

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

Virtual Meeting @ 6:00 P.M.

Monday, October 19, 2020

CALL TO ORDER

President of Council Brian Housh called the virtual meeting to order at 6:00pm.

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, and Solicitor Breanne Parcels.

EXECUTIVE SESSION (6:00)

At 6:01pm, MacQueen MOVED TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of Potential Litigation. Stokes SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

AT 6:28pm, Curliss MOVED AND MacQueen SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

ANNOUNCEMENTS

MacQueen announced that the village has now reached the certification requirements to be a National Wildlife Community, per the National Wildlife Foundation. MacQueen noted that the effort has been a collaboration between Glen Helen, Tecumseh Land Trust, the Village, Environmental Commission and Community Solutions.

Curliss urged listeners to make a plan to vote.

Salmeron introduced Matt Dillon, the Village's new Director of Finance. He also noted that October 28 will be the unveiling of the downtown area's new public wifi system.

Housh noted that the Bryan Center has begun hosting students in a secure learning environment, and spoke about how nice it is to see the building back in use.

Housh thanked the Village team for their work in coordinating with local artists and volunteers to put up the protest installation on the hardware store building.

Housh noted rising COVID numbers, and stated that the next Town Hall will address this, and that he will work with staff to produce a one-page information sheet for businesses so that they know their rights and responsibilities at a glance.

CONSENT AGENDA (7:10)

1. Minutes of October 5, 2020 Regular Session

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

REVIEW OF AGENDA

Housh added the letter from Agraria regarding a request for land purchase to New Business.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file the following:

- Dimi Reber re: Parking and Annexation
- Cindi and Chris Mucher re: Elm Street Parking/CLUP
- Brian Housh re: MVRPC Resolution Ensuring Equity Diversity
- Ursa Northstar re: Pandemic Thoughts
- Dimi re: Annexation
- Dirk Lackovich-Van Gorp re: CARES Act Expenditures (2)
- GCPHD re: COVID Risk Level 3 Guidelines
- Margaret Koebernick re: CLUP and Mills Lawn Property
- Petition re: CLUP and Mills Lawn Property
- Marianne MacQueen re: Glass Farm Clarification
- Susan Jennings re: Agraria Trail Request

MacQueen reviewed the communications received.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2020-23 Adoption of 2020 Comprehensive Land Use Plan. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh prefaced the discussion by stating that the plan represents over a year of information-gathering and input from stakeholders and citizens, and that comments will continue to be gathered through the website for the plan so that it remains a living document.

Housh asked that the issue of angle parking around the Mills Lawn area not be discussed, since Council has already addressed this objection.

Housh commented that Council has received “a great Comp Plan,” and he cautioned that the comments received regarding designating the “western ¾ of the Mills Lawn property as “Parks and Open Space” would not be appropriate for discussion, since that designation should not be done without the input and agreement of the School Board. He stated that if there is a strong feeling that this should be done, then citizens should work with Planning Commission and the School Board to further that effort.

Parcels referenced a memo she had sent earlier, stating that a change of designation would constitute a substantive change, which would necessitate bringing the ordinance back for another public hearing. She commented that splitting a parcel into different segments with different zoning is not legally appropriate, and that it would be improper to re-designate land owned by the School Board.

Swinger commented that this plan will be able to link future plans, given that it is an online document. She stated that comments can be made on the website, and they will be e-mailed to staff.

MacQueen stated her support for the CLUP as it is now written, and expressed her discomfort at re-designating School Board property, particularly since Sorrell had engaged this group on several occasions, and the current designation reflects their desires.

Curliss commented that citizens had seen the “public use” designation, and had not known what that meant, assuming it to mean that it would remain a park. She opined that it is appropriate for a CLUP to re-designate property per the vision desired.

Curliss stated that Council has not yet addressed a vision for the Mills Lawn property. She read from a 1948 letter from Antioch College to the Miami Township Board of Trustees in which their vision was shared. The letter states the hope that the property “be preserved” and that park land be prioritized. She commented that the property “was intended for public use”.

Curliss asked what the purpose of a public hearing is, if Council does not intend to make any changes. She asked that Council perhaps give a public hearing on the first reading.

Stokes expressed agreement with MacQueen’s statements and thanked CPI for the plan.

Kreeger offered thanks and opined regarding the Mills Lawn property discussion, stating that her time working with the YSDC has brought home to her the need for respect and collaboration for the entity whose property is being discussed. She expressed understanding with the desires of citizens, but stated that this in no way prevents the discussion from occurring at the right time.

Housh noted that there was a great deal of feedback received, and the CLUP received a review and public hearing at Planning Commission before coming to Council. He then asked whether any Council persons had motions to make.

Curliss MOVED THAT THE WESTERN 2/3rds OF THE MILLS LAWN PROPERTY HAVE A HASH OVERLAY SHOWING THAT THE VISION IS FOR PARKS AND OPEN SPACE. The MOTION FAILED FOR LACK OF A SECOND.

Housh then asked that citizens not continue to discuss that issue, since it has been decided that such a substantive change would be inappropriate without a proper process. He suggested interested citizens work with the School Board.

The following individuals spoke in favor of Curliss’s motion, regardless of the above admonition, and expressed frustration at their desires not being supported:

Parker Buckley; Julie Ford; Maria Booth; Mary Eby; Michael Slaughter; Bernadine Parks.

Megan Bachman added to the history of the letter which Curliss had earlier referred. She noted that the history goes back further to 1945, when Algo Henderson sent a letter to the Village, the Mayor,

and the YS School Board talking about the future of Mills Lawn. Bachman read from the letter, which stated that the College did not purport to direct the use of the property, but stated hope that the “general purposes” referenced would be adhered to. The letter set forth four conditions for the western 3/5ths of the property, which Bachman read. The final gift to the School Board contained no conditions.

Several Council members stated that it would not be appropriate for Council to make this decision without deeper discussion, and that any decision must be in collaboration with the School Board.

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

Second Reading and Public Hearing of Ordinance 2020-24 Repealing Section 1268.03 “Exemptions” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1268.03 “Exemptions”. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger explained that this ordinance adds the requirement of a stormwater mitigation plan and adds specific requirements regarding the distance of a structure to power lines, specifically, 7.5 feet.

Housh OPENED THE PUBLIC HEARING.

MacQueen thanked all involved for this timely and environmentally important work.

Housh lauded Swinger for the accompanying memo for its clarity.

MacQueen spoke to the importance of low impact storm design.

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 2020-25 Repealing Section 1268.06 “Review Standards” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1268.06 “Review Standards”. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Swinger explained that this ordinance adds the requirement of stormwater management as specified in Section 1226.06(a)(7) or Appendix: *Stormwater Guidelines for Low Impact Development*. This assures that potential runoff is considered prior to construction rather than afterwards.

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 2020-26 Repealing Chapter 1260 “General Provisions” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Chapter 1226 “General Provisions”. Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger noted the following effects of this ordinance:

- Requiring uncommon lot configurations go before the Planning Commission for approval.
- Allowing for a minimum width of 12 feet for driveways.
- Clarifying how an accessory structure is measured when considering the setback requirements, and specific requirements regarding the distance of a structure to power lines.
- Adding the requirement in Accessory Structures of stormwater management as specified in Appendix: *Stormwater Guidelines for Low Impact Development*.
- Adding under “Stormwater” the requirement of stormwater management as specified in Section 1226.06(a)(7) or Appendix: *Stormwater Guidelines for Low Impact Development*.

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.

Second Reading and Public Hearing of Ordinance 2020-27 Repealing Chapter 1226 “Subdivision Regulations” of the Codified Ordinances of the Village Of Yellow Springs, Ohio and Enacting New Chapter 1226 “Subdivision Regulations”. Kreeger MOVED and Curliss SECONDED a MOTION TO APPROVE.

Swinger explained the rationale behind creating a set of standards for subdivision regulations with regard to stormwater, noting that the Village had previously used Greene County's standards, and those had not been revised since before 1991. She noted that building footprints have been expanded, and many accessory structures added. This, along with an aging infrastructure and increasing storm intensity were compelling reasons for the rewrite of this section.

Swinger noted the collaboration among Burns, Choice One and EC members Tom Dietrich and Nadia Malarkey in creating these requirements.

Housh OPENED THE PUBLIC HEARING.

Housh suggested an amendment for clarity. This was discussed, and following discussion and input from Swinger, Dietrich and Malarkey, Housh MOVED to AMEND 1226.06(A)1 BY ADDING THE BOLDED LANGUAGE "Sidewalks/pedestrian walkways must be included in the design of any new subdivision in the Village following ADA standards: **LID designs for sidewalks will be considered by the Planning Commission in lieu of conventional designs.**"

The Clerk called the roll on the MOTION, and the MOTION TO AMEND PASSED 5-0 ON A ROLL CALL VOTE.

MacQueen received clarification as to how to interpret the included table.

There being no further comment, 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 2020-28 Repealing Appendix "Estate Street Section" from Part Twelve Title Two – Planning, of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Appendix "Appendix: Stormwater Guidelines for Low Impact Development". Stokes MOVED and Curliss SECONDED a MOTION TO APPROVE.

Swinger explained this section as the regulations relevant to most homeowners with regard to stormwater mitigation.

Swinger stated that this sets the requirement of a stormwater management plan when building any new structure that increases the impervious surface area of a property. This regulation affects any construction taking place on less than one acre. The document contains a calculation sheet for determining potential runoff and offers alternatives for mitigation.

Malarkey reviewed the standards, noting the options available to homeowners for runoff mitigation. She pointed out that this section tries to point out that rain water is a resource, and assist in that view of mitigation.

Swinger pointed out the runoff calculation sheet.

Housh OPENED THE PUBLIC HEARING.

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

Emergency Reading of Ordinance 2020-29 Emergency Reading of Second Third Quarter Supplemental and Declaring an Emergency. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Salmeron commented that this ordinance incorporates the Coronavirus Relief Funds in the amount of \$134,917.83, and increases Council's Personal Services line by a total of \$13,138.00.

Salmeron addressed a question from MacQueen regarding the latter, noting that elected officials are to be paid the minimum amount needed to participate in the OPERS system, but that the Village had neglected to enact the needed increases for two of the preceding years. This amount repays all persons who held Council office during those time periods, bringing the system up to date.

Housh OPENED THE PUBLIC HEARING.

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

Reading of Resolution 2020-43 Celebrating Karen Wintrow's Contributions to the Village of Yellow Springs. Curliss MOVED and MacQueen SECONDED a MOTION TO APPROVE.

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

CITIZEN CONCERNS

The Clerk read in a letter from Ursa Northstar protesting pandemic restrictions.

Carol Young asked how to address the issue of making Mills Lawn property “Park Land”.

Housh suggested that Young get in touch with the School Board as a first step.

SPECIAL REPORTS

Greene County Auditor re: Home Valuations. David Graham, Greene County Auditor presented a PowerPoint on the topic.

Graham explained that the revaluation is required every six years, and the Auditor is required to bring home valuations in line with the sales records in the area. He commented that the area was at 75% of area value when he began, and he brought the valuations up to 95%, as required.

Graham explained how reappraisals work with regard to inside as opposed to outside millages. Reappraisals do not increase outside millages, but do increase the amount paid by homeowners on inside millages.

Graham also introduced viewers to a tax estimator online, and several other online resources.

Carol Young asked whether the Village could provide assistance to homeowners who may be struggling.

Electric System Study. Burns introduced Jeff Gump from GPD Group, who conducted the electric system evaluation.

Gump noted that his role was to evaluate the overall efficacy of the current system, and its potential for load increases.

Gump noted that the conductor size is reaching capacity, and one recommendation is to upgrade the current distribution system by adding a third circuit and larger conductors.

Gump noted the need for new poles in many areas of the village.

Gump noted savings by combining projects and contractors.

Gump made note of the top six projects most beneficial to the Village, beginning with a DP&L Load Study. The other projects in the top tier were: Construction of Main Loop; Switching Station Improvements and New Line Exits; Construction of New Feeder Circuit; Replacement of areas of existing 4/0 ACSR with 336.4 ACSR, and Performance of Load Study.

Cost of the top six projects Gump estimated at about \$4,343,000.

Curliss asked about “leftover lines” remaining on poles.

Burns stated that when that occurs it is normally communications lines, over which the Village has no purview.

Kreeger asked for a priority timeline so that Council is better able to budget for critical upgrades.

In response to a question from Stokes, Gump responded that some aspects of the recommended projects will take 18-24 months.

OLD BUSINESS

Update on Meaningful Action re: Anti-Racism and Justice. Housh noted that Curliss had presented at the last JSCC meeting regarding the decriminalization of minor misdemeanors. He stated that Council and the Mayor will join VYS team members in completing bias awareness training. Stokes is charting completion of trainings.

Finally, Housh reported that Angela Allen will bring a final version of the Community Sit-Downs to the next meeting, to be held October 27th.

CARES Act Funds Update. Salmeron updated those present regarding funds received to date (\$342, 244.33), and he reviewed how these funds are being spent, broken out by “personnel” and “non-

personnel” costs.

Of the funds received, \$184,202.22 has been encumbered, and \$146,000 remains to be allocated.

Salmeron presented a project priority list with a projection of a 50% match for the needed funds.

With regard to the project list, Curliss raised concern regarding the suggestion for purchase of a drone to monitor utility infrastructure, stating that this could be met with objection in the community.

NEW BUSINESS

Mural Project: Virginia Hamilton Wall. Kreeger briefly explained the project, which is being undertaken by HUMAN (Help Us Make A Nation), and which will replace the ageing mural now located on the wall outside of the YS News building. Council verbally approved the requested \$1,000.00 to complete funding for the project, which has already received funding from the YS Community Foundation.

Agraria Request for Village Financing for Purchase of Land. Salmeron presented the case for agreeing to the Agraria request that the Village purchase the three acres they need to complete the Agraria Trail from Agraria to the High School. The letter included in the packet stated Agraria’s intent to lease the three acres back over a fifteen-year period for a total repayment to the Village of \$30,000.00.

Salmeron noted that Agraria has also committed to maintaining the trail.

Salmeron stated that Green Space Funds could be used for this purchase without compromising commitments to Tecumseh Land Trust.

Housh MOVED to APPROVE AN OFFER TO PURCHASE THREE ACRES FROM THE YELLOW SPRINGS SCHOOL DISTRICT FOR COMPLETION OF THE AGRARIA TRAIL FOR \$60,000, WITH THE CONDITION THAT HALF OF THAT AMOUNT WILL BE REPAID OVER A 15-YEAR TIME PERIOD. Kreeger SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE. Curliss ABSTAINED for reasons of professional conflict.

MANAGER’S REPORT

There were no questions regarding the Manager’s Report, which was not read in.

BOARD AND COMMISSION REPORTS

Kreeger NOMINATED Nya Brevik and Laurie Freeman to the Arts and Culture Commission. Stokes SECONDED, and the MOTION PASSED 5-0 on a ROLL CALL VOTE.

FUTURE AGENDA ITEMS*

- Oct. 26** Council Special Meeting: Budget; General Fund
- Oct. 29** Council Special Meeting: Budget; Enterprise and Special Revenue Funds
- Nov. 2**
 - First Reading of Ordinance 2020-30** Repealing Section 1224.01 “Application; Fee” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1224.01 “Application; Fee”
 - First Reading of Ordinance 2020-31** Repealing Section 1248.03 “Spatial Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1248.03 “Spatial Requirements”
 - First Reading of Ordinance 2020-32** Repealing Section 1262.08 “Specific Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1262.08 “Specific Requirements”
 - First Reading of Ordinance 2020-33** Repealing Section 1272.01 “Zoning Permit Required” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1272.01 “Zoning Permit Required”
 - First Reading of Ordinance 2020-34** Repealing Appendix A “Fee Schedule” of the Codified Ordinances Part Twelve, Title Four - Zoning, of the Village of Yellow Springs, Ohio and Enacting New Appendix: “Fee Schedule”
 - Reading of Resolution 2020-44** Acknowledging the Village’s Prior Vacation of the Alley Located North of Dayton Street, South of Union Street Between Stafford Street and Winter Street as Well as South Park Place Between Dayton Street and Union Street
- Nov. 3** Council Special Meeting: Budget; Capital Fund
- Nov. 16** **Second Reading and Public Hearing of Ordinance 2020-30** Repealing Section 1224.01 “Application; Fee” of the Codified Ordinances of the Village of Yellow

Springs, Ohio and Enacting New Section 1224.01 “Application; Fee”
Second Reading and Public Hearing of Ordinance 2020-31 Repealing Section 1248.03 “Spatial Requirements” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1248.03 “Spatial Requirements”
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Reading of Resolution 2020-44 Acknowledging the Village’s Prior Vacation of the Alley Located North of Dayton Street, South of Union Street Between Stafford Street and Winter Street as Well as South Park Place Between Dayton Street and Union Street
Reading of Resolution 2020-45 Approving \$60,000.00 from the Green Space Fund for Purchase of the Agraria Bike Trail Easement
 Third Quarter Financials/Treasurer’s Report
Dec. 7 **First Reading of Ordinance Approving the 2021 Budget for the Village of Yellow Springs**
Dec. 21 **Second Reading and Public Hearing of Ordinance Approving the 2021 Budget for the Village of Yellow Springs**

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

ADJOURNMENT

At 10:08pm, 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