

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

Council Chambers @ 6:00 P.M.

Monday, February 5, 2024

CALL TO ORDER

President of Council Kevin Stokes called the meeting to order at 6:00pm.

ROLL CALL

Present were President Stokes, Vice President Gavin DeVore Leonard and Council members Brian Housh, Carmen Brown and Trish Gustafson. Interim Village Manager Johnnie Burns and Solicitor Amy Blankenship were also present.

EXECUTIVE SESSION (6:00)

At 6:01, Brown MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussion of the Employment of a Public Employee. The MOTION PASSED 5-0 ON A ROLL CALL VOTE. The Solicitor was present for the entirety of the session. The Clerk was present for the first 10 minutes and final 20 minutes. The Interim Village Manager was present for the first 10 minutes and last five minutes.

MOTION TO JOIN REGULAR SESSION

At 7:11pm. Housh MOVED and Brown SECONDED a MOTION TO ENTER REGULAR SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

Stokes shared that Council is engaging in a process to determine a process for selecting a permanent Village Manager. He stated that a Special Meeting to conduct an interview with Interim Village Manager Burns will occur next week, after which Council will announce at their February 20th meeting what next steps will be taken.

ANNOUNCEMENTS

Housh wished Burns a Happy Birthday. He noted the presence of a Community Action Board Youth participant at the meeting, noting that he and Mayor Conine have reached out to this group in an effort to promote participation in government.

Housh announced that Len Kramer will provide a report on the recently held Village Café for an upcoming meeting.

Housh noted the recent retirement of long-time dispatcher Ruth Peterson.

Housh announced that Rebecca Potter and Catherine Zimmerman will be stepping off the Environmental Commission and that the commission is seeking new members.

Housh noted the upcoming annual MVRPC Spring Dinner held in April.

Housh announced that at a recent Housing Committee meeting, it had been decided to ask Home, Inc. to pursue Low Income Housing Credit funding information and updates and to liaise with the Housing Committee regarding these opportunities in a timely fashion.

Stokes noted that Chief Burge is coordinating safety responses to the upcoming solar eclipse, and will report on those preparations in an upcoming meeting.

CONSENT AGENDA

- 1. Minutes of January 16, 2024 Regular Session
- 2. Minutes of January 26, 2024, Special Session: Council Retreat

Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE THE MINUTES of January 16, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE THE MINUTES of January 26, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

The PACC End of Year Report was removed.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

- Patti Bates re: Support for Burns as VM
- Max Crome re: Support for Burns as VM
- Brian Housh re: Information on Grant

DeVore Leonard reviewed the letters received. The Clerk noted two letters at the table, one in support of Burns as Village Manager, and the other urging passage of the resolution calling for a ceasefire in Gaza. Both will appear in the 2/20 packet as late-received communications.

PUBLIC HEARINGS/LEGISLATION

First Reading of Ordinance 2024-01 Rezoning One Parcel Totaling 0.55 Acres of Property Located at 545 Dayton Street from Conservation (C) District to Medium Density Residential (R-B) District and Amending the Zoning Map Accordingly. DeVore Leonard MOVED and Stokes SECONDED a MOTION TO APPROVE.

Leatherman introduced the legislation as follows:

Sandra Smith and Jean McKee, property owners, submitted a zoning map amendment application to rezone their property from Conservation (C) to Medium-Density Residential (R-B), in order to construct a single-family home on the property. The Conservation zone does not allow residential uses.

McKee’s father purchased the property in 1982, and subsequently it was rezoned as Conservation without their knowledge. Staff conducted research and determined that the zoning change was inadvertently applied to the property when the adjacent Bill Duncan Park was zoned Conservation.

Leatherman noted that Planning Commission held a public hearing on January 9, 2024 and voted to recommend approval based on the Applicable Code and Staff Findings.

There were no questions from Council members.

Stokes declined to call a vote on the first reading.

Reading of Resolution 2024-11 Authorizing Payment of Invoices with a Then and Now Certificate for the First Quarter Of 2024. Housh MOVED and Brown SECONDED a MOTION TO APPROVE.

Kemper explained that the funds area and were available, but that the amount was over that initially budgeted for legal fees for the JNT default. Because the amount exceeds the \$3,000 limit, a Then and Now was required.

Stokes CALLED THE VOTE, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Reading of Resolution 2024-12 Supporting the Congressional and Worldwide Calls for an Immediate Ceasefire in Gaza and the Release of Innocent Civilians. Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

DeVore Leonard commented that he had been unable to locate any evidence that Senator Brown does in fact support a ceasefire in Gaza, and so had concern regarding Section 1. He continued, expressing that the author of House Resolution 786 was not the Congressperson identified in the resolution, and this may need to be amended.

Stokes questioned the wording of Section 2, stating that it could be interpreted as a request to pull all resources out of the region, including those present to assure commerce, and asked whether that was an intentional request.

Housh expressed appreciation for all who had brought the resolution forward, offering a possible solution to concerns regarding Section 1.

Housh MOVED to AMEND SECTION ONE BY ADDING THE WORDS “including Senators Sherrod Brown and” to the first sentence, and removing the words “join Senator Sherrod Brown in his” to read: “including Senators Sherrod Brown and J.D. Vance, Representative Michael Turner and Governor Mike Dewine, to support House Resolution 786 . . .” Gustafson SECONDED.

Housh suggested amending Section 2 to read as follows: “Council for the Village of Yellow Springs calls for all Palestinian and Israeli hostages to be returned to their families and for the end of terrorist and military activity across the globe so that we can focus our shared resources to improve quality of life for people of all backgrounds and beliefs.”

Housh stated that this amendment reinforces the focus upon ceasefire and release of innocent civilians, noting that language regarding a season of non-violence could be added.

Housh MOVED TO REPLACE SECTION 2 WITH THE FOLLOWING LANGUAGE: Council for the Village of Yellow Springs calls for all Palestinian and Israeli hostages to be returned to their families and for the end of terrorist and military activity across the globe so that we can focus our shared resources to improve quality of life for people of all backgrounds and beliefs. Stokes SECONDED.

Housh stated that he shares Stokes’ concerns, opining that the original Section 2. seems to contravene Council’s 2023 resolution supporting military resources for Ukraine, and that the language he is proposing avoids any such contradiction.

Brown responded that the resolution was not a “cut and paste” compilation, and represented hard work on her part and on the part of concerned citizens. She stated that her language was intentional, and opined that “cargo and commerce” are not on par with human lives, and that she would vote against the resolution if Section 2 was amended as proposed.

Stokes stressed that his intent is to support positive efforts in the region, and offered support for Housh’s amendment. He reiterated that some military activity and military support funding is necessary.

Brown responded that the language is symbolic, and asked whether it was necessary to pick it apart.

Jessica Thomas, resident, stated that she has been in attendance at support rallies and meetings and offered that the original language is being echoed all over the world, and the US is complicit in a number of wars. She stated that funds should go towards humanitarian efforts only, as stated in Section 2.

Ezra Hardman, identifying as a member of YS Uproar, supported the original language in Section 2, commenting that peaceful ways are a Village ethic, and the language supports that ethic.

Stokes CALLED A VOTE ON THE MOTION TO REPLACE SECTION 2 AS PROPOSED, asking Housh to re-read the proposed language. The MOTION FAILED 2 to 2 on a VOICE VOTE, with Gustafson and Brown voting against, and DeVore Leonard abstaining.

(NOTE: no vote was called on the motion to amend Section 1. However, in seeking clarification of the amendment language, Brown indicated agreement with the amendment, which was also indicated by the other members of Council and was characterized as avoiding the need to ascertain Senator Brown's position regarding a ceasefire in Gaza. The Clerk made the amendment based upon these factors.)

Stokes CALLED THE VOTE ON THE RESOLUTION AS AMENDED. The MOTION PASSED 5-0 ON A VOICE VOTE.

CITIZEN CONCERNS

Jessica Thomas spoke in favor of appointing Johnnie Burns as Village Manager and against opening up a wider search.

SPECIAL REPORTS

Planning Commission End of Year Report. Susan Stiles, Planning Commission Chair, and Meg Leatherman, Planning and Zoning Administrator, presented the annual report.

Quarterly Financials. Kemper presented the 2023 Year End Financials.

Treasurer's Report. Kintner presented the Treasurer's report for the period ending 12/31/2023.

MANAGER'S REPORT

Burns reported that the Home, Inc. Cascades Project is progressing. He reported that water main/sewer tap work in Kieth's Alley is nearly complete.

Burns noted that the second water tower will be taken off-line on July 8th for re-painting.

Burns stated that the Village is working to gather data as to where/how Villagers obtain information.

Village water has arrived in Washington, DC for competition in the National Rural Water competition.

Improvements to the Bryan Youth Center and Gym continue. Burns stated that he will have the floor striped for pickleball.

Burns thanked the City of Fairborn who provided a vac truck during a Village emergency without charge, and made note of the usefulness of growing collaborative relationships with area municipalities.

New water meters are being installed by Meter Reader Rose Pelzl.

OLD BUSINESS

Retreat Report Out. Stokes reported on aspects of the Retreat, in particular conversation regarding a potential Village Manager search, streamlining meetings, further exploration of Broadband options, and conversation around establishment of priorities.

DeVore Leonard commented that conversation would continue regarding next steps.

Housh noted updates to the Board and Commission list.

NEW BUSINESS

Gas Aggregation Update. Burns referenced his memo, stating that the offer made by SOPEC had been higher than is currently being paid by residential users. Burns stated that he plans to meet with representatives from the City of Riverside to gather information regarding possibilities for aggregation. Burns noted that most other communities are not 100% renewable and are engaging in aggregation in part to achieve this status.

PACC Nomination. Brown NOMINATED Phoenix Fyre as a full member of PACC. Housh SECONDED, and the NOMINATION PASSED 5-0 ON A VOICE VOTE.

FUTURE AGENDA ITEMS

- Feb. 20:**
 - Resolution 2024-12** Authorizing the Interim Village Manager to Enter into an Agreement with the Yellow Springs Community Foundation to Accept Parking Donations on Behalf of the Village of Yellow Springs
 - Ordinance** Supplemental Appropriation
 - Resolution** Tree Trimming
 - Environmental Commission End of Year Report
 - PACC Annual Report
 - Home, Inc. Annual Report
- March 4:**
 - Broadband Work Session (6-7pm)
 - Chief Burge re: April 8th Eclipse Preparation
 - YSPD: Ohio Collaborative Accreditation Report (Doug Anders)
 - Annual Goals
 - Council Procedures Legislation

ADJOURNMENT

At 8:56pm, DeVore Leonard MOVED TO ADJOURN. Brown SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Kevin Stokes, Council President

Attest: Judy Kintner, Clerk of Council