

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

VIRTUAL @ 5:00 P.M.

Monday, January 6, 2025

CALL TO ORDER

President of Council Kevin Stokes called the meeting to order at 5:04pm.

ROLL CALL

Present were President Stokes, Vice President Gavin DeVore Leonard and Council members Carmen Brown, Brian Housh and Trish Gustafson. Also present were Solicitor Amy Blankenship and Village Manager Johnnie Burns.

EXECUTIVE SESSION

Brown MOVED and Gustafson SECONDED a MOTION TO ENTER EXECUTIVE SESSION For the Purpose of the Evaluation and Compensation of Employees (Clerk and Village Manager). The MOTION PASSED 5-0 ON A ROLL CALL VOTE. The Solicitor was present in Executive Session until 5:30.

MOTION TO ENTER REGULAR SESSION

Brown MOVED and Housh SECONDED a MOTION TO ENTER REGULAR SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ANNOUNCEMENTS

Housh announced the following: Successful NYE Ball Drop and thanks to Village and MTRF teams; Council's second January meeting is January 221 due to MLK Day; note materials from MVRPC in Communications and benefit that organizations brings; Noted the passing of Raymond Ruka.

CONSENT AGENDA

1. Minutes of December 16, 2024 Regular Meeting

DeVore Leonard MOVED and Housh SECONDED a MOTION TO APPROVE THE MINUTES of December 16, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

Nomination to Environmental Commission was added to New Business.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

- Council Clerk re: CPIM Certification for 2025
- Brian Housh re: Clarification of Comments/Appreciation for Staff Expertise
- MVRPC re: Member Services and ROI (2)

DeVore Leonard summarized the communications.

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2025-01 Repealing and Replacing Chapter 1256 "Overlay Districts" of the Yellow Springs Zoning Code. Brown MOVED and Gustafson SECONDED A MOTION TO APPROVE.

Leatherman introduced the legislation as follows:

When evaluating the zoning code for potential sites to develop affordable housing, it was identified that the Gateway Overlay Zone could limit the total number of potential dwelling units and other forms of development due to height restrictions contained in the overlay. The Gateway standards limit height of new development to 30 feet or two stories. With removal of the Gateway zone, the underlying zone's height limit would become applicable. Leatherman then iterated the height standards for each area affected.

After an in-depth evaluation, staff found that the majority of the regulations within the Gateway Overlay Zone were replications of standards from other sections of the zoning code. Based on this information, Council directed staff to bring forward a zoning text amendment to remove the Gateway Overlay Zone.

The Gateway Overlay Zone adds regulations to the property within specified boundaries, beyond the established underlying zoning. It was intended to refine new development at key entry points.

The Gateway Overlay zone was added through the major re-write of the zoning code in 2013. Through discussions with former staff, including former Commission member Ted Donnell, staff learned that the Gateway Overlay Zone was never fully fleshed out and the potential standards of the zone were never fully realized.

The proposed amendments are as follows:

- Ordinance 2025-01; Repeal the entirety of the Gateway Overlay District (section 1256.03), to remove standards that could limit development. Amend the purpose statement to reflect this repeal (1256.01).
- Ordinance 2025-02: Add driveway location standard to section 1260.03 that is being removed with the repeal of the Gateway District: New driveways on arterial streets shall be more than 150 feet from intersections and two may not be located within 100 feet of each other.

Leatherman presented her memo regarding Ordinance 2025-03, noting that as she was evaluating the zoning code for potential sites to develop affordable housing, it was identified that some permitted uses are required to have a public hearing with the Planning Commission.

Presently, all new permitted uses occupying a building of 5,000 square feet or more, must obtain approval from Planning Commission at a public hearing with a Site Plan application (Section 1268.02). Staff recommends modifying the code to allow review of Site Plans associated with a permitted use by the Zoning Administrator only. This will reduce the time to process a Site Plan application and reduce the perceived risk associated with a public hearing.

Because the code presently includes a clause that allows the Zoning Administrator to submit the Site Plan application to Planning Commission if they believe the project may have a negative impact on surrounding properties, there remains that option. All Conditional Uses will still be required to obtain approval from Planning Commission and will require a public hearing.

Stokes declined to call a vote on the first reading.

First Reading of Ordinance 2025-02 Repealing and Replacing Section 1260.03 “Driveway Standards, Access Easements, Parking and Storage” of the Yellow Springs Zoning Code. Brown MOVED and Housh SECONDED A MOTION TO APPROVE.

Leatheman noted that she had changed a portion of the title as well, to add clarity.

Stokes declined to call a vote on the first reading.

First Reading of Ordinance 2025-03 Repealing and Replacing Section 1268.02 “Applicability” of the Yellow Springs Zoning Code to Remove Requirement of Site Plan Review for Permitted Uses. Brown MOVED and DeVore Leonard SECONDED A MOTION TO APPROVE.

Stokes declined to call a vote on the first reading.

Reading of Resolution 2025-01 Authorizing the Sale During Calendar Year 2025 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). Gustafson MOVED and DeVore Leonard SECONDED A MOTION TO APPROVE.

Burns noted that the resolution is a housekeeping item and allows the Village to sell items of greater than \$1,000 in value on e-gov.

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

Reading of Resolution 2025-02 Approving a Pay Increase for the Village Manager. DeVore Leonard MOVED and Gustafson SECONDED A MOTION TO APPROVE.

Gustafson stated that each Council member had completed an evaluation and those responses had been tallied. She noted that Burns will be presenting a year in review document in February which may further impact adjustment to his salary.

Housh expressed appreciation for Burns’ leadership over 2024.

Stokes MOVED TO ENTER 3.5% AS THE PROPOSED WAGE ADJUSTMENT. Gustafson SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Stokes described the figure as commensurate with the wage increase provided for all Village employees for 2024.

Stokes CALLED A VOTE ON THE RESOLUTION AS AMENDED. THE MOTION PASSED 5-0 ON A VOICE VOTE.

Reading of Resolution 2025-03 Approving a Pay Increase for the Council Clerk. Gustafson MOVED and DeVore Leonard SECONDED A MOTION TO APPROVE.

Gustafson stated that each Council member had reviewed the Clerk and those evaluations had been tallied. She added that “goals and objectives” would follow.

Stokes asked how the Clerk’s longevity benefit should factor into her compensation.

The Clerk expressed objection to this consideration.

Burns stated that longevity is never considered in connection to merit or cost of living, and all non-contract employees do receive longevity as well as step increases and annual cost of living (wage) adjustments.

Burns described longevity further, stating that it is a .04% increase annually from year 6 through year 30, and that it is not a significant annual amount.* (Note that the actual amount is in fact .4%)

Stokes asked for a calculation of the amount of the Clerk's longevity so that it could be subtracted from the cost-of-living amount.

Again the Clerk objected, and again Stokes indicated that it seemed relevant.

Burns noted that no other employee receiving the cost-of-living increase had that amount reduced due to their receipt of longevity.

Stokes countered, noting that all other employees do not directly report to Council.

Gustafson MOVED TO ENTER 3.5% AS THE PROPOSED WAGE ADJUSTMENT. DeVore Leonard SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Stokes CALLED A VOTE ON THE RESOLUTION AS AMENDED. THE MOTION PASSED 5-0 ON A VOICE VOTE.

Reading of Resolution 2025-04 Approving a Grant to the 365 Project in Support of Martin Luther King, Jr. Day Activities. Brown MOVED and Housh SECONDED A MOTION TO APPROVE.

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

CITIZEN CONCERNS

Ralita Hildebrand asked a number of questions regarding the proposed LIHTC project related to the sale of land, land donation and cost to create replacement soccer fields. She opined that Woda Cooper should contribute funds towards this effort.

Reily Dixon asked whether any developer would need to request full site control or whether this was unique to Woda Cooper. He asked what next steps would be required by Council.

Rebecca Potter, YS School Board reiterated some of the School Board's LIHTC project steps occurring over the past year. She stated School Board commitment to replacing the soccer fields.

SPECIAL REPORTS

PACC End of Year Report. Brown reported highlights of the year's activities. She noted that Blues Fest will return to the Village for 2025, as will Women's Voices Out Loud and Projection Mapping.

EC End of Year Report. Brown reported highlights of the year's activities.

MANAGER'S REPORT

Burns thanked Public Works and YSPD for their considerable work in clearing roads following an 11" snowfall.

Burns reported that there are no signed documents as yet for land donation for replacement soccer fields, and work on this matter continues.

Burns responded to an earlier question, stating that any application to LIHTC in which the applicant does not have site control will be rejected by OHFA.

Burns stated that he will be meeting with Filmore Construction to obtain a new quote for the soccer field replacement, but does need clarification from the school district as to the extent of the project they are considering.

Stokes commented that “there will no consideration of filling a gap” given that the purchase price would cover such a gap, given that the land for replacement fields will be donated.

DeVore Leonard received clarification from Blankenship that Woda Cooper will need the contingency option removed from the Option to Purchase to proceed with an application.

Responding to a question from DeVore Leonard, Burns stated that Woda Cooper has made preliminary application and has asked for a response regarding the Option to Purchase contingency by Friday if at all possible.

Burns responded to concerns expressed by DeVore Leonard, stating that he, Blankenship and the landowner who has offered the donation are working with Dr. Holden to finalize the matter. He stressed that the effort has been ongoing and that all parties have the goal of assuring that soccer fields are provided and in the manner expected.

Burns reported that Choice One has completed their study of the parking situation on Dayton and King Streets is complete.

TLT found no violations in their inspection of conserved portions of Village-owned land.

Burns will host this month’s Mayor’s and Manager’s meeting at the Mills Park Hotel, with Vectren and Cresco representatives as invited speakers.

The Village is working with Choice One on the Third Circuit.

Villagers wishing to underground their electric service lines can receive a price reduction on the wire, since the Village will make a bulk purchase of wire and sell to your contractor at a reduced rate.

DeVore Leonard received information that the Village is advertising for an Economic Development Coordinator. Burns noted that the \$40,000 requested by YSDC during the budget sessions was instead directed to a Village fund for ED purposes. This was done at Council directive during the budget process.

DeVore Leonard requested more conversation on the topic of the ED position.

Housh and Brown noted aspects of those discussions. Brown asked DeVore Leonard to provide specific information as to what type of conversation he desires.

DeVore Leonard commented that there are areas appropriate for Council comment, and he will bring the topic back up once he has further considered it.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Brown NOMINATED Ian Chavez as an Alternate Member of EC. Housh SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

FUTURE AGENDA ITEMS

Jan. 21: **Second Reading and Public Hearing of Ordinance 2025-01** Repealing and Replacing Chapter 1256 “Overlay Districts” of the Yellow Springs Zoning Code

- Second Reading and Public Hearing of Ordinance 2025-02** Repealing and Replacing Section 1260.03 “Driveway Standards, Access Easements, Parking and Storage” of the Yellow Springs Zoning Code
 - Second Reading and Public Hearing of Ordinance 2025-03** Repealing and Replacing Section 1268.02 “Applicability” of the Yellow Springs Zoning Code to Remove Requirement of Site Plan Review for Permitted Uses
- Feb. 3: **Second Reading and Public Hearing of Ordinance 2025-04** Repealing and Replacing Chapter 1270 “Landscaping” of the Yellow Springs Zoning Code to Add Greenbelt Requirement for New Development
 - First Reading of 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 2025-05** Approving Dues for Miami Valley Regional Planning Commission for 2025 Planning Commission End of Year Report to Council
- Feb. 18: **Resolution 2025-0X** Approving Grants to Local Entities for Calendar Year 2025

*Future Agenda items are noted for planning purposes only and are subject to change.

ADJOURNMENT

At 8:08pm, DeVore Leonard MOVED TO ADJOURN. Housh SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Signed: _____
Kevin Stokes, Council President

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