

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

Council Chambers @ 6:00 P.M.

Monday, August 19, 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, Finance Director Michelle Robinson, Planning and Zoning Administrator Meg Leatherman, Superintendent of Water and Electric Ben Sparks and Project Lead Elyse Giardullo.

SWEARINGS-IN

Stokes swore Scott Osterholm in for a subsequent term on the Board of Zoning Appeals

ANNOUNCEMENTS

Nancy Lineburgh, an Environmental Commission member, announced that she has purchased yard signs supporting the local Farmer’s Market and urged participation in local food options.

Housh announced that the YS-Clifton Connector project has been included in a T-HUD earmark in the amount of \$1,000,000.

Housh announced that Miami Township has pledged \$10,000 towards support of YSDC’s Development Director position. He added that Burns, Gustafson and he had participated in the interview process for that position.

Housh announced that the “Bike Bus” launches on August 21st for walk/bike to school groups.

Housh noted that YS is the next stop on MVRPC’s tour of communities being visited as part of their bike/work infrastructure tour.

CONSENT AGENDA

1. Minutes of July 15, 2024 Regular Meeting
2. Credit Card Statement for July

DeVore Leonard MOVED and Brown SECONDED a MOTION TO APPROVE THE MINUTES of July 15, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

Housh asked several questions related to the credit card report, notably why the cost for the Sustainable Yellow Springs website is so seemingly out of proportion to the cost for other websites.

Stokes MOVED and Brown SECONDED a MOTION TO APPROVE THE CREDIT CARD STATEMENT FOR JULY, 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:

William Groves re: AUM Response to Request Regarding Covenant Action
John Sullivan re: Cresco Response to Request Regarding Covenant Action
Mayor's Clerk re: Mayor's Court Report (2)
Jim Zehner re: Outside Police Presence Concerns
Dino Pallotta re: CBE and Housing

DeVore Leonard reviewed the communications received.

PUBLIC HEARINGS/LEGISLATION

Reading of Resolution 2024-52 Approving a Planned Unit Development Agreement Between the Village of Yellow Springs and YS Home, Inc. for the Cascades Project. DeVore Leonard MOVED and Housh SECONDED a MOTION TO APPROVE.

Blankenship introduced the legislation, noting that while the PUD agreement had already been signed by all parties, it is prudent to have legislation to the effect that Council has approved the agreement as a body, since that provides an easy way to find the agreement years after the fact.

She commented that the document has been signed by all parties which paves the way for building permits to be issued as they are received.

Stokes noted that Council had effectively approved the content of the agreement at their August 19th meeting.

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

Reading of Resolution 2024-53 Designating Judy Kintner as Village Council's Designee to Receive Public Records Training on Behalf of Each of the Elected Officials Pursuant to and in Accordance with Ohio Revised Code Section 109.43(B) and 149.43(E) (1). Brown MOVED and Housh SECONDED a MOTION TO APPROVE.

The Clerk explained that while Council members are good about taking the training, because proof is required by the Auditor, it is helpful to have a catch-all which covers all Council members in the event that a training is missed accidentally.

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

Reading of Resolution 2024-54 Authorizing the Village Manager to Enter into a Joint Use Agreement with Glen Helen Association. DeVore Leonard MOVED and Gustafson SECONDED a MOTION TO APPROVE.

Burns introduced the legislation, noting that Glen Helen Association is not permitted to attest for their own organization that they will commit to being open to the public into the foreseeable future and require a governmental partner to attest to that commitment and, if need be, to hold them accountable to the commitment.

Glen Helen Executive Director Nick Boutis seconded Burns, adding that the Village passed very similar legislation a number of years ago when securing a grant from the Ohio Department of Natural Resources for an accessible parking lot.

Housh received confirmation that the accessibility will be off of 343, but that topography off of Corry Street prevents construction of accessible trails starting from that access point.

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

Reading of Resolution 2024-55 Approving a Then and Now in the Third Quarter of 2024. Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

The Clerk explained the need for the legislation, stating that an invoice had come in while she was on vacation, leading to the delay in opening a purchase order.

Responding to additional questions, she commented that the high cost per page for codification is less for the number of copies required but reflects the cost per page for legal review.

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

Reading of Resolution 2024-56 Approving an Intergovernmental Agreement Memorandum of Understanding between the Village of Yellow Springs and the Yellow Springs Exempted School District. Brown MOVED and Gustafson SECONDED a MOTION TO APPROVE.

Blankenship reminded Council that they had discussed the need for the Intergovernmental Agreement (IGA) at their last meeting so that the Village and School District can exchange information.

Blankenship noted the need to “fill in the blank” regarding the limit in terms of funds Council is willing to expend to determine project feasibility.

Discussion ensued, with Council members agreeing that \$7,500 of a proposed upper limit of \$20,000 has been allocated to the process of determining what is necessary to unencumber the 3.6 acres of school property.

Blankenship noted that the expenditure limit does not preclude more funds being allocated by Council action at a later point, should the situation warrant.

Housh added that a rough estimate regarding cost had been offered by a School Board member, that being “20-30 thousand dollars.”

Brown clarified that Judith Hempfling had stated the necessary amount as approximately \$20,000.

Responding to a question from Housh, Blankenship stated that there has been no work done to unencumber the land on the part of BAM, who, to her understanding, required that a legal survey be completed and a legal description provided prior to their consideration of that matter.

In response to a question from DeVore Leonard, Housh stated that the School Board is in possession of the IGA and will consider it at their next meeting on August 28th.

Council discussed whether to put in the amount of \$12,500 or \$20,000.

There was general agreement among Council members that if initial steps indicate the need to engage with shareholders to obtain permission to unencumber, that would require another Council discussion and decision.

Brown MOVED TO APPROVE A TOTAL OF \$12,500, THAT FIGURE TO BE ADDED TO SECTION 6 OF EXHIBIT 1 OF THE MOU . Gustafson SECONDED.

Housh objected to the limit, suggesting that the amount should be \$20,000 to prevent needing to approve a second, smaller, amount to achieve the goal. He added that he does support the motion, however.

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

Amy Bailey, YS School Board, asked a question regarding Section 7, which reads “If the Property is successfully unencumbered, the Parties will pursue the sale of the Property from District to Village.”

Discussion centered around whether the Village will or should be involved with any effort to replace the encumbered land with property that could be used to replace the sports fields now on the encumbered property.

Stokes acknowledged the importance of this effort, but asserted that it is outside of Village consideration or scope.

DeVore Leonard MOVED TO CHANGE THE WORD “will” to the word “may”. Brown SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

STOKES CALLED THE VOTE ON THE MOTION TO APPROVE THE RESOLUTION AS MODIFIED. THE MOTION PASSED 5-0 ON A VOICE VOTE.

CITIZEN CONCERNS

Mitzie Miller reported on sidewalk clearing activities.

Emily Seibel, citizen, requested safety contacts for the Spring Meadows development.

Burns responded briefly that any serious safety concerns would be a 911 call, as it would in any other situation.

Emily Seibel, YS Home, Inc., invited everyone to the YSHI annual meeting to be held August 29th.

Resident Jim Zehner made a complaint regarding the recent “Drug Education” efforts on the part of (he alleged) both Butler and Greene Counties. The effect of a helicopter circling for hours, followed by a multi-vehicle, multi-officer “attack” upon a local family in their home, he stated, is in no way educational. Zehner continued, alleging that Yellow Springs is a political target, and that the Greene County sheriff does not respect recently passed marijuana laws.

Reilly Dixon asked Council what their response to the incident would be and “how the Village might regulate its air space.” He added that many resources were used to little end and shared that he felt traumatized by the incident.

Stokes invited Council comment, which then occurred.

Moriah Johnston, who manages a downtown business, reported on a forum she held with downtown business owners regarding the need for available public restrooms. Johnston stated that in many buildings, the restroom is not appropriate for public use. She asked that an intentional response be enacted, suggesting that the Village provide porta-potties in the interim.

SPECIAL REPORTS

Light Up Navajo Nation Report Out. A video produced by Ben Guenther from footage and photos provided by the project team was shown.

Ben Sparks, Superintendent of Water and Electric, spoke briefly about the project. He stated that both AMP and the project directors for LUNN have invited the Village to participate in 2025. Sparks asked Council for their support in agreeing to fund the portion of the project not covered by AMP and LUNN.

Burns noted that between financial support from APPA, AMP and the Navajo Nation, final cost to the Village for participation was \$7,891.00. Burns stated that for the first time since inception of the project, AMP has agreed to cover cost for the Village Team to return for a second assist in 2025, and the Navajo Nation has also agreed to again cover food and lodging.

Council requested a resolution to that effect be brought to their next meeting.

Quarterly Financials. Robinson reported on the second quarter financials. Housh MOVED and Stokes SECONDED a MOTION TO APPROVE THE SECOND QUARTER FINANCIALS. The motion passed 5-0 on a voice vote.

Treasurer's Report. The Treasurer provided a verbal and written summary of investment earnings for the second quarter.

MANAGER'S REPORT

Burns reported that over \$10,000,000.00 worth of projects have passed through the permitting process of the Planning and Zoning and Building Departments in the last 6 months.

Burns reported that Project Lead Elyse Giardullo completed records destruction filing for 35 boxes of records, all of which have been approved for destruction by the Records Commission.

Burns stated that he has completed filing for claims for the February 28th storm and should know what is being covered within a week.

The EPA continues to drag its metaphorical feet on the Vernay cleanup, stating that more items need to be sent to Vernay for approval before a final report can be generated.

Lawson Place leases are being signed.

The Village is working with Altafiber to ready them for 2025 installation.

Water tower repainting is proceeding well.

Major water line break on Dayton Street required all hands on deck to repair.

Burns noted that an update on culling of catalpa trees on South College will be brought to the September 3rd meeting.

Burns stated that the Electric Department has been struggling with faulty reclosers, many of which are at the end of their viability. He said that a request for replacement of failing or old reclosers will be brought to the next Council meeting.

Burns reported on progress with the ongoing water line project.

The water meter upgrade has kicked off and promises to provide improvements for utility customers.

Burns noted that Project Lead Elyse Giardullo will be bringing a draft Strategic Plan to Council in early October. She will be engaging in outreach to Council, staff and the public to gather input on items and priorities prior to producing the draft.

Stokes asked that the outreach be as robust as possible to achieve meaningful representation.

Meg Leatherman read from the Housing Update she provided to Council commenting that all of the residential development projects on which staff have been working are at different stages of the entitlement and build-out process.

Noting that all of the projects, with the exception of Spring Meadows, are subject to change, she listed the following ongoing projects:

Spring Meadows, Cascades, and School/Village projects

Burns noted that the Village is working with Greene Metropolitan Housing Authority to identify any restrictions on the Village-owned property at President and Corry for the purpose of obtaining RFPs, should conditions permit.

Housh asked that Council be involved in any next steps taken by the Village towards housing on Village-owned property.

Housh commented that he believes “extra capacity” is needed in terms of staff working on housing.

Brown asked that movement continue on the LIHTC project and that the Housing Committee reconvene to discuss all of the potential projects.

Leatherman asked that the conversation continue once it is determined where the LIHTC project is in the process.

Burns noted that the Village has already stubbed in utilities to the Glass Farm and is prepared to upgrade the third circuit to accommodate potential housing in that area. He stated that there is another property at the south end of town which is also being assessed in terms of deed restrictions.

Leatherman noted the Windsor Group projects upcoming, which would provide a significant amount of apartment housing if implemented. She added that there is a work session scheduled with Planning Commission on the 26th to begin work on one of the projects.

Responding to a question from DeVore Leonard, Leatherman stated that while there are a large number of projects in play, the code and Comprehensive Land Use Plan help keep developments in line, as will public hearings.

Emily Seibel commented, thanking the team for assistance on housing projects.

OLD BUSINESS

LIHTC Update. Housh commented that all future LIHTC transactions are predicated upon obtaining an option to purchase on the land. He added that land will need to be obtained to replace the land used for recreational soccer, which is under consideration for a purchase option.

Amy Bailey noted that August 28 has been scheduled as a School Board Work Session, at which time that body will vote on the IGA.

Stokes asked whether Council should participate in that meeting.

Brown stated several times that Council has already contemplated a joint meeting for September 25, and should not meet until there are specifics to discuss.

DeVore Leonard asked whether the situation on the CBE is now resolved, given the letters received from AUM and Cresco.

Housh disagreed, opining that the AUM letter did not address recreational soccer as a use, and had addressed only the housing issue. He commented his belief that the CBE remains an option as a possible location for rec soccer fields.

NEW BUSINESS

There was no New Business.

BOARD AND COMMISSION REPORTS

The Clerk asked for Council nominations for a new member of the BZA: Dino Pallotta.

DeVore Leonard NOMINATED Dino Pallotta to the BZA. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Ena Neron asked permission to update Council regarding PACC activities.

Brown responded that she had nothing to report and asked that Neron email information to her so that she can include them in her September report.

FUTURE AGENDA ITEMS

- Sept. 3: **Emergency Reading of Ordinance 2024-08** Approving a Second Supplemental Appropriation for the Second Quarter of 2024 and Declaring an Emergency
 Ordinance 2024-09 Approving a Utility Round Up Program Policy
 Resolution 2024-57 Approving a Contract with Insight Piping for Sewer Relining
 Zoning Administrator Request for Consideration of Preliminary PUD Plan on Fewer than Five Acres
 Resolution 2024-58 Agreeing to Funding for 2025 Electric Crew Participation in the Light Up Navajo Nation Project
 TLT Annual Report
 Discussion of Participation in School Board Meeting
- Sept. 16: **Resolution 2024-58** Accepting Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor
- Sept. 27: Council/Staff Joint Teambuilding 12-4pm.
- Oct. 7: Strategic Plan Presentation

ADJOURNMENT

At 8:35pm, Brown 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