

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

Virtual Meeting @ 6:00 P.M.

Monday, December 20, 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 MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of the Discussion of Employee Evaluations and Pending Litigation. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 7:01pm, Stokes MOVED and Curliss SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 on a voice vote.

ANNOUNCEMENTS

Salmeron announced that as of now, the NYE Ball Drop is still on, but that he will make a final decision on December 27th, given the recent increase in COVID numbers.

Housh urged citizens to continue safety protocols around COVID in the midst of the recent surge.

Salmeron noted that the Village has recently closed the Utility window due to COVID exposure and the need to quarantine members of the team. Window services should resume on December 27th.

Housh congratulated Mark Crockett for his 20 years of service as a Township Trustee.

CONSENT AGENDA (7:10)

1. Minutes of December 6, 2021 Regular Session

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

REVIEW OF AGENDA

A resolution honoring Karen McKee was added to the agenda.

The WYSO request for a Village grant application was added to the agenda.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Emily Seibel re: USDA Grant Award

Lacey Fox re: YS Cable Access Information

Mark Heisse re: Chamber Support for Parking Initiatives

Luke Dennis re: WYSO Request for Grant Application

Rebecca Potter re: Endorsement of CASP Position Continuation

Susan Abendroth re: Opposition to Oberer Development
Mayor's Clerk re: Court Report (2)
Staffan Erickson re: Pickleball Courts in the Gym
Matt Raska re: PUD is Better Option
Rose Pelzl re: PUD is Better Option
Abigail Cobb re: PUD is Better Option

MacQueen reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2021-33 Village of Yellow Springs 2022 Budget and Declaring an Emergency. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron noted inclusion of both American Rescue Plan payments in the 2022 budget, which leaves the deficit for 2022 currently at \$63,083.

Salmeron lauded his team for creating savings which were later used to make needed purchases.

Housh noted that Council is committed to fiscal oversight throughout 2022 to maintain a balanced budget. He noted that the Village follows the State level best practice of maintaining a 3-month reserve.

Curliss requested that funds committed to various Council projects appear in the budget in such a way that Council can readily follow the allocations.

Dillon responded that these will not appear as distinct lines in the 2022 budget, but are reflected as totals in expense lines.

There was some discussion as to the best way to track projects, which will be continued, as other Council members agreed that having a project list would be helpful.

Housh OPENED THE PUBLIC HEARING.

Catherine Zimmerman, Environmental Commission member, spoke at length in support of further funding of the CASP Coordinator for 2022.

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

Second Reading and Public Hearing of Ordinance 2021-34 Approving Amendments to the Personnel Policy Manual and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Salmeron noted that the changes reflect policy and compliance needs.

Parcels noted the addition of the ICRA option for eligible part time employees, as well as updates to the FMLA policy per current case law.

Kreeger noted that the redline version was helpful and that the clarity of the document had been much improved. She raised discomfort with use of the word "interfering" in referring to Council questions directed to staff. Finally, Kreeger stated that she was interested in how staff members had been involved in making changes to the PPM.

Parcels noted that the word "interfere" is taken directly from Charter language. She responded to the question regarding staff, noting that the process has involved staff and has progressed over the last eight to nine months. She noted that ongoing feedback is expected.

Housh asked that all references to gendered pronouns be changed to a gender neutral pronouns. He asked that the Village Values as well as CORCLE core team values be reproduced in full in the PPM. He asked that diversity hiring practices and anti-racist values be more actively reflected in the document.

Curliss asserted that it is Council's job to set policy and that the process should have been different from the outset. She stated that the PPM needs more scrutiny, and offered several concrete suggestions.

Parcels acknowledged that she would welcome a work session on the PPM in the first quarter of 2022.

MacQueen offered several suggestions for future changes.

Housh CLOSED THE PUBLIC HEARING.

MacQueen MOVED to strike the sentence containing the word "interfering" from the PPM. Curliss SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

Housh CALLED A VOTE ON THE AMENDED PPM. MacQueen SECONDED, and the MOTION PASSED 4-1, with Curliss voting against.

Emergency Reading of Ordinance 2021-36 Approving a Fourth Quarter Supplemental. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Dillon explained the appropriations in brief; supplement to personnel; a supplement to the Electric Fund for the commitment to Glen Helen/TLT for removal of the old coal plant and to fulfill payments to Power Purchase Agreements.

Housh OPENED THE PUBLIC HEARING.

There being no public comment, Housh CLOSED THE PUBLIC HEARING and CALLED THE VOTE. THE MOTION PASSED 5-0 on a ROLL CALL VOTE.

Emergency Reading of Ordinance 2021-37 Approving Employee Regulations Pursuant to Charter Section 81. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Parcels explained that the PPM does not contain current position descriptions, so this document updates those classifications and descriptions and will be merged into the PPM at a future date. The last time the descriptions were updated was 2001.

Housh OPENED THE PUBLIC HEARING.

Kreeger made note of some inaccuracies. She pointed out that the policing section did not reference the Guidelines for Village Policing, and asked that these be added in full. She asked that these replace the "vision for village policing" now in the document.

Curliss offered several comments. She asked that Council make a determination as to the number of each position listed.

Housh CLOSED THE PUBLIC HEARING.

Kreeger MOVED TO REPLACE THE "POLICING VISION" with the "GUIDELINES FOR VILLAGE POLICING" and that APPROVAL BE CONTINGENT UPON A PLANNED WORK SESSION IN THE FIRST QUARTER OF 2022 TO REFINE THE DOCUMENT. Curliss SECONDED.

MacQueen commented that Chief Carlson had developed the "Vision for Policing" internally, and that she was hesitant to remove it from the document.

Kreeger AMENDED HER MOTION TO ADD "GUIDELINES FOR VILLAGE POLICING" TO THE DOCUMENT WITHOUT REMOVING THE "POLICING VISION". MacQueen SECONDED, and the AMENDED MOTION PASSED 5-0 ON A ROLL CALL VOTE.

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

Reading of Resolution 2021-59 Adjusting Village Employee Wage Scales. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron commented upon his recommendation of a 2.5% Cost of Living adjustment as financially sustainable for the Village, and based upon area averages and the CPIU.

Salmeron noted a CPIU for the area of 7.3%.

Housh commented that the Greene County Commissioners are discussing a 4.5% increase with a \$300/per Full Time employee bonus. He stated that he would like Council to consider a \$300/per FT employee bonus.

Kreeger asked how this would affect the budget that has just been passed.

Salmeron noted several “unknowns” in the budget which will not play out until Spring of 2022, but that the budget was created to accommodate most eventualities.

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

Reading of Resolution 2021-60 Accepting a Preliminary Participatory LPA-ODOT Let Project Agreement from Ohio Department of Transportation for Sidewalk and Curb Ramps. Stokes MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron noted this as a housekeeping item for a project now underway.

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

Reading of Resolution 2021-61 Celebrating Karen McKee’s Contributions to the Village of Yellow Springs. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

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

Stokes asked that Salmeron look into funding for memorials as a possibility for funding the plaque memorializing Ms. McKee.

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

2021 Village and Council Highlights. Housh presented a powerpoint highlighting Council and Village achievements over 2021, with the Village Manager and Council members adding commentary.

OLD BUSINESS

Oberer PUD Next Steps. Housh introduced the topic, noting that he and one other Council member attended Dave Chappelle’s private meeting to “discuss his plans for the Village”. Housh urged Commission members to follow legal advice regarding attendance at any gathering proposed by a potential developer.

Housh commented that the message he received clearly from both Chappelle and his architect, Max Crome was that they, as well as many in attendance, were averse to the Oberer development as antithetical to the culture of the Village. Housh stated that the comment made during the meeting was that “non-Villagers will dilute our creative culture.”

Housh added that one of the repeated themes of the evening as well as on social media is the notion that Oberer will “make millions” with the PUD and would not make as much building under the existing R-A zoning. This, he said, needs to be addressed, since it has bearing on the concomitant perception that the Village did not “negotiate hard enough” or is being taken advantage of.

Housh addressed what he termed “misinformation” surrounding the negotiation process itself, and included this in the information he would like to see provided.

Salmeron noted that at the last meeting, Council had asked for the following additional information: Environmental Study addressing the creek; An expanded traffic study inclusive of the intersection at US 68 and Hyde Road; an alternative development plan using R-A zoning; a list of any potential expense the Village might incur and a listed value of the donations offered under the PUD model.

Salmeron stated that, given the above requests, Oberer had asked that the ordinance reading be moved to allow them time to gather the requested information.

Salmeron confirmed that a work session is planned with Oberer on January 10 from 11-1, at which the above information will be presented and discussed. He stated that this will then move the timeline for the ordinance to a first reading on January 18th, with the second reading and public hearing on February 7th.

Salmeron added that it has been brought to his attention that a referendum will very likely be attempted if the ordinance passes, which could lead to a special election in May.

Salmeron addressed the single family layout—or alternative layout—which Oberer would use if the PUD is not approved. He stated that there is an alternative to the single family plan which looks very much like the PUD, sans the town homes.

Salmeron addressed the perception that Oberer is not offering enough in return for the PUD, stating that the donation of development-ready land is rare and could enable the Village to seek bids for affordable home development rapidly. Salmeron assured Council that the donations (wetland areas, park, developable land) are valuable contributions.

Housh asked for feedback regarding a second public meeting to address questions from the public. He pointed out that under the PUD proposal, the Village gains the land donation, a mix of housing types and several green space areas, none of which will be offered under R-A zoning development. He asked that a cost-benefit analysis considering service provision, tax income, etc. be provided for the work session.

Housh noted that a successful referendum petition will require a special election, which is held at the expense of taxpayers.

Curliss asked whether an apartment building was considered at any stage.

Salmeron stated that this had been discussed early on, but the issue was who would have then purchased the structure and agreed to run it. He noted several offers around affordable housing which were considered and costed-out, with the decision finally being made to ask for a land donation as the least risky and least politically controversial option.

Judith Hempfling commented that she is an affordable housing advocate, and the lack of housing is an impetus to gentrification. She stated that loss of the PUD would be a blow to affordable housing,

and opined that the work on the PUD has been “excellent”. She stated that there are many Villagers in favor of the PUD, but who have not yet voiced their opinions.

John Hempfling stated that affordable housing is important, as is the increase in available housing, expressing support for the PUD.

Stokes expressed the desire that two meetings be held—one the work session and the other a general information exchange public meeting.

Stokes asked for a one-page fact sheet to be provided to provide an informational base for any discussion.

MacQueen asked that the background work be provided prior to a general public meeting to address the misinformation.

Curliss opined that the single family residential zoning designation (R-A) allows for too many houses, which gives developers little incentive to explore other density options.

Stokes read Village Value #3, stating that he has a “visceral reaction” to people questioning whether “certain people” belong in the community. This perception must be challenged, he stated.

NEW BUSINESS

WYSO Request for Grant Application from the Village. WYSO General Manager Luke Dennis explained the request, stating that WYSO has entered into a partnership with Iron Table Holdings (ITH) to renovate the former Union Schoolhouse to accommodate the radio station. He noted that despite some uncertainty regarding other of Iron Table’s investments, WYSO has been assured that the Union Schoolhouse project will proceed.

Dennis noted that while ITH is footing the bill for the renovations, WYSO is required to own all of its equipment, requiring a 2.5 million dollar investment. Dennis noted that to date, \$850,000 has been raised, with some leads to additional funding, leaving \$250,000 yet to acquire. Dennis stated that the Village is able to apply for a Community Investment Grant through Greene County on behalf of WYSO, and requested this action.

Salmeron stated that while the Village had intended to apply for the funds to complete a road into the CBE, the WYSO project seems more viable for grant funding. He added that there is still time to work on funding the road, given Cresco’s timeline, and that the WYSO project is more time sensitive.

Council verbally agreed 5-0 to support bringing the authorization for the grant to the January 3rd Council meeting.

MANAGER’S REPORT

No verbal report was provided.

BOARD AND COMMISSION REPORTS

Kreeger NOMINATED Werdell Kirk to the Arts and Culture Commission. Housh SECONDED, and the NOMINATION WAS APPROVED on a 5-0 Roll Call vote.

FUTURE AGENDA ITEMS

Jan. 3: Swearing in of New Council Members and Mayor
Vote for President of Council
Vote for Vice-President of Council

YSDC End of Year Summary

Agraria Update (Megan Bachman: 5 min.)

Reading of Resolution 2022-01 Authorizing the Sale During Calendar Year 2022 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)

Reading of Resolution 2022-02 Approving a Salary Adjustment for Josue Salmeron for Continued Service as Village Manager

Reading of Resolution 2022-03 Approving a Salary Adjustment for Judy Kintner for Continued Service as Council Clerk

Reading of Resolution 2022-04 2022 Village Goals

Resolution for 250K Grant for WYSO

Resolution to Extend CASP Contract by 30 Days

Request for Funding for MLK Day Activities

Update re: Body Worn Camera Policy

Jan. 10: Work Session with Oberer (11-1pm)

Jan. 18: **First Reading of Ordinance 2022-01** 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

Reading of Resolution 2022-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
Village of Yellow Springs 2021 Accomplishments

All Council members offered thanks to Curliss for her service, and appreciation for her passion and her willingness to question things and to swim against the current.

ADJOURNMENT

At 9:35pm, Stokes MOVED, and Curliss SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council