not responsible.

DeVore Leonard received confirmation that if further funds are needed, that Council will have to approve those additional funds.

Brown noted that obtaining LIHTC funds is difficult and the end result is not predetermined.

Kumar Jensen commented that affordable housing and soccer fields both seem possible, expressing optimism regarding an outcome.

Michael Brown stated that affordable housing is important in building diversity. He expressed concern as to what would occur if another bidder outbid the Village.

Emily Seibel, YS Home, Inc. stated that Home, Inc. is “only interested in a win-win.” She countered the idea that the location is not ideal, opining that assumptions are being made regarding the kind of people who would reside there.

Stokes CALLED THE VOTE, and the MOTION PASSED 4-1, with Gustafson voting against.

CITIZEN CONCERNS

Jessica Thomas stated a concern regarding when Council chooses to hear citizen comments in expressing disappointment in not being able to comment on the budget reading. Thomas advocated for further funding Cascades.

Marianne MacQueen spoke generally about the history of affordable housing in Yellow Springs, opining that it is very difficult to implement.

Mark Carr opined that the Comprehensive Land Use Plan, Housing Plan, etc. should all be revisited given the changes brought to all scenarios by Covid and by the overall increase in costs.

Joanne Raines stated that she is able to reside in town thanks to Home, Inc., and expressed her support for continued funding of the Cascades project.

Samantha Eckenrode spoke on behalf of children wanting to return to town. She stated that as a realtor, she is well aware of the struggle to find housing. She stated that she is pro-housing of all types.

Tania Maus commented that it is difficult to afford to live in the Village, and stated her support for funding affordable housing.

Matt Raska commented in favor of funding Cascades further.

Alex Scott, Home, Inc. Managing Director, identified herself as speaking as a citizen. She commented that Home, Inc. brings in “\$100,000 in property taxes each year” and that number would be increased with the completion of the Cascades project. She opined that Home, Inc. needs this layer of local funding to leverage OFHA funds for the phase in question.

Dino Pallotta commented that during the November 4th meeting, following staff’s recommendation regarding not funding the current Home, Inc. request for phase II, Housh had commented that Council needed to hear from “folks that have more knowledge.” Pallotta provided the time stamp for the comment, and asked that Housh provide an apology to staff. Pallotta opined that Home, Inc. would not be requesting as much in funding had they properly managed their project.

Housh responded that his comments are always in support of the team. He commented that Pallotta often “cherry picks” information, and that he would review the tape in question.

Ralita Hildebrand asked that the Village sell the school land at market value and open it to other bidders. She commented that if she had a construction loan for a project and had not properly budgeted for it, she would not be extended an additional loan. She stated support for denial of further Cascades project funding.

Chris Bongorno, Home, Inc. Board President, asked for further discussion regarding phase II. He reiterated the need for local contribution to leverage “larger dollar contributors.” Bongorno commented that in 25 years, Home, Inc. has never fallen short of delivering on a project. He commented that Home, Inc. has never requested operational support.

Brittany Keller, YS Home, Inc. commented that Home, Inc. currently has 14 units in town and that there is very low turnover on these units. She stressed the need for more affordable units.

Jade Williams commented that rents are increasing and there is a need to keep rents low.

Tom Degenhart commented on the proposed PUD on than fewer than five acres, stating the proposed density of the proposed PUD on the former Antioch Union site is excessive. He argued that there will not be nearly enough parking. He argued that there would be adverse traffic impacts and a dearth of green space, and opined that the application is incomplete and should be rejected.

Emily Seibel, Director of YS Home, Inc. defended the project of funding the Cascades project to date and characterized the process as working with village staff “as partners.” Seibel stated that the \$180,000 requested is the gap in funding between total development costs for phase II based upon the acceptable cost per unit issued by funders and the actual cost. She asked that all or part of the request be funded and commented upon several possible avenues of providing funds outside of Village support. Seibel added that YSHI “will not be competitive for funding” without some level of Village support.

SPECIAL REPORTS

Community Outreach Specialist Report. COS Florence Randolph explained her role within the YSPD, stressing the often unseen high level of need in this community.

Quarterly Financials. Robinson reviewed the Third Quarter financials. Housh MOVED and Brown SECONDED a MOTION TO APPROVE THIRD QUARTER FINANCIALS. The MOTION PASSES 5-0 ON A VOICE VOTE.

Treasurer’s Report. Kintner provided the Treasurer’s report for the third quarter, noting steady decrease in the interest rate and a likely move to more investment in the bond market since this trend is forecasted to continue.

MANAGER’S REPORT

Burns noted an appreciation of the many women in leadership positions at the Village and offered special thanks to his wife and a happy birthday to Carmen Brown.

Burns noted the upcoming holiday Tree Lighting set for December 7th.

Burns noted that flour and sugar will be delivered next week with support of the Senior Center for assisting with assuring that the Village list of widows and widowers is accurate.

OLD BUSINESS

LIHTC Update. Burns noted that staff is working on the RFP, hoping to get it out at the end of the week.

NEW BUSINESS

Zoning Administrator Request for Consideration of Preliminary PUD Plan on Fewer than Five Acres. Stokes recused for potential conflict of interest. DeVore Leonard took over as Chair.

Leatherman introduced the request, noting the following:

The applicants, The Windsor Companies, seek to redevelop property currently zoned as E-1 to Planned Unit Development (PUD). Village Code Section 1254.02(b)) requires Council to authorize submittal of a PUD application in advance of reviewing the rezone application if it is on less than five acres. The property Windsor would like to redevelop is the site of the Antioch Student Union, between Livermore and President Street, and is

located on 2.169 acres. The Student Union building is dilapidated and unusable. The Windsor Companies propose to demolish the building and construct apartments in accordance with the PUD section of Village Code.

The Code states that Council may consider authorizing the PUD application on less than five acres if they believe that “the site would advance the purposes of the PUD District”.

Leatherman then noted several of the purposes listed in the code. To that end, Leatherman noted that the Windsor Group is agreeable to reopening East North College Street from Livermore to President to aid in traffic mitigation.

Leatherman stated that Council’s vote on the matter is not a vote to approve or deny the rezone to PUD, but is solely an expression of Council’s willingness to consider the PUD application on a site containing less than five acres.

Leatherman stressed that should Council vote to permit the application, the following steps will need to occur:

- 1- Planning Commission Public Hearing on PUD Preliminary Development Plan and Rezone
- 2- Village Council 1st Reading of PUD Preliminary Development Plan and Rezone
- 3- Village Council 2nd Reading and Public Hearing on PUD Preliminary Development Plan and Rezone
- 4- Planning Commission meeting on PUD Final Development Plan

Leatherman noted that the full application will follow if Council agrees to consider the PUD on less than five acres.

Housh MOVED TO AUTHORIZE THE WINDSOR GROUP SUBMITTAL OF A PUD APPLICATION ON LESS THAN 5 ACRES. Brown SECONDED, and the MOTION PASSED 4-0 on a ROLL CALL VOTE.

BOARD AND COMMISSION REPORTS

Brown thanked Alex Klug for her service on PACC: her last meeting was on November 14th.

Gustafson reported a lengthy list of repairs for the Library as the result of that meeting.

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.

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:

Jan. 6: **Ordinance 2025-XX** Establishing Section 1064.04 of the Village Zoning Code to Provide for Waiver of Tap-In Fees for Specific Forms of Economic and Housing and Development
Resolution 2025-01 Authorizing the Sale During Calendar Year 2024 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)

EXECUTIVE SESSION

At 9:12pm. Housh MOVED and GUSTAFSON SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of the Investigation of a Public Employee. The MOTION PASSED 4-0 ON A ROLL CALL VOTE (Brown had stepped away from the dias). The Solicitor, Village Manager and Finance Director participated in the session.

At 10:03pm, Stokes MOVED and Housh SECONDED a MOTION TO ENTER REGULAR SESSION. The MOTION PASSED 5-0 on a VOICE VOTE.

ADJOURNMENT

At 10:04pm, Brown MOVED TO ADJOURN. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Signed: _____
Kevin Stokes, Council President

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