

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

Council Chambers @ 6:00 P.M.

Monday, September 16, 2024

CALL TO ORDER

Vice President of Council Gavin DeVore Leonard called the meeting to order at 6:05pm.

ROLL CALL

Present were Vice President Gavin DeVore Leonard and Council members Brian Housh and Trish Gustafson. Also present were Village Manager Johnnie Burns, Solicitor Amy Blankenship, Planning and Zoning Administrator Meg Leatherman and Finance Director Michelle Robinson. Carmen Brown was out due to a family matter and Kevin Stokes was out of town.

Housh MOVED TO EXCUSE STOKES AND BROWN. Gustafson SECONDED, and the MOTION PASSED 3-0 ON A VOICE VOTE.

SWEARINGS-IN

DeVore Leonard swore in Dino Pallotta as a full member of the Board of Zoning Appeals.

ANNOUNCEMENTS

MJ Dodson spoke of the importance of support for Issue 1 at the November election, noting that current ballot language has confused the legislation, but that support of the issue means support for fair redistricting in Ohio.

Housh announced the following:

- The Village was honored as one of nine of the Dayton area's "Best Places to Work" at a recent event.
- Housh noted an impressive tour of the nearby Honda LG plant, pointing out the economic opportunities it provides this area.
- Nipper's Corner now provides publicly available restrooms.
- MVRPC Regional Bikeways Committee will be in the Village on October 18th (11:30-1, CoActive) as part of their tour of walk/bike infrastructures.
- September 14th was Wheeling Gaunt Day in the Village, with a celebration held near the Gaunt statue.
- Housh lauded Steve McQueen's efforts to support the Haitian community in Springfield and called for more ideas for support.

MJ Dodson commented that the Clark County Democratic Party has been experiencing intimidation and invited interested Villagers to attend their upcoming meeting as a way to offer support.

Burns reminded all that Street Fair is approaching: October 12th.

CONSENT AGENDA

1. Minutes of September 3, 2024 Regular Meeting
2. Credit Card Statement for August

Housh MOVED and Gustafson SECONDED a MOTION TO APPROVE THE MINUTES of September 3, 2024. The MOTION PASSED 3-0 ON A VOICE VOTE.

Gustafson MOVED and Housh SECONDED a MOTION TO APPROVE THE CREDIT CARD STATEMENT FOR AUGUST 2024. The MOTION PASSED 3-0 ON A VOICE VOTE.

REVIEW OF AGENDA

There were no changes to the Agenda.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Mitzie Miller re: Objection to Three Minute Limit for Citizen Concerns
Mark; LeVesconte; Dodson re: Request for Issue 1 Support

Council agreed to add a resolution of support for Issue 1 to the October 7th agenda.

PUBLIC HEARINGS/LEGISLATION

Reading of Resolution 2024-60 Accepting Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor. Housh MOVED and Gustafson SECONDED a MOTION TO APPROVE.

Robinson explained that the legislation acknowledges the County Auditor's certification of the amounts and rates provided through the Tax Budget resolution passed by Council in July which approved the Finance Director's tax budget.

DeVore Leonard CALLED THE VOTE, and the MOTION PASSED 3-0 ON A VOICE VOTE.

CITIZEN CONCERNS

Marion Stewart, Faith and Public Life Advocate, asked Council to "draft a proclamation" in support of the Haitian community in Springfield.

Housh asked that a resolution be prepared for the Joint Meeting on September 25th.

Mitzie Miller asked that funds be budgeted for traffic calming during the upcoming budget process.

Jason Lavek also requested funding for traffic calming.

Jason Bailey asked that Council consider dredging Ellis Pond.

Reilly Dixon, Environmental Commission, stated that he plans to bring a proposal from EC to Council requesting a "No Idling" ordinance. He suggested that enforcement was not the goal so much as education.

Housh asked that Dixon reach out to Chief Burge.

SPECIAL REPORTS

Presentation of Projection Mapping of Murals. Justin Herman spoke about an upcoming projection mapping for Keith's Alley, addressing the importance of the Village to aspiring artists, and his goal of highlighting this form of local art. A demonstration of the form was shown as he spoke.

Tecumseh Land Trust Annual Report. Michele Burns presented a power point overview of conserved land in and around the Village, noting a 184-acre property which will soon come on the market and which TLT would like Village support in obtaining.

Burns noted that the property is just west of the five-year time of travel to the wellfield and lies outside of the Village's urban service boundary.

Burns stated that the portion of the property containing Jacoby Creek might be considered as the target property given the Village's interest in wellfield protection. She noted that TLT fundraising efforts will soon be underway to reach a goal of 1.5 million dollars to conserve the entirety of the property.

Burns addressed a question from Housh, stating that while TLT does plan to apply for all available grant funding for the property, none of the appropriate grants have opened up as of yet.

Burns stated that just over \$200,000 remains in the Green Space Fund and asked that this money be directed toward the recommended conservation easement purchase.

Manager Burns confirmed that the Auditor has requested that the Village close the Green Space Fund because it has no funding source.

Council agreed to have a resolution brought to the October 7th meeting, but did not specify any amounts or conditions.

DeVore Leonard asked that Burns provide a formal request to Council.

MANAGER'S REPORT

Manager Burns presented the Manager's Report as follows:

Burns noted repairs to Lawson Place underway and blacktopping in various areas of the Village the week of October 21st.

Burns stated that both water towers should be operational within the next 3-4 weeks.

Burns commented on sidewalk safety, stating that he will be asking for an increase in funds for that purpose in the 2025 budget.

Water projects are underway throughout town.

Burns noted that a crosswalk sign was damaged and a street sign was stolen.

Burns announced that a recent water loss prevention company confirms dramatically less water loss since prevention efforts have been stepped up over the past several years.

Gaunt Park Pool shutdown is nearly complete, and the pump will be sent for a rebuild.

Burns confirmed that Guenther is completing work on the Village Newsletter and is updating business cards and e-mail signatures to assure consistency.

Responding to a question from Housh, Burns stated that the Village had missed a deadline to apply for a grant for EV charging stations, but he has set up a meeting with Choice One to identify other opportunities.

Housh stated that YSDC is working to obtain a \$200,000 grant for rooftop solar at Lawson Place.

OLD BUSINESS

LIHTC Update. Blankenship stated that legal activity was "paused" by Council at their last meeting, which has a limiting effect on the number of updates, but confirmed that BAM is engaging in review of the legal

description and survey of the proposed property and has affirmed that the next legal step is a request to their trustees to agree to unencumber the identified property.

That next step is awaiting the decisions that will be made at this meeting, Blankenship said.

Responding to a question from Gustafson, Blankenship stated that the IGA has been signed, and that it relates specifically to the project of unencumbering the school property for the purpose of potential sale to the Village for the LIHTC initiative. Any information shared by each party's legal advisors related to the project can be shared, she said, but information falling outside of that scope cannot.

Responding to a question from Gustafson regarding who is paying for costs incurred at this point, Blankenship stated that per Council decision, any work in furtherance of the project is being billed to the Village Affordable Housing Fund.

Judith Hempfling, School Board President, commented on the project generally. She commented that Superintendent Holden spoke with ESC Superintendent Graves-Streiter in "late July or August" and at that time Graves-Streiter was unaware of the proposed sale of school land to the Village and expressed interest in purchase of same for expansion of ESC capacity.

Hempfling stated that in response to Graves-Streiter's request for consideration as a buyer, the School Board maintained their commitment to sell to the Village.

Mitzie Miller asked that the commitment to find replacement land be iterated clearly.

Emily Seibel, YS Home, Inc. Executive Director, stated that she had requested information from Tim Bete of St. Mary Development Corporation regarding a timeline. She said that Tim Bete stated that the following items should be completed no later than December 1: "site zoning in place that permits multifamily housing of the density and scale needed"; an effective Village option to purchase the property; and an understanding of US Bank Trustees timing for release of the lien. Seibel opined that having these three things in place would allow sufficient time for a developer to step in and apply for LIHTC funding by the February deadline.

Seibel characterized Home, Inc. as necessary to the process of obtaining a developer, stating that Home, Inc.'s status as a CDC "will help to secure a lead developer partner" and "will help to secure funding from OHFA."

Seibel enumerated several benefits YSHI would provide as the "local development partner," most significantly assurance of the long-term maintenance of the facility as an affordable one.

Jackie Hempfling spoke in support of the project.

Dino Pallotta urged Council to consider the request from the ESC for purchase of the land. He commented on the requirement that replacement land for the soccer fields be obtained prior to any option for purchase on the 3.6 acres asking about the order of operations.

DeVore Leonard commented that it was his understanding that replacement land is supposed to be obtained at in the same timeframe.

Jason Bailey asserted that the same persons requesting the sale of school property for housing are people who are in favor of restricting property for use as a greenbelt. He stated that his position is not a NIMBY position, it is a position in favor of supporting the land use for school and after school activities.

Bailey commented that the Village would be purchasing property located “300 meters from a marijuana grow facility” and in close proximity to the Greene County ESC, both entities characterized as “top five employers” to build a housing facility across the street from a commerce park. The location, he stated, does not make sense.

Rebecca Potter stated that Agraria would be unable to provide land for the purpose of soccer fields.

Terry Graves-Streiter, Educational Service Center Superintendent, reiterated objection on behalf of the ESC to consideration of the 3.6 acres for rezoning to R-C. She stated that the ESC should have a say in the matter based upon proximity. She noted that the ESC is in the top five employers in the Village, then listed the programs available through the ESC, which has locations throughout Greene County.

Graves-Streiter stated that while the ESC does not currently have a plan for the 3.6 acres, if they were to obtain the land it would be used for educational purposes, indicating her position that residential use on the property would be an inappropriate use. Graves-Streiter stated that if the ESC were to obtain the land they would engage in a financial planning process as well as a building plan.

Jessica Thomas spoke in favor of rezoning and moving forward with the LIHTC project and in favor of placing housing near a school. She stated that she does not see value in centering all activities of the Greene County ESC in Yellow Springs.

April Wolford spoke in favor of the housing initiative.

Housh stated that while the Village is tasked with identifying a developer, “Home, Inc. is key in that process.”

Burns responded that if the Village will own the property, the Village needs to issue an RFP for a developer.

Housh commented that he sees the Village working with Home, Inc. in that process.

DeVore Leonard requested “systematic information” from staff moving forward.

Burns responded that there must be an option on the property before the Village can issue an RFP, which means that staff are essentially waiting for the process to play out in order to begin taking next steps.

Housh requested that staff begin work on an RFP in readiness for an option on the property.

Burns stated that he, Leatherman and Blankenship have gathered RFPs from other municipalities in preparation for crafting a Village RFP.

Housh asked that Village staff “get together with Emily (Seibel)” as a part of the preparation process.

Burns commented that staff are highly engaged with a number of other housing projects such that time must be carefully allocated.

DeVore Leonard requested “staff effort in gathering and synthesizing information” for packets moving forward, using Seibel’s information as an example of what he wants to see provided.

Burns noted that the information provided is not different than that provided in 2023, but said that he would work on improving communication.

The Clerk commented that the School Board has stated that they will not offer an option on the 3.6 acres until land is secured to replace Morgan Fields. She raised concern regarding possible repercussions if Council engaged in financial support for that effort, questioning how discussion of the LIHTC project could continue until the replacement property matter is resolved.

Housh stated categorically that Council is not engaging in that process, and that securing replacement property is something the School Board is addressing.

Housh stated that the deadline for securing replacement property is December first, or as rapidly as possible.

DeVore Leonard MOVED TO CONTINUE LEGAL EXPLORATION OF THE LIHTC PROJECT. Gustafson SECONDED, and the MOTION PASSED 3-0 ON A VOICE VOTE.

Joint Council/School Board Meeting Draft Agenda. Council reviewed the provided draft and suggested several changes.

The Clerk cautioned that since Hempfling and Potter had both spoken, a third School Board member could not speak.

Housh asked that Amy Bailey be able to speak to the agenda.

Hempfling and Potter both voluntarily left the meeting.

Bailey asked for inclusion of the CHDO selection process to the extent legally permissible.

Bailey asked that impact on the ESC and Cresco be discussed during the meeting.

NEW BUSINESS

Review of Investment Policy. One change was suggested to the policy, and an ordinance will be brought on October 7th incorporating that change.

Review of REC Ordinance. A change to the frequency of Council review of the policy was suggested, and an ordinance will be brought on October 7th incorporating that change.

BOARD AND COMMISSION REPORTS

DeVore Leonard NOMINATED Chad Runyan and Mark Carr as ALTERNATES to Planning Commission. Housh SECONDED, and the MOTION PASSED 3-0 on a VOICE VOTE.

DeVore Leonard NOMINATED Chad Runyan as an ALTERNATE to the Board of Zoning Appeals. Gustafson SECONDED, and the NOMINATION PASSED 3-0 on a VOICE VOTE.

Housh NOMINATED Reilly Dixon and Jon Ricketts as FULL MEMBERS, and Mark Carr as an ALTERNATE MEMBER OF THE ENVIRONMENTAL COMMISSION. Gustafson SECONDED, and the NOMINATION PASSED 3-0 ON A VOICE VOTE.

Housh noted that the Active Transportation Committee had met the previous week, and that group will be going after grants to continue Safe Routes to School projects. He stated that the Active Transportation plan also needs to be updated, and these efforts will get underway soon.

FUTURE AGENDA ITEMS

Blankenship apprised Council of a request from a realtor that Council remove a restriction passed by ordinance in 1991 affecting the portion of Antioch College property known as the “golf course.” The restriction, which may not be enforceable, limits the property owner from requesting rezoning of the property. She stated that the restriction must be lifted by ordinance.

Blankenship made clear that the legislation only lifts restriction on a property owner from requesting a rezoning and has no bearing on the success or failure of such a potential request. She noted that the restriction is not in the form of a deed restriction or formal agreement, and had the Council of 1991 wished to assure the legal enforceability of the restriction, those measures should have been taken.

Housh stated that he still wants clarity on to which funds citizens can donate. He stated that he will be asking about a separate fund to receive the 15% of REC funds not required to be directed to Electric Capital.

- Sept. 25: Joint Council/YS School Board Meeting: 7pm
Sept. 27: Council/Staff Joint Teambuilding 12-4pm.
Oct. 7: **First Reading of Ordinance 2024-11** Approving the Final Plat Plan for Spring Meadows Subdivision
First Reading of Ordinance 2024-12 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)
Resolution 2024-61 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
Reading of Resolution 2024-62 Approving Contract for Village Mediation Coordinator
Zoning Administrator Request for Consideration of Preliminary PUD Plan on Fewer than Five Acres
Presentation of Council Strategic Plan
Oct. 17: Special Council Meeting: Budget Session #1: 2-4pm
Oct. 21: Stoney Creek Lease
Oct. 22: Special Council Meeting: Budget Session #2: 2-4pm
Oct. 29: Special Council Meeting: Budget Session #3: 12-2pm

ADJOURNMENT

At 7:34pm, Housh MOVED TO ADJOURN. Brown SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Signed: _____
Gavin DeVore Leonard, Council Vice President

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