

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

**Council Chambers @ 5:30 P.M.**

**Monday, June 3, 2024**

**CALL TO ORDER**

President of Council Kevin Stokes called the meeting to order at 5:33pm.

**ROLL CALL**

Present were President Stokes, Vice President Gavin DeVore Leonard and Council members Brian Housh and Carmen Brown. Village Manager Johnnie Burns and Solicitor Amy Blankenship were also present. Trish Gustafson arrived at 5:57.

**EXECUTIVE SESSION (5:30)**

At 5:34, Housh MOVED TO ENTER EXECUTIVE SESSION to Consider the Compensation of a Public Employee. DeVore Leonard SECONDED, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE.

Present in the session, in addition to Council, were the Solicitor and Julie for Bricker Graydon, Village Manager and Council Clerk.

**MOTION TO ENTER REGULAR SESSION**

At 7:03, DeVore Leonard MOVED and Housh SECONDED a MOTION TO ENTER REGULAR SESSION. The MOTION PASSED 5-0 on a voice vote.

**SWEARING IN (7:00)**

Mayor Conine swore in first Leanne Caddy as Police Officer and then Alex Croasmun as Police Officer.

Chief Burge provided some background information on each new officer and welcomed them.

**ANNOUNCEMENTS**

Kevin McGruder, Chair of the 365 Project, announced upcoming Juneteenth activities scheduled for June 15<sup>th</sup>.

Housh announced an informative Tecumseh Land Trust annual meeting and suggested the group be invited to present again at Council in the near future.

Housh noted an upcoming YSDC meeting with a topic of “what’s in it for your organization” and asked for any thoughts from Council members.

Housh noted the recent passing of the Village’s former Channel 5 Director (2016-2018), Susan Gartner, who was a positive force both for Village staff and Council and for her neighbors and friends. He rightfully characterized her as our “community cheerleader”. A moment of silence was held.

Ethan Raby, Greene County EMP Director, introduced himself and described the role of the GCEMP as it relates to the Village and Greene County as a whole.

**CONSENT AGENDA**

1. Minutes of May 20, 2024 Regular Meeting

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

**REVIEW OF AGENDA**

A nomination was added to New Business.

**PETITIONS/COMMUNICATIONS**

The Clerk will receive and file:

- MJ Gentile re: Alleys
- Sue Parker re: Housing on School Property
- Catherine Price re: Thanks to VM for Fiscal Oversight
- Catherine Price re: Thoughts on Housing Options
- Matt Raska re: Support for LIHTC Proposal
- Lynn Hardman re: Several Topics, Including Housing
- Sarah Sinclair-Amend re: Thanks to Council/VM for Questions
- Dino Pallotta re: LIHTC Proposal
- Emily Seibel/YSHI Board re: Response to St. Mary’s Proposal Withdrawal
- Sheila Dunphy-Pallotta re: Responses to LIHTC Proposal and Housing in VYS

DeVore Leonard reviewed the communications received.

**PUBLIC HEARINGS/LEGISLATION**

**Reading of Resolution 2024-40** Approving Payment to Miami Valley Education Association for Fiber Installation. **MOVED** and **SECONDED** a **MOTION TO APPROVE**.

Burns explained that MVECA has requested that the Village pay a portion of the cost of the pilot project. The requested amount covers expenses that were incurred due to grant funds running out before the project was finished. The total cost of the pilot project to date is \$379,088.97, and the request to the Village is for \$49,088.97.

Burns explained that the Village currently has \$50,000.00 in the Broadband Fund, which was budgeted for 2024 in anticipation of need.

Because services were rendered prior to the invoice date, Burns said, the expenditure must be approved by Council as a Then and Now.

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

**CITIZEN CONCERNS**

Ena Nearon presented Council with information regarding ongoing work to finalize a mural project for the Gaunt Park pool.

Mitzie Miller reported on recent activities of the “YS Citizen Action Project for Sidewalks,” thanking those involved.

**SPECIAL REPORTS**

**Preview of Public Works Light Up Navajo Nation Project.** Sparks presented a video provided by LUNN and addressed questions about the upcoming project.

**MANAGER’S REPORT**

Burns reported on the following:

Upcoming activities: Street Fair, June 8; Juneteenth, June 15; Pride, June 29.

Burns then asked Council for direction regarding a grant the Village has been offered from ODOT for “Yellow Springs-Fairfield Road Systemic Safety Funding” that would extend the sidewalk. He noted that the grant was sought in response to continued citizen concerns regarding pedestrian safety along Fairfield Pike.

Burns stated that the ODOT grant requires a match, in that the grant covers construction cost only, such that the Village would need to fund engineering and any other pre-construction costs, such as right-of-way acquisition. He noted the grant amount as \$1,600,510.00, and the maximum match amount as \$916,169.00.

Burns stated that he is continuing to seek grant funding in partnership with Choice One, as he normally does, in addition to engaging in cost-saving measures, and that he has every expectation that the final match will be less than the projected \$916,169.00. He directed Council to the summary provided by ODOT as below:

	ODOT (Safety Program)	Yellow Springs
PE Environmental	\$0.00	\$290,000.00
PE Detailed Design	\$0.00	\$82,000.00
Right of Way	\$0.00	\$432,133.00
Construction Contract	\$1,600,510.00	\$0.00
Construction Engineering	\$0.00	\$112,036.00
<b>TOTAL</b>	<b>\$1,600,510.00</b>	<b>\$916,169.00</b>

Discussion ensued, with Council members inquiring as to the specifics of the grant and potential grants available to offset the match.

In response to questions from DeVore Leonard, Burns stated that he had brought information on the grant to Council several times. He added that agreement to acceptance would mean accepting any potential cost.

Blankenship clarified that Council could agree to accept the grant, but would need to formalize that acceptance by resolution.

Burns stated that the response date had in fact passed, and that he had intended to receive a response from Council at this meeting so that he could respond promptly to ODOT.

Housh stressed that the YS-Fairfield area has been identified as a priority area.

Responding to a query from Stokes, Burns stated that in the last five years, the Village has received over \$10,000,000.00 in grant funding because of staff working closely with Choice One.

Burns added that officials at ODOT had contacted the Village to indicate that the grant fit the Village’s safety needs, and encouraged application.

Brown reiterated that YS-Fairfield pedestrian safety is a priority.

Burns added that one reason that the application had scored well is that the sidewalk will connect to the bike path, allowing Village youth to cross from the west side of town to the Bryan Youth Center and downtown in a safe manner.

Housh pointed out that Council has a Special Meeting scheduled for June 6<sup>th</sup>, and could add the legislation to that agenda.

Stokes MOVED TO BRING A RESOLUTION ACCEPTING THE ODOT GRANT AND APPROVING THE REQUIRED MATCH IN A MAXIMUM AMOUNT OF \$916,169.00. Brown SECONDED, and the MOTION PASSED 4-1, with DeVore Leonard voting against.

Returning to the Manager's Report, Burns noted that the RFP for new water meters is out, and he will be bringing legislation accepting a bid in early July.

Civic Plus text alerts should be up and running in the next few weeks.

The "Best Places to Work" survey is coming to a close, and Burns asked Council and Staff to complete this as the initiative is important for our organizational development.

Housh observed that parking donations have generated only \$174.62 to date, which he felt was low.

Burns responded that most donations are in \$5 to \$10 amounts, so the total shows good participation. He added that the parking donation signs will be improved to be able to be seen better by public at no cost to the Village.

#### **OLD BUSINESS**

**Low Income Housing Tax Credit (LIHTC) Update.** Leatherman read the memo provided to Council regarding the latest chapter in the LIHTC effort as follows:

Village staff and Council members have been working to support YS Home, Inc. in an effort to obtain LIHTC through the Ohio Housing Finance Agency. YS Home, Inc. had partnered with St. Mary Development Corporation to evaluate the potential to pursue an application in 2025. Most recently, they were examining 3 acres of property owned by the YS School District at the corner of East Enon Road and Dayton Street.

In an email from the President of St. Mary Development Corporation, Tim Bete, dated May 28<sup>th</sup>, 2024, Council was informed that "St. Mary Development no longer believes the time frame is feasible for the Village Council and/or School Board to navigate all the issues required to get approval and zoning completed for either the CBE or school site. Because of this, we've decided to end our discussions regarding the possibility of a 2025 tax-credit application to create a 50-unit affordable apartment community in Yellow Springs. We're happy to reengage for a future tax-credit funding round, if a suitable site is found that has a competitive score from the Ohio Housing Finance Agency."

The Ohio Housing Finance Agency LIHTC application deadline is presently set for February 13, 2025.

Due to the complexity of decisions needed to be reached in such a short window, Village staff agree that the timeframe for an application in 2025 seems problematic. Should a property be confirmed, some form of contingent purchase agreement would need to be formalized prior to the application deadline. Also prior to the application deadline, approval of a rezone to PUD and approval of Preliminary and Final PUD applications would need to be obtained by the appropriate Village bodies.

Leatherman stated that staff remain committed to working closely with YS Home, Inc. and other developers to develop all forms of housing in the Village, including affordable housing.

Emily Seibel, Executive Director of Home, Inc., acknowledged that the process has taken a toll on the community and recognized the need for alignment of purpose among Home, Inc., the public schools, village government and community members.

In response to a question from Stokes, Leatherman stated that while she had provided information on the PUD process in her memo, if Home, Inc. was able to apply for funding after completion of the preliminary plan approval, that yes, the process would be slightly shorter. She added that the preliminary phase would still require about 4-6 months.

Jessica Thomas commented that citizens have begun a Go Fund Me campaign to raise funds in support of the request that the Village pay for legal fees to explore purchase of school-owned land. She noted that it would be critical that any agreement replace the school soccer fields, that Council pay for the process required to obtain land for housing, and that the Village purchase said land. She then added that Council and Planning Commission should review the PUD process to make it a faster endeavor.

Judith Hempfling, School Board President, stated that on May 21<sup>st</sup>, the School Board had voted to explore finding funds to explore removing the lien from school property and to explore replacing the soccer fields. She then requested that the Village fund legal cost to remove the lien.

Marianne MacQueen commented that while it is not the direct mission of either the YS Schools or the Village to provide housing, it should be attempted.

Stokes received information from Hempfling that land “has been identified” to replace the soccer fields.

Stokes inquired as to how Home, Inc. intended to pursue the LIHTC process without a committed developer.

Seibel responded that the Home, Inc. Board “needs a lot of discussion” but would need to know that the Village is supportive of a continued effort. She stated that a developer who qualifies as a “CHDO” (Community Housing Development Organization) would be needed.

Gustafson asked how long it would take for Seibel to obtain a list of eligible developers.

YSHI Board member April Wolford commented that Home, Inc. cannot approach a developer without having secured land on which to build.

Seibel commented that several actions would have to occur concurrently.

Lynn Hardman spoke in favor of moving forward with project exploration, highlighting that we can figure out another location for the rec soccer fields.

John Hempfling requested that Council ask Cresco and AUM to modify the covenants to permit housing. He suggested that the zoning code should be changed to speed up the PUD process.

Dino Pallotta commented that because Home, Inc. rushed the project and demanded immediate responses, they did not speak with or involve local stakeholders. In bypassing these perspectives, Pallotta asserted, the project was then negatively viewed by those not included in discussion. There needs to be buy-in and robust information, he said, this is what happens when team-building and clear communication is not engaged-in. Pallotta stated his opposition to taxpayer funds being spent on the project for these reasons.

Evelyn Potter stated her support for the project and agreed with the lack of available housing for younger families.

Emily Seibel provided statistics regarding housing and demand locally. She stated that she would need to know that there was a desire to move forward in order to do so, and agreed with Pallotta that education and information should be provided moving forward. There is no specific proposal from Home, Inc. at this time, she stated.

Stokes asked for specific information from Hempfling regarding potential cost for a legal opinion regarding extrication of the proposed school land from the lien. Hempfling responded that the cost was estimated at between ten and twenty thousand dollars. She opined that perhaps some of the cost could be shared by other entities, but that the ask was for \$20,000.

Solicitor Blankenship addressed the matter of a potential expenditure of funds in the manner proposed by Hempfling. She noted that the expenditure would be viewed as funds expended for a public purpose, and that the question would be whether the expenditure could, in fact, be viewed as a legitimate public purpose.

That purpose was clearer, she said, when there was a developer attached to a concept. In the absence of a developer, Blankenship opined, that clear connection to public purpose is weakened. She stated that she is unable to predict whether there might be a taxpayer lawsuit and/or whether the Auditor might rule the expenditure an improper expenditure of public funds.

Brown asked why lack of a developer weakens the public purpose argument.

Blankenship explained that the line from land acquisition to construction of low income housing is broken without the developer in place.

Gustafson asked whether the auditor had been contacted for an opinion.

Blankenship responded that this would be a good thing to do.

Housh offered several reasons that the public purpose should be clear, since there is an immediate interest and a long-term interest.

Blankenship noted that in either case, there is no firm guarantee that the LIHTC funds would be received. She commented that the Finance Director should be consulted and that outreach to the audit firm would be advisable.

Housh MOVED TO BRING LEGISLATION FOR APPROVAL OF UP TO \$20,000 FOR EXPLORATION OF REMOVING A LIEN ON SCHOOL PROPERTY. Stokes SECONDED. The MOTION PASSED 5-0 on a VOICE VOTE.

There was general confusion as to what the motion was called-upon, and Stokes stated that because of the lack of clarity around the motion, he was interpreting the “yes” vote as agreement to discuss the motion, not as agreement to the motion.

Council then engaged in discussion.

Brown asked what the likelihood that this would not be a proper public expenditure.

Blankenship stated that an auditor could investigate the expenditure and look at any number of things and would ask that question.

Burns asked what authority would protect staff from investigation during an audit if they were to sign the checks paying for the legal fees.

Blankenship stated that this would be the legislative authority—Council.

DeVore Leonard expressed conflicted feelings on the matter, citing the complexity of the situation and his belief that more low income housing is needed in the Village.

Brown identified as a housing-insecure person, and asked that comparison of housing availability not be made to other situations such as sidewalk safety.

Stokes CALLED THE VOTE ON THE MOTION TO BRING LEGISLATION FOR APPROVAL OF UP TO \$20,000 TO EXPLORATION OF REMOVING A LIEN ON SCHOOL PROPERTY, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Housh MOVED THAT A LETTER BE WRITTEN TO ANTIOCH UNIVERSITY MIDWEST AND CRESCO TO ENCOURAGE THEM TO INDICATE THEIR WILLINGNESS TO CHANGE THE COVENANTS TO ALLOW THE VILLAGE TO REACH ITS HOUSING GOALS. DeVore Leonard SECONDED.

Burns stated that he has been in ongoing conversation with Cresco, and that he does not expect any response from Cresco. He stated that the CEO has been contacted, and no other contact with Cresco is permitted, per Cresco.

Blankenship stated that Cresco has indicated that they would get back to the Village.

Brown expressed that industrial land is not appropriate for housing for poor people. She added that there are specific reasons that the covenants do not permit housing.

Housh responded that soccer fields could be placed at the CBE, and characterized the undeveloped land a “lush,” disagreeing with the supposition that industrially zoned property is blighted.

After discussion, Housh asked why Council would not formally request a response.

Stokes noted that there have been ongoing discussions, and that lack of response can be considered a response.

Housh responded that we shouldn't assume what the position of the other two property owners is, and asked that the letter state Council's interest in waiving the covenants.

Blankenship received clarification that the letter will be from Council, which requires that it appear on the next agenda.

Stokes CALLED THE VOTE. The MOTION PASSED 4-1 with Brown voting against.

Stokes removed the Active Transportation item from the agenda.

**NEW BUSINESS**

Housh NOMINATED Jennifer Rosengarten to Environmental Commission. Brown SECONDED, and the MOTION PASSED 5-0.

**FUTURE AGENDA ITEMS**

- June 17:**        **Reading of Resolution 2024-42** Approving the Finance Director’s 2024 Tax Budget for the Village of Yellow Springs
- Reading of Resolution 2024-4X** Authorizing the Expenditure of Up to \$XX,000 in Legal Fees for Legal Opinion on the Availability of Specific Public School Property for Purchase for the Purpose of Low Income Housing
- Reading of Resolution 2024-4X** Celebrating Pride Week in the Village of Yellow Springs
- July 1:**         **Executive Session 5pm**
- Reading of Resolution 2024-XX** Authorizing the Village Manager to Enter into an Agreement with Glen Helen Ecology Institute
- Reading of Resolution 2024-XX** Approving a Planned Unit Development Agreement Between the Village of Yellow Springs and YS Home, Inc. for the Cascades Project
- July 15:**        Light Up Navajo Nation Report Out
- Aug. 5:            **NO MEETING**
- Aug. 19:
- Aug. 21:         5-8pm Council Teambuilding
- Aug 26:         5-8pm Council Teambuilding
- Sept. 3:          TUESDAY

**ADJOURNMENT**

At 9:33pm, DeVore Leonard MOVED TO ADJOURN. Housh SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Signed: \_\_\_\_\_  
Kevin Stokes, Council President

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