

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

Virtual Meeting @ 7:00 P.M.

Monday, September 21, 2020

CALL TO ORDER

President of Council Brian Housh called the virtual meeting to order at 7:00pm.

ROLL CALL

Present via Zoom were President Housh and Council members Marianne MacQueen, Lisa Kreeger, Laura Curliss and Kevin Stokes. Also present via Zoom were Village Manager Josue Salmeron, Public Works Director Johnnie Burns, Zoning Administrator Denise Swinger, Chief Carlson, COS Florence Randolph, Sergeant Naomi Watson and Solicitor Breanne Parcels.

ANNOUNCEMENTS

MacQueen announced the International Day of Peace, which is a national effort to have 24 hours of no conflict.

Randolph announced that the Miami Township Trustees had voted to allocate \$20,000.00 to be used for both Village and township residents to assist in paying rent and utility bills.

Melissa Howell, Greene County Combined Health Commissioner, made a case for support of their upcoming levy renewal, and included an overview of the use of those funds.

MacQueen acknowledged the enormity of the loss of Justice Ruth Bader Ginsberg.

Housh announced that Council will hold an in-person work session on September 22nd in the Bryan Center Gym.

CONSENT AGENDA (7:10)

1. Minutes of September 8, 2020 Regular Session

Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file the following:

Joseph Amend re: Proposed Annexation
GCCHD re: Surge in Greene County COVID Cases; FASD Awareness Month; Suicide Prevention Month
Mayor's Monthly Report to Council (2 documents)
Henry Myers re: Taxation Question
Connie Richeson re: Proposed Annexation
Marcia Wallgren re: Parking Concerns
Karen Wintrow re: Support of CLUP
Karen Wintrow re: Support for Annexation Services Resolution
Berch and Susan Carpenter re: Proposed Annexation
Amy Wamsley re: Proposed Annexation
Emily Seibel re: Support of CLUP
Selwa Whitesell re: Proposed Annexation
Mary Alice Wilson re: Mask Ordinance Enforcement

MacQueen reviewed the communications received.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2020-17 Amending the Zoning Code Map. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Swinger explained that Max Crome, representing Iron Table Holdings, had made the request for a building in which his client wishes to have an office as well as three apartments. This is permitted in R-C, but is not permitted in B-1. In reviewing the request, Swinger noted that there are two other structures on that block that could be rezoned to create a more uniform zoning for the entire block.

Planning Commission did recommend the zoning change to Council at their meeting on August 11th, Swinger noted.

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

Emergency Reading of Ordinance 2020-20 Approving the Editing and Inclusion of Certain Ordinances and Resolutions as Parts of the Various Component Codes of the Codified Ordinances; Approving, Adopting and Enacting New Matter in the Updated and Revised Codified Ordinances; Repealing Ordinances and Resolutions in Conflict Therewith; Publishing the Enactment of New Matter; and Declaring an Emergency. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

The Clerk explained that this is a housekeeping measure which acknowledges the changes being made to the Village's codified ordinances, which include both ordinances passed by Council and any required updates to the codified ordinances per Ohio Revised Code.

The legislation is always read as an emergency, since the codification is already underway.

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

Emergency Reading of Ordinance 2020-22 Approving Third Quarter Supplemental Appropriations and Declaring an Emergency. MacQueen MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron explained the appropriations noting that one of the appropriations was a payout for a departing employee in the amount of about \$20,000.00, and the others were for professional services expenses.

Salmeron noted grants coming in, which are reflected in the legislation, as well as costs relates to the Gaunt Park Pool, which will be covered by CARES Act grant funds.

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

Reading of Resolution 2020-37 Adopting a Resolution of Services to be Provided for Proposed Annexation of Approximately 33 Acres North of East Hyde Road and West of Spillan Road. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron presented a powerpoint response to questions asked about the proposed development and about the annexation services.

He stressed that services are readily provided to this potential development, noting that the water plant has sufficient capacity, and that the sewer is readily accessible and does not need to pass through a lift station from this location. Finally, Salmeron said, electric capacity is available and the proposed demand is manageable. He noted that the utilities would benefit from an increased customer base.

Salmeron presented charts on projected income tax from construction of the project and property tax and income tax projections over a 10-year period from the proposed completed project both as annexed and as un-annexed.

Parcels addressed a question from Housh regarding the possibility of moving into City status due to growth, stating that with regard to annexation, if the property is within your borders, you control the growth.

Salmeron stated several times that the annexation must be heard on its own merit.

Terri Holden, Superintendent of Schools, spoke to the necessity of increasing village diversity. "Schools need families, and families need housing," she stated. She stated that a starting point of \$250,000.00 is not readily affordable, but that any housing is needed.

MacQueen commented that the population growth up to 5,000 will be slow and should not be a major concern. She asked Salmeron to go through a timeline for the proposed project in terms of all of the legislation and hearings needed.

Salmeron went through the timeline, noting that the Miami Township Trustees had passed the Annexation Agreement earlier in the day.

MacQueen asked Salmeron whether Council could meet with the developer at some point in October.

Curliss objected to language in the Annexation Agreement calling for mediation in the event of conflict.

Parcels responded that Greene County requires mediation.

Curliss disagreed that this is a requirement.

Curliss then commented upon recreational spaces and on potential needed improvements to Spillan Road.

Burns responded that the Village has not yet seen plans.

Parcels commented that these would be addressed with the development agreement.

Kreeger described difficulty in separating the Annexation Agreement from the development, and received confirmation that the Village will be required to provide utilities to a certain portion of the development regardless of annexation as the result of a past lawsuit. She inquired as to whether, if annexed, the Village would then be entitled to all of the resulting tax revenue.

Salmeron responded in the affirmative.

Swinger responded to an additional question from Kreeger, stating that if the Township property is not annexed, the lots will be 10,000 square foot lots.

Swinger responded to a follow up question, stating that if not annexed, there will be approximately 25 fewer homes in the development. She stated that the Village has to provide water and sewer but would not provide electric if the property is not annexed.

Kreeger acknowledged Terri Holden's comments, and stated that it will be important to her as a Council liaison to the Planning Commission to see a plan that accommodates a range of income levels in order to approve of the plan. She noted that it will also need to meet zoning requirements with regard to green space, etc.

Stokes received clarification that Village zoning accommodates medium density, while the township does not.

Swinger explained that the property would come in as R-A, but that the developer would likely then request a PUD zoning through the Planning Commission.

Stokes noted that he is generally in favor of taking advantage of this opportunity to increase available housing, and that he lives very near that area.

Steven Conn, School Board President, stated that the schools needs two things to make what the schools do less expensive for all, and those things are to increase the student body and to increase the tax base, which this proposed development would do.

The Clerk read a comment from Shirlisa Scott not in favor of the development, asserting that the housing proposed is unaffordable.

George Oberer, Developer, commented that the existing zoning, with or without annexation, is wholly acceptable to him. He noted that 33 acres are in the Township, and about 22 are in the village, and that the Village is required to provide water and sewer to all of the property and electric to 22 of those acres as they currently stand. He noted that annexation would allow for the greater density, which would allow him to develop as many as 130 rather than 115 homes, thus increasing affordability.

Oberer commented upon the cost of building materials.

Greg Smith spoke to the good reputation of the developer and noted their readiness to work with the Village team.

Megan Bachman, Yellow Springs News, asked what the down side of the proposed annexation would be, such as cost to provide utilities and upkeep of the utilities and roads. She asked “on what grounds could the Village decide to not annex?”

Salmeron responded that the costs associated with providing services is relatively minimal since taps run to the site. Any additional cost would be passed to the developer as an Aid to Construction, he stated. He noted that there is “more upside than any downside,” with costs covered either by the developer or made up in increased revenue from utilities.

Parcels explained that the Annexation Agreement is an acknowledgement between the Township and the Village as to which entity is to provide what municipal services. What transpires after that point is the negotiation between the Village and the developer regarding aspects of the development through the Development Agreement. She reiterated that regardless of annexation, the Village is required to provide water and sewer to the entire property.

Bachman asked, “does the Village have the right to say ‘no’ to annexation?”

Housh responded that yes, Council has the right to say no to annexation, but it does not have the right to say no to development. He stressed that the collaboration to make the development as good a fit as possible to the village is lost if the village does not annex.

Jillian Ewalt stated her objection to the development on the grounds that open spaces are disappearing and that quality of life will be lost.

Mark Ewalt spoke against the proposed development noting the potential for increased traffic.

In response to a question from Housh, Swinger noted that Oberer is aware of the Village’s plan for walk/bike-ability and is on board with this aspect of development.

Oberer stated that he would plan to put sidewalks on the side of Spillan Road that they own.

Stokes received information that costs could drop if lumber and supply costs come down.

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

Reading of Resolution 2020-40 Authorizing the Village Manager to Submit an EPA Grant Application. Stokes MOVED and Curliss SECONDED a MOTION TO APPROVE.

Salmeron presented on the opportunity provided through the grant to upgrade the Village’s vehicle charging stations and to consider additional charging sites.

Curliss suggested that the Corry Street lot might not be a great location for a charger.

Salmeron noted that the listing in the packet is the priority listing for locations.

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

Reading of Resolution 2020-41 Authorizing the Village Manager to Submit an OPWC Grant Application. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron informed Council that the Village needs to replace a laid up limestone line which has needed rerouting for the last 50 years. He stated that he has provided documentation of the need to replace the line stemming back 50 years, and has opted for a particular request for funding based upon knowledge of the scoring sheet. The option requested from Council is option “G”.

Option “G” would cover all but 16% of the overall project, requiring a match from the Village of \$81,631.52.

Salmeron described the immediate need for this repair.

Burns described the line as having been installed in the late 1800’s.

Kreeger stated the need to enact the repair as soon as possible. She received information that if the Village does not receive the grant, it can always take out a loan and apply for further funding opportunities.

Council discussed the options briefly before agreeing to the recommended options.

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

Reading of Resolution 2020-42 Implementing Provision of Recycling Services by Apartment Complex Owners. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron explained that the recommendation had come from Environmental Commission through MacQueen. He stated that the Village has the authority to make this requirement based on its current solid waste ordinance.

MacQueen spoke to the importance of the resolution, particularly given the difficulty of affecting recycling otherwise.

Bachman asked how the resolution will be enforced.

Salmeron stated that he will work with the Solicitor to assure compliance and that he will work to eliminate any barriers to compliance.

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

CITIZEN CONCERNS

Ursa Northstar attempted to call in and was unsuccessful.

Bachman asked whether Council is looking at in-person meetings again, and wondered why Council was not live-streaming their session scheduled for September 22.

The Clerk noted that Council Work Sessions and Retreats are never live-broadcast, and that a recent live BZA meeting in the gym had not gone well from a clear communication standpoint.

Housh commented that Council will “see how tomorrow goes”.

SPECIAL REPORTS

Comprehensive Land Use Presentation: Aaron Sorrell presented the CLUP, spending the bulk of the time on the Future Land Use Map.

MacQueen commented on the importance of the Urban Service Boundary. She asked whether it would be easy to link relevant plans (such as the Climate Action Plan) to the existing CLUP.

Sorrell stated that this could be readily done.

Upon request, Sorrell explained further about attempts to address the downtown parking issues. He commented that these seemed to be problematic primarily on weekends. He noted that he was tasked with providing more on-street options and working with available parking options rather than creating new parking lots.

Sorrell stated that the improvements are meant to be phased in as needed, noting that these were exercises to see how much on-street parking was available without creating new lots.

Bachman asked how the plan will be used, asking if it takes the place of a plan.

Swinger stated that the CLUP is one of several documents taken into account when any new application for a use (such as a Conditionals Use) is submitted. All zoning processes and hearings will still be followed.

Housh stated that he had, in watching the PC meeting “heard this narrative that if it’s in a plan it’s going to happen,” which is not necessarily the case. He stressed the importance of having all of the work that has been done located in one place, and asked that there be an ongoing process for comment on the CLUP.

Housh noted that there is a significant difference between a developed plan “like bumping out curbs on Route 68” vs “some ideas around density”.

Salmeron suggested to Council that Village assets located outside of the village be annexed in, noting the wellfield capture area, Sutton Farm, etc.

Salmeron asked that Council make a motion to include annexable Village assets in the CLUP.

Sorrell stated that he will make any updates for bringing the CLUP back in the form of legislation.

Curliss asked again that the Glass Farm not be designated as high density, reiterating her

argument that the hydric soils will not support this, and that the area is environmentally sensitive. She asked also that the concept plan for the Glass Farm not be included in the body of the CLUP, but be added as an appendix, on the basis that the CLUP should be general in nature. She asked that the parking plans be voted upon separately at the next meeting.

Sorrell asked for “as much direction as possible as soon as possible,” but stated that he could proceed as Council wishes.

Housh opined that the suggestions made by Curliss will not change content necessarily, and could be voted upon at the next meeting.

Arts and Culture Commission Report on Public Art Projects (mural and banners).

Kreeger informed all that the ACC is working on the “People’s Banner Project”, a proposal coming from Migiwa Orimo. In the proposal, Orimo would hold a workshop to teach people how to make the banners, they would be made, and then installed on a building in town.

Kreeger stated that she cannot yet disclose the proposed location, which is private property, but did want Council to know about the project. ACC has funds in their budget to support this proposal, she said.

OLD BUSINESS

Update on Meaningful Action re: Anti-Racism and Justice. Housh noted work towards the Community Sit-Downs, and introduced Angela Allen.

Allen outlined this as a vision for communication between YSPD officers and community members to better communication.

She stated that she wanted to introduce the idea that the (as yet not formed) Citizen Review Board would implement the evaluations of officers in the future. She stated that she would be looking for feedback in the Sit Down as to what they would like to see the officers evaluated upon.

Chief Carlson expressed support for face-to-face meetings, stating his expectation of officers that they know “who lives here” and to build trust.

Kreeger reiterated her commitment to the work, and specifically to creating a Citizen Review Board. She noted challenges to this effort, but stated her belief that this would be possible to do in the village. Kreeger stated that she is beginning to collect encounter data, and is working with the Village Manager on this effort. She sees these actions as complimentary to the Sit Downs.

Housh asked for support from Council for the Community Sit Down effort, and all indicated their support.

Housh noted two other initiatives, one being a training around preparedness in the case of escalation which is intended as a community training and the second as an implicit bias training. The Chief will address the former at the upcoming Town Hall.

Housh noted the second initiative as implicit bias training and handed off to Stokes.

Stokes went over commitments to implicit-bias training which will be made available through the Village’s Public Entities Pool.

Housh noted that Stokes will also be working on outcomes and participation levels, stating that the trainings are meant for all Village team members.

CARES Act Funds Update. Salmeron stated that YS Schools will be contributing \$21,800.00 from a grant towards the downtown broadband effort. Salmeron noted that the project is now a wired initiative rather than wireless, and will extend farther than initially planned. He is planning a presentation to the County in hopes of a contribution from that group as well.

The Corry Street apartments and the wastewater Treatment facility will be included in the project.

The Village has also procured an additional 200 gallons of hand-sanitizer.

NEW BUSINESS

There was no New Business.

MANAGER’S REPORT

Salmeron addressed a question from Curliss, stating that there will be a follow up meeting with

Vernay regarding the cleanup process.

BOARD AND COMMISSION REPORTS

MacQueen NOMINATED Catherine Zimmerman for a Full Membership. Curliss SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

FUTURE AGENDA ITEMS*

- Oct. 5:** **Second Reading and Public Hearing of Ordinance 2020-19** Terminating a Conservation Easement for the Purpose of Allowing Tecumseh Land Trust to Engage in a Conservation Easement with the Property Owner
 Ordinance 2020-XX TEN ORDINANCES Approving Subdivision Regulations for the Village Zoning Code Regarding Stormwater Management
 Ordinance 2020-XX Approving Proposed Text Amendments to the Village Zoning Code
 First Reading of Ordinance 2020-XX Adoption of 2020 Comprehensive Land Use Plan
 Stormwater Study
 Electric Grid Study
- Oct. 19:** **Second Reading and Public Hearing of Ordinance 2020-XX** Adoption of 2020 Comprehensive Land Use Plan

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

ADJOURNMENT

At 10:05pm, MacQueen MOVED and Curliss SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 on a voice vote.

Brian Housh, Council President

Passed:

Attest: Judy Kintner, Clerk of Council