

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

**In Council Chambers @ 7:00 P.M.**

**Monday, April 1, 2019**

**CALL TO ORDER**

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

**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 and Planning and Zoning Administrator Denise Swinger.

**ANNOUNCEMENTS**

MacQueen announced the Village Manager Candidate schedules.

MacQueen announced that the annual Chamber “Shred-It” event for May 18 in the Bryan Center parking lot. Electronics and other items will also be able to be dropped off.

MacQueen noted that “Spring Clean-Up Week” is the week of May 6<sup>th</sup>.

Housh announced Opening Day for Trails on Saturday, April 13<sup>th</sup>, with give-aways and a hotdog grill out in front of the Train Station.

Housh noted that the Utility Round Up is starting to make a real difference to citizens, and urged citizens to sign up for the program.

Housh urged all to contact their representatives (Perales and Hackett) in support of Governor DeWine’s proposed gas tax to assist in infrastructure rebuilding. Housh noted that the Ohio senate is “watering down” the proposal, and that the funds are sorely needed.

Amy Wamsley and Heather Stewart-Rigsbee, representing Yellow Springs Pride, presented a comprehensive request for that event, which will take place the last weekend in June. The duo asked for a resolution of support as well as waivers and some funding. They noted that Equitas Health is providing support for the event and will be present to provide free HIV screening.

Housh asked that Reach Out be contacted to see whether they could participate in the screening event. Housh expressed support for the event on behalf of Council.

Council asked the group to make requests to HRC and or to ACC, and to make sure to work with the Manager’s office in setting up the event.

**CONSENT AGENDA**

1. Minutes of March 15, 2019 Executive Session
2. Minutes of March 22, 2019 Executive Session
3. **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”
4. **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”
5. **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”
6. **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”
7. **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”
8. **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”
9. **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 Stokes SECONDED a MOTION TO APPROVE. The MOTION PASSED ON A 5-0 VOICE VOTE.

## REVIEW OF AGENDA

MacQueen and Housh added the topic of decorum to Old Business.

Kreeger added an update to the DCIC to Old Business.

## PETITIONS/COMMUNICATIONS

MacQueen reviewed communications received as follows:

Carlos Landaboro re: Meeting Decorum

Judith Hempfling re: Meeting Decorum

## PUBLIC HEARINGS/LEGISLATION

**Second Reading and Public Hearing of Ordinance 2019-06** Amending the Official Zoning Map of the Village of Yellow Springs, Ohio for the Property Known as “Millworks Property from I-1 Industrial Use to Planned Unit Development. MacQueen MOVED and Sanford SECONDED a MOTION TO APPROVE.

Swinger noted that the recommendations from Planning Commission had been accepted by Council, and an additional recommendation made that there be no general retail shops permitted in the PUD.

Housh responded to comments made in the Yellow Springs News that Council had not discussed the ordinance during the first reading. He noted that it had been extensively vetted and discussed during Council’s consideration of the rezoning, commenting that particular attention had been paid to the issue of “health, safety and welfare” in that process.

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 2019-13** Authorizing the Village Manager to Enter into a Contract with Hillard Heintze to Conduct an Assessment of Village Policing. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Bates requested a minor change to the wording.

MacQueen expressed that the process is projected to take about 10 weeks and is scheduled to begin in April. She described a collaborative and immersive process.

Kreeger stressed the high level of involvement expected in the process, and noted that the process is meant to improve the process of policing in the Village from all aspects.

Housh asked that a statement regarding improvement of communications be included in the contract. He clarified that he meant outgoing communications—from the department to the community.

There being no further comment, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 on a VOICE VOTE.

**Reading of Resolution 2019-14** Authorizing the Village Manager to Apply for a Grant from The Community Foundation. Kreeger MOVED and Sanford SECONDED a MOTION TO APPROVE.

There being no comment, Housh CALLED THE VOTE, and the MOTION PASSED 5-0 ON A VOICE VOTE.

## SPECIAL REPORTS

There were no Special Reports.

## CITIZEN CONCERNS

There were no Citizen Concerns.

## OLD BUSINESS

**Discussion re: Council Meeting Decorum.** MacQueen stated that following Council’s passage of their Rules and Procedures she had been provided with an article, and had had several conversations on the matter. She opined that the matter seems more about trust and safety and the need to express opinions openly. She stated that there should perhaps be a discussion held so that people feel that all voices can be heard and that Council is listening.

Kreeger stated that she did not anticipate the response, and that her position had to do with having enough time for everyone to speak. She noted that it is important both to hear people and to effectively use time, and that she would be happy to assist in facilitating a discussion around the issue.

Bates commented that a crowded Council Chambers is intimidating to many people, and overt expressions of support or disapproval add to that chilling effect. She related that she is aware of people who may attend a meeting with the intention of speaking, but who end up not doing so when they feel themselves in the minority.

Sanford commented that she does not see the issue as limiting speech, but does see the concern for those who may feel silenced by overt expression of support or dissent.

Stokes noted that there are rules that Council has, and those should be followed during a meeting.

Housh noted that work has to get done. He commented that there are times when clapping is appropriate, but that in a situation when it could have a chilling effect, it is not. He expressed discouragement at the mischaracterization of the “no clapping” rule, noting that the ability for citizens to hear heard and to express their views is exceptionally generous. He pointed out that those listening to Channel 5 or to live streaming cannot hear comments when there is clapping.

Karen Wintrow urged Council to keep the rule for at least a period of time, remarking that she had wanted to make that rule all 12 years she served on Council. She noted that most communities do have a “no clapping” rule, and agreed with Housh’s statement that citizens have a lot of latitude in their ability to comment.

Megan Bachman commented on a statement by Housh that the “no clapping” rule was not made as a reaction, opining that it did seem in fact to be a response to several meetings which were attended by citizens who wished to express support or disapproval. People do wish to express their opinions, she stated, and we do hold the belief that your decisions and responses will be improved by our input. There are many levels of response and feedback, she noted.

Sam Eckenrode suggested that a protocol guide be provided at Council table, given that many do not regularly attend and may not know what the usual protocol may be.

Brent Brandenhagen commented that he thought the silent clap worked.

**Proposed RFP for Comprehensive Land Use Plan.** Swinger asked Council’s input on her draft RFP.

Swinger described what Planning Commission would like to see in an updated CLUP, noting that making the document available online and interactive, with the ready ability to update is a primary goal.

Swinger commented that some infrastructure information will not be publically available, but that much of the document should be.

Housh suggested that the document should be aligned with Greene County Regional Planning’s efforts.

Council offered several suggestions, and Swinger agreed to bring the revised draft back to Council’s April 15<sup>th</sup> meeting.

**Transient Guest Lodging Conditional Use Discussion.** MacQueen recognized that she should recuse from discussion of TGLs, given that she does operate a TGL establishment. She stated that her recommendation is that Council direct Planning Commission to review the matter and to offer their “simple and timely” recommendations to Council.

MacQueen went over what had been provided informationally, and commented that she is unaware of a problem at this time, but that it “can take off”.

Stokes noted that more information had been requested about communities of this size.

Kreeger supported the idea of Planning Commission considering the matter.

Housh asked that the Lodging Tax piece be clear in the process.

Bates clarified that that was separate legislation.

Ted Donnell commented upon the process if in fact TGL's become a conditional use, noting that the process will inform neighbors and allow for a process of approval that permits input and the attachment of conditions as needed.

Council discussed the process of making the use conditional.

Proposed SBA Buyout. Bates stated that SBA has made a lump sum buyout offer, and that, based upon the number of infrastructure projects that need to occur, staff have determined that taking the buyout to use for some of these projects makes sense at this time.

MacQueen MOVED THAT COUNCIL DIRECT THE VILLAGE MANAGER TO SELL THE LEASE FOR \$305,000.00. Housh SECONDED.

Stokes and Kreeger agreed that the long term future value of the lease is unclear, and that they wanted to give that time to play out.

Megan Bachman from the Yellow Springs News asked what the value of the lease will be in several years.

Housh commented that there is greater value in playing out the lease unless the buyout money is invested, which is not being contemplated.

Megan Bachman encouraged Council not to take a vote, since the escalator has not yet been calculated out.

Stokes commented that 'all the experts say not to sell.'

Housh CALLED THE VOTE ON THE MOTION and the MOTION FAILED 2-3, with Housh, Stokes and Sanford voting against.

**Charter Change Discussion.** Kreeger confirmed that one of the ballot issues be that the mayoral term be increased to four years from the current two. She stressed that if the change were voted in, the increased term would commence in 2021.

The Clerk confirmed that there is no need to change the Charter regarding the BZA quorum requirements, since the Zoning Code can be amended to align with the Charter.

Housh stated his desire that the "Vote 16" issue be added to the Charter to enable Village citizens between the ages of 16 and 18 the ability to vote on local issues.

Housh noted that the State could legally challenge the Village if the issue is passed, and that there would then be a decision as to whether or not to fight the challenge or not.

Bates expressed concern that if there were a challenge and the matter were overturned, that the results of the elections might be challenged.

Housh commented that perhaps a legal clinic would be willing to take on the matter and provide research.

There was general support for the matter, but a concern as to what could occur if the initiative were challenged.

Housh asked that the next step be taken, but that free options be explored before Coolidge Wall is asked to weigh in.

**Announcement of Village Manager Candidate Finalists and Process Update.** MacQueen described the process of winnowing the candidate pool from 9 to four, and named the candidates: Elke Doom; Pete Bales; Josue Salmeron and Allyson Murray.

MacQueen then described the process and schedule for April 9-11, when all four candidates will be present for public sessions as well as interviews with staff and with Council.

Housh confirmed that Council will hold an executive session at 6pm Monday, and will hope to have a selection at that time, but may not be able to announce a candidate until a later point.

Housh noted that Council had decided take the weekend to weigh the input and consider survey tallies before meeting on Monday.

**Revolving Loan Fund Information.** Kreeger reviewed the RLF information provided for the packet as follows:

Kreeger noted that Yellow Springs previously had a revolving loan fund, which made small loans to businesses for start-up, expansion, renovation, etc. While the Fund has been dormant for some time, the Village wishes to reinvigorate this program, which currently has \$35,000 available.

For the past several years there has been discussion about integrating the EDRLP into the newly forming Designated Community Improvement Corporation (DCIC). However, based on a Solicitor's Report (March 5, 2018), a DCIC may not approve any application for a loan unless the applicant shows that the person has been denied for the loan through ordinary banking or commercial channels (Ohio Revised Code Sec. 1724.01(B)(1)). The DCIC may not wish to be restricted in this way.

Housh interjected that the ability to approve loans in this manner was the very reason that Council had begun exploring the possibility of a DCIC.

Kreeger stated that there is no reason to continue to wait to put the RLF into motion, and noted that the Auditor has said that using a Credit Union is "not preferred", and that she would like to move the dialogue with the Auditor to "this is permissible".

Kreeger asked for the green light to pursue working with staff to start putting the pieces in place to operate the loan program through the auspices of the YS Credit Union.

Kreeger noted those tasks specifically as preparation of updated documents for Council review which address:

- Auditor perspectives on collaboration with the YSCU (with Bates/Harris)
  - Loan administration overview (with YSCU)
  - Updated application forms, criteria, and review process (with Bates, ESC)
  - A list of initial questions for Council to consider (e.g. loan risk considerations, desired interest earnings, protecting application privacy/confidentiality)
- Managers Housing Advisory Board Update.

Kreeger gave an example of a question related to interest rates that she would like to bring to Council. She proposed bringing a full list of questions on May 6<sup>th</sup>.

Kreeger stressed that the RLF will provide a low-interest asset to the community to help the Village grow its new businesses.

Housh noted that once this is in place, the Village would be eligible to apply for USDA funds.

**Manager's Housing Advisory Housing Board Update.** MacQueen noted having a number of conversations over the past month related to how to move the housing initiative forward, commenting that she has received input on various related issues including:

- Steps toward developing a collaborative partnership between the Village and Yellow Springs Home, Inc. to further affordable housing development
- Considerations as we plan for housing on the Glass Farm including 1) how and when to involve for- and non-profit developers, 2) how to determine the ratio of housing types, 3) the role of Council, and 4) when and how to seek community input
- Model housing plans that promote diverse housing options and include incentives for Voluntary Inclusionary Zoning
- Pros and cons of the Village Manager's Housing Advisory Board becoming a Commission, including if and when that might occur

MacQueen asked to bring further information to the April 15<sup>th</sup> meeting on the above topics.

**Yellow Springs Community Development Corporation (YSCDC).** Kreeger noted that because of development opportunities which are becoming available, she would like to get the YSCDC up and running with all due speed.

Kreeger reminded Council that the Community Foundation has agreed to act as the convener for planning so that the process is indeed collaborative. Since that agreement, there have been three meetings, she said, noting those involved, and noting that the move to a 501C3 status is well underway.

Kreeger then noted the projects currently under review as follows:

- \*Antioch Hall
- o Formation of an Energy SID
- o School properties
- o 'Old' Fire House
- o Dayton / Railroad Street property

Kreeger noted that the costs include legal services and 501©(3) filing fees. Kreeger also noted that YS Schools, Township, Chamber of Commerce, and YSCF have each agreed to fund an initial \$500.

Kreeger proposed that the Village of Yellow Springs allocate \$10,000 from the Economic Development Capital Budget towards startup of the YSCDC. The investment of tax dollars is merited, she argued, as the Village has the potential to experience the initial gain from formation of the YSCDC.

Housh MOVED TO APPROVE ALLOCATION OF \$10,000.00 from the Economic Development Fund to start the 501C3 started. MacQueen SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

#### **NEW BUSINESS**

There was no New Business.

#### **MANAGER'S REPORT**

Bates noted the following:

The Utility Roundup Program is accepting applications for assistance. We had 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.

#### **FUTURE AGENDA ITEMS**

- April 15: 6:00 Executive Session for the Purpose of the Discussion of the Hiring of a Public Official  
Marty Heide re: Congressman Mike Turner's Office/Passport Services  
Ordinance 2019-14: 2019 First Quarter Supplemental Appropriations and Declaring an Emergency Village of Yellow Springs, Ohio  
Second Reading of All Zoning Code Amendment Ordinances  
Housing Update  
Decorum Proposal  
Village Policing Assessment Update
- May 6: Village Manager Announcement and Transition Plan  
List of Questions for EDRLF

#### **ADJOURNMENT**

At 9:18pm, 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