

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

In Council Chambers @ 6:00 P.M.

Monday, April 15, 2019

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 Kineta Sanford. Also present were Village Manager Patti Bates, Public Works Director Johnnie Burns and Planning and Zoning Administrator Denise Swinger.

EXECUTIVE SESSION

At 6:02pm, Kreeger MOVED and Sanford SECONDED a MOTION TO ENTER EXECUTIVE SASSION for the Purpose of Discussion of the Hiring of a Public Official. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

At 6:56pm, MacQueen MOVED and Stokes SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 on a VOICE VOTE.

SWEARINGS-IN

Sue Pfeiffer was sworn in by President Housh as a full member of the Environmental Commission.

ANNOUNCEMENTS

Marty Heide representing Congressman Mike Turner's Office provided information on the new driver's license requirements and on passport Services.

The Mayor noted recent proclamations and noted having addressed a negative image of mayor's courts in Ohio with the Ohio ACLU and having receive positive attention for this in a revised report from the Ohio ACLU.

Kreeger highlighted Earth Week activities to be held at Antioch College the week of April 21-27.

Housh noted a fundraiser for the 911 Stair Climb tomorrow.

Housh noted the opening of Brittany Baum's business Greene Canteen this weekend, and noted that local entrepreneur Mark Heisse will be opening a store in town on June 3rd.

Village Manager Search Status Update. Housh commented that he had heard numerous comments regarding the inclusiveness of the process during this search. He noted the diversity of the applicant pool, and the comments that "four excellent candidates were brought to the Village".

Housh stated that at the May 6th meeting, Council will discuss their candidate choice publically.

MacQueen reviewed the process for those present, noting that staff, citizens and Council worked together to make the process effective and thorough. MacQueen reviewed the candidate schedule and the numerous opportunities for input from a number of groups of people.

Housh thanked all who participated and all of the hosts who helped the village in the process.

Megan Bachman, Yellow Springs News, asked whether Council is still taking comments.

MacQueen stated that "the solicitor will be reaching out to a candidate or candidates" this next week.

Bates thanked staff for excellent response during the high wind event.

CONSENT AGENDA

1. Minutes of March 18, 2019 Regular Session
2. Minutes of April 11, 2019 Executive Session

MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE. The MOTION PASSED ON A 5-0 VOICE VOTE.

REVIEW OF AGENDA

The Clerk added a resolution designating her as the designee to receive Public Records training.

Tecumseh Land Trust's request for a donation was added to New Business.

Nominations were added to New Business.

PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Tecumseh Land Trust Request for Harvest Auction
Kat Walter re: Repair Cafe

PUBLIC HEARINGS/LEGISLATION

Swinger noted that all of the zoning code legislation adds the electric utility to the code.

Second Reading and Public Hearing of Ordinance 2019-07 Repealing Section 1226.01 "Definitions" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.01 "Definitions". MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, 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 2019-08 Repealing Section 1226.03 "Contents of Preliminary Plats" of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Section 1226.03 "Contents of Preliminary Plats". Sanford MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, 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 2019-09 Repealing Section 1226.04 "Submission of and Action on Final Plats" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.04 "Submission of and Action on Final Plats". MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, 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 2019-10 Repealing Section 1226.06 "Design Standards" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.06 "Design Standards". Kreeger MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, 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 2019-11 Repealing Section 1226.08 "Construction of Public Improvements" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.08 "Construction of Public Improvements". MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, 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 2019-12 Repealing Section 1226.09 "Bond for Improvements and Maintenance" of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.09 "Bond for Improvements and Maintenance". Sanford MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, 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 2019-13 Repealing Section 1226.11 “Minor Subdivisions” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1226.11 “Minor Subdivisions”. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE.

The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

First Reading of Ordinance 2019-14 Approving 2019 First Quarter Supplemental Appropriations and Declaring an Emergency Village of Yellow Springs, Ohio. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Harris explained that the supplemental is approving the funds needed to purchase replacement equipment for Channel 5, whose Tricaster broadcasting system has failed after 15 years.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE.

The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2019-15 Approving an Agreement Between the Village of Yellow Springs and the Greene County, Ohio Engineer for a Cooperative Paving Program. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Burns noted the Village streets designated for paving work.

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

Reading of Resolution 2019-16 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 Sections 109.43(B) and 149.43(E) (1). MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

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

SPECIAL REPORTS

Village Policing Assessment Update with Bob Wasserman. Bob Wasserman introduced himself, noting his ties to the village and his interest and understanding therefore, in assessment.

Wasserman laid out a three-step process which involves the engagement of citizens as well as staff and members of the Police Department.

Wasserman noted that a draft report will go out to the public and to staff about the end of May, and that he would revise the draft based upon input.

Housh asked Wasserman how he would assure a broad-based involvement.

Wasserman acknowledged that he has not yet created the format for the forums.

Quarterly Financials. Harris presented the quarterly financials, recapping the highlights and noting that the Village is on track and in balance at present.

MacQueen asked about legal expenses, noting these as high.

Bates noted that the retainer comes out of the Village Manager’s budget, while all over-retainer costs come out of Council’s. She reminded Council that the solicitor has been engaged with an ongoing employee dispute.

Harris noted that more donations are needed to continue the Utility Round Up program.

Housh asked whether more of the Village’s unencumbered funds can be invested in Star Ohio.

Harris agreed to look into this further.

Housh asked whether the return on investments can be tracked into regular reports.

Kreeger asked Harris to continue to follow up with the Auditor to get the go-ahead to use the YS Credit Union for the Revolving Loan Fund. She noted that working with the Credit Union is one of a very few ways to get the fund operational.

Harris will follow up.

Housh stressed that there will be a certificate of deposit which will serve as the guarantee and which will remain untouched while the Credit Union handles all of the transactions.

Kreeger MOVED TO APPROVE THE 2019 FIRST QUARTER FINANCIALS. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Bates asked for volunteers for a door-to-door informational campaign regarding the Utility Round Up program set for early May.

CITIZEN CONCERNS

There were no Citizen Concerns.

OLD BUSINESS

Comprehensive Land Use Plan RFP. Swinger noted that she has updated the draft according to requests made at the last meeting. She commented that the urban service boundary has not changed since the last CLUP.

Council advised Swinger to proceed and to have Planning Commission review submissions.

Vectren Energy Upgrades. Burns thanked his crew and DP&L for work in getting electricity back on after the apparent straight-line winds wreaked havoc last Friday.

Hjkl;’

Burns stated that Vectren will be replacing 4.1 miles of gas line in the village in the next several months and will be moving all gas meters outside. All steel line is being replaced. The entire village will then be upgraded with the exception of Cemetery Street. Burns stated that he is working to get Vectren to include Cemetery Street in the work.

Burns noted that the project was announced with very little time for him to respond, and he is asking business owners to attend an informational/input meeting with Vectren and Miller Pipeline set for Tuesday so that their plan can be changed as needed to least inconvenience downtown businesses.

Burns stated that he has asked Vectren and Miller to bring in new crew in response to complaints made last year about the crews’ comments made towards some villagers. Both have been responsive to this request.

Burns noted that there will be directional boring wherever possible, but that the limestone may make that impossible in some areas.

Burns detailed the areas slated for the replacement work.

Burns noted that “there is not a business in town that will not be affected” but stated that Vectren is aware of the need for a rapid change-over and is prepared to do so.

Karen Wintrow asked about the possibility of additional work required once the line reaches the home or business.

Burns responded that this is unlikely, given that he has not hear of such an issue occurring previously.

When asked how flexible Vectren is likely to be in responding to the needs of downtown business owners, Burns reiterated that concerned individuals should attend the meeting to provide input, but noted that night work is a possibility, as is delaying the project for downtown.

In response to a question from Dino Pallotta, Burns opined that the repairs are awarded for 2019 and budgeted for that time frame. He commented also that patching and restoration are less possible during the winter months.

Dino Pallotta asked whether Council would be agreeable to facilitating night work with regard to permitting the after-hours noise, etc.

Housh responded that Council will be as responsive as possible to business owners and to the Public Works Director in this matter.

Managers Housing Advisory Board Update. MacQueen stated that she has been in discussion with John Davis of Burlington and Associates, who helped found the Burlington Community Land Trust (now the Champlain County CLT). John had come to Yellow Springs some years back to work with Home, Inc. and made a presentation to Village Council at that time. MacQueen related that Davis suggested that the Village develop different agreements for different situations as follows:

Kreeger interrupted the presentation to ask whether it might be necessary for councilperson Sanford to recuse herself.

Bates stated that the solicitor had weighed in on the topic, that if the discussion were in generalities, Sanford could remain at the table, but that if the discussion were specific to any action with Home, Inc., that Sanford should recuse.

Brief discussion ensued, with Sanford recusing herself and leaving Council Chambers.

Karen Wintrow, past Council President, stated that she had always left the room when she recused, to avoid any perception of influence on either Council or community members.

Sanford recused herself, and left Chambers.

- Glass Farm Development: For the Glass Farm development Davis suggested that the Village start with a MOU between the Village and Home, Inc. that would outline the ways Home, Inc. would participate in planning the Glass Farm development and include the intention to create a written development agreement at the point where there is greater clarity about the Glass Farm development.

MacQueen stated that “we would want to involve Home, Inc. as a local developer and to assure local representation.” The MOU would indicate “how we want to interact with Home, Inc. and how affordable housing would be developed at the Glass Farm to assure permanently affordable housing.”

The MOU, MacQueen stated, would lead to the development agreement with Home, Inc.

MacQueen then discussed Inclusionary Zoning as follows, based upon her reading and discussion with Davis: In cases where the Village negotiates Inclusionary Zoning agreements with private developers, Davis suggested that a separate development agreement be made between the for-profit developer, the Village and Home, Inc. for the CLT housing on private land. This would involve the Village creating separate agreements for each project on a case by case basis.

MacQueen stated that “Susan Stiles has been researching this matter, and suggests that 15% is a good number of affordable units to require.”

MacQueen noted that a separate development agreement with Home, Inc. would be required for each development.

MacQueen then noted “rehab and repair projects” as follows: She stated that Home, Inc. is developing the capacity to manage such projects and has sought funding. MacQueen stated that Davis suggested that the Village could sign an agreement with Home, Inc. to support this work through its Affordable Housing Fund and other nonmonetary forms of assistance.

MacQueen recapped that she was suggesting four agreements with Home, Inc.: the MOU; the development agreement; IZ agreements, and home repair agreements.

Housh stated his understanding that these agreements could be made with other developers.

Kreeger iterated that this caveat was critical to her, that the agreements not be exclusive to Home, Inc. She expressed concern that all of these agreements would go to one entity. “We are trying to scale broadly to affordable housing in Yellow Springs,” she stated, “and if other developers wanted to

band together to provide this service, especially a local group,” that they should not be excluded from such an arrangement.

MacQueen responded that affordable housing “is very difficult” and that Home, Inc. only survives due to donations. AH organizations are “place-based”, she stated, and operate on a collaborative, not a competitive model.

Stokes commented that he is on board with obtaining the MOU’s with Home, Inc.(HI).

MacQueen stated that “they” are having a meeting on April 30 to talk to developers.

Housh stated that he did not read the request as exclusivity, but read it as working with the organization tasked with affordable housing. He noted that the discussion has been about how to formalize a relationship with HI.

Kreeger responded that she did read the request for an MOU regarding rehab and repair as being exclusive to HI, and that she believed the door should be open to other potential providers.

MacQueen stated that she would like to move forward with the MOU with Home, Inc.

Housh stated that the discussion should continue, and asked that a draft MOU be brought. He stated that he wanted to continue to work to formalize the relationship.

MacQueen expressed dismay that Council would question any formal relationship between the Village and HI.

Kreeger responded that there are citizens who want to know more about the issue, and part of the responsibility of Council is to bring that discourse to the table for public consumption. The community wants to hear this dialogue, she said.

MacQueen stated that there is rental housing and home ownership. She described permanently affordable housing and sustainability. Land trusts partner with for-profit organizations, she stated.

MacQueen commented that “there is something going on, and I can’t figure out what it is. Something about Home, Inc.

Decorum Discussion Proposal. MacQueen stated that she and Kreeger had met with Bates regarding Council decorum, and that her own take away was that the “no clapping” rule was “a knee-jerk reaction.”

MacQueen commented that the “clapping thing” comes from wanting to have a sense of power. She suggested revisiting the matter with citizens and then posting the rules. She referenced rude comments made on facebook or in the YS News, and asked how this ethic could be addressed.

Kreeger commented that she would like to have a conversation with the people who have expressed concern about the rule, since the response had come as a surprise to her. She noted that it would be good to involve Mediation and HRC.

Housh responded, stating that creating a no-clapping rule has been in his mind since he joined Council. He noted that former President Wintrow agreed with the rule as well. Housh commented that the no-clapping rule simply fleshes out the meaning of Robert’s Rules of Order. It clarifies that this is a different type of forum, where not everything goes. Housh noted the bigger picture of how we all communicate. Nothing has ever been said or done to discourage or shut down public participation, he said. I got the sense from a majority of citizens that there was no objection to the rule.

Housh commented that disgusting comments or personal attacks should not be permitted, and that a discussion regarding decorum would be in order.

MacQueen stated that she is busy and had no plans to move the matter forward

NEW BUSINESS

Tecumseh Land Trust (TLT) Harvest Auction Request. MacQueen MOVED TO APPROVE \$250.00 TO TLT AS A DONATION. Housh SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Nominations. Kreeger NOMINATED Emily Seibel for another term on ESC. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Housh NOMINATED Dino Pallotta, Anthony Salmonson and Scott Osterholm as FULL MEMBERS OF THE BZA. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

MANAGER’S REPORT

Bates noted the following:

The Utility Roundup Program is accepting applications for assistance. There were 5 applications in March. Three were approved for the maximum of \$200 assistance, while the other two were approved for a lesser amount necessary to keep service.

Spring Clean Up week was noted.

Vectren Energy will be working on four separate projects in the Village for approximately 9 months, beginning in mid-April. Johnnie Burns will report out on this at the April 15th meeting.

CLERK’S REPORT

There was no Clerk Report.

BOARD AND COMMISSION REPORTS

There were no Board or Commission reports.

FUTURE AGENDA ITEMS

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| May 6: | Village Manager Announcement and Transition Plan |
| | List of Questions for EDRLF |
| | Pride Support Request |
| | Draft MOU with Home, Inc. |
| | Utility Round Up Update |
| | Resolution Approving a New Village Manager |
| June 3: | AMP Portfolio Proposal |

ADJOURNMENT

At 9:29pm, Stokes MOVED and Kreeger SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Please note: These notes are not verbatim. A DVD copy of the meeting is available for viewing in the Clerk of Council’s office between 9am and 3pm Monday through Friday or any time via youtube link from the Village website:

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council