

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

Virtual Meeting @ 7:00 P.M.

Monday, November 2, 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, Sergeant Watson and Chief Carlson, Planning and Zoning Administrator Denise Swinger, Public Works Director Johnnie Burns and Solicitor Breanne Parcels.

SWEARINGS-IN

President Housh swore Laurie Freeman and Nya Brevik in as full members of the Arts and Culture Commission. Housh swore in Carmen Lee as a full member of the Human Relations Commission.

ANNOUNCEMENTS

Salmeron assured Council that safety protocols would be in place throughout the day on Tuesday, and into the night.

Housh reminded all of the importance of voting and provided general information.

MacQueen stated that she had received “Peacekeepers Training” and would be present as a resource throughout the election process on Tuesday.

Curliss announced that Afro-Caribbean drumming classes will be offered for both children and adults on Wednesdays at two different times, beginning November 5th. Drum rental is \$5.00, and classes are free.

Housh thanked the Village team and MTRF for a safe, distanced Halloween treat give-away.

Housh provided a “Covid Check In”, thanking Villagers for continuing to make good, safe choices, and thanking front-line workers. He urged continued safety measures.

CONSENT AGENDA

1. Minutes of October 19, 2020 Regular Session
2. Minutes of October 26, 2020 Special Session Budget: General Fund
3. Minutes of October 29, 2020 Special Session Budget: Enterprise and Special Revenue Funds

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

REVIEW OF AGENDA

Curliss noted that she might like to mention the Township BZA Meeting set for Thursday. Resolution 2020-46 was removed from the Agenda.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file the following:

- Petition re: CLUP and Mills Lawn Property
- Bronwyn Reece re: Safety Concerns
- GCPHD re: Deer Safety

MacQueen reviewed the communications received.

Prior to the reading of Ordinances 2020-30 through 2020-35, Housh asked Swinger to preface the readings with an overview of all six ordinances. She did so, as follows:

During the time that the Planning Commission members reviewed the Subdivision Regulations in the Planning Code, they also considered other text amendments that were not directly related, but required modification. Because of the number of text amendments (10) coming before Council at the

same time, a decision was made during agenda planning to remove those that did not correlate with the subdivision regulations and bring them to Council at a later date.

Ord. No. 2020-30: Section 1224.01 – Right of Way Vacation Procedures - Increasing the number of days from 14 to 20 for an application to be filed prior to a Planning Commission meeting in order to allow staff time for proper notification.

Ord. No. 2020-31 Table 1248.03a - Dimensional Requirements: Residential Districts – Adding a footnote clarifying the measurement of a structure when considering the setback requirements.

Ord. No. 2020-32 Section 1262.08 – Conditional Use - Specific Requirements

- removing the word “adequate” when referring to safety measures
- requiring wastewater be filtered to minimize grease and solid matter before it is discharged into public sewers
- requiring the draft of the conditions, covenants and restrictions be provided prior to the Planning Commission work session for Pocket Neighborhood Developments (PNDs)
- requiring a two-step meeting process for Pocket Neighborhood Developments with the first serving as a work session to review final plans with the Planning Commission, and the second to finalize the review process.
- requiring a deposit for an independent engineering review. In our zoning application fee schedule, we do have a statement regarding the collection of additional fees where recovery of incurred costs is necessary. Because this is a frequently incurred cost, we wanted to also state it directly in the Pocket Neighborhood Development section of the zoning code.

Ord. No. 2020-33 – Section 1272.01`Zoning Permit Required – When accessory structures measure under 144 sq. ft., a zoning permit is not required. Added language to clarify the measurement of an accessory structure when considering the setback requirements, and specific requirements regarding the distance of structures to power lines (7.5 feet from a 7200-volt distribution line). Clarified that no zoning permit is required if paving an existing impervious surfaced parking lot.

Ord. No 2020-34 – Appendix: Fee Schedule – We require a demolition permit for the removal of structures because we want to ensure our electric and water meters are properly protected, and the lines for water and sewer are sealed. This will add a demolition permit fee to the zoning fee schedule. We also want to rename zoning compliance certificate to zoning compliance permit.

Ord. No. 2020-35 Section 1242.06 Uses Not Listed – allowing the Zoning Administrator to include uses with similar impacts subject to Planning Commission approval.

At the November meeting of the Planning Commission, staff asked for the recommendation of an amendment for uses not listed in the Zoning Code. Staff has had several occasions for which a use that is not listed in a particular zoning district was not allowed because it is specified as a use in another zoning district. This has happened in areas such as R-C and I-1.

Although section (c) allows staff to refer the determination to the Planning Commission, it is not clear if that is only when a use is not specified, but similar. Staff would like Planning Commission to be able to consider, on a case-by-case basis, the circumstances in the spirit of promoting business development, rather than just saying “no” when the situation may have little or no effect on the surrounding properties.

PUBLIC HEARINGS/LEGISLATION

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”. Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE.

There were no questions or comments.

Housh chose not to call a vote.

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”. Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE.

There were no questions or comments.

Housh chose not to call a vote.

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”. Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE.

There were no questions or comments.

Housh chose not to call a vote.

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”. Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh noted section 1272.01 f(4), wondering if language can be added encouraging people to use impervious surfaces and/or incentivizing environmentally friendly methods.

MacQueen opined that this might be difficult to enact in this section.

Swinger commented that if there is no existing impervious surface and it is being added, there are guidelines in place for assuring that runoff is managed, but if it already exists and is being re-surfaced, there are no additional requirements.

Housh asked that the matter be contemplated.

Housh chose not to call a vote.

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”. MacQueen MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh asked for confirmation that the fees have not been updated since 2017.

Swinger confirmed this and stated that she would be bringing a fee increase at a later point, and noted that she does need this text amendment passed at this time.

Housh chose not to call a vote.

First Reading of Ordinance 2020-35 Amending Section 1242.06 “Uses Not Listed” of the Codified Ordinances of the Village of Yellow Springs, Ohio. Stokes MOVED and Kreeger SECONDED a MOTION TO APPROVE.

Housh suggested changes in wording to make the language less clunky and a little clearer.

Housh chose not to call a vote.

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. Curliss MOVED and Stokes SECONDED a MOTION TO APPROVE.

Swinger stated that staff was asked to provide evidence of an alley vacation for a property on Dayton Street. There was concern that an alley in the Grinnell Oakwood Addition was never vacated. Greene County’s GIS shows it vacated, and surveys done over the years on various properties have confirmed its vacation by their legal description and the location of property pins. Swinger stated that the Solicitor had located fire maps that show the structure in question being built over the alley in 1872.

Parcels commented that because the vacation was done so long ago, prior to procedure for alley vacations becoming standardized, it is easiest for Council to acknowledge the vacation, given that Greene County has acknowledged the vacation but has no documentation, and given that all official records show the alley as vacated even though the Village has no record of it. Most property owners in that area have an acknowledged alley vacation on their property records, she commented.

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

Housh asked for tracking on lodging tax revenues for the last four years, commenting that he believes the numbers may not have dropped as dramatically as thought, but that this would be important to know for budgeting purposes.

Reading of Resolution 2020-45 Approving Check Signing Privileges for WesBanco Bank/General Checking & Guaranteed Deposits. Curliss MOVED and Stokes SECONDED a

MOTION TO APPROVE.

The Clerk noted that this is a housekeeping measure required any time the group of approved check signers changes.

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

CITIZEN CONCERNS

Megan Bachman, Yellow Springs News, asked whether Council will continue with virtual meetings or will meet “safely indoors.” She asked if the Village knows how many visitors have access to the Internet to know how many may not have access. She then inquired as to the status of the annexation agreement, which was anticipated to be coming from the developer back to the Village after approval from the Miami Township Board of Trustees.

MacQueen specifically addressed the issue of in-person meetings, stating that she feels far more connected virtually, given the need for distancing in the Bryan Center Gym and given that her moderate hearing loss makes it very difficult to hear during a masked, in-person meeting. She commented that, knowing how the virus spreads, she would not feel safe in the Gym with more people present.

Curliss remarked that she did feel safe in the Gym, but that she fully understands how another person might feel unsafe. She commented that few members of the public were present, and that had more been present, she might have felt unsafe. She noted that the infection rate “is spiking everywhere”.

Kreeger commented that numbers will continue to increase as the weather get colder, and that it makes no sense to “let down our guard now.”

Stokes agreed fully.

SPECIAL REPORTS

Treasurer’s Report. The Treasurer read her report, noting effects of the pandemic on investments. Investment returns are presently low but consistent.

Salmeron noted that the 9 million plus dollars at WesBanco are in a money market account earning interest, but also readily available to the Village.

Housh asked that the Treasurer include information regarding what the fees are at WesBanco and for 2020. He asked for anecdotal information as to why a consultant was hired and whether that seems to have been a positive move, not only in terms of ROI but his other contributions given expertise with local governments.

OLD BUSINESS

2020 Village Goals Check-In. Housh led this discussion, noting that the updated document will be in the packet for November 16th. He went through the Goals, noting progress and current status.

Salmeron presented regarding Village Team activities for 2020.

MacQueen expressed appreciation for the amount of work accomplished in 2020. She commented that she would like to see the Affordable Housing budget line established or know why it is not there. She asked that the goal to achieve a certain number of rehab projects be removed as not under Village control. She asked that the zoning code be changed to accommodate the Community Land Trust model.

Stokes asked how the budget line will be enacted. He asked whether the Village offices will be a hub for Municipal Broadband, or whether the existing backbone can be utilized.

Curliss commented that the volume of work may leave little time for other projects, wondering why the Village is “becoming a housing developer.” She asked for further discussion at a later point.

Kreeger thanked the Village Team. She shared her concern regarding capacity, and noted a growing leadership void. She asked that there be a goal related to a push for creation of leadership.

Housh agreed that this should become a goal.

Housh asked that there be greater Council participation on the Year in Review document. He asked that this input be submitted before the second meeting in December. Housh asked that a good deal of time on December 21 be devoted to goal-setting.

Update on Meaningful Action re: Anti-Racism and Justice. Housh noted how much has been accomplished with the coordinating activities of the Justice System Collaborative Committee. He

refuted a notion raised to him by another Council member that the JSCC is “a rabbit hole”. Housh characterized the work of the committee as assessing ideas and requests and either assigning that work to the Committee or passing it along to another entity for follow up. These items remain on our radar, he noted, but this requires the energy and engagement of other existing groups.

Housh responded to a complaint that there are “too many police force representatives on the committee”. Housh reminded all that one of the reasons for delay and frustration at times for the JSTF was the desire of that group not to include representatives from the PD or the Village Manager’s office. Housh commented that the goal at hand is to create change through coalition building, and this is only possible with all parties at the table.

Housh noted topics that have been “championed”, noting the decriminalization of marijuana possession in the Village, and actions Curliss is taking regarding decriminalization of minor misdemeanors. He noted MacQueen’s championing of de-escalation and preparedness training. Implicit bias and diversity training has been expanded to all Village Team members and is being tracked; this is being championed by Stokes. Kreeger is championing the collection of Village Team encounter data. Housh noted evaluations and Village Core Values. Housh noted Salmeron’s SharePoint site where relevant documents regarding all of the above topics are able to be shared widely.

Housh noted Angela Allen’s Community Sit Downs project, which will gather information through feedback meant to improve the encounter data, and to inform formation of a Citizen Review Board.

Curliss noted a movement to end cash bail that is taking place outside of the JSCC, and Curliss is preparing a resolution of support for this effort.

Kreeger thanked Housh for taking on coordination efforts for the JSCC. She noted that because of the entity’s unique design, there has been “unprecedented participation” from a diverse group of Villagers and from all Council members.

Stokes commented upon the positivity of the JSCC, noting that this can serve as a leadership builder.

Chief Carlson commented that the evaluation model will, he hopes, help in identifying officers who are a good fit with our Village.

Housh asked for data on PD activities and services to be made accessible soon.

Housh volunteered to champion the goal of diversifying the vendor base to include more minority-owned/operated businesses. He stated that Village Values need to be provided to vendors so that they understand Village priorities.

NEW BUSINESS

There was no New Business

MANAGER’S REPORT

Salmeron reported on the installation of public Wifi now underway. He noted submission of two grant applications to partner for additional funding for infrastructure projects.

There is another Vernay cleanup meeting set for November 12th.

The Village’s third work session on the budget will be held tomorrow.

The Village audit report is now complete, and an audit conference will take place soon, with further review of finance procedures at the Village.

The PD continues distribution of masks.

Salmeron noted a peak in COVID infections in the state.

Valve exercising and hydrant flushing is now complete.

Replacement of the lift pump at the wastewater treatment plant is underway.

SRTS expenses are included in the 2021 budget. Salmeron noted that building costs have gone up significantly since the grant was submitted.

FUTURE AGENDA ITEMS*

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”
Second Reading and Public Hearing 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”
Second Reading and Public Hearing 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”
Second Reading and Public Hearing 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
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 9:05pm, Kreeger MOVED and MacQueen 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