

**COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS
REGULAR COUNCIL MEETING
AGENDA**

In Council Chambers @5:00 P.M.

Monday, October 19, 2026

Anyone can observe meetings live via cable Channel 5, (Community Access Yellow Springs) or on YouTube. ZOOM participation will be offered only for virtual meetings. Please contact the Council Clerk at 937-767-9126 or clerk@yellowsprings.gov for any questions regarding the Council meeting.

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION (5:00)

Under Ohio Revised Code 121.22(G)(1) To consider the evaluation or compensation of a public employee or official and to consider the acquisition of real estate.

SWEARINGS-IN (6:00)

Matthew Raska: Board of Zoning Appeals

ANNOUNCEMENTS

CONSENT AGENDA

1. Minutes of October 5, 2026 Regular Meeting
2. Minutes of October 5, 2026 Special Meeting: Work Session
3. Minutes of October 7, 2026 Special Council Meeting: Budget Session #1
4. Credit Card Statement for September

REVIEW OF AGENDA

I. PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Mayor's Clerk re: Mayor's Monthly Report (3)
Ralita Hilderbrand re: Budget Considerations
Mitzie Miller re: Parking Requests
Heather Hughes re: Budget Request for Wetland Study
Judith Hempfling re: Citizen Participation in Council Meetings
Danielle Joseph re: Downtown Accessibility
MVRPC Public Participation Notice
Dean Pallotta re: Council Fiscal Responsibility

II. CITIZEN CONCERNS (6:15)

III. PUBLIC HEARINGS/LEGISLATION (6:30)

First Reading of Ordinance 2026-20 Repeal and Replace Section 1226.13 "Subdivision Fees" of Chapter 1226 "Subdivision Regulations" of the Village Planning and Zoning Code

First Reading of Ordinance 2026-21 Repealing Appendix A "FEE SCHEDULE" of Title 4 "Zoning" of the Village Planning and Zoning Code

Emergency Reading of Ordinance 2026-22 Approving Fourth Quarter Supplemental Appropriations and Declaring an Emergency

Reading of Resolution 2026-35 Approving Check Signing Privileges for WesBanco Bank/General Checking & Guaranteed Deposits

Reading of Resolution 2026-36 Authorizing Payment of Invoices with a Then and Now Certificate for the Third Quarter Of 2026

Reading of Resolution 2026-37 Approving an Agreement with the Shared Resource Center for Interim Finance Director Services

Reading of Resolution 2026-38 Approving a Subdivider's Agreement with Enon Road Project I, LLC for Spring Meadows Extension

IV. SPECIAL REPORTS

V. MANAGER'S REPORT (6:50)

VI. OLD BUSINESS (7:00)

Village Manager Search Firm Recommendation (DeVore Leonard: 10 min.)

Recall Process Ballot Initiative Follow-Up (Blankenship: 5 min.)

VII. NEW BUSINESS

VIII. BOARD AND COMMISSION REPORTS (7:15)

Planning Commission	Leonard	Brown
Finance Committee	Leonard	Semere
Yellow Spring Development Corporation (YSDC)	Pearce	Semere
Public Arts & Culture Commission	Brown	Pearce
Library Commission (LC)	Hsu	Semere
Environmental Commission (EC) (TBD)	Brown	Hsu
Village Mediation Program (VMP)	Brown	
YS School Liaison	Pearce	
YS Chamber Liaison	Leonard	
Active Transportation Liaison	Pearce	
Miami Valley Regional Planning Commission (MVRPC)	Semere	Brown
Greene County Regional Planning Commission (GCRPC)	Brown	Semere
Housing Committee	Hsu	TBD

IX. FUTURE AGENDA ITEMS* (7:20)

Oct. 22: Budget Session #2: 3-5pm

Nov. 2: Work Session: Budget Session #3 (4-6pm)

Nov. 2: Regular Session

Second Reading and Public Hearing of Ordinance 2026-20 Repealing and Replacing Section 1226.13 "PARK DEDICATION FEE REQUIREMENTS" of the Village Planning and Zoning Code

Second Reading and Public Hearing of Ordinance 2026-21 Repealing Appendix A "FEE SCHEDULE" of Title 4 "Zoning" of the Village Planning and Zoning Code

Reading of Resolution 2026-XX Planning and Zoning Fee Schedule

Quarterly Financials

Treasurer's Report

Schedule Housing Retreat

Nov. 16: Resolution: Flour and Sugar

Resolution: Wage Adjustment

Manager's Recommendation for Wage Adjustment

Dec. 7:

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

EXECUTIVE SESSION

ADJOURNMENT

The next regular meeting of the Council for the Village of Yellow Springs will be held at 6:00 p.m. on **Monday, November 2, 2026**.

**COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS
SPECIAL COUNCIL MEETING: WORK SESSION
MINUTES**

Council Chambers 5pm.

Monday, October 5, 2026

CALL TO ORDER

President of Council Gavin DeVore Leonard called the meeting to order at 5:00 pm.

ROLL CALL

Present were Council President DeVore Leonard, Vice President Angie Hsu and Council members Senay Semere and Stephanie Pearce. Interim Village Manager Jeff Sheridan, Planning and Zoning Director Nia Holt, Tyler Bridge of Bricker Graydon Wyatt and Solicitor Amy Blankenship were also present. Brown joined the meeting at 5:04.

WORK SESSION

Community Reinvestment Area (CRA) Information Session. Tyler Bridge, Bricker Graydon Wyatt presented information regarding how CRA's work. He noted that the CRA in place deals only with multi-family housing and commercial housing rehabilitation or construction.

Bridge noted that the CRA agreement lays out the terms of the tax abatement. Council must approve the final CRA through legislation. Bridge noted that CRA agreements are reviewed annually for compliance, and the exemption can be revoked, some abated funds can be clawed back, etc.

Bridge commented that Ordinance 2025-26 can be amended if so desired.

The Tax Incentive Review Council is able to make recommendations to the Village as to existing CRAs, again during the annual review process. Bridge then explained several methods used to claw back abated funds if a project is found to be non-compliant.

Bridge explained that the requirements listed in the ordinance are a minimum for consideration for abatement.

Bridge responded to a question from Semere, stating that this benefit is discretionary, so providing an abatement to one entity or project and not another is not problematic from a legal perspective.

Bridge listed a number of aspects of a project that could affect abatement, such as the number of jobs created, etc.

Responding to a question from Semere, Bridge stated that the Village chose to characterize multi-family housing as residential because it is an easier bar to reach, and also because this form of housing is highly desired.

Council engaged in some discussion regarding how incentives could be used to promote values such as energy efficiency or affordable housing.

Discussion of Proposed Changes to Existing CRA. Holt asked that Council consider re-examining the “Remodel” section of the ordinance to add the word “existing”. She asked also that a structure be at least five years old to be considered for a remodel.

Currently the Housing Council is set by “the Mayor”. Holt stated that this should be considered to be the Village Manager.

Bridge opined that substitution of “the Village Manager” for “the Mayor” would be acceptable.

Brown expressed support for the suggested changes.

Hsu suggested changing the age of the structure to ten years rather than five.

Discussion ensued, with a general agreement that incentivization of more affordable units is the overall goal.

All indicated a desire to speak more about tiering options and also to accept Holt’s recommendations.

Bridge recommended combining as many recommendations into one piece of legislation as possible to assure clarity.

Holt responded to a query from DeVore Leonard as to how much awareness of the program exists, stating that she does speak to the program, but not in specific terms.

In response to a question from Holt, DeVore Leonard commented that there are reasons to keep the floor at 80% of AMI for affordable rather than changing it to 60%, but that he does want to continue the conversation.

ADJOURNMENT

At 5:55pm, Hsu MOVED and Brown SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

The Village of Yellow Springs is committed to providing reasonable accommodations for people with disabilities. Any person requiring a disability accommodation should contact the Village, Clerk of Council’s Office at 767-9126 or via e-mail at clerk@yso.com for more information.

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

In Council Chambers @ 6 P.M.

Monday, October 5, 2026

CALL TO ORDER

President of Council Gavin DeVore Leonard called the meeting to order at 6:04 pm.

ROLL CALL

Present were Council President DeVore Leonard, Vice President Angie Hsu and Council members Carmen Brown, Senay Semere and Stephanie Pearce. Interim Village Manager Jeff Sheridan, Finance Director Michelle Robinson and Solicitor Amy Blankenship were also present.

ANNOUNCEMENTS

Pearce gave a thanks to Danny in the COS office for stepping up when needed.

Semere thanked Public Works for quick restoration of power during recent outages.

Pearce noted a number of successful Village events recently.

Semere announced that he is working on accessible parking issues.

CONSENT AGENDA

1. Minutes of September 21, 2026 Regular Meeting

Hsu MOVED and Semere SECONDED a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

No changes were made.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Caroline Mullin re: Thank You from Senior Center

Angie Hsu re: Communication and Thoughts

Mitzie Miller re: School Zone Safety Concerns

Hsu reviewed communications.

CITIZEN CONCERNS

Theresa Meyer villager and business owner thanked Semere and the mayor for joining in a disability simulation. She then noted a number of areas of the Bryan Center that, in her opinion, are not in compliance with the ADA. She asked that funds be placed in the budget for these items.

Lisa Abel presented part two of her educational effort regarding development corporations. She noted differences between what the Dayton development organizations do and the kinds of things YSDC does.

Mitzie Miller spoke regarding the benefit of creating accessibility and asked for “a plan of action” to do so on the part of the Village.

Caroline Mullin, Director of Yellow Springs Senior Center, thanked Council for their support of the purchase of the new property for the Senior Center. She iterated many ways in which the Village needs to be

doing work in connecting to the “Age Friendly Community”. Mullin asked for ongoing Village assistance in accessing grant funding.

Jerry Papania lodged complaints regarding the CRA agreements awarded to Windsor Group last year, asserting that they were not adequately negotiated and that impact on the village as a whole was not addressed. He then asked for more funding for accessible parking downtown.

Judith Hempfling thanked Council for “sticking to their guns” on affordable housing. She asked for a return to citizen comment on every item on the agenda and during work sessions.

Jackie Hempfling suggested that citizen comment guidelines be placed on the agenda and generally offered many suggestions for improvement of the process.

PUBLIC HEARINGS/LEGISLATION

There was no Legislation.

SPECIAL REPORTS

Second Quarter Financial Report. Robinson provided second quarter financials.

Brown MOVED and Pearce SECONDED a MOTION TO APPROVE. The MOTION PASSED 5-0 ON A VOICE VOTE.

Treasurer Report. Kintner provided the Treasurer’s report for the second quarter.

MANAGER’S REPORT

Sheridan reported on his activities in his first weeks on the job. He noted coming up to speed on Street Fair operations, on infrastructure concerns and potential upcoming needs, etc.

Sheridan remarked that he is still getting to know staff and learn operations, and expressed appreciation for a small, hardworking staff.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Village Manager Search Firm Recommendation. DeVore Leonard described the process of looking for a firm to assist in a VM search. He expressed confidence in any of the firms to work well with the Village, with small differentiation in cost.

DeVore Leonard noted that he and Hsu are leaning towards Proacademic, in part based on good reports out of Oberlin, who engaged them for their VM search.

Hsu noted indicating to the firms the unique aspects of Yellow Springs as well as looking for firms familiar with small town challenges.

DeVore Leonard noted that all firms assume one public engagement event as part of the cost. He stated that each firm expressed the expectation that if no ideal candidate is found, the search will remain open. All would be willing to consider a “replacement request” in the event that the candidate does not work out early in the process.

DeVore Leonard anticipated “one-to-two in person events.”

Brown commented that Proacademic looks better on paper, but that Raftellis shows more women and persons of color in leadership positions.

DeVore Leonard commented that the persons he spoke with from Oberlin felt that Proacademic provided a strong applicant pool.

Brown asked whether any of the smaller municipalities with which Raftellis worked had been spoken with.

DeVore Leonard stated that this had not been done, but that it could be done.

Brown asked that this follow up be done.

There was general agreement that the two firms discussed are the only firms with whom Council is interested in follow up.

Information will be funneled through the Clerk, and a final recommendation made on October 19th.

Information Dissemination During Meetings. DeVore Leonard introduced the topic and opened the floor for discussion.

Semere said that he wanted to know when he could convey what activities he is engaging in.

Pearce suggested adding Council updates during the meetings in which Board/Commission updates do not occur.

The idea was discussed at some length, with various suggestions made.

Council decided to add a "Council Update" informally at the next meeting just to float a possible process.

Should that become a desired addition, it would need to be added to the Council Process ordinance.

Charter Amendment Process (Recall). Blankenship addressed a recent Ohio Supreme Court case which bears on Village Charter. She opined that there is no established right of recall currently, based on this ruling.

Blankenship described two ways in which the Charter can be amended, one directed by Council and the other directed by citizens.

Blankenship stated a preference for drafting the amendment legislation so that the language for recall is accurate. This can be done in either May or November 2027, she said.

Blankenship noted that there are currently no other items on the May ballot which would put Council on the hook to pay for that election if no items are added by February.

Blankenship added that there are several other items of amendment she would like to place before Council if this is brought forward.

Blankenship noted that even if Council allows a recall petition to proceed, the Board of Elections is the gatekeeper and would be unlikely to permit the petition to go to the ballot.

Brown asked for information as to any other proposed charter amendments.

DeVore Leonard asked for information regarding cost of a special election. The Clerk will obtain this information prior to the October 19th meeting, where the matter will be further discussed.

FUTURE AGENDA ITEMS

Hsu noted that she will work with the Clerk on setting a next Housing Agenda.

DeVore Leonard asked that school signage information be placed in the Manager's Report.

DeVore Leonard asked for information regarding Mullins' request that the Village assist with Age Friendly events and grant opportunities.

The Clerk noted that this is not a small amount of staff time and effort and would fall primarily to Nia Holt.

Sheridan offered to meet with both DeVore Leonard and Holt to discuss what may be possible in this regard.

Oct. 7: Budget Session #1: 3-5pm
Oct. 19: Executive Session (Clerk Evaluation Process)
Ordinance 2026-20 Repealing and Replacing Section 1226.13 "SUBDIVISION FEES" of the Village Planning and Zoning Code.
Ordinance 2026-21 Repealing Appendix A "FEE SCHEDULE" of Title 4 of the Village Planning and Zoning Code
Reading of Resolution 2026-XX Planning and Zoning Fee Schedule
Resolution 2026-XX Approving a Subdivider's Agreement with Enon Road Project I, LLC for Spring Meadows Extension
Quarterly Financials
Treasurer Report
Manager Search Firm Recommendation
Ballot Initiative Information
Oct. 22: Budget Session #2: 3-5pm
Nov. 2: Work Session: Budget Session #3 (4-6pm)
Nov. 2: Regular Session
Wage Increase Legislation

ADJOURNMENT

At 7:49pm Brown MOVED and Hsu SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Signed: _____
Gavin DeVore Leonard, Council President

Attest: _____
Judy Kintner, Council Clerk

**COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS
SPECIAL COUNCIL MEETING: BUDGET SESSION #1
MINUTES**

Council Chambers 3pm.

Wednesday, October 7, 2026

CALL TO ORDER

President of Council Gavin DeVore Leonard called the meeting to order at 3:04 pm.

ROLL CALL

Present were Council President DeVore Leonard, Vice President Angie Hsu and Council members Carmen Brown, Senay Semere and Stephanie Pearce. Interim Village Manager Jeff Sheridan, Finance Director Michelle Robinson and Tiffany Hiser and Larry Hartlaub of Shared Resources were also present. Sheridan left the meeting at 3:30pm.

INTRODUCTION TO BUDGET PROCESS & OVERVIEW OF BUDGET

Hiser presented the budget as an overview, addressing questions. She noted that while the current budget shows a deficit of about \$688,000, there is every expectation that the Village will end the year with a balanced budget.

CAPITAL INITIATIVES OVERVIEW

Hiser presented an overview, noting larger items and items identified as highly necessary by department heads.

Several items were flagged for more information. Hiser stated that she will follow up with the two department heads on those items to provide answers for the second session.3e

COUNCIL-SPECIFIC BUDGET

DeVore Leonard stressed that there are no requests from Council this year.

Brown requested funds to make the Bryan Center accessible, stating that there are free accessibility audits available.

DeVore Leonard provided an overview of Finance Committee activities and input to budget matters.

ADJOURNMENT

At 4:57pm, Hsu MOVED and Brown SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

The Village of Yellow Springs is committed to providing reasonable accommodations for people with disabilities. Any person requiring a disability accommodation should contact the Village, Clerk of Council's Office at 767-9126 or via e-mail at clerk@yso.com for more information.

Date	Transaction	Name	Memo	Amount
9/3/2026	DEBIT	APT US&C 989-8205205 MI	24207856:	\$159.00 ANNUAL RENEWAL OF ASSOCIATION OF PUBLIC TREASURERS
9/3/2026	DEBIT	SAMS CLUB.COM 800-966-6546 AR	24445006:	\$199.20 WATER/PUBLIC SAFETY
9/4/2026	DEBIT	SAMS CLUB #6517 BEAVERCREEK OH	24445006:	\$160.59 KORA EVENT FOR YOUTH CENTER
9/8/2026	DEBIT	BENTINO'S OF YELLOW SP 937-7672500 OH	24695236:	\$157.83 PIZZA NIGHT/MOVIE IN GYM/YOUTH CENTER
9/8/2026	DEBIT	ESRI 888-3774675 CA	24071056:	\$1,198.00 YEARLY SUBSCRIPTION TO ERSI/ELECTRIC DEPT.
9/8/2026	DEBIT	MillsParkHotel 193-7319040 OH	24793386:	\$279.00 HOTEL FOR AMERICA 250 SPEAKER
9/8/2026	DEBIT	ODP BUS SOL LLC # 1011 800-463-3768 OH	24137466:	\$9.42 OFFICE SUPPLIES/POLICE DEPT.
9/10/2026	DEBIT	SURVEYMONK* T 47685589 WWW.SURVEYMON CA	24492166:	\$468.00 ANNUAL RENEWAL OF SURVEY MONKEY
9/11/2026	DEBIT	APA-OHIO 216-403-9195 OH	24240526:	\$325.00 APA 2026 REGISTRATION/PLANNING AND ZONING
9/16/2026	DEBIT	SPRINGFIELD RURAL KING SPRINGFIELD OH	24431066:	\$99.99 BATTERY FOR MINI EXCAVATOR/STREET DEPT.
9/21/2026	DEBIT	USPS PO 3891980387 YELLOW SPRING OH	24137466:	\$6.37 CERTIFIED MAIL POSTAGE/PUBLIC SAFETY
9/21/2026	DEBIT	DOLLAR-GENERAL #7647 YELLOW SPRING OH	24445006:	\$22.40 CLEANING SUPPLIES/PUBLIC SAFETY
9/21/2026	DEBIT	SKYLINE CHILI 55 937-8797125 OH	24003416:	\$199.97 LUNCH FOR BURNS GOODBYE
9/22/2026	DEBIT	VISTAPRINT 866-207-4955 MA	24036296:	\$56.98 BUSINESS CARDS FOR JEFF SHERIDAN
9/23/2026	DEBIT	MENARDS 3369 FAIRBORN OH	24137466:	\$141.92 VACUUM CLEANER & LAUNDRY SOAP/STREET DEPT.
9/23/2026	DEBIT	LOGAN MASTER APPLIANCE KETTERING OH	24445006:	\$117.43 WASHER REPAIR FOR LAWSON
9/24/2026	CREDIT	LOGAN MASTER APPLIANCE KETTERING OH	74445006:	-\$7.43 CREDIT FROM LOGAN
9/24/2026	DEBIT	MENARDS 3369 FAIRBORN OH	24137466:	\$28.99 LANDSCAPE FABRIC/STREET DEPT.
9/25/2026	DEBIT	SPRINGS MARKET YELLOW SPRING OH	24231686:	\$57.95 drinks for PACC
9/25/2026	DEBIT	GLASSMAN AUTO REPAIR L PLEASANT HILL OH	24445006:	\$240.00 SIDE WINDOW REPLACEMENT FOR TRUCK 201/STREET DEPT.
9/28/2026	DEBIT	SAMS CLUB #6517 BEAVERCREEK OH	24445006:	\$127.28 COUNCIL SUPPLIES
9/28/2026	DEBIT	MillsParkHotel 193-7319040 OH	24793386:	\$738.00 HOTEL FOR AMERICA 250 SPEAKER
9/28/2026	DEBIT	TARGET T-1128 BEAVERCREEK OH	24445006:	\$340.19 REPLENISHING YOUTH CENTER TOYS AND GAMES
9/28/2026	DEBIT	MICHAELS STORES 9850 BEAVERCREEK OH	24692166:	\$398.80 HALLOWEEN CRAFTS AND SUPPLIES/YOUTH CENTER
9/28/2026	DEBIT	MENARDS 3369 FAIRBORN OH	24137466:	\$95.82 CEMENT/STREET DEPT.
9/30/2026	DEBIT	PAYPAL *CEDIPLOMA DIGI 800-373-6876 VA	24027626:	\$25.00 SUPPLIES/PUBLIC SAFETY
9/30/2026	DEBIT	SIX FLAGS AR 704-248-3130 OH	24137466:	\$2,964.00 YOUTH CENTER TRIP TO KINGS ISLAND
9/28/2026	DEBIT	MENARDS 3369 FAIRBORN OH	24137466:	\$121.78 CEMENT & SAW BLADES/STREET DEPT.
				\$8,731.48



The Village of **YELLOW SPRINGS**

MEMORANDUM

TO: Village Council and Interim Village Manager

FROM: Nia Holt, Planning & Zoning Director

DATE: October 13, 2026

RE: Ordinance 2026.20 - *Repealing and Replacing Section 1226.13 of the Village Planning and Zoning Code – Modification Recommended*

Background: Planning and zoning fees are currently established within the Village Zoning Code through Chapter 1226.13 and Appendix A. Changes to these fees require a formal text amendment and ordinance, including Planning Commission review and Village Council action, because the fees are codified.

The original proposed amendment removed the fee-related language from Chapter 1226.13, while retaining the requirement for park dedication fees associated with newly subdivided minor plat developments. The intent was to lay the groundwork for Village Council to adopt and adjust planning and zoning fees by resolution, consistent with the process Council adopted for building permit fees on July 6, 2026.

The Planning Commission reviewed the original amendment (Exhibit A) on September 15, 2026, and provided a positive recommendation to Village Council. Following that review, the Village Solicitor reexamined the proposed text and made a legal recommendation that the language related to subdivision deposits and additional review fees be retained in Chapter 1226.13. Staff has prepared a modified version of the text amendment that incorporates the Solicitor's recommendation (Attached).

Staff Recommendation: Staff recommends that Village Council adopt the modified text amendment to Chapter 1226.13, as enclosed in the attached Modified Exhibit A.

MODIFIED EXHIBIT A

1226.13 SUBDIVISION FEES AND DEPOSITS.

(a) **Subdivision Fees Nonrefundable.** Preliminary Plats. Concurrently, upon submission of any preliminary plat for Village review, the developer or his or her agent shall make payment for review services in the amount of two hundred dollars (\$200.00). Such fee is nonrefundable and is applicable to each preliminary plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved preliminary plat shall require another payment of the fee provided for herein. **Such fees are nonrefundable and are applicable to each plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved plat shall require another payment of the fees as provided in the fee schedule adopted by Village Council.**

(b) Final Plats **Deposits.**

~~—(1) Concurrently, upon submission of any final plat for Village review, the developer or his or her agent shall make payment for review services in the amount of one hundred dollars (\$100.00) and, in addition, shall pay for review services of twenty dollars (\$20.00) for each developable lot.~~

{2} Before final approval signatures are placed upon a final record plat, the developer or his or her agent shall deposit with the Village an amount of money to be used to defray the cost of inspection, review and legal services borne by the Village and directly attributable to the development. This sum shall normally be equal to four percent of the approved estimate of construction costs for bonding purposes. Upon acceptance of public improvements by the Village, this four percent fund shall be adjusted in accordance with actual expenditures for review and inspection services. If the money deposited exceeds the cost incurred by the Village, the balance shall be returned to the developer; alternatively, if costs incurred by the Village exceed the four percent deposit, additional money shall be paid by the developer before improvements are accepted.

(c) **Additional Review Fees.** Minor Subdivisions. Before approval of any minor subdivision, the developer or his or her agent shall make payment for review services in the amount of fifty dollars (\$50.00) for each new lot created (the residual of the original parcel shall be excluded). If the minor subdivision requires Planning Commission approval, a payment in the amount of one hundred dollars (\$100.00) shall additionally be required. **Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.**

(d) Replats. Before approval of any replat, the developer or his or her agent shall make payment for review services in the amount of twenty-five dollars (\$25.00). If the replat requires Planning Commission approval, a payment in the amount of one hundred dollars (\$100.00) shall additionally be required. Additional fees may be collected in cases where

~~recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.~~

—(e) **Minor Plat** Park Fees. For any new subdivisions of less than five lots, the developers or property owners shall pay a park fee of five hundred dollars (\$500.00) per lot created for capital improvements to the nearest dedicated park. For subdivisions of five lots or more, see Section 1226.07. **For any new subdivision of less than five lots, the developers or property owners shall pay the park fee listed in the approved fee schedule per lot created for capital improvements to the nearest dedicated park. For subdivisions of five lots or more, see Section 1226.07.**

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2026-20**

**REPEAL AND REPLACE SECTION 1226.13 “SUBDIVISION FEES” OF CHAPTER
1226 “SUBDIVISION REGULATIONS” OF THE VILLAGE PLANNING AND ZONING
CODE TO CREATE NEW SECTION 1226.13 “PARK DEDICATION FEE
REQUIREMENTS”**

WHEREAS, at the recommendation of the Planning and Zoning Administrator, Planning Commission has considered amendments to Section 1226.13 of the Village zoning code to remove specific fees for all subdivision types so that these fees are referenced in a separate document, and

WHEREAS, following a Public Hearing on the matter, Planning Commission recommends approval of these text amendments to Council,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Section 1226.13 “SUBDIVISION FEES” of Chapter 1226 “SUBDIVISION REGULATIONS”, of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed in its entirety.

Section 2. A new Section 1226.13 “PARK DEDICATION FEE REQUIREMENTS” of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby enacted to read as set forth in Exhibit A, with deletions in ~~striketrough~~, and additions **bolded and underlined**.

Section 3. This ordinance shall be in force and effect at the earliest period allowed by law.

Gavin DeVore Leonard, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Gavin DeVore Leonard____ Angie Hsu____ Carmen Brown____
Senay Semere____ Stephanie Pearce____

Exhibit A to Ordinance 2026-20

1226.13 SUBDIVISION FEES. 1226.13 PARK DEDICATION FEE REQUIREMENTS.

(a) Preliminary Plats. Concurrently, upon submission of any preliminary plat for Village review, the developer or his or her agent shall make payment for review services in the amount of two hundred dollars (\$200.00). Such fee is nonrefundable and is applicable to each preliminary plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved preliminary plat shall require another payment of the fee provided for herein. **For any new subdivision of less than five lots, the developers or property owners shall pay the park fee listed in the approved fee schedule per lot created for capital improvements to the nearest dedicated park. For subdivisions of five lots or more, see Section 1226.07.**

~~—(b) Final Plats.~~

~~—(1) Concurrently, upon submission of any final plat for Village review, the developer or his or her agent shall make payment for review services in the amount of one hundred dollars (\$100.00) and, in addition, shall pay for review services of twenty dollars (\$20.00) for each developable lot.~~

~~—Such fees are nonrefundable and are applicable to each final plat upon which specific action to approve or disapprove is taken by the Planning Commission. Resubmission of a previously disapproved final plat shall require another payment of the fees provided for herein.~~

~~—(2) Before final approval signatures are placed upon a final record plat, the developer or his or her agent shall deposit with the Village an amount of money to be used to defray the cost of inspection, review and legal services borne by the Village and directly attributable to the development. This sum shall normally be equal to four percent of the approved estimate of construction costs for bonding purposes. Upon acceptance of public improvements by the Village, this four percent fund shall be adjusted in accordance with actual expenditures for review and inspection services. If the money deposited exceeds the cost incurred by the Village, the balance shall be returned to the developer; alternatively, if costs incurred by the Village exceed the four percent deposit, additional money shall be paid by the developer before improvements are accepted.~~

~~—(c) Minor Subdivisions. Before approval of any minor subdivision, the developer or his or her agent shall make payment for review services in the amount of fifty dollars (\$50.00) for each new lot created (the residual of the original parcel shall be excluded). If the minor subdivision requires Planning Commission approval, a payment in the amount of one hundred dollars (\$100.00) shall additionally be required. Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.~~

~~—(d) Replats. Before approval of any replat, the developer or his or her agent shall make payment for review services in the amount of twenty five dollars (\$25.00). If the replat requires Planning Commission approval, a payment in the amount of one hundred dollars (\$100.00) shall additionally be required. Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will be assessed such fees. The exact fee will be determined by the incurred cost of the review, the total of which will be passed on to the applicant.~~

~~—(e) Park Fees. For any new subdivisions of less than five lots, the developers or property owners shall pay a park fee of five hundred dollars (\$500.00) per lot created for capital improvements to the nearest dedicated park. For subdivisions of five lots or more, see Section 1226.07.~~

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2026-21**

**REPEAL APPENDIX A “FEE SCHEDULE” OF TITLE FOUR “ZONING” OF THE
VILLAGE PLANNING AND ZONING CODE**

WHEREAS, at the recommendation of the Planning and Zoning Administrator, Planning Commission has considered repeal of the fee schedule for zoning fees as contained in APPENDIX “Fee Schedule” of Title Four “Zoning”, and

WHEREAS, following a Public Hearing on the matter, Planning Commission recommends approval to Council this repeal to permit fees to be amended when necessary by resolution of Council,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. “Appendix” of Title Four—ZONING of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed in its entirety, as shown below in Exhibit A.

Section 2. This ordinance shall be in force and effect at the earliest period allowed by law.

Gavin DeVore Leonard, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Gavin DeVore Leonard____ Angie Hsu____ Carmen Brown____
Senay Semere____ Stephanie Pearce__

Exhibit A to Ordinance 2026-21

APPENDIX A Fee Schedule

The following amended fee schedule shall apply to non-governmental applications and appeals file pursuant to the regulations outlined in the Village's Zoning Code:

Zoning Permits	-
—Demolition permit	\$25.00
—Fence	\$35.00
—Home Occupation Permit	\$25.00
—Sign Permit	\$25.00 per sign
—Transient Guest Lodging permit	\$25.00
—Working in the ROW permit – expires 30 days from scheduled date of completion	\$50.00
—Zoning Compliance Permit	\$25.00
New Construction Zoning Permit	-
—Accessory Structure	\$75.00
—Addition	\$100.00
—Deck	\$50.00
—Single Family	\$150.00
—Two Family & Single Family Attached	\$200.00
—Multi-family & Commercial	\$300.00
Planning Commission Applications	-
—Conditional Use Application	\$200.00
—Lot Subdivision (Not associated with dev plan or PUD	\$100.00 + \$50 per lot (subject to a park fee – Ch. 1226.13 – Subdivision Fees)
—Map/Text Amendment Request	\$300.00
—Planned Unit Development (PUD) Application:	-
—Preliminary Plan Application	\$300.00
—Final Plan Application	\$150.00
—Level B Site Plan Review Development Application	\$100.00
—PUD or Level B Plan Re-application/Amendment	\$50.00
—Right of way Vacation Request	\$50.00 (if petition as included) per Section 1224.03(a) – \$100.00 (if no petition included)
—Board of Zoning Appeals Applications	-

~~—Variance Application Request~~	\$200.00
~~—Administrative Appeal~~	\$100.00
~~—Village Council Appeal from Planning or Board~~	\$100.00*
~~—Other Related Fees~~	-
~~—Fine for starting work without obtaining a permit~~	Cost of the permit, plus 100%
~~—Additional fees may be collected in cases where recovery of incurred costs is necessary. Amendments to submitted plans requiring further review will also be assessed such fees. The exact fee is determined by the incurred cost of the review.~~	-
*According to Section 1276.03 (b)(6) — \$30.00 refunded if appeal affirmed	

ORDINANCE NO. 2026-22
APPROVING FOURTH QUARTER SUPPLEMENTAL APPROPRIATIONS AND DECLARING AN EMERGENCY
VILLAGE OF YELLOW SPRINGS, OHIO

WHEREAS, Ordinance 2025-25 was adopted to make appropriations for current expenses and other expenditures of the Village of Yellow Springs, State of Ohio, during the fiscal year ending December 31, 2026, and

WHEREAS, Village Council makes supplemental appropriations to reflect adjustments which occur throughout the fiscal year, and

WHEREAS, this ordinance is hereby declared to be an emergency measure necessary to preserve the public interest and provide for a special emergency in the operation of Village services, such emergency being the urgent necessity to provide for legitimate expenditures and amend the annual appropriation .

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY ORDAINS THAT:

Section 1. To provide for expenses and other expenditures of the said Village of Yellow Springs during the fiscal year ending December 31, 2026 the following sums are hereby set aside and appropriated as follows:

Section 2. That there be appropriated from the GENERAL FUND :		CURRENT BUDGET	SUPPLEMENTAL 09/21/26	AMENDED BUDGET
	Council Total	\$336,483.00		\$336,483.00
	<i>Personnel Services</i>	<i>\$180,283.00</i>		<i>\$180,283.00</i>
	Mayor Total	\$39,887.00		\$39,887.00
	<i>Personnel Services</i>	<i>\$25,387.00</i>		<i>\$25,387.00</i>
	Administration Total	\$855,096.64		\$855,096.64
	<i>Personnel Services</i>	<i>\$360,641.04</i>		<i>\$360,641.04</i>
	Auditor	\$46,350.00		\$46,350.00
	Commercial Rental Property	\$142,650.00		\$142,650.00
	Library	\$5,000.00		\$5,000.00
	Cable	\$95,328.00		\$95,328.00
	<i>Personal Services</i>	<i>\$77,380.00</i>		<i>\$77,380.00</i>
	Council Commissions	\$64,360.00		\$64,360.00
	Public Safety Total	\$2,250,176.03		\$2,250,176.03
	<i>Personnel Services</i>	<i>\$1,805,416.04</i>		<i>\$1,805,416.04</i>
	Planning Total	\$404,601.00		\$404,601.00
	<i>Personnel Services</i>	<i>\$2,296,711.00</i>		<i>\$2,296,711.00</i>
	Mediation	\$14,420.00		\$14,420.00
	Transfers and Advances	\$1,306,500.00		\$1,306,500.00
	TOTAL GENERAL FUND APPROPRIATIONS	\$5,560,851.67	\$0.00	\$5,560,851.67

Section 3. That there be appropriated from the following **SPECIAL REVENUE FUNDS**:

202	Street Maintenance & Repair Total	\$781,583.00		\$781,583.00
	<i>Personnel Services</i>	<i>\$287,983.00</i>		<i>\$287,983.00</i>
203	State Highway & Repair	\$10,000.00		\$10,000.00
204	Parks and Recreation Fund	\$824,597.00	\$200.00	\$824,797.00
	Parks Total	\$271,803.00		\$271,803.00
	<i>Personnel Services</i>	<i>\$91,763.00</i>		<i>\$91,763.00</i>
	Pool Total	\$150,333.00		\$150,333.00
	<i>Personnel Services</i>	<i>\$81,508.00</i>		<i>\$81,508.00</i>
	Bryan Center Total	\$374,338.00	\$200.00	\$374,538.00
	<i>Personnel Services</i>	<i>\$232,068.00</i>		<i>\$232,068.00</i>
	Bryan Youth Center Total	\$20,123.00		\$20,123.00
205	Economic Development Fund	\$0.00		\$0.00
207	Green Space	\$0.00		\$0.00
208	Motor Vehicle - Permissive Tax	\$25,000.00		\$25,000.00
210	Mayor's Court Computer Fund	\$500.00		\$500.00
212	Law Enforcement & Education	\$6,746.00		\$6,746.00
213	Coat & Supply Fund	\$2,675.00		\$2,675.00
215	Federal Forfeited Assets	\$0.00		\$0.00
216	State Law Enforcement Trust Fund	\$2,747.00		\$2,747.00
218	YS Clifton Connector Trail Project	\$0.00		\$0.00
220	Utility Round Up Fund	\$14,750.00		\$14,750.00
224	Affordable Housing	\$315,372.00		\$315,372.00
902	Widow's Fund	\$1,500.00		\$1,500.00
903	Police Pension Fund Total	\$52,125.00		\$52,125.00

	<i>Personnel Services</i>	\$51,404.00		\$51,404.00
904	Security Deposit Fund	\$1,000.00		\$1,000.00
906	Mayor's Court Fund	\$8,000.00		\$8,000.00
TOTAL SPECIAL REVENUE FUND APPROPRIATIONS		\$2,046,595.00	\$200.00	\$2,046,795.00

Section 4. That there be appropriated from the **CAPITAL PROJECT FUNDS:**

301	Police Vehicle Replacement Fund	\$0.00		\$0.00
303	Water - Capital Fund	\$117,896.24		\$117,896.24
304	Sewer Capital Improvement Fund	\$354,750.00		\$354,750.00
305	Electric Capital Improvement Fund	\$330,000.00		\$330,000.00
306	Parks and Recreation Capital Improvement	\$154,750.00		\$154,750.00
307	Facilities Improvement Fund	\$234,374.74		\$234,374.74
308	Capital Equipment Fund	\$17,873.00		\$17,873.00
TOTAL CAPITAL PROJECT FUND APPROPRIATIONS		\$1,209,643.98	\$0.00	\$1,209,643.98

Section 5. That there be appropriated from the **ENTERPRISE FUNDS:**

601	Electric Fund Total	\$6,234,525.73		\$6,234,525.73
	<i>Personnel Services</i>	\$682,665.00		\$682,665.00
610	Water Fund Total	\$1,551,683.00	\$1,139.21	\$1,552,822.21
	Water Distribution Total	\$660,672.00	\$1,139.21	\$661,811.21
	<i>Personnel Services</i>	\$408,523.00		\$408,523.00
	Water Treatment Total	\$891,011.00		\$891,011.00
	<i>Personnel Services</i>	\$278,905.00		\$278,905.00
620	Sewer Fund Total	\$1,564,508.00	\$2,950.00	\$1,567,458.00
	Sewer Collection	\$529,298.00		\$529,298.00
	<i>Personnel Services</i>	\$369,648.00		\$369,648.00
	Sewer Treatment	\$685,210.00	\$2,950.00	\$688,160.00
	<i>Personnel Services</i>	\$265,554.00		\$265,554.00
	Sewer Transfer	\$350,000.00		\$350,000.00
630	Solid Waste Fund	\$435,606.00	\$190,000.00	\$625,606.00
	<i>Personnel Services</i>	\$15,006.00		\$15,006.00
640	Utility Overpayment fund	\$5,000.00		\$5,000.00
650	Storm Water Fund	\$92,483.00		\$92,483.00
660	Municipal Broadband Fund	\$45,000.00		\$45,000.00
TOTAL ENTERPRISE FUND APPROPRIATIONS		\$9,928,805.73	\$194,089.21	\$10,122,894.94

Section 6. That the appropriation from the Total Fund Budget is as follows:

GRAND TOTAL APPROPRIATIONS ALL FUNDS	\$18,745,896.38	\$194,289.21	\$18,940,185.59
---	------------------------	---------------------	------------------------

Section 7. The Finance Director and the Village Manager are hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by an ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with such ordinance.

Section 8. This ordinance is hereby declared to be an emergency measure immediately necessary to preserve the public interest and for the health, safety and welfare of the citizens of the Village, wherefore, this ordinance shall be in effect immediately upon its adoption by Council.

Signed:

Gavin DeVore Leonard, President

Passed:

Attest:

Judy Kintner, Clerk of Council

ROLL CALL:

Gavin DeVore Leonard
Carmen Brown
Angie Hsu
Senay Semere
Stephanie Pearce

Supplemental Appropriation Worksheet

<u>Account #</u>	<u>Description</u>	<u>Addition to Budget</u>	<u>Comments</u>
204-1604-54109	Bryan Youth Program-Special Events	\$200.00	Fundraiser/Donations for Youth Center Special Event Fund
610-1311-54102	Water Operating-Operating Supplies	\$1,139.91	Reimbursement for materials-McClain Excavating
620-1322-53104	Water Treatment-Professional Service	2,950.00	OWDA reimbursement for Wessler WW improvement study #1
630-1331-53130	Rumpke-Solid Waste Removal	190,000.00	Solid Waste-Rumpke

\$194,289.91

204	Bryan Youth Program	\$200.00
610	Water Operating Fund	\$1,139.91
620	Sewer Operating Fund	\$2,950.00
630	Solid Waste Operating Fund	\$190,000.00

\$194,289.91

VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2026-35
Approving Check Signing Privileges for WesBanco Bank/General Checking & Guaranteed Deposits

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY RESOLVES THAT:

Section 1. The funds of the Village of Yellow Springs be deposited in its name with the **WesBanco Bank Inc. General Checking Account** (two (2) signers required), **Payroll Account** (one (1) signer required) and **Guaranteed Deposits Account** (two (2) signers required), and that the same be subject to withdrawal by checks, drafts, bills of exchange, acceptances, promissory notes and other orders for the payment of money made, signed, drawn, accepted or endorsed in the Village name and signed by Larry Hartlaub, Paige Burge and/or Judy Kintner, including those drawn to the individual order of any such officer and/or other person signing the same, without further inquiry or regard to the authority of said checks, drafts, bills of exchange, acceptances, promissory notes or the proceeds thereof.

Section 2. Only by specific resolution adopted by the Village Council; Judy Kintner, Treasurer; Larry Hartlaub, Interim Finance Director; and Paige Burge, Chief of Police are authorized to apply for and receive letters of credit from said bank, and sign all necessary documents for that purpose, and to discount with said bank any notes or bills receivable held by the Village, and to borrow from time to time, on behalf of the Village, from said bank, such sums of money for such times and upon such terms as may to them or any of them be advisable, and to execute in the name of the Village notes, drafts of agreements for repayment of any sum so borrowed, and to hypothecate and deliver as security to said bank any bonds, stocks, commercial paper, bills receivable and other property belonging to the Village, including those drawn to the individual order of any such officer and/or other person signing the same, without further inquiry or regard to the authority of said officer or the use of said notes, drafts or agreements or the proceeds thereof.

Section 3. This Resolution shall be in full force and effect as of October 20, 2026.

Section 4. This Resolution shall remain in full force and effect until revoked in writing by the Village or superseded by resolution.

Section 5. The President of Council is authorized and directed to execute the certificates of Corporate Resolution certifying the adoption of this resolution.

Signed: _____
Gavin DeVore Leonard, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll Call:

Gavin DeVore Leonard____ Angie Hsu____ Carmen Brown____
Senay Semere____ Stephanie Pearce____

VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2026-36

AUTHORIZING PAYMENT OF INVOICES WITH A THEN AND NOW CERTIFICATE FOR THE THIRD
QUARTER OF 2026

WHEREAS, the Finance Director has a pending invoice exceeding \$3,000, for services or supplies that were ordered and delivered prior to obtaining certification from the fiscal officer that funds were available, and

WHEREAS, both section 5705.41 of the Ohio Revised Code (ORC) and Village policy require prior certification of the availability of funds for major purposes, and

WHEREAS, the ORC provides an exception allowing retroactive certification when the requisite funds are available both at the time the purchase commitment was made and when payment is due (known as a “then and now certificate”), and

WHEREAS, the Finance Director states that sufficient unencumbered money is and was available both at the time the purchase was made and at the time payment was due for the obligations listed below:

Duke’s Root Control	\$9,884.22
---------------------	------------

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO HEREBY RESOLVES THAT:

Section 1. The Finance Director is hereby authorized and directed to issue “then and now” certificates for the obligations listed above and to pay them from the appropriate accounts upon receiving properly executed “then and now” certificates.

Section 2. This resolution shall be in full force and effect immediately upon passage.

Signed: _____
Gavin DeVore Leonard, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll Call:

Gavin DeVore Leonard____ Angie Hsu____ Carmen Brown____
Senay Semere____ Stephanie Pearce____

VILLAGE OF YELLOW SPRINGS, OHIO

RESOLUTION 2026-37

**APPROVING CONTRACTOR LARRY HARTLAUB WITH SHARED RESOURCE CENTER FOR INTERIM FINANCE
DIRECTOR SERVICES AND AUTHORIZING AN AMENDMENT TO THE CURRENT CONTRACT**

WHEREAS, the Village requires the services of a qualified Interim Finance Director to serve until such time as a permanent Director can be hired; and

WHEREAS, the Shared Resource Center has the expertise and experience to provide an individual who is able to provide these services; and

WHEREAS, Village Council herein approves Shared Resource Center, specifically Larry Hartlaub to serve as Interim Village Finance Director; and

WHEREAS, Village Council herein approves the amended agreement with Shared Resource Center and authorizes the Interim Village Manager to execute same,

NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS OHIO HEREBY RESOLVES THAT:

Section 1. The amended agreement with Shared Resource Center for Larry Hartlaub to provide interim Finance Director services under terms substantially similar to the current Agreement with Shared Resource Center, here attached as Exhibit A, with a start date of October 12, 2026.

Section 2. Interim Village Manager is authorized to execute the amended agreement with Shared Resource Center in a form substantially similar to the attached Exhibit A and as approved by the Village Solicitor.

Gavin DeVore Leonard, President of Council

PASSED:

Attest: _____
Judy Kintner, Council Clerk

ROLL CALL:

Gavin DeVore Leonard____ Angie Hsu____ Carmen Brown____
Senay Semere____ Stephanie Pearce____



AGREEMENT TO PROVIDE SERVICES

SHARED RESOURCE CENTER

and

VILLAGE OF YELLOW SPRINGS

Fiscal Support Services

This Agreement is entered into on _____ and between the **VILLAGE OF YELLOW SPRINGS** (hereinafter "**Village**"), and the **GOVERNING BOARD OF THE SHARED RESOURCE CENTER**, a regional council of governments established pursuant to Ohio Revised Code Chapter 167 (hereinafter "**SRC**"). Collectively, the parties will be referred to as "the Parties". This Agreement is entered into for the purpose of compensating the SRC for providing the Village with fiscal support services pursuant to the Terms of Agreement below.

WITNESSETH:

WHEREAS the SRC provides shared services to member and non-member entities; and

WHEREAS the SRC has qualified personnel available to perform financial and other services as are typically performed in public entities in the State of Ohio; and

WHEREAS the Village has a need for such financial services; and

WHEREAS the SRC and the Village each represent and warrant to the other party that they possess all necessary rights, power, and authority to enter into this Agreement and to fully perform each and all of their respective obligations hereunder.

WHEREAS the Village deems it in their best interests to obtain fiscal and related services from the SRC; and

NOW THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Parties agree as follows:

1. Terms of Agreement

The SRC will provide the Village with fiscal support services, on an as needed, as available basis, at the direction and supervision of the Village Manager. Services will be provided by appropriately trained and qualified personnel from January 1, 2026, through December 31, 2026.

Services under this Agreement will be provided on-site and off-site as appropriate for the job, but which are agreed to typically fall between the regular business hours (8:00 a.m. -4:30 p.m., Monday- Friday).

2. Compensation

A. Hourly Services

The Village shall pay the SRC at the following hourly rate(s) for the services of SRC employees as set forth in section 1 above, during the term of this Agreement.

1. Finance Consulting	\$	
2. Executive Consulting	\$	
3. Financial Analyst/ Processing	\$	
4. Payroll Services	\$	
		175.00
		200.00
		75.00
		95.00

If services are requested under circumstances determined to be an emergency or exceed eight (8) hours in a day, the hourly cost shall be invoiced at time and a half of the current hourly rate. The hourly amounts may be increased but not decreased during the life of this Agreement.

Unless otherwise agreed, payment will be made monthly, within thirty (30) days of the date of the invoice for services. Proper invoices will be submitted.

3. Actual and Necessary Reimbursements

The Village will reimburse the SRC for all actual and necessary travel and professional expenses including but not limited to mileage to and from the Village. The Village further agrees to reimburse the SRC for other travel consistent with the Village's policy and with pre-authorization if the Village requires representation off site or other travel. Unless otherwise agreed, payment will be made monthly, within thirty (30) days of the date of the invoice for services. Proper invoices will be submitted.

4. Benefits

It is expressly understood that SRC personnel who provide services under this Agreement shall be agents and are not "employees" of the Village. The SRC personnel who provide services under this Agreement were and continue for all purposes to be exclusively employed by the SRC. The SRC will be the employer of said personnel and will be solely responsible for their compensation and benefits, including but not limited to retirement contributions, payroll taxes, unemployment costs, and worker's compensation coverage.

5. Professional Liability Insurance

The Village will provide professional liability insurance coverage protecting SRC employees performing work under this Agreement from liability from claims, suits, actions, and legal proceedings brought against them in their official capacity as agents of the Village and while acting within the scope and course of said agency and appointment. The liability insurance policy shall identify the SRC as an insured party. **This paragraph shall not be construed to require the purchase of additional insurance if a general liability policy is already in effect.**

The SRC shall provide professional liability insurance coverage protecting the Village from errors and omissions of personnel funded through this Agreement. All responsibility for banking and processing fees, processes, and payment of the Village employees remains the responsibility of the Village.

3. Effective Dates

A. Term

The effective term of this Agreement shall be January 1, 2026, through December 31, 2026, on an as needed, as available basis.

B. Extension

This Agreement can be extended on a month-to-month basis, as needed, as available, with a five percent (5%) increase of the hourly rate(s), upon request of the Village Manager, in writing, and with agreement of the SRC.

4. Conflicts with Law

This Agreement shall be subject to and construed in accordance with the laws of the State of Ohio. Any provision hereof declared invalid or unenforceable by a court of competent jurisdiction shall be severed and the remaining terms continued in full force and effect.

5. Agreement Modifications

The Village and the SRC shall fulfill all aspects of this Agreement. Any exceptions or modifications to this Agreement shall be made in writing and signed by the Village and the SRC.

6. Termination of Agreement

This Agreement may be terminated by:

- A.** Mutual Agreement of the parties.
- B.** Upon the giving of thirty (30) days written notice by the SRC to the Village or by the Village to the SRC, in which event this Agreement and all obligations hereunder shall cease at the expiration of thirty (30) days following delivery of such notice.

7. Complete Understanding

The SRC and the Village each represent and warrant to the other party that they possess all necessary rights, power, and authority to enter into this Agreement and to fully perform each and all of their respective obligations hereunder.

This Agreement expresses and contains the entire agreement between the parties, and supersedes and replaces any prior or contemporaneous agreements, understandings, or arrangements between the parties, whether verbal or written. This Agreement may be modified by a written instrument signed by both parties.

WHEREFORE, the parties have indicated their Agreement and intent to be bound to the above terms by affixing their signatures below.

GOVERNING BOARD OF THE SHARED RESOURCE CENTER

VILLAGE OF YELLOW SPRINGS

By: 
Village Manager

Tiffany Hiser (Jan 30, 2026 13:43:06 EST)

By:-----

Executive Director

Dated: _ Date: _



Bricker Graydon Wyatt LLP
2 East Mulberry Street
Lebanon, OH 45036
513.870.6700 Office
www.bricker.com

Amelia Blankenship
Of Counsel
513 870 6579 Direct Phone
ablankenship@bricker.com

To: Village Council
From: Amy Blankenship, Village Solicitor
Re: Spring Meadows Subdivider's Agreement
Date: October 19, 20

The Spring Meadows developer, Enon Road Project I, LLC, is moving forward with Phases 3 and 4 of the development. That will require additional infrastructure work which will ultimately be inspected by and accepted by the Village prior to Village Council's approval of the final plats. This process is in accordance with Section 1226.09(a)(1) of the Village's Codified Ordinances. The Subdivider's Agreement in your packet outlines the parties' responsibilities during this time of construction.

Village Planning Commission approved the preliminary plat for Phases 3 and 4 on November 11, 2025. The developer submitted the final plat for Phase 3 on October 9, 2026. That will be reviewed by Planning Commission on November 10, 2026 and then provided for Village Council's consideration with Planning Commission's recommendation. The final plat for Phase 4 is expected to be submitted in October of 2027.

Village of Yellow Springs, Ohio

RESOLUTION 2026-38

**AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE AN SUBDIVIDER'S
AGREEMENT WITH ENON ROAD PROJECT I, LLC FOR SPRING MEADOWS PHASE 3
AND PHASE 4 EXTENSION**

WHEREAS, Spring Meadows Subdivision requires the construction of Public Improvements i.e., those improvements required to be installed in the existing right of way or in right of way to be dedicated to and accepted by the Village at the completion of construction of the public improvements; and

WHEREAS, on November 11, 2025, Planning Commission voted to approve a Preliminary Plat for Spring Meadows Phase 3 and 4 Extension, located at 4359 E. Enon Road, comprised of 28.30 acres within the High Density Residential District (R-C) and proposing a total of 190 dwelling units to be constructed in two phases; and

WHEREAS, since the November 11, 2025 Planning Commission meeting, Subdivider and Village have agreed to move forward per Yellow Springs Codified Ordinance Section 1226.09(a)(1) wherein Subdivider will construct all improvements directly affecting the subdivision, as required by the Village pursuant to the construction plan, approvals and the posting of inspection fees, prior to Council approval of the Phases 3 and 4 final plats; and

WHEREAS, Subdivider desires to construct these public improvements for the Development under terms of this Subdivider's Agreement,

NOW, THEREFORE, be it resolved by Council for the Village of Yellow Springs, Ohio that:

Section 1. Village Council hereby authorizes the Interim Village Manager to enter into a Subdivider's Agreement with Enon Road Project I, LLC for Spring Meadows Extension under terms substantially similar to those described in the attached Exhibit A.

Section 2. The Interim Village Manager is authorized to represent the Village in all matters related to this project.

Gavin DeVore Leonard, President of Council

PASSED:

Attest: _____
Judy Kintner, Council Clerk

ROLL CALL:

Gavin DeVore Leonard____ Angie Hsu____ Carmen Brown____
Senay Semere____ Stephanie Pearce____

EXHIBIT A to RESOLUTION 2026-38

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT is entered into by and between Enon Road Project I, LLC, an Ohio Limited Liability Company, hereinafter referred to as "Subdivider", and the **VILLAGE OF YELLOW SPRINGS**, Greene County, Ohio, hereinafter referred to as "Village". "Council" as referred to herein, shall be the Village Council of Yellow Springs, Greene County, Ohio, and "Village Engineer" shall refer to the Village Engineer or the Village's Consulting Engineer hired to perform services on this project. The term "Development" shall refer to the land being developed as Springs Meadows Subdivision Extension as further set out in the Final Plat as recommended for approval by Village Planning Commission.

WHEREAS, Subdivider is in the process of developing the initial phases of the Spring Meadows Subdivision and now seeks to initiate development of the Spring Meadows Subdivision Extension (also referred to as the "Extension") which will require the construction of Public Improvements i.e., those improvements required to be installed in the existing right of way or in right of way to be dedicated to and accepted by the Village at the completion of construction of the public improvements; and

WHEREAS, on November 11, 2025, Village Planning Commission voted to approve the Preliminary Plat for the Extension consisting of 190 dwelling units to be constructed in 2 phases which are referenced to Phases 3 and 4; and

WHEREAS, Subdivider and Village have agreed to move forward per Yellow Springs Codified Ordinance Section 1226.09(a)(1) wherein Subdivider will construct all improvements directly affecting the Extension, as required by the Village pursuant to the construction plan, approvals and the posting of inspection fees, prior to Council approval of the Phase 3 and Phase 4 final plats;

WHEREAS, engineering estimates and construction plans to construct Phase 3 public improvements have been agreed upon between the Subdivider and the Village Engineer; and

WHEREAS, Subdivider desires to construct these public improvements for the Development under terms of this Subdivider's Agreement; and

WHEREAS, Village will agree to such provisions as are necessary for the construction of these public improvements as set forth herein;

NOW, THEREFORE, THE FOLLOWING IS HEREBY AGREED TO BY AND BETWEEN THE SUBDIVIDER AND THE VILLAGE OF YELLOW SPRINGS, GREENE COUNTY, OHIO:

Construction of Public improvements.

The Subdivider is to construct and install, according to plans and specifications submitted and approved by the Village Engineer, all public improvements shown and set forth in the construction plans for Extension phase 3. Said construction and installation shall be a prerequisite to obtaining any occupancy permits. Subdivider's obligation to construct said public improvements shall not be conditioned upon sale of lots in this Subdivision. Subdivider intends to construct the public improvements in two phases as marked on the construction plans. Phase 3 shall include all public improvements located within the Phase 3 geographical area as depicted on Exhibit A to this Agreement.

Engineer's Estimated Cost of Public improvements.

The Village Engineer has reviewed the estimated costs of construction of public improvements in Phase 3 as submitted by the Subdivider's Engineer and concurs with said estimated cost in the amount of **\$2,367,393.00.**

Timeline of Final Plats

Planning Commission approved the preliminary plat on November 11, 2025. Subdivider has also requested the ability to move forward per Yellow Springs Codified Ordinance Section 1226.09(a)(1) wherein Subdivider will construct all improvements directly affecting the

Extension, as required by the Village pursuant to the construction plans as approved by the Village Engineer, prior to final approval of the Phase 3 and Phase 4 plats.

Subdivider will submit a Phase 3 final plat prior to November 11, 2026 as per Section 1226.02(e) of the Yellow Springs Codified Ordinances, the final plat must be filed within twelve months of the approval of the preliminary plat. At the request of the Subdivider, the Village will hold the Phase 3 final plat and schedule it for review by the Planning Commission once the Subdivider has requested the Village to do so. The Subdivider may request a written extension, subject to Planning Commission approval; in no event shall the Phase 3 final plat be placed on a Planning Commission agenda after November 11, 2027. The Phase 3 final plat will be scheduled for Planning Commission review once all Phase 3 improvements have been constructed and approved by the Village Engineer.

Subdivider will submit a Phase 4 final plat prior to October 8, 2027. The Phase 4 final plat will be scheduled for Planning Commission review once all Phase 4 improvements have been constructed and approved by the Village Engineer.

Subdivider, by signing this Agreement, waives any claims against the Village regarding the subdivision process, including, but not limited to, the timing of and the approval of the final plat[s]. Further, Subdivider acknowledges that the Village cannot guarantee recommendation of approval of a final plat by Planning Commission, nor does the Village make any guarantees of approval of any final plat by Village Council.

Nonrefundable Fees and Deposit for Engineering, Construction Inspection, and Legal Fees.

Upon submission of any final plat, the Subdivider shall pay a nonrefundable fee of \$100.00 plus \$20.00 per developable lot which is \$3,800.00 (190x\$20), for total fee payment of \$3,900.00.

Upon submission of any final plat, the Subdivider shall deposit with the Village any sum necessary to defray the cost of inspection, review and legal services as required in Yellow Springs Codified Ordinance 1226.13(b)(2). This deposit cost for Phase 3 is \$94,695.72. A second deposit shall be submitted prior to Council's approval of Phase 4. That second deposit shall be 4% the estimated construction costs of Phase 4.

Should actual expenses exceed the required deposit, the Subdivider agrees to pay the additional amount prior to improvements being accepted by the Village. Failure to make the required deposits with the Finance Director within three (3) business days of a written request from the Village Manager shall constitute and be considered cause for the Village to suspend any further development work by the Subdivider until such time as the Subdivider is in full compliance with this Section. The Village shall not accept public improvements in any Subdivision until all required fees have been paid.

Any deposit over and above actual expenses incurred by the Village shall be retained by the Village and shall be released to the Subdivider only after the completion of all public improvements for the entire Extension to the satisfaction of the Village Engineer.

Indemnification and Liability Insurance.

The Subdivider hereby agrees to hold the Village of Yellow Springs, its officers, directors, agents and employees harmless and to indemnify them against all claims, expenses and liability as a result of loss or injury arising out of the clearing of land or construction of the Subdivision and public improvements.

Prior to the commencement of any construction on the Extension site, Subdivider agrees to provide the Village with proof of One Million (\$1,000,000.00) Dollars liability insurance protecting the Village from liability arising out of the development of the Subdivision and public improvements. Subdivider shall not allow this insurance to expire earlier than the effective period

of any maintenance bond, and shall provide a copy of the insurance policy to remain, at all times, with the Village Manager.

Maintenance Bond.

Prior to each Phase being placed on Council's agenda for acceptance of public improvements in the Extension, Subdivider shall deposit with the Village Manager a one (1) year maintenance bond in the amount of 10% of estimated construction costs for public improvements as agreed to by the Village Engineer. Subdivider is therefore required to deposit two separate maintenance bonds, one for each phase prior to acceptance of public improvements.

Model Home.

The Village of Yellow Springs hereby grants Subdivider an exception to the Village's subdivision regulations and will allow a building permit for the construction of Two (2) model homes in the Extension prior to acceptance of dedication of public improvements by Village Council. However, prior to the issuance of said building permits, Subdivider must have constructed all utilities and a street in front of the model home(s). A sidewalk shall be constructed in front of the model home(s) immediately upon completion of the model home(s). No occupancy permit will be issued for the model home(s) until construction of all public improvements in the Extension is completed, and an ordinance accepting the dedication of public improvements in the Extension is passed by Village Council.

Assessments.

Subdivider agrees to pay all outstanding assessments to the appropriate governmental entity. Conclusive proof that said assessments have been paid must be submitted to the Village Manager prior to an ordinance being placed on Council's agenda for acceptance of public improvements in this Subdivision.

Payment or Satisfaction of Delinquent or Outstanding Obligations.

Unless otherwise specified in this document, prior to this Subdivider's agreement being placed on Council's Agenda for approval by ordinance, any monies owed by the Subdivider to the Village of Yellow Springs, as determined by the Village Manager shall be paid by the Subdivider or approved as satisfied by the Village Manager.

Miscellaneous Provisions.

Off-Site Public improvements.

Where applicable, the Subdivider agrees to construct and install off-site public improvements pursuant to plans and specifications approved by the Village of Yellow Springs. The financial guarantees for said off-site public improvements have been included in the Performance Bond and Maintenance Bond set forth in this Agreement.

Time for Completion of Public improvements.

All public improvements for Phase 3 are to be completed prior to Village Council approving the Phase 3 final plat. Subdivider has elected to install all improvements prior to approval of final plat as opposed to providing a performance bond and having Council approve the final plat prior to the installation of improvements. All public improvements for Phase 4 are to be completed prior to Village Council approving the Phase 4 final plat.

Actual Costs of Public improvements.

The Subdivider, prior to passage of ordinance accepting public improvements, shall submit to the Finance Director of the Village the actual costs of public improvements itemized as to roadway (length, width, type, unit cost, street name), traffic control (signalization, location, cost), sanitary sewers (length by size, unit cost, street location), storm sewers (length by size, unit cost, street location) water distribution (length by size, unit cost, street location), park/bike trail(s) (if applicable, length, width, unit cost, location) and pump station(s), lift station (if applicable, cost, location, description) and electric improvements that are to be accepted by the Village. The costs

for these items shall include all incidentals such as hydrants, valves, manholes, catch basins, etc., as necessary to construct the improvement.

Engineer's As-Built Documents.

Subdivider shall file with the Village's Consulting Engineer as-built documents prior to an ordinance being placed on Council's agenda for acceptance of public improvements in this Subdivision. The as-built documents shall be submitted via PDF and by electronic copy on the appropriate digital media in DXF or DWG format.

Homeowners Association, Storm Water Detention Area, Common Areas and Easements.

Subdivider shall require the formation of a Homeowner's Association which shall assume responsibility for all maintenance, upkeep, repair, replacement and management of the storm water detention area or other common area. The rules of the Homeowner's Association shall prohibit the construction of any improvement or structure or the retention of any obstruction of any kind in the storm water detention area, common areas or easements. Subdivider will establish a Homeowner's Association for Spring Meadows Subdivision Extension Phases 3&4, separate of the existing Spring Meadows Homeowners Association, Inc. for Phases 1&2.

Prior to an ordinance being placed on Council's agenda for acceptance of any public improvements in this Subdivision, the rules or bylaws of the Homeowner's Association shall be approved by the Village Solicitor. All conveyances by the Subdivider shall contain deed restrictions referring to the requirement of membership in the Homeowner's Association. Should the Homeowner's Association fail to maintain the storm water detention area or other common areas, the Village may enter upon the land and perform any necessary maintenance, repair or replacement, and shall charge all costs incurred by the Village, including legal and engineering fees, to the Homeowner's Association and/or the individual property owners in the Subdivision. Easements for this purpose, acceptable to the Village Engineer and Village Solicitor, shall be

provided by Subdivider. Compliance with this Section shall be a condition precedent to issuance of Building Permits.

Prior to issuance of any building permits for Phase 3 and Phase 4, Subdivider shall obtain approval from the Village Zoning Official of a landscape plan for Phase 3 and Phase 4 in accordance with Village Code Section 1226.06(9). Said plan shall include landscaping and screening for garbage enclosures, mail kiosk areas, bicycle parking areas, and open space lots.

Prior to commencement of construction, Subdivider shall obtain final approval of the Stormwater Management Plan, Traffic Impact Study, and Construction Plans from Village Public Works and the Village Engineering Consultant.

Maintenance and Repair of Storm Sewers Not Located Within The Village Right-of-Way.

The Homeowner's Association and/or individual property owners shall be responsible for the maintenance and repair of all storm sewers located within the Subdivision other than those located within the Village right-of-way. In the event that the Homeowner's Association and/or property owners fail to keep in good repair and maintain said storm sewers, the Village, upon notice to the Homeowner's Association and/or property owners, shall have the right to enter upon the Subdivision lands and perform any repairs deemed necessary to avoid or abate any conditions which obstruct the flow of storm water in order to assure proper drainage. All costs incurred by the Village for repairs and maintenance of the storm sewers shall be charged against the Homeowner's Association and/or individual property owners.

License to Enter Upon Private Streets, Driveways, and Parking Areas.

Subdivider herein agrees to grant to the Village of Yellow Springs (i.e., Police Department, Public Works Department and the like), a license to enter upon any private streets, driveways, or parking areas within the Subdivision for the purposes of carrying out patrolling and security and necessary governmental functions. While present on said private premises, public employees or agents for the various departments shall have those rights, privileges, defenses and immunities

granted Village employees set forth in Ohio Revised Code including but not limited to Chapter 2744.

Lift Station

Subdivider herein agrees to perform lift station pump upgrades in accordance with construction drawings as submitted to the Village. A backup generator must be installed and operational before any additional sewer flow from Phases 3 and 4 is connected to the existing system.

Other Applicable Requirements

Subdivider further agrees to perform all development and construction of improvements in accordance with all applicable laws and regulations including but not limited to Yellow Springs Codified Ordinances Chapter 1226 and Greene County regulations as applicable.

Subdivider shall construct a five-foot (5') wide sidewalk along the entire E. Enon Road frontage of Phase 3 and Phase 4. This sidewalk will extend all the way to Dayton Street. A ten-foot (10') wide sidewalk connection shall be installed south of Lot 81 between the private drive and the sidewalk along E. Enon Road, in accordance with Village standards.

Subdivider shall provide two hundred forty (240) off-street parking spaces within the multi-family section, subject to approval by the Village, and shall install and maintain no-parking signage at the roadway pinch point along the private drive and for a distance of two hundred (200) feet in each direction, as approved by the Village.

Subdivider shall not permit the use of any parking lot within Phase 3 and Phase 4 until such parking lot as been approved by the Zoning Official in accordance with village Code Section 1264.03.

Prior to the issuance of any building permits the Subdivider shall obtain approval from the Village Zoning Official for the location of a temporary construction dumpster.

Breach of Contract.

The Subdivider further agrees that any violation of or non-compliance with any of the provisions and stipulations of this Agreement shall constitute a breach of contract. A breach of contract shall also be deemed to have occurred in the event of the Subdivider's failure to perform work at the Extension for a period of One Hundred Twenty (120) days, the Subdivider's insolvency, appointment of a receiver, filing of a voluntary or involuntary petition in bankruptcy, the commencement of a foreclosure proceeding of a lien against the Subdivision property, or its conveyance in lieu of foreclosure. The Village agrees that in the event of a breach, it shall provide Subdivider with notice thereof in writing. Should Subdivider fail to remedy the breach, to the satisfaction of the Village, within Thirty (30) days after receiving notice thereof from the Village, the Engineer of the Village shall have the right to stop the work forthwith and use Subdivider's guarantees for such purpose and require Subdivider to pay any additional amount required to complete the work.

Preservation and Restoration of Property.

Subdivider shall maintain the work during construction and until final acceptance. This maintenance shall constitute continuous and effective work prosecuted as required with adequate equipment and forces to the end that the roadbeds, road surfaces and structures are kept in satisfactory condition at all times.

Subdivider shall be responsible for all damage or injury to property of any character, including roadbeds and road surfaces, during the prosecution of the work, resulting from any act, omission, neglect or misconduct in his manner of method of executing said work satisfactorily, or due to his non-execution of said work, or at any time due to defective work or materials, and said responsibility shall not be released until the work shall have been completed and accepted. When

or where any direct or indirect damage or injury is done to public or private property by or on account of any act, omission, neglect or misconduct in the execution of the work or in consequence of the non-execution thereof on the part of contractor, he shall restore, at his own expense, such property to a condition similar or equal to that existing before such damage or injury was done, by repairing, rebuilding, or otherwise restoring as may be directed, or he shall make good such damage or injury, in an acceptable manner.

In the event of any damage or injury to property as stated herein, all deposits and financial guarantees set forth in this Agreement shall be retained by the Village and not released until such time as the appropriate repairs are made and acceptable to the Village Engineer and Village Solicitor.

Ingress and Egress.

Subdivider shall restrict all movement of loads, vehicles and other equipment into and from site in strict accordance with a route approved by the Village Manager.

Cleaning Up.

During the construction, the Subdivider shall keep the site of the work and adjacent premises, including but not limited to Kenneth Hamilton Way, N. Wright St., E. Enon Road, and Dayton St., as free from material, debris and rubbish as is practicable and shall remove this waste entirely and at once, if, in the opinion of the Village Director of Public Works, such material, debris or rubbish constitutes a nuisance, a safety hazard or is objectionable in any way to the public.

Upon completion and before final acceptance of the work, the Subdivider shall remove from the site of the work and adjacent premises all machinery, equipment, surplus materials, false work, excavated and useless materials, rubbish, temporary buildings, barricades and signs, and shall restore the site to the same general conditions that existed prior to the commencement of its operations.

The Subdivider shall clean off all cement streaks or drippings, paint smears or drippings, rust stains, oil, grease, dirt, and any other foreign materials deposited or accumulated on any portion of its work, or existing work, due to its operations.

In the event Subdivider fails to comply as set forth herein, the Village shall perform the necessary work to accomplish the clean up set forth herein and shall charge the Subdivider for said work.

In the event of non-compliance as stated herein, all deposits and financial guarantees set forth in this Agreement shall be retained by the Village and not released until such time as the appropriate clean up is made and acceptable to the Village Engineer and Village Solicitor.

Warranty Against Defects.

Subdivider shall warrant all public improvements to be free from defects and shall make all necessary repairs or modification to the public improvements for a period of One (1) year from acceptance of dedication of public improvements of each phase of the Subdivision by the Village of Yellow Springs. If the Subdivider fails to meet the warranty obligations in a timely manner, the Village of Yellow Springs may contract with any other party for the necessary work or use its own employees to perform the work and to be reimbursed by the Subdivider or, if sufficient funds are available, to draw upon the financial guarantees provided in this Agreement.

Village Ordinance and Regulations, Survival of Agreement, Non-Waiver.

Nothing in this Subdivider's Agreement shall constitute a waiver of the rights of the Parties, including local government sovereign immunity. All Village Ordinances and Regulations not inconsistent with this Agreement shall remain in full force and effect, and shall be binding upon and control construction and development of the Subdivision, and nothing contained in this Agreement, nor acceptance of dedication of public improvements by the Village, shall limit the effect of same, including, but not limited to, design and construction, planting of trees, street

lighting, conveyance of required easements, payment of storm drainage fees, park fees, sewer tap fees, and any other requirements of the Codified Ordinances of the Village.

Severability Clause.

If any part, clause, provision or condition of this Subdivider's Agreement is held to be void, invalid, or inoperative, such party, clause, provision or condition will be severed and will not render invalid the remaining portions of this Agreement.

Obligation to Notify.

Subdivider shall notify, in writing, any transferee of the Subdivision or any lot located in the Subdivision of the existence, terms and conditions contained in this Agreement and any easements or restrictions required hereunder. The Subdivider shall provide the Village with a copy of said written notification immediately thereafter.

Addresses of Parties for Purpose of Notice.

All notices and communications between parties pursuant to this Agreement shall be made upon the Village through the Office of the Village Manager at 100 Dayton Street; Yellow Springs, Ohio, 45387, and upon the Subdivider at DDC Management, 3601 Rigby Road, Suite 300, Miamisburg, Ohio, 45342.

Parties Bound.

This Agreement shall be binding upon and inure to the Subdivider, its developers, builders, contractors, subcontractors, its heirs, executors, administrators, agents and assigns, and shall further be binding upon and inure to the Village and its assigns.

Modification or Amendment.

This Subdivider's Agreement shall not be modified, amended or assigned except by a written instrument signed by Subdivider, the Subdivider's Assignee, and the Manager of the Village of Yellow Springs and approved by vote of a majority of the members of Village Council.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have affixed their signature hereto this ____ day of _____, 2026.

WITNESSES:

Enon Road Project I, LLC.

BY: EBS Residential Development Fund V, LLC,
an Ohio limited liability company

BY: Eubel Brady & Suttman Asset Management,
Inc., a Delaware Corporation, Its Manager

BY: _____
Mark E. Brady
Co-Chief Investment Officer

VILLAGE OF YELLOW SPRINGS

By: _____
Jeffery Sherdian, Interim Village
Manager

Approved as to Form

Amelia N. Blankenship, Esq.
Village Solicitor
Village of Yellow Springs



Bricker Graydon Wyatt LLP
2 East Mulberry Street
Lebanon, OH 45036
513.870.6700 Office
www.bricker.com

Amelia Blankenship
Of Counsel
513 870 6579 Direct Phone
ablankenship@bricker.com

To: Village Council
From: Amy Blankenship, Village Solicitor
Re: Charter Amendment Regarding Recall
Date: October 19, 2026

At the October 5, 2026, meeting we discussed revising the Village's Charter regarding Recall. If Council were to place this matter on the May Special Election ballot, the Village will be responsible for the cost of the special election if there are no other items on the ballot. The Clerk of Council requested an estimated cost from the Greene County Board of Elections, which is included in your packet. The estimated cost is \$42,412.00.

If Council decides to place this issue on the May 4, 2027, ballot, the legislation must be submitted to the Board of Elections by February 3, 2027. I suggest the charter amendment ordinances be on the agendas in December if Council decides to proceed with the May election.

If Council chooses not to move forward with the possible expense of the May Special Election, the legislation will be passed in summer of 2027 and submitted to the Board of Elections in August 2027 for the November 2027 ballot.

I am also requesting at the time the Village submits the Charter amendment for recall to include a second Charter amendment regarding the right to hold remote meetings in accordance with Section 220.02 of the codified ordinances. That ordinance reads:

220.02 REMOTE MEETINGS.

(a) Members of municipal bodies may hold and attend meetings, and conduct public hearings by means of teleconference, video conference, or any other reliable remote technology and shall be counted as "present in person" for purposes of R.C. § 121.22(C) for quorum and voting. The Clerk or staff shall confer with the Chair of each municipal body in advance of the notice date for each meeting to confirm remote resources are available to conduct meetings to permit hybrid attendance with some members physically present while others attend remotely as well as public accessibility, and the Clerk shall provide notice accordingly. During any local, state or federal declared emergency, or upon determination of necessity by the President of Council in conjunction with Village Manager, meetings may be fully remote if noticed accordingly.

(b) Any motion, ordinance, recommendation, resolution or other formal action of the body taken or adopted by the municipal body during a remote session has the same effect as if done during a regular meeting without the use of remote technology.

(c) All notice requirements of Section 220.01 remain in effect. The Clerk shall encourage public access to the discussions and deliberations of the body to the extent that the public would have been able to during an in-person meeting.



(d) Any use of remote meeting technology shall ensure that the public is able to hear the discussions of each member of the body and be heard as would be permitted at an in-person meeting. Quasi-judicial hearings shall not be held remotely except during a local, state or federal declared emergency.

(e) With the exception of emergencies, if all elected officials attend a Council meeting remotely but the meeting place cannot be opened for public hybrid access, the meeting must be cancelled.

Estimated Cost of Conducting an Election for Subdivision
by the Greene County Board of Elections

Subdivision Name: Village of Yellowsprings

Date of Election: 4-May-27

Number of precincts: 4

Estimated compensation of poll workers \$ 1,072.00

9 number of poll workers

Estimated compensation of intermittent employees hired to perform duties required and associated with the preparation and conduct of the election. \$ 15,840.00

Other details:

Estimated cost of compensation of overtime worked by director, deputy, and regular employees required for and associated with the preparation and conduct of the election. \$ 0.00

Other details: Regular staff should not have to work OT

Estimated cost of rent, moving, heating and lighting polling places. \$ 0.00

Other details: Antioch University

Estimated cost of ballots, instructions, election supplies and registration lists. \$ 2,500.00

Other details:

Estimated cost of delivering, placing and removing ballot boxes, voting machines, marking devices, and election supplies, including ballots. \$ 8,000.00

Other details: Boots on the Ground Moving and Storage

Estimated cost of contractors engaged to prepare, program, test and operate voting machines, marking devices and automatic tabulating equipment. \$ 15,000.00

Other details:

Total Estimated Cost of Election \$ 42,412.00
(for subdivision)



The Village of **YELLOW SPRINGS**

MAYOR'S OFFICE

937-767-3400
mayormcqueen@yellowsprings.gov
100 Dayton St. Yellow Springs, OH 45387

Steve McQueen
Mayor

MacKenzie Baird
Clerk of Mayor's Court

Hello council and community! This is the mayor's report from July to September.

During the third quarter I officiated 8 Weddings:

7/3, 7/10, 8/14, 8/21, 8/22, 8/31, 9/19, and 9/26.

I was able to attend 14 events as Mayor.

7/3 - 310 B&B ribbon cutting

7/18 - Proclamation for Rubin's 95th Birthday

7/24 - Passing of the torch ceremony AC Service

8/13 - Tik's Thai Ribbon Cutting

8/21 - Miami Valley Pottery Ribbon Cutting

8/23 - BLYS Ribbon Cutting

8/28 - Central State Land Grant Open House

8/29 - NAMIWalks

9/5 - Longest Table

9/5 - SuperFly Anniversary

9/8 - John Crawford 3rd Anniversary

9/11 - Wheelchair Simulation

9/18 - 100th Anniversary Children's Center

9/26 - Morris Bean 80th Anniversary

I also attend as many Senior Center Luncheons on Fridays, as possible!

My regular office hours will resume the week after the election! Early Vote starts Oct 6th and end Nov 1st. Last but not least, Go Birds!

Respectfully submitted,

Mayor McQueen

Planning Commission Regular Meeting Minutes

In Council Chambers @ 6:00pm

Tuesday, September 15, 2026

CALL TO ORDER

The meeting was called to order at 6:00 P.M.

ROLL CALL

Planning Commission members present were Susan Stiles, Chair, Stephen Green, Scott Osterholm, Gavin DeVore Leonard and Anthony Salmonson. Also present were Planning and Zoning Director Nia Holt, and Planning and Economic Development Assistant Aaron Arellano.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

1. Minutes of August 11, 2026 Regular Meeting

DeVore Leonard MOVED TO APPROVE the Minutes of the August 11, 2026 Regular Planning Commission meeting as amended. Green SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

COMMUNICATIONS

There were no communications.

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee. Arellano reported on the AT Plan update, which is now in month four. Public comment was gathered at an August community event as well as an online questionnaire. Comment was made on sidewalks, speeding, and a recommendation for e-bike/scooter safety education.

Arellano shared an educational flyer geared towards e-bike/scooter safety.

Council. DeVore Leonard updated PC regarding the start date for an Interim Village Manager.

Village Staff Report/Information. Holt shared information on State Chapter memberships for APA membership.

CITIZEN COMMENTS

There were no comments made.

PUBLIC HEARINGS

Amend Chapter 1226.13 SUBDIVISION FEES – A text amendment to remove specific fee from the Planning and Zoning Code and require a park dedication fee for replats and minor subdivisions.

Holt explained that planning and zoning fees are currently codified in Chapter 1226.13 and are listed in Appendix A of the Village Zoning Code. Because the fees are fixed within the Zoning Code, any adjustment re-

quires a formal text amendment and ordinance. This process involves both Planning Commission review and Village Council action for a change in the planning and zoning fee schedule. This process, Holt stated, is disproportionate to the administrative nature of routine fee updates and can discourage keeping fees current.

On July 6, 2026, Council adopted a similar approach for building permit fees, establishing that fees would be set and adjusted by resolution rather than through ordinances. This amendment extends that approach to planning and zoning fees, allowing Council to adjust fees by resolution and consolidating the various fee provisions into a single, Council-adopted fee schedule. This will streamline the fee-setting process and make applicable fees easier for residents, contractors, and other applicants to locate.

Green asked whether developers would be able to access the information being removed, noting that there is a fair amount of instruction provided in that section of the code.

Holt responded that the detail provided in the code is more specific than is normally seen in a zoning code, opining that removal of the information will not pose any detriment to a developer.

Holt responded to a follow-up question from Stiles, stating that a developer would normally go to the County for such information.

Stiles OPENED THE PUBLIC HEARING on text amendments to Section 1226.13. There being no comment, Stiles CLOSED THE PUBLIC HEARING.

Green MOVED and Osterholm SECONDED a MOTION TO RECOMMEND TO COUNCIL THE TEXT AMENDMENTS TO SECTION 1226.13 "SUBDIVISION FEES" AS RECOMMENDED BY STAFF.

Stiles CALLED THE VOTE, and the MOTION PASSED 4-0 ON A ROLL CALL VOTE, with Salmonson ABSTAINING.

*DeVore Leonard left the dias.

Amend Title Four of the Planning and Zoning Code to remove APPENDIX A "Fee Schedule".

Stiles OPENED THE PUBLIC HEARING ON REMOVAL OF APPENDIX A. There being no comment, Stiles CLOSED THE PUBLIC HEARING.

Stiles MOVED TO APPROVE THE STAFF RECOMMENDATION TO REMOVE APPENDIX A FROM THE PLANNING & ZONING CODE. Green SECONDED, and the MOTION PASSED 3-0, with Salmonson ABSTAINING.

OLD BUSINESS

Housing Need Assessment Key Findings. Holt reported that Bowen has sent the final Housing Assessment Update. There has been an update in the number of cost-burdened homeowners (by 2.5%), she noted.

PC briefly discussed several of the findings.

DeVore Leonard commented that the report has provided a number of units needed (328), but that number is not an exact science and is based more on market interest.

Information was provided on access to the Bowen Study on the Village website.

Date Center Information Update. Stiles presented high-level information on Data Centers.

NEW BUSINESS

Smoke and Vape Shop Draft Text Discussion. Stiles reported on a recent meeting dealing with the smoke/vape shop issue.

Holt reported that a meeting with related businesses was requested. She stated that the meeting was sparsely attended, and staff will follow up with all businesses who did not attend. Holt stated that the initial text she is proposing is simple and provides time to study the matter further.

Holt asked PC to weigh in on the proposed text amendment, which would add “Smoke and Vape Shop” to Table 1250.02 and to Sections 1260.04 “Uses” and 1262.08 “Specific Requirements.”

Proposed text:

1260.04 USES.

(a) Accessory Buildings and Structures.

(14) D.

(i) Smoke and/or Vape Shop.

(1) Registration required. An annual registration shall be made to the Zoning Administrator, together with payment of such fee as may be established by Village Council. A conditional use approval shall be required if the smoke and/or vape shop will include a drive-thru, walk up window or more than 40% available floor area is devoted to the display, retail sale, storage, or use of tobacco, hemp derived cannabinoid, smoking, or vaping products.

There was general agreement to this requirement.

(2) The total number of smoke and/or vape shop permitted within the Village shall not exceed 1 for every 1,000 inhabitants residing in the Village based on the most recent federal decennial census data.

(3) No smoke and/or vape shop may be established, operated or enlarged within 500 feet of another similar use. Such distance shall be measured in a geometrically straight line, which represents the shortest distance between the property line of the space occupied by an existing smoke and/or vape shop to the nearest property line of the proposed smoke and/or vape shop which is seeking to be established, operated, or enlarged.

(4) No smoke and/or vape shop shall be located within 500 feet of any school, university, public park, public library, place of religious assembly, child day care center, or other use established specifically for the activities of minors. The required separation distance shall be measured as a straight line representing the shortest distance between the property line of the proposed smoke and/or

vape shop and the nearest property line of the protected use, regardless of whether the protected use is located within or outside the jurisdiction of the Village of Yellow Springs.

(5) Signage. A smoke and/or vape shop shall post clear signage near each public entrance, which must state the legal age of purchase and that minors may not enter the premises, unless accompanied by a parent or legal guardian.

(6) Outdoor storage of merchandise or display of merchandise shall not be permitted.

(7) Drive thrus shall not be permitted. Walkup windows shall require an approved Level A site plan and age gating plan.

(8) Nonconforming shops. Any change or expansion of a legal nonconforming use shall require full compliance with this section. A legal nonconforming shop shall have 180 days from the effective date of this ordinance to submit its initial registration under subsections (1) with the Village Planning Office.

Discussion regarding how to best regulate this use ensued.

PC members disagreed as to whether conditions (2) and (3) were both necessary.

There was discussion regarding clustering and location of such businesses and whether this has an effect on young persons or other potentially problematic effects.

Osterholm commented that schools and daycares should be prioritized as locations to which such shops should not be permitted to locate in proximity.

Holt clarified that the purpose of the amendment is to put parameters in place until a Conditional Use can be put in place, so that the proposed language does not need to be perfect at this point, just feasible and effective.

PC members agreed that they did not wish to permit either drive-thrus or walk-up windows, thus eliminating consideration of amendment to 1262.08 "Specific Requirements".

Holt noted throughout the discussion that existing shops are grandfathered in, with the exception of condition (8), with which existing shops will have to comply if the amendment is passed by Council.

PC then discussed the provided draft definitions.

Time was spent discussing where smoke and vape items would be displayed and whether there would be adequate sequestering of these items from children.

PC asked that Holt research this matter and provide guidance in the upcoming text amendment language.

FUTURE AGENDA

Smoke and Vape Text Amendments.

ADJOURNMENT

At 7:16pm, Stiles MOVED and Green SECONDED a MOTION TO ADJOURN. The MOTION PASSED 4-0 ON A VOICE VOTE.

Susan Stiles, Chair

Attest: Judy Kintner, Clerk



2026 Mayor's Court Report to Council

	January	February	March	April	May	June	July	August	September	October	November	December	TOTALS
Total Charges from PD	14	12	14	22	10	111	26	7	22				238
Charges sent to MC	11	11	9	13	6	96	16	5	13				180
Percentage of charges sent to MC	79%	92%	64%	59%	60%	86%	62%	71%	59%				70%
Total Incidents	13	12	11	16	8	102	19	7	18				206
Total Incidents to MC	11	11	8	10	6	96	14	5	9				170
Percentage of Incidents to MC	85%	92%	73%	63%	75%	94%	74%	71%	50%				83%
Total Charges in MC	11	11	9	13	6	96	16	5	9				176
Traffic	2	0	5	5	2	4	8	2	7				35
Criminal	0	1	1	0	1	0	0	0	0				3
Parking	9	10	3	8	3	92	8	3	2				138
Payments													
Traffic/Criminal	\$ 220.00	\$ 309.20	\$ 325.00	\$ 345.00	\$ 245.00	\$ 570.00	\$ 555.00	\$ 410.00	\$ 600.00				\$ 3,579.20
Parking Tickets	\$ 300.00	\$ 635.50	\$ 160.00	\$ 280.00	\$ 200.00	\$ 1,740.00	\$ 1,510.00	\$ 520.00	\$ 110.00				\$ 5,455.50
Weddings	\$ -	\$ -	\$ 200.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 150.00				\$ 850.00
TOTAL	\$ 520.00	\$ 944.70	\$ 685.00	\$ 725.00	\$ 545.00	\$ 2,410.00	\$ 2,165.00	\$ 1,030.00	\$ 860.00	\$ -	\$ -	\$ -	\$ 9,884.70
Expenses pd to State/Co													
Victims of Crime	\$ (9.00)	\$ (9.00)	\$ (27.00)	\$ (18.00)	\$ (18.00)	\$ (36.00)	\$ (36.00)	\$ (27.00)	\$ (36.00)				\$ (216.00)
Indigent Defense Support Fund	\$ (25.00)	\$ (65.00)	\$ (70.00)	\$ (50.00)	\$ (30.00)	\$ (110.00)	\$ (120.00)	\$ (55.00)	\$ (100.00)				\$ (625.00)
Drug Law Enforcement	\$ (3.50)	\$ (3.50)	\$ (7.00)	\$ (7.00)	\$ (7.00)	\$ (14.00)	\$ (14.00)	\$ (10.50)	\$ (14.00)				\$ (80.50)
Child Safety Restraint	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				\$ -
Sealing Records - State	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				\$ -
Seat Belt Fines	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				\$ -
Indigent Drivers Alcohol Treatment - County	\$ (1.50)	\$ (1.50)	\$ (3.00)	\$ (3.00)	\$ (3.00)	\$ (6.00)	\$ (6.00)	\$ (4.50)	\$ (6.00)				\$ (34.50)
Collections	\$ -	\$ (40.50)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				\$ (40.50)
TOTAL	\$ (39.00)	\$ (119.50)	\$ (107.00)	\$ (78.00)	\$ (58.00)	\$ (166.00)	\$ (176.00)	\$ (97.00)	\$ (156.00)	\$ -	\$ -	\$ -	\$ (996.50)
MC Check to Village	\$ 481.00	\$ 825.20	\$ 578.00	\$ 647.00	\$ 487.00	\$ 2,244.00	\$ 1,989.00	\$ 933.00	\$ 704.00				\$ 8,888.20
General Fund	\$ 471.00	\$ 795.20	\$ 548.00	\$ 627.00	\$ 467.00	\$ 2,194.00	\$ 1,949.00	\$ 893.00	\$ 644.00	\$ -	\$ -	\$ -	\$ 8,588.20
MC Computer Fund	\$ 10.00	\$ 30.00	\$ 30.00	\$ 20.00	\$ 20.00	\$ 50.00	\$ 40.00	\$ 40.00	\$ 60.00				\$ 300.00
TOTAL REVENUE	\$ 481.00	\$ 825.20	\$ 578.00	\$ 647.00	\$ 487.00	\$ 2,244.00	\$ 1,989.00	\$ 933.00	\$ 704.00	\$ -	\$ -	\$ -	\$ 8,888.20

Mayor's Court Report on 2026 YSPD Charges

Incidents Eligible for Mayor's Court

	YSPD's Total Incidents	Incidents sent to MC	Incidents Eligible but not Sent to MC	Percentage of Eligible Incidents not sent to MC	Reasons Not Sent to Mayor's Court
Jan.	13	11	0	0%	N/A
Feb.	12	11	0	0%	N/A
Mar.	11	8	0	0%	N/A
Apr.	16	10	0	0%	N/A
May	8	6	0	0%	N/A
Jun.	102	96	0	0%	N/A
Jul.	19	14	0	0%	N/A
Aug.	7	5	0	0%	N/A
Sept.	18	9	0	0%	N/A
Oct.					
Nov.					
Dec.					
Total	206	170	0	0.000%	

Incidents Ineligible for Mayor's Court and Reasons Why Ineligible

	YSPD's Total Incidents	Incidents Ineligible to be heard in MC	Lives out of area or occurred out of YS Jurisdiction	OVI	Jailed/ violent /felony	Juvenile	Child support	ORC requirement/ enhancement	Sex offense
Jan.	13	2	0	1	0	0	0	1	0
Feb.	12	1	0	0	0	0	0	1	0
Mar.	11	3	0	0	1	0	0	2	0
Apr.	16	6	2	0	2	0	0	2	0
May	8	2	0	0	1	0	0	1	0
Jun.	102	6	0	1	2	0	0	3	0
Jul.	19	5	0	0	1	2	0	2	0
Aug.	7	2	0	1	1	0	0	0	0
Sept.	18	9	0	1	2	1	0	5	0
Oct.									
Nov.									
Dec.									
Total	206	36	2	4	10	3	0	17	0

Dear President DeVore Leonard, Vice President Hsu, Council Members Brown, Semere, and Pearce,

On behalf of Friends of Frogtown, I am writing to respectfully and urgently request that Village Council include a dedicated line item of **\$15,000 to \$20,000** in the draft 2027 municipal budget for an independent, scientific wetland delineation study on the Glass Farm property.

Specifically, we request that Council:

- **Include a line item (\$15,000 to \$20,000)** for a Glass Farm Wetland Delineation Study in the draft 2027 budget.
- **Commission the study directly** through a certified, independent environmental consulting firm prior to any final development decisions on the parcel.

Establishing an accurate, legally binding baseline for the Glass Farm parcel—particularly the central 25 acres—is essential for responsible governance, environmental protection, and sound fiscal management.

Thank you for your leadership and dedication to Yellow Springs. Technical details and context regarding the study are included in the attached addendum.

Sincerely,

Heather Hughes

Friends of Frogtown

ADDENDUM: Technical Context & Rationale

What a Delineation Study Entails

A professional study conducted by certified environmental specialists determines exact wetland boundaries by evaluating three scientific criteria:

- **Hydric Soils:** Field testing via soil pits to identify oxygen-depleted, flood-prone clay or mottling.
- **Hydrology:** Direct measurement of seasonal water table depth and saturation dynamics.
- **Wetland Vegetation:** Cataloging plant species adapted to saturated soil conditions.

Practical & Financial Importance

- **Prevents Costly Complications:** Avoids future infrastructure failures, drainage issues, or regulatory penalties under state and federal wetland protection laws.
- **Provides Clarity for Housing & Conservation:** Ensures future land-use and housing density discussions are grounded in objective data regarding what the land can safely support.
- **Ensures Independent Data:** Replaces informal site observations or developer-driven assessments with objective, legally binding findings.

Budgetary Context

In December 2021, Village Council recognized the necessity of this work by allocating \$15,000 for a Glass Farm delineation study (funds were subsequently reallocated in mid-2022 for staff retention). Re-establishing this line item in the 2027 budget fulfills this previously acknowledged municipal need.

From: [Judith Hempfling](#)
To: [Gavin DeVore Leonard, Council President](#); [Angie Hsu, Council Vice President](#); [Stephanie Pearce, Council](#); [Senay Semere, Council](#); [Carmen Brown, Council](#)
Cc: [Judy Kintner, Clerk of Council](#)
Subject: Citizen participation in Council meetings
Date: Thursday, October 15, 2026 1:58:00 PM

October 15,2026

Hello Council members,

I've sent this letter because I'm unable to attend your meeting this coming Monday. At the last meeting, I spoke regarding the significant restriction of citizen participation at your meetings, and asked you to open up your meetings so that citizens can participate in a meaningful way. I described the way citizens were able to participate in past years.

After investigating when this restriction was put in place, it became clear that it's your Council that put the restrictions in place. The first reading of that change took place at your February 17, 2026, Ordinance 2026-04 regarding your Chapter 220-1 regarding Council 'Rules and Procedures'.

It's at this meeting that you had a first reading of this Ordinance change in the section **Citizen Participation**. The changes on this page of the legislation were characterized by Council President as merely "word choice, clean up stuff" and no other members on the Council commented. There was also no discussion of the change at the second reading. However, in actuality, this is a huge change which restricts citizen participation during Village Council meetings in a way that damages good decision-making and the relationship between Council members and citizens. The changes you made, perhaps unintentionally, are below.

PRIOR RULE

Citizen Participation

Comments from the public are welcomed at two different times during the course of a regular meeting: (1)Comments on items not on the Agenda will be heard under Citizens' Concerns, and (2) Comments on all items listed on the Agenda will be heard during Council's consideration of said item,

RULE AFTER THE CHANGE THAT YOU FINALIZED AT THE MARCH 2, 2026

Citizen Participation

Comments from the public are welcomed at two different times during the course of a

regular meeting: (1)Comments on legislative items when comment is open on those items (not inclusive of Public Hearings, which are required), and (2) Comments on all items listed on the Agenda will be heard during Citizen Comments.

Since you state during your meetings that you will respond to citizens concerns when you know the answer, I ask that Council members let citizens know whether the change was intentional and if so, what the purpose was. If it was unintentional, I ask that you restore the former rule which encouraged citizen participation.

Thank you, Judith Hempfling

Dear Council Members,

I recognize that this Council is new, that the Village has experienced considerable change, and that the adjustment period has been rough. I also understand that your positions offer very little compensation for the time they require. I appreciate the hours you put into this community, both during these meetings and outside them.

Kindness is something Yellow Springs has in abundance. I have experienced it myself. But kindness cannot be the Village's accessibility improvement plan.

Downtown Yellow Springs still has serious accessibility barriers. I suspect some residents who depend on accessible parking, sidewalks, entrances, and bathrooms have simply grown tired of showing up and asking. From what I have been able to trace of Mitzie's efforts, these concerns go back at least ten years, likely much longer. That is a long time to keep asking to participate in your own community.

An empty seat at a Council meeting does not mean the person who needed it stopped caring. They may have stopped believing another request would change anything.

It is sad that, in 2026, residents and visitors with mobility disabilities still must plan ordinary outings around what they cannot access.

Yellow Springs hosts events throughout the year that bring substantial crowds and spending into the Village. Visitors with mobility disabilities often receive a reduced experience while paying the same prices as everyone else. We encounter fewer choices, extra planning, and a constant awareness of where we cannot go. The number of people visiting should make accessibility a greater priority.

Downtown businesses have a part to play, too. There is a reason people say, "It takes a village." Creating a welcoming downtown requires businesses and Village leadership to take responsibility for making it usable.

Please understand that kindness does not equal independence.

I would like to roll into Dino's for a coffee without first asking for the ramp, waiting for it to be placed, and arranging help getting inside. That ramp was built by someone who uses a wheelchair and has very limited hand function herself. I appreciate that it exists. I would also like buying coffee to require no more attention than deciding what to order.

As a huge comedy fan, I know the cornfield and Firehouse shows attract visitors from across the country and outside the United States. Those visitors include people with mobility disabilities. Several reached out to me this summer asking about accessibility.

I could not find clear information to share or a designated contact who could answer their questions. I was left advising them to bring a caregiver, friends, or family and not to count on being able to navigate independently.

For a village that benefits from these shows and their visitors, I expect more.

I also understand why affordable housing is high on Council's priority list, especially with large businesses moving into the area. As you pursue those projects, please consider who they are intended to serve. Many people with disabilities live on limited incomes and are among those who need affordable housing.

An affordable place to live should come with the ability to participate in the community around it. Residents need accessible routes to shops, restaurants, services, and gathering places. I encourage Council to plan housing and downtown accessibility together. Being able to afford an address in Yellow Springs should also mean being able to enjoy what the Village offers.

I am asking Council to make accessibility a visible, practical priority: identify the barriers, explain who is responsible for addressing them, and publish a plan with timelines and progress updates. Please work with downtown businesses and event organizers to provide clear accessibility information and reliable contact for questions.

Yellow Springs already has the kindness. Please give residents and visitors the access and independence to enjoy it.

Sincerely,
Daniela Joseph

2 October 2026

From: Ralita Hildebrand

To: Yellow Springs Village Council

Subject: 2027 VILLAGE BUDGET

1. Without going into a lengthy discussion, you, the members of the Village Council, made decisions that have cost the Village our previous Village Manager, an irreplaceable leader and subject matter expert. In taking the extraordinary step to fire the Village Manager, and not allow him to finish out his contract, you have cost the Village taxpayers hundreds of thousands of dollars in unfunded requirements,
2. As we enter budget season and you consider what to fund - and what not to fund - in the Village budget, the following are some requirements that I find a higher priority than the Village Council building affordable housing, or sending tens of thousands of dollars (or more) to a single affordable housing non-profit without competition or tax-payer approval:
 - a. Dayton St Main Sewer Line, This is extremely important to our Village – our safety and the preservation of our water is at stake. Not to mention the impact of daily EPA fines if we have leakage.
 - b. Parking. Our businesses are struggling to survive and many owners have pointed to parking as a major issue for them. The Village Manager showed you all a parking study that has already been paid for. Consider the impact of our businesses closing, and the consequences to the character, history, and economic well-being of our Village. We have lost too many businesses recently and we need you to confer with them on plans, and to act on their parking requests,
 - c. Accessible parking. Mitzie Miller provided a detailed request, and I support everything she is asking for in the 2027 budget.
 - d. Village Charter and Ordinance updates. Although I am hoping this will be done before 2027, we need to dedicate funding for the solicitor to assist in reviewing and updating our Village Charter, especially when it comes to the roles, responsibilities, and accountability required for Village Council members. We do not have a recall procedure in our Charter, We also have no way for the Village Council to hold themselves accountable. There are also policies – such as requiring the use of government emails for government business – that need to be included in the Charter, as a result of the bad behavior of previous Village Councils. Changes to the Charter need to be decided by a vote, and the next available election is in May 2027.
3. This list of requirements is not, obviously, all inclusive. You must maintain all of the critical safety, environmental, and infrastructure requirements of the Village. I only write this to

provide you a list of what I would like to see you emphasize in the 2027 budget, if we can cover more than the bare basics,

4. Since we are already starting in a deficit, I encourage each of you to practice fiscal responsibility. What do I think that means? Well, we are going into even tougher economic times. I won't go into detail, but most economists predict further increase in costs of most goods and services, and we can expect medical insurance costs to go up from 10-20% in Ohio. When considering the budget, you may be tempted to reduce the proposed 2027 budget in certain areas based on recent actual budget execution numbers. Normally, I would see some sense in that logic, IF you were only taking risk in a few areas. However, based on previous budget discussions, Gavin advocated reducing the budget in several areas based on execution numbers. NOW is not the time to accept ANY risk in the budget. Every budget assumption that is made for 2027 may increase significantly when it comes time to execute. Please do not put our Village in financial jeopardy.
5. More than a slick goals and priorities document, **what you decide to fund in the budget is a clear indication of your priorities**. Please demonstrate fiscal responsibility and act on funding those projects that are necessary and executable. And, as always, please be transparent in your deliberations. Thank you.

Ralita Hildebrand

Mitzie Miller

2 October 2026

From: Ms. Mitzie Miller

To: Yellow Springs Village Council

Subject: REQUEST FOR ADEQUATE FUNDING IN 2027 BUDGET TO ADDRESS
ACCESSIBLE PARKING IN DOWNTOWN YELLOW SPRINGS

Reference: A. Ohio Revised Code, Section 4511.69

B. Ohio Building Code

C. Americans with Disabilities Act (ADA)

1. Per References A and B, the State of Ohio requires compliance with the Americans with Disabilities Act, Reference C. Title II of Reference C covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings). Title III of Reference C covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.
2. I shared my survey information and advocated for accessible parking in the downtown area with the Yellow Springs Village Council and Village government since May 7, 2026. My requests for accessible parking improvements to the downtown area, business parking lots, and village owned parking lots were met with minimal communication on how the Village plans to proceed to bring our Village into standards required by law. At one point, two council members, Senay Samere and Stephanie Pearce, requested Council move forward on accessibility for 2026, but the rest of the Council did not concur. As a result, movement on accessible parking actions required by law stagnated.
3. Throughout the past four months, I provided the village with a point of contact for free resources from the state-run organization, Opportunities for Ohioans with Disabilities. I arranged an accessibility simulation for both Council Member Senay Semere and Mayor Steve McQueen. Our village-owned Corry Street parking lot has been resurfaced and meets ADA accessible parking spot guidelines. The time is now, as you formulate a budget for 2027, to make and fund a plan that will bring the Village of Yellow Springs into compliance

with the laws outlines in References A, B, and C, and finally address this community-driven need to make Yellow Springs a welcoming community for all.

4. The following are high priority issues for your action, Request Village Council and Village Staff fund and conduct an accessibility and safety study regarding the following important parking issues, and the safety issues outlined in paragraph 5. Also request communication to me, and to the rest of the Village, on when these issues will be funded, and an estimated time of completion:
 - a. Bryan Center public parking lot
 - i. Add three accessible parking spots with access aisles (expertise required for the slope of the main entrance). Access needs to be near the main entrance. Currently there are 107 parking spots.
 - ii. Reconfigure slope and length of curb cut to the rear entrance.
 - iii. Adhere to signage guidelines
 - iv. Provide signage near front sidewalk, noting that main entrance and accessibility entrance is located in the back of the building.
 - v. Repair threshold at both gym accessible entrances (threshold ramp in front)
 - vi. Move staff vehicles and reserve parking for staff to the rear parking area.
 - vii. Install push-button access to one gym door entrance.
 - viii. Evaluate restroom entrance to front door and ramp (perhaps funded through a grant), as community events often are held on the front lawn.
 - b. Public Parking Lot: Cemetery Street
 - i. Per reference C, Cemetery Street parking should have two accessible parking spots with access aisles
 - c. Public Parking: Keith's Alley
 - i. Should have accessible parking spot spots with access aisles; exact number of required spaces will need to be studied
 - d. Public Parking: Dayton Street
 - i. Dayton Street should have three accessible parking spots with access aisles
 - ii. Additional accessible parking spots are needed in the business and restaurant area on Dayton Street with curb cut, and signage on Dayton Street and/or Corry Street
 - e. Village Ordinance Review and Communication with Businesses and property owners:
 - i. Request Village Staff send letters to businesses and property owners, encouraging them to provide accessible parking spots in their parking lots. (This may be a grant-funded opportunity)
 - ii. Review Village of Yellow Springs ordinances, zoning requirements, etc, to ensure those entities covered in Title II and Title III of reference C are required to follow ADA specifications for parking spaces and other accessibility requirements when renovating a building or parking area, including re-surfacing parking lots.

5. There are also significant safety concerns on Xenia Ave, Short Street, Glen St, and Dayton St, which require a professional evaluation to ensure the Village is in compliance with references A, B, and C. Request that Village Staff create a plan of action based upon the accepted study recommendations, considering the following:
- a. Curb cuts, and safety markings, much like senior center accessible parking spot
 - b. Safety issues getting in and out of a vehicle in traffic
 - c. Signage placement, post height, \$250 fine warning (signage should be in front of parking spot in visible height so drivers can view)
 - d. Correct dimensions of accessible parking spots (van accessible parking requires longer length and depth, for example)
 - e. Ensure a 20' yellow line at intersections with crosswalks, with a no-parking area on all sides.
 - f. Consider adding off-street accessible parking areas
 - g. Repainting lines
 - h. Sidewalk repairs, including bright yellow tape, as necessary
 - i. All school crosswalks, signage, and sidewalks
6. Finally, I am enclosing an attachment with pictures of real-life examples. These pictures demonstrate the extremely problematic, dangerous, and – in some cases – illegal parking, sidewalk, and threshold issues that exist in the Village.
7. I have come to Village Council meetings numerous times to discuss these issues and, until recently, I have been largely ignored, Now is the time to show that you care about bringing the Village into compliance with the law. I also want to emphasize that, although I am speaking out on accessibility and compliance with the ADA, I am aware that what the Village desperately needs is more and better parking, including regular parking spaces that enable easy access to local businesses. Making this investment will not only help our businesses, but will also help visitors and Villagers navigate our downtown more safely and easily. **Please fund our required parking needs completely as you consider the 2027 budget.** **Please be transparent in your deliberations and decisions.** This investment will provide a long-lasting benefit to all.

Mitzie Miller





Signage is too high
should be in front of
accessible parking spot
yellow line needs to be 2ft



Entrance to Front
Bryan Center



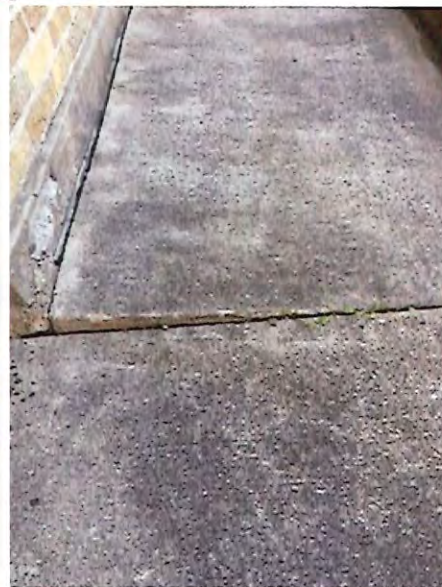
threshold needs
ramped Gxn Entrance



Front Entrance needs
railing



Bryan Center Main
Entrance curb cut
3ft 7inches slop
grade to steep



Bryan Center



Dayton Street Public
parking



Senior center
curb cut on Xenia Ave.



ADA compliant Village parking lot since summer 2020 *Corry Street*



Accessible parking spot out of compliance signage is in downtown area noted



Dayton Street sidewalk issues



Xenia Ave sidewalk issues



Xenia Ave safety issues for individuals getting out of their vehicle no curb cuts, only at Senior Center



Bryan Center Accessible parking area in back of building. Out of compliance with ADA law and Ohio law



threshold needs repaired Gym Entrance



This is the handicap parking spot in front of The Winds Wine Cellar, and this ~~totally~~ disabled individual must use a wheelchair for mobility. She is able to drive her vehicle with modifications, and has a therapy dog that travels with her. These photos highlight the safety issues with handicap parking on Xenia Avenue when there are not curb cuts forcing one to wheel on the street to the crosswalk and ramp to access the sidewalk. This does not meet ADA guidelines and we must work together to resolve these issues now while there are free resources available from the state and also grants available for our downtown area to make improvements. Please clarify how you plan to proceed beyond just saying "capital improvement plan". We need to avoid an incident that will be a financial issue for the Village. Let's move forward productively and get some simple things done now and show progress!

Judy Kintner, Clerk of Council

From: Miami Valley Regional Planning Commission <Ident@mvrpc.org>
Sent: Thursday, October 15, 2026 2:02 PM
To: Judy Kintner, Clerk of Council
Subject: Virtual Public Participation Meeting to Review Transportation Projects being considered for Funding for MVRPC's Sub-allocated Federal Funds.



For Immediate Release

Date: October 15, 2026

Contact: Laura Dent
Director of Marketing and Public Outreach
Miami Valley Regional Planning Commission
(937) 223-6323
Ident@mvrpc.org

News Release - Virtual Public Participation Meeting to Review Transportation Projects being considered for Funding for MVRPC's Sub-allocated Federal Funds.

Dayton, OH – The Miami Valley Regional Planning Commission (MVRPC), in its capacity as the Metropolitan Planning Organization (MPO), will hold a virtual Public Participation Meeting to present a DRAFT list of transportation projects being considered for Federal Highway Administration (FHWA) funding through the Infrastructure Investment and Jobs Act (IIJA): Surface Transportation Program (STP), the Congestion Mitigation/Air Quality (CMAQ) Program, and the Transportation Alternatives (TA) Program. The MPO area includes Greene, Miami, Montgomery, and northern Warren counties.

The meeting will take place via Zoom, a video conferencing platform, and will be held as follows: **Thursday, November 5, 2026 – 5:00 p.m. to 6:00 p.m.**

Access the meetings via computer, tablet or mobile device using this link:

<https://us02web.zoom.us/j/86034394914>

Enter Meeting ID: 860 3439 4914

Or call in to join the meeting by phone:

(646) 558-8656 - Meeting ID: 860 3439 4914# US (New York)

(312) 626-6799 - Meeting ID: 860 3439 4914# US (Chicago)

Participation via computer, tablet or mobile device using the link above is encouraged to take advantage of Zoom on-screen meeting features even if relying on the phone for audio functions.

After a brief presentation featuring a summary of the DRAFT list of transportation project applications and how to comment on the projects, MVRPC staff will accept comments and answer questions.

If you are unable to attend, information will also be available for public review on MVRPC's website at mvrpc.org/transportation-financing and at the MVRPC offices at 6 North Main Street, Suite 400, Dayton, OH 45402, during regular business hours (8:00 a.m. – 5:00 p.m., Monday through Friday). **Written comments regarding the DRAFT projects will be accepted at the above address, web address, or via email at parnold@mvrpc.org until November 13, 2026.**

Public participation is solicited without regard to race, color, sex, age, national origin or ability. MVRPC is committed to providing access and inclusion and reasonable accommodation in its services, activities, programs and employment opportunities in accordance with the Americans with Disabilities Act (ADA) and other applicable laws. To request a reasonable accommodation due to a disability, or language interpretation or translation services to participate in this meeting, please contact, Laura Dent, Director of Marketing and Public Outreach, at 937-531-6542, 1-800-750-0750 TTY/TDD, and ldent@mvrpc.org no later than October 29, 2026.

Established in 1964, the Miami Valley Regional Planning Commission promotes collaboration among communities, stakeholders, and residents to advance regional priorities. MVRPC is a forum and resource where the Board of Directors identifies priorities and develops public policy and collaborative strategies to improve the quality of life throughout the Miami Valley Region.

MVRPC performs planning and research functions for our Region that ensure livable and equitable communities; clean air and water; robust roadway, transit, and active transportation options; and strategic community plans that chart the course for member communities and partners. MVRPC's geographic area includes Darke, Greene, Miami, Montgomery, Preble, Shelby, and northern Warren counties in Southwest Ohio. Learn more at mvrpc.org/our-region.

###



mvrpc.org

Judy Kintner, Clerk of Council

From: Dean Pallotta <dinopallo@me.com>
Sent: Friday, October 16, 2026 1:41 PM
To: Judy Kintner, Clerk of Council
Subject: Council Packet

Council Packet

So, let me make sure I'm understanding what has transpired over the past 2 months. Council just paid over \$193,000 for the Burns' removal.

Your finance director just resigned and is paid over \$90,000 which will need to be refilled. However, our knowledgeable council president has stated that we don't need to refill that position. We now have THREE part-time financial consultants from Troy, Cincinnati area and Grove City, Ohio. Did you know the village has to pay mileage to and from Yellow Springs when they come to town to do work along with their market rates for consulting us? We also have to pay their rate when they remote in to do our work? Did you know we subcontract out human resource issues out since the assistant manager position is vacant? These are but a few examples of the fallout from the Burns' "resignation" and these additional costs we face.

Through this ongoing transition, have you communicated with ALL of staff and have you even considered paying this stressed staff more money since you are now pushing more work onto them?

Furthermore, we've paid over \$20,000 in attorney's fees for the Burns' removal. The village solicitor stated this was a standard boilerplate contract. If that was a standard boilerplate contract, why did it cost us over \$20,000? I'd like to do a records request on executive session personnel issues from July 17th - Sept 20th regarding all legal fees covering documents, negotiations and input from our village solicitor along with anything else related to the Burns' removal. A lot of money has been spent for a "boilerplate" agreement.

Lastly, you talk about affordability while you've wasted approximately \$600,000. You have citizens continually speaking about school safety regarding signage and school drop off along with the discussions of elderly accessibility but you don't have money for that anymore since you're wasted taxpayer money on your personality conflict.

All in all, Council, you spent close to \$600,000 of taxpayers money and got nothing to show for it. Thank you for using OUR money (not YOUR money) in the best way possible. Well done.

Sent from my iPhone