

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

**In Council Chambers @ 6:30 P.M.**

**Monday, March 4, 2019**

**CALL TO ORDER**

President of Council Brian Housh called the meeting to order at 6:01pm.

**ROLL CALL**

Present were President Housh, Vice President Marianne MacQueen and Council members Kevin Stokes and Lisa Kreeger and Kineta Sanford. Also present were Village Manager Patti Bates and Solicitor Chris Conard.

**EXECUTIVE SESSION**

Kreeger MOVED and Sanford SECONDED a MOTION TO ENTER EXECUTIVE SESSION for Discussion of the Potential Litigation. The MOTION PASSED 5-0 ON A ROLL CALL VOTE. The Solicitor was present.

At 7:01pm, Stokes MOVED and Kreeger SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

**ANNOUNCEMENTS**

Kreeger noted that Kevin Lydy's tenth grade history class's research on women who were either born in, or resided in the Village and who became influential have been memorialized on banners which will be hung around town this coming week.

Housh noted the upcoming productions of the Sound of Music High School play both this and next weekend.

**CONSENT AGENDA**

1. Minutes of February 18, 2019 Regular Meeting
2. Minutes of February 25, 2019 Special Council Meeting: Executive Session

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

**REVIEW OF AGENDA**

Special Reports was moved before Citizen Concerns.

**PETITIONS/COMMUNICATIONS**

MacQueen reviewed communications received as follows:

Village Manager re: OML Letter Regarding Gas Tax Increase  
Denise Swinger re: Gas Tax Revenue  
ODOT re: Gas tax  
Denise A. N. Duvernay re: Millworks PUD  
Lisa Wolters and Nate Cornett re: Millworks PUD  
Ellen and Rod Hoover re: Millworks PUD  
Gregory De Bie re: Millworks PUD  
Mayor Conine re: Proclamation Report  
Brian Housh re: Preparing for the 2020 Census  
Marianne MacQueen re: Proposal for TGL Community Conversation

Both Housh and Bates addressed the proposed gas tax, noting its potential for increasing Village revenue.

**PUBLIC HEARINGS/LEGISLATION**

**Second Reading and Public Hearing of Ordinance 2019-04:** Repealing Section 452.13 "Limited Parking Areas" of the Codified Ordinances of the Village of Yellow Springs and Replacing it with a New Section 452.13 "Limited Parking Areas". MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Bates noted that currently the area is posted as a four hour maximum, but that there is no statute governing it. This ordinance allows a citation to be written to those who exceed the maximum time limit for the charging station.

Housh noted the intent of the chargers is to encourage those driving electric vehicles to visit the Village, and that the cost to the Village is minimal.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

**Second Reading and Public Hearing of Ordinance 2019-05:** Repealing and Replacing Chapter 238.04 Section B (1) “Investment Officers” of Chapter 238 Treasurer of Title Six “Administration” of the Codified Ordinances of the Village of Yellow Springs, Ohio. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Bates noted that the revisions are primarily to add Council members to the Investment Committee, and to assure that the committee participates in decisions about investment of funds

Kreeger stressed that Council should be engaged in investments, noting that liquidity can be maintained while investments are made.

Housh commented that investment income for 2018 had been increased significantly through this method.

Housh OPENED THE PUBLIC HEARING. There being no comment from those present, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

**Reading of Resolution 2019-07:** Approving Council’s 2019 Village Goals. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a voice vote.

### **SPECIAL REPORTS**

Progressing Toward a Culture of Health: Sharon Sherlock/Cindy Sieck. Kreeger introduced the talk by explaining the collaborative process engaged in to submit for a grant from the Robert Wood Foundation.

Dr. Sieck presented a powerpoint on the Culture of Health grant process. She stressed the intersection of health and social justice, and noted several areas in which the Village as a whole is addressing health issues, and areas in which there is significant collaboration among organizations.

Dr. Sieck noted that the Village was not selected for the final round, but that the work will continue.

In response to a question from Housh, Sieck commented that those entities selected for the final round had “a cohesive body” which was driving the community health efforts. She noted that she sees this developing in the Village, and foresees a stronger application in the future.

Housh noted that it is important to have a clear measure of metrics.

Dr. Sherlock presented a powerpoint regarding the Reach Out Clinics in this area, and the services available in Yellow Springs specifically. She noted that the clinic not only provides direct services, but will assist in connecting patients with other providers as needed.

Dr. Sherlock noted that she has students willing to engage in gathering information from Village residents in order to develop a community health assessment to assure responsiveness on the part of the clinic.

Kreeger commented that Council will be able to more fully engage in the process in about a month, and suggested that some of the behind the scenes activities begin immediately, given that the process will take about three months.

### **CITIZEN CONCERNS**

There were no Citizen Concerns.

### **OLD BUSINESS**

**Proposal for Police Department Assessment.** MacQueen announced that Robert Wasserman will be in the area this Friday, and asked that he meet with Village staff as well as Council members. The Clerk will arrange a schedule to include all parties as well as several citizens.

**Discussion of Proposed SBA Cell Tower Buyout.** Bates stated that she had contacted the representative at SBA to determine their best offer. She stated that she had done this, and that the offer had been increased to \$305,000.00, which represents their best offer.

MacQueen noted that the alternative to the buyout is a 99-year renewable lease with a five-year escalator.

Housh asked whether the Finance Director had provided a time-value comparison.

This was not available.

Stokes asked whether a counter offer had been made for something in the neighborhood of 4-500,000.00. He reiterated that he does not trust that this is SBA best offer.

Bates noted that there are no providers currently on the tower.

Stokes suggested that the number of users on the tower is not necessarily relevant to its value.

The matter was discussed, with the result that Housh MOVED to counter the current offer with an offer of \$350,000.00. MacQueen SECONDED, and the MOTION PASSED 5-0 on a voice vote.

Housh stated that he agreed with staff opinion that there are current projects for which a lump sum payment would be useful, but he expressed hope that a larger sum could be attained.

**Manager's Housing Advisory Board Report.** MacQueen reported that the HAB has been looking closely at the Glass Farm, as well as other land tracts and how to develop a housing concept design, and what kind of mix of homes would be represented.

MacQueen noted that the HAB members will be reaching out to find communities who may be engaged in similar efforts.

MacQueen stated that the group had discussed housing the Affordable Housing Fund in the proposed DCIC.

Kreeger added that the DCIC could also hold the property itself.

Karen Wintrow remembered that there is a place in the process for Planning Commission. She referenced Ken LeBlanc's Glass Farm proposal as another useful way to look at the Glass Farm.

Housh received confirmation that there is no need for further soil testing in the area.

MacQueen stated that there is not enough information to proceed with a housing plan.

Housh opined that another way to proceed would be to make a statement as to what Council would like to see on that property. He stated that he would like to make a strong statement regarding affordable housing on the Glass Farm.

MacQueen commented that "most of the new affordable housing will be located at the Glass Farm" in the coming years.

Housh suggested that 80% of the housing on the Glass Farm be deemed affordable.

MacQueen responded to the Clerk, stating that Council propose to Planning Commission and the MHAB that "half or substantially more of the housing on the Glass Farm be deemed affordable".

Housh commented that the matter needs to go to the MHAB and then return to Council for further discussion.

Kreeger noted that there is an unknown factor in that there is more information to be gleaned regarding the soils and what can be built. She also commented upon the overall economic viability of such a large number of affordable homes.

Housh cautioned that the MHAB should stay aware of other housing developments in the Village.

MacQueen noted that the question has been raised in MHAB regarding Home, Inc.'s role as a "housing partner". Is there a conflict of interest given Home, Inc's role with regard to an advisory capacity as well as being a developer.

MacQueen stated that she did not know what the conflicts would be.

Bates clarified that because Home, Inc. is now developing rental properties, these are for-profit enterprises, and if Home, Inc advises the Village regarding development of these properties and then benefits from them, there could then be a conflict of interest.

Bates suggested this could be mitigated by running this through the DCIC, or by formalizing the partnership with Home, Inc.

Housh stated that the formal relationship with Home, Inc. needs to be developed.

Malte Von Matthiesson commented that Kevin McGruder be included, since Antioch College is working on possible land sales and/or property development.

Michael Jones spoke of the former Antioch College model, and suggested adapting this as a community resource.

Larry Gerthoffer asked what the percentage of rental units in the Village is.

MacQueen responded that it is about 30% of the housing stock.

Richard Lapedes asked how many rental units are being lost to the Air BNB phenomenon.

MacQueen commented that this is not yet at a critical point, but that a discussion is being held on the matter later this month.

Matt Kirk commented on the low quality of the housing stock and suggested improving the existing stock. He also suggested growing the base of local builders he note an alliance which provides this type of training.

**Village Manager Search Update.** Housh noted that there were a total of 62 applicants, now narrowed to 32. The Citizen Committee will assist in the effort moving forward. He noted that phone interviews and reference checks will occur this coming week.

Housh noted that the dates selected for the onsite visits for the finalists are April 2-4.

MacQueen expressed some concern about the rubric, and lack of clarity about arriving at common ground.

Sanford commented that the group activity on Friday should refine the rubric and help the group determine the most critical points moving forward.

Stokes noted that the Logistics sub-group has outlined a schedule for the finalists that looks at April 2-4 as the visit dates.

Housh asked that the April 3 date be held for the public meeting of candidates.

## **NEW BUSINESS**

Consideration of Planning Commission Recommendation re: PUD Rezoning Request. Swinger introduced the topic, reading from a detailed report on the matter, as follows:

Swinger noted that Council had received all materials regarding the PUD for the Millworks property. She noted that the PC went through the Qualifying Conditions, PUD Requirements and Standards. The body passed the Qualifying Conditions, the PUD Requirements, and passed seven of the eight conditions listed in the Standards section.

Swinger noted that subsection (d) failed by a 2-2 split. This subsection refers to the “health, safety and welfare” of the Village. She noted that she could not get a clear response from the Commission members voting against the standard after the fact, but opined that there was some degree of confusion regarding the application of conditions, and whether the vote referred to the PUD as it would be without attached conditions or with the conditions attached.

Swinger noted that PC had raised concerns regarding pedestrian safety. As a result of the questions that were raised in this regard, there was an additional exhibit placed in the packet containing a response from the property owners. Swinger stated that she had queried the Public Works Director on

the matter, and that he was in agreement with the suggestions made by the property owners, and is not further concerned about pedestrian access or safety.

Swinger commented that PC had later voted unanimously on the conditions to be attached to the PUD if approval is given at the Council level.

Swinger went through the conditions sent from Planning Commission, as follows:

(1) Eliminate the condition within the I-1 that the retail area be not greater than 30% of the manufacturing area of the business.

Swinger noted that this is unique to the Village zoning code. She pointed out that this would apply throughout the PUD, and that the YS Brewery is seeking to expand past that limiting factor.

(2) Receive a broader understanding of traffic safety impacts and any potential need for and cost of infrastructure required to resolve these.

Swinger commented that Burns has stated that he does not anticipate and expense to the Village to mitigate safety concerns

(3) Allow for a deviation to the number of parking spaces with the justification that the total number of spaces will be rarely used at the same time due to the varied hours of operation. *The request is for 140 parking spaces and 40 bicycle rack spaces.*

(4) A noise impact analysis, a storm water impact analysis and an agreement regarding the three residential lofts as affordable rentals be provided.

Swinger indicated that the Village will retain an engineer to assess the storm water impact after receiving the final site plan. She noted that the affordable rentals would also need to be agreed upon on paper prior to final site plan approval.

(5) Agreement to provide some type of mitigation screening between Millworks property and that of neighboring properties.

(6) No retail stores. Swinger noted that this is different than retail incidental to the manufacturing of goods on the premises and is important as a condition in order to not take away from the retail shops in the Central Business District.

Swinger indicated that the B-1 designation added to the existing I-1 would permit the artist live/work space as well as the Children's Science Center and the hostel. Swinger then read from the YS Vision document which calls for more artist housing.

Housh commented that he did not understand the "no" vote on one section for the Planning Commission.

The Clerk queried each council member to ascertain that they had read and understood all of the materials provided to them regarding the Millworks PUD, and all responded in the affirmative.

Housh asked for comments from citizens.

Melissa Heston reiterated her previously stated concerns regarding runoff and traffic safety. She stated that she has safety concerns regarding "drunk people", and opined that the area seems to be becoming an entertainment district.

Matt Kirk argued that the zoning should not be changed if it will result in a business—Enviroflight—being displaced. He argued that the "highest and best use" should be avoided as too costly or too mainstream. Finally, Kirk stated his opposition to amending the 30% incidental to retail requirement.

Larry Gerthoffer opined that he drainage issues noted start before Millworks and continue. He stated that "the only way to go is downhill". He argued that this will be costly and that it is too late to wait until the final site plan review to address.

Public Works Director Johnnie Burns addressed the issue, stating that storm water Village-wide is currently being assessed. He stated that there are tiles and storm drains in place in that area, and that a swale could be cut if needed.

Stokes noted that the current zoning is I-1, and that will continue to exist, so there would be no need for EnviroFlight to leave. Stokes addressed the difficulty of his role as a Council person, who is asked to address only the zoning issue, and unable to address a landlord/tenant issue. He stated that he has faith that efforts were made to retain the business.

Kreeger commented that there are significant responses to citizen concerns in the recommendations made. She noted that the development is innovative and requires a leap of faith to embrace, but stated her support of the plan and her belief that the owners have good intentions. Kreeger commented that EnviroFlight did choose to move away, and made that choice prior to the sale of the Millworks property and the subsequent development plan.

Sanford commented that she cannot ignore the concerns raised, and the impact of EnviroFlight leaving. She noted that the company pays a lot in utilities, and this will represent a loss to the Village. Sanford asked whether the net gain of jobs under the proposed plan could be analysed.

MacQueen opined that regardless of what Council decides regarding the PUD, EnviroFlight will be lost. MacQueen noted that she has spoken to a number of stakeholders regarding the matter. She commented that the traffic impacts are in line to be addressed, per the recommendations, and sympathized with the issue of “drunk people” wandering onto private property. The site, however, MacQueen stated, is already zoned I-1. Anyone purchasing a home adjacent to an I-1 site should know the inherent risk in that purchase, and that is not something that Council can remedy. She expressed that she is not concerned with the storm water issue. MacQueen stated that she was concerned at the apparent lack of outreach to existing businesses on the part of the owners at the outset, and has been pleased to see this now occurring.

Housh commented his agreement with a statement made by MacQueen that there is no doubt that EnviroFlight was planning to leave the area. He pointed out that there are back stories to the EnviroFlight and Distillery narratives which are not known, and that it is not the role of Council to “cherry-pick” which jobs should be available. This will be an opportunity to resolve some of the existing storm water issues, Housh said.

Housh commented that the Brewery currently does a good job of handling those who overimbibe, and expressed enthusiasm for the live-work artist spaces, the hostel and the science center.

Housh MOVED TO APPROVE THE RECOMMENDATIONS MADE BY THE PLANNING COMMISSION FOR ALL SECTIONS OF THE PUD CODE EXCEPT SECTION 1254.06 (d). Stokes SECONDED, and the MOTION PASSED 5-0 ON A ROLE CALL VOTE.

Council then reviewed the question posed by Section 1254.06(d).

Sanford stated that she had watched that section of the Planning Commission meeting twice to try to understand the vote, and that “it seemed to key in on the welfare” aspect. She opined that she believes the safety issues are being adequately addressed, and that the issue is the welfare aspect of the development in terms of potential job loss and revenue loss.

Kreeger commented her belief that the vote had to do with safety and noise issues, and that those have been addressed by the owners’ response and by the PC recommendations.

Stokes stated his satisfaction with how the issues have been addressed.

MacQueen commented that change is often difficult, but that she supports the concept as presented.

Housh commented that the addition of an access point should increase safety. He noted that the Village has the busiest section of the bikepath, and that additional signage should be acquired but that this could be funded by the Greene County Parks and Trails.

Melissa Heston reiterated her concern regarding traffic and asked for a traffic impact study. She stated that the overpass on Fairfield Pike creates a bottleneck, and that the bikepath is not meant to be used as a thoroughfare. Heston commented that there are not sidewalks on Fairfield pike.

Richard Lapedes agreed that Walnut Street is problematically congested. He commented that he Fairfield Pike entrance is not very useful, given the congestion on that street due to the overpass. Lapedes asked who would pay for any needed improvements. Lapedes expressed support for the proposed “living wall”.

Michelle Burns commented upon the traffic on Fairfield Pike and the problems she has witnessed with truck traffic and traffic intensity.

Housh responded that while that end of Fairfield Pike is in the Township, the Village could collaborate with them on improving signage.

Michael Jones spoke of the synergy of the project, and the potential to bring people and ideas together dynamically. He opined that the area will continue to be an incubator, but in a different way.

Jon Hudson indicated his support for the project, but agreed that traffic is an issue that needs to be addressed.

Larry Gerthoffer opined that Council members were “cheerleaders” for the project and that only Sanford was looking at the economic impact of the project upon the Village. He opined that the project would cost the Village nearly a million dollars.

Amy Magnus stated that an investment could be considered the investment into “young minds” made possible with the Children’s Science Center.

“Amir” who plans soon to reside in the Village to run his project called Hunger Van, which provides food to those in need. Let’s hand the reins over to the young people, who are making change, he asked. This work will engage young people in doing good, and in addressing hunger issues.

Ted Donnell, project architect, spoke to the traffic issues. He referenced smart growth principles, and the need to reinforce pedestrian traffic over vehicular traffic. Slowing traffic as much as possible is a goal, he stated, and the “bottleneck” and narrow streets should be encouraged rather than eliminated as natural slowing mechanisms.

Donnell responded to a comment from MacQueen, stating that there are many steps to take to create a pedestrian atmosphere.

Housh responded to Gerthoffer’s comments, noting that the Village is now dealing with a high volume of traffic to a busy, vibrant brewery. It is not a lack of concern, he commented, it is that the concerns raised regarding traffic are important, but are issues that can be effectively dealt with. The Walnut traffic is not new, and is throughout the day. The crosswalk idea is a good one.

I have not heard anything in the realm of health, safety or welfare based upon this standard, Housh said, that would allow me to vote against this PUD.

Sanford agreed that narrower streets and more greenery are effective traffic calming tools.

Housh MOVED TO ACCEPT 1254.06(d). MacQueen SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Swinger ran through the conditions again, as follows:

- (1) Eliminate the condition within the I-1 that the retail area be not greater than 30% of the manufacturing area of the business.
- (2) Receive a broader understanding of traffic safety impacts and any potential need for and cost of infrastructure required to resolve these.
- (3) Allow for a deviation to the number of parking spaces with the justification that the total number of spaces will be rarely used at the same time due to the varied hours of operation. Swinger commented that the owner will be supplying 140 paved parking spaces and 40 bicycle rack spaces.
- (4) A noise impact analysis.
- (5) A storm water impact analysis.

Swinger noted that this would be based upon the final site plan which will indicate what portion of the property will be impervious surface. A Village-hired engineer will then assess that plan to assure that there is agreement as to the amount of run off and the degree of mitigation required.

- (6) An agreement regarding the three residential lofts as affordable rentals. This will be included in the final plan and will be reviewed by the Solicitor.
- (7) Agreement to provide some type of mitigation screening between Millworks property and that of neighboring properties.

(8) No retail stores.

Sanford asked that the affordable rentals be per the zoning code (80% of area median income) and deemed “permanently affordable” as long as the space is in fact used for housing.

MacQueen MOVED TO APPROVE THE RECOMMENDATIONS FROM PLANNING COMMISSION WITH THE ADDITIONAL RECOMMENDATIONS AS STATED (above). Kreeger SECONDED and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Housh asked that an ordinance to rezone the area to PUD be brought to the next Council meeting.

#### **MANAGER’S REPORT**

Bates noted that the three requests for funds from the Utility Round Up Program were all funded for February.

The Police Department is preparing for its second round of Scenario Based Training on March 20<sup>th</sup>.

Bates noted a letter from a citizen regarding “Dark Skies” and noted that control of light pollution is handled through the zoning code, and that those sections are noted in her report. She asked that any Council person wanting this to be looked at direct the matter to Planning Commission.

Kreeger commented that while the Village cannot likely qualify as a Dark Skies community due to proximity to the Base, but asked that these be looked at where possible.

Housh asked whether MVRPC has been approached regarding the update to the Comprehensive Land Use Plan, and asked that this occur.

#### **CLERK’S REPORT**

The Clerk asked Council whether they approve of the document presented containing some changes suggested by various Council members over time.

Council agreed to the changes and asked that the legislation be brought to the next meeting.

#### **FUTURE AGENDA ITEMS**

|           |   |
|-----------|---|
| March 18: | Process for Narrowing Candidate Pool to 10-15<br>Charter Amendment Follow Up<br>Creation of Energy Savings Improvement District<br>Village Manager Search Update<br>HRC Annual Report<br>Police Assessment Report |
| April 1:  | Announcement of Village Manager Candidate Finalists   |
| April 15: | Announcement of Village Manager Selection   |
| May 6:    | Village Manager Announcement and Transition Plan  |

#### **ADJOURNMENT**

At 9:58pm, Kreeger MOVED and Stokes 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:*

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Brian Housh, Council President

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Attest: Judy Kintner, Clerk of Council