

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

Council Chambers @ 7:00 P.M.

Monday, May 20, 2024

CALL TO ORDER

President of Council Kevin Stokes called the meeting to order at 7:00pm.

ROLL CALL

Present were President Stokes, Vice President Gavin DeVore Leonard and Council members Brian Housh and Carmen Brown. Village Manager Johnnie Burns, Planning and Zoning Administrator Meg Leatherman and Solicitor Amy Blankenship were also present. Trish Gustafson arrived at 7:03.

ANNOUNCEMENTS

Burns announced that the pool has passed inspection and is ready for opening day on May 25th.

Housh announced May as Bike Month.

Housh thanked the YS Brewery for their generous support of the Village's Economic Development stakeholder meeting.

Housh noted a memorial held for Jane Baker, who was active n working for affordable housing and had donated land for this purpose.

Stokes announced the opening of the Great Council State Park set for June 7th.

CONSENT AGENDA

1. Minutes of May 6, 2024 Regular Meeting
2. Credit Card Statement for April, 2024

DeVore Leonard MOVED and Housh SECONDED a MOTION TO APPROVE THE MINUTES of May 6, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

Brown MOVED and Housh SECONDED a MOTION TO APPROVE THE CREDIT CARD STATEMENT FOR APRIL, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

There were no changes made.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

- Mayor's Clerk re: Mayor's Monthly Reports (2)
- Judith Hempfling re: School Board/Housh
- Tracy Collier re: Thank You for Sidewalk Grant
- Tracy Collier re: Opposition to LIHTC Project on School Property
- Sarah Wallis re: Opposition to LIHTC Project on School Property
- Judith Hempfling re: School Board Meeting/Housh
- Dino Pallotta re: School Board Meeting/Housh

DeVore Leonard reviewed the communications received.

PUBLIC HEARINGS/LEGISLATION

Housh MOVED TO WAIVE FULL READING OF ORDINANCES. DeVore Leonard SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Second Reading and Public Hearing of Ordinance 2024-06 Repealing and Replacing Chapter 220.01 “Council Rules” of the Codified Ordinances of the Village of Yellow Springs. Housh MOVED and Gustafson SECONDED a MOTION TO APPROVE.

Stokes OPENED THE PUBLIC HEARING.

Stokes noted that the Clerk had raised the possibility of changing Council’s meeting time from 7pm to 6pm which would require amending the Rules and Procedures ordinance.

Stokes invited responses from all Council members, none of whom expressed objection to the time change.

Responding to a question from Stokes, Burns stated that most staff members start their work day at 8am or earlier, most do not reside in the village and thus have to remain at work between the end of their regular shift and the Council meeting. He stated that the earlier meeting time would be beneficial to staff in general.

Housh commented that this might mean that Executive Sessions would be moved back to the end of the meeting.

DeVore Leonard expressed that he would prefer Executive Session prior to the Regular meeting if at all possible.

There being no public comment, Stokes CLOSED THE PUBLIC HEARING.

Stokes MOVED TO CHANGE THE START TIME FOR COUNCIL MEETINGS TO 6pm. Brown SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Stokes CALLED THE VOTE ON THE AMENDED ORDINANCE, AND THE MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2024-07 Amending Section 201 of the Personnel Policy Manual to Update Employee Classifications and to Create New Positions. Brown MOVED and Gustafson SECONDED a MOTION TO APPROVE.

Blankenship addressed the Ordinance, explaining that the changes are relatively minor, and move exempt positions properly into Exempt status and adds two positions. She noted need to correct the title for the position of Project Lead.

The Clerk stated that the correction will be made.

Stokes OPENED THE PUBLIC HEARING. THERE BEING NO RESPONSE, Stokes CLOSED THE PUBLIC HEARING and CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2024-37 Approving a Then and Now in the Second Quarter of 2024. Brown MOVED and Gustafson SECONDED a MOTION TO APPROVE.

The Clerk explained that the error was hers, that the funds had been appropriated, but that she had submitted the Purchase Order after receiving the invoice.

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

Reading of Resolution 2024-38 Approving the Job Description for Project Lead. Gustafson MOVED and Housh SECONDED a MOTION TO APPROVE.

Blankenship briefly noted that Council had just passed the ordinance approving the position.

Several Council members offered suggestions geared towards clarifying the primary focus for the position and requirements of eligible candidates.

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

Reading of Resolution 2024-39 Authorizing the Village Manager to Purchase Anixer Electric Meters for Ongoing Electric Meter Upgrade and Replacement. Brown MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE.

Burns explained that due to substantial cost increase for the meters, purchase of all needed meters to complete the project in 2024 will result in substantial overall savings.

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

CITIZEN CONCERNS

There were no Citizen Concerns.

SPECIAL REPORTS

Brad Ault: Wastewater Report. Ault provided an outstanding overview of the WWTP's function and processes.

In response to a question from Stokes, Ault stated that reduction of Infiltration and Inflow has resulted in a decrease in peak flow.

Sidewalk Grant Report. Mitzie Miller presented a powerpoint on the topic.

Responding to a question from Gustafson, Leatherman described the process of responding to violations. She stated that she investigates all complaints, attempts to ask for compliance first, then mails a violation letter, and finally, if the property owner is still non-compliant, requests a citation be issued by the YSPD.

MANAGER'S REPORT

Burns stated that the USEPA is now reviewing Vernay's responses to mitigation requirements.

Burns noted repair of a water leak at Lawson Place.

Regarding the URUP, Burns stated that the number of requests now exceeds available funds, and that the Village is required to pause the program temporarily to allow funds to accrue.

RRFBs are now up at three village intersections.

Burns noted that the Village now offers a one-time reimbursement for pool-fills, if the customer makes the request and schedules the meter-read as required. An adjustment for summer watering is also available.

Street Fair preparation is underway for the June 8th event.

Burns noted the excellence of the Water Crew, pointing out the clarity of the pool water prior to any chemicals being added.

Burns acknowledged the work of staff and Council in training the SDIT, Slinky, so that he could be placed with a child through 4 Paws for Ability. Burns stated that this was an experiment, and no dog had previously been trained by a Police Department. He added that no funds were expended for this worthwhile effort, the effort having been funded by 4 Paws and donations, and stressed that negative and incorrect commentary on Facebook detracts from the good work done.

OLD BUSINESS

Low Income Housing Tax Credit (LIHTC) Update. Emily Seibel, Home, Inc. Executive Director, referenced the proposed project as ‘twenty-five years in the making,’ stating that the proposal for ‘family rental of scale’ at approximately 50 units affordable to low-to-moderate income families. Seibel stated that the grant, which is offered through the Ohio Housing Finance Agency (OFHA) were received, it would provide about \$15,000,000 towards construction of the facility.

Seibel noted the discussions held with Council in November and December of 2023 when the project was proposed for location on the CBE property. She stated that Home, Inc. had determined that there would not be time to complete all necessary steps for the 2023-24 grant cycle, and in revisiting location options, selecting from those scoring 94+, they settled on the currently proposed three acres located on YSHS property.

Seibel stated that each application costs \$50,000 in addition to staff time, necessitating prudent application, and she listed criteria used in selecting the site, noting “competitive opportunity map scoring” which she stated is necessary to obtaining all available points from OFHA.

Seibel acknowledged that both the initial CBE site and the current YSHS site are imperfect, containing significant challenges.

Seibel stated that she is bringing a concept to Council, as opposed to a site plan or a proposal, and is seeking an indication from Council as to whether there is a path forward.

Seibel stated that the total cost of the project would likely be 20 million dollars.

Seibel then presented a loose timeline for rezoning, and submitting an application which would be due in February 2025.

Seibel stated that dedication and a great deal of community funding and support have resulted in 40 housing units over a 25-year period, expressing her enthusiasm at the possibility of a project at the scale described.

Tim Bete from St. Mary Development responded to a question from Stokes, stating that while there were eight acres scoring highly, not all of that property was feasible based upon utility readiness.

Gustafson asked whether St. Mary’s would be willing to fund relocation of the YSHS soccer fields if the project were to move forward.

Bete demurred, stating that “if that were expensive” that would not be possible.

Gustafson responded that the amount would likely be about \$100,000.

Seibel stated that St. Mary’s could absorb about \$75,000/acre in land cost for the three acres and that “depending on the cost of the land” some of the relocation costs might be able to be covered.

Bete responded to a question from Devore Leonard, stating that a score of under 94 is very unlikely to receive a grant.

Seibel responded to a follow up question from DeVore Leonard, stating that Home, Inc. had investigated all scored properties and that only the CBE and YSHS properties had been feasible.

Stokes received confirmation that no amount of support will change the initial scoring.

Bete stated that only 24 sites were awarded funding in Ohio in 2023.

Wes Young of St. Mary’s added that only 5 of the 24 awarded sites were for workforce housing.

Brown expressed concern that some Council members may have more information regarding the project, referencing Housh’s attendance at a School Board Executive Session. She asked whether YSDC could manage the potential sale of property rather than the Village.

Mitzie Miller expressed concern about the amount of money “being thrown to affordable housing.” She asked for more clarity around the property and asked whether Home, Inc would return to ask for more funds from the Village. She asked to hear from the Village Manager regarding how the project would impact the Village.

Stokes referenced the Bowen Study, stating that all housing is needed in the village at this time, and that Council is supportive of all types, particularly affordable housing.

Kevin McGruder, Home, Inc. board member, cited his experience with affordable housing in NYC, commenting that “LIHTC is the only way to achieve low-income housing at scale.” He stated that this requires intentionality from the municipality, particularly regarding funding.

Jessica Thomas commented that many people are seeking affordable housing in the village, characterizing it as a real problem for real people, not a theoretical problem.

Burns stated that staff have indeed explored all site possibilities with Home, Inc. and St. Mary’s per Council request, providing utility and zoning information.

Housh noted that he has updated Council regarding all of his interactions related to the LIHTC project. He expressed that the possibility of locating the housing project on the CBE is not off the table. He clarified that Council would not ask AUM or Cresco to urge the schools to sell land for the project, but that Council could urge those entities to agree to waive the covenant restricting housing from the CBE. Housh stated that Council should approve a letter asking for a decision from AUM and Cresco.

Housh noted that there will be costs involved in the project. He stated that Council should determine whether they are willing to commit a certain amount to the project, commenting that there is “\$100,000 in the Affordable Housing Fund.”

Housh acknowledged the difficulties faced by the project, but stated his commitment to moving forward and also to exploring all possibilities at hand.

Housh referenced a conversation with a property owner regarding selling land which could be purchased by the school to be used to replace the soccer fields, stating that that was the only conversation he'd had that he had not disclosed to Council.

Stokes stated that Council had requested that staff research information on the CBE covenants, and that this has been done.

Regarding approaching AUM and Cresco for a response on waiving covenants, Stokes noted that all three property owners have to proactively state willingness to waiving the housing restriction.

Dino Pallotta urged allowing the school board to "clear up their own issues" before pressing forward regarding a property sale. He commented that because the land scores well "does not mean we are entitled to it." Pallotta referenced restrictions on how a school board can dispose of property and commented that the matter would eventually come before Council.

Chris Bongorno, Home, Inc. Board President, stated that board members were present and that they "are listening" and would like to hear peoples' concerns.

Stokes asked that Council not take any action, commenting that responses from Cresco and AUM are expected imminently.

Housh asked again for Council commitment to some level of funding and to a letter to AUM and Cresco.

Burns stated that he is awaiting responses from AUM and Cresco.

NEW BUSINESS

Review of Board and Commission Assignments. Stokes noted the need for a replacement for Brown on the YSDC. After discussion, Gustafson agreed to serve as the Council representative to the YSDC, but cited hardship in the possibility of YSDC and Library Commission meetings potentially overlapping. Stokes then agreed to resume as Council Liaison to LC, with Gustafson moving back into the alternate position.

The matter of a new representative to Active Transportation Committee was moved to the following meeting.

BOARD AND COMMISSION REPORTS

There were no verbal reports presented.

FUTURE AGENDA ITEMS

- June 3:** Executive Session 5:30pm
Reading of Resolution 2024-39 Approving a Planned Unit Development Agreement Between the Village of Yellow Springs and YS Home, Inc. for the Cascades Project
Swearing In: Alex Croasmun
Ethan Raby, Greene County EMP Director
Preview of LINN Project
- June 17:** **Reading of Resolution 2024-38** Approving the Finance Director's 2024 Tax Budget for the Village of Yellow Springs
Resolution 2024-XX Approving a Planned Unit Development Agreement Between the Village of Yellow Springs and YS Home, Inc. for the Cascades Project

July 1:

July 15: Light Up Navajo Nation Report Out

ADJOURNMENT

At 9:12pm, Housh MOVED TO ADJOURN. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Signed: _____
Kevin Stokes, Council President

Attest: -----
Judy Kintner, Clerk of Council