

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

In Council Chambers @5:00 P.M.

Monday, August 19, 2024

Anyone can observe the meeting via cable channel 5, YouTube (Community Access Yellow Springs) or on Facebook. If you would like to make a live statement or otherwise participate virtually, please contact Judy Kintner (Clerk@yso.com or 937-767-9126) to arrange access to the Zoom meeting platform. **THIS MUST BE DONE PRIOR TO 6pm ON THE DATE OF THE MEETING.** Please be advised that if you wish to participate, you **MUST** identify yourself and your contact information as it will be part of the public record created from the meeting. No unidentified statements or commentary or from platforms other than Zoom will be read into the minutes of the meeting or responded to in real time. Council may establish reasonable uniform limitations on public participation, including time restrictions for comments. **VIRTUAL PARTICIPATION WILL BE PERMITTED ONLY DURING LEGISLATION AND CITIZEN CONCERNS.**

CALL TO ORDER

ROLL CALL

EXECUTIVE SESSION (5:00)

For the Purpose of Discussion of the Potential Purchase of Property for Public Purposes.

MOTION TO ENTER REGULAR SESSION

SWEARINGS IN (6:00)

Scott Osterholm: Board of Zoning Appeals

ANNOUNCEMENTS

CONSENT AGENDA

1. Minutes of July 15, 2024 Regular Meeting
2. Credit Card Statement for July

REVIEW OF AGENDA

I. PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

William Groves re: AUM Response to Request Regarding Covenant Action
John Sullivan re: Cresco Response to Request Regarding Covenant Action
Mayor's Clerk re: Mayor's Court Report (2)
Jim Zehner re: Outside Police Presence Concerns
Dino Pallotta re: CBE Housing Situation

II. PUBLIC HEARINGS/LEGISLATION (6:20)

Reading of Resolution 2024-52 Approving a Planned Unit Development Agreement Between the Village of Yellow Springs and YS Home, Inc. for the Cascades Project

Reading of Resolution 2024-53 Designating Judy Kintner as Village Council's Designee to Receive Public Records Training on Behalf of Each of the Elected Officials Pursuant to and in Accordance with Ohio Revised Code Section 109.43(B) and 149.43(E) (1)

Reading of Resolution 2024-54 Authorizing the Village Manager to Enter into a Joint Use Agreement with Glen Helen Association

Reading of Resolution 2024-55 Approving a Then and Now in the Third Quarter of 2024

Reading of Resolution 2024-56 Approving an Intergovernmental Agreement
Memorandum of Understanding between the Village of Yellow Springs and the Yellow
Springs Exempted School District

III. CITIZEN CONCERNS (6:45)

IV. SPECIAL REPORTS (6:55)

- Light Up Navajo Nation Report Out (Sparks: 15 min.)
- Quarterly Financials (Robinson: 5 min.)
- Treasurer’s Report (Kintner: 5 min.)

V. MANAGER’S REPORT (7:20)

VI. OLD BUSINESS (7:35)

- LIHTC Update (Stokes: 15 min.)
 - Solicitor Memo
 - Housh Memo

VII. NEW BUSINESS

VIII. BOARD AND COMMISSION REPORTS (7:50)

Planning Commission (PC)	Leonard	Brown
Active Transportation Enhancement Committee (ATEC)	Vacant	Housh
Finance Committee	Housh	Leonard
Yellow Spring Development Corporation (YSDC)	Housh	Gustafson
Public Arts & Culture Commission (PACC)	Brown	Gustafson
Library Commission (LC)	Gustafson	Stokes
Environmental Commission (EC)	Brown	Housh
Housing Committee	Leonard	Brown
Village Mediation Program (VMP)	Brown	
YS School Liaison	Housh	
YS Chamber Liaison	Stokes	Leonard
Miami Valley Regional Planning Commission (MVRPC)	Housh	Stokes
Greene County Regional Planning Commission (GCRPC)	Stokes	Housh
Municipal Broadband/Fiber Advisory Committee (MBAC)	Stokes	Housh
• BZA Nomination		

IX. FUTURE AGENDA ITEMS* (7:55)

- Aug. 21: 5-8pm Council Teambuilding
- Aug 26: 5-8pm Council Teambuilding
- Sept. 3: **Emergency Reading of Ordinance 2024-08** Approving a Second Supplemental Appropriation for the Second Quarter of 2024 and Declaring an Emergency
Ordinance 2024-09 Approving a Utility Round Up Program Policy
Resolution 2024-xx Approving a Contract with Insight Piping for Sewer Relining
TLT Annual Report
- Sept. 16:
- Sept. 27: Council/Staff Joint Teambuilding 12-4pm.
- Oct. 7:
- Oct. 21: Stoney Creek Lease

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

ADJOURNMENT

The next regular meeting of the Council of the Village of Yellow Springs will be held at 6:00 p.m. on **Monday, September 16, 2024**.

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**

Council Chambers @ 5:00 P.M.

Monday, July 15, 2024

CALL TO ORDER

President of Council Kevin Stokes called the meeting to order at 5:03pm.

ROLL CALL

Present were President Stokes, Vice President Gavin DeVore Leonard and Council members Brian Housh and Carmen Brown. Also present were Village Manager Johnnie Burns, Solicitor Amy Blankenship, Finance Director Michelle Robinson and Planning and Zoning Administrator Meg Leatherman.

EXECUTIVE SESSION

At 5:07pm, Brown MOVED and Housh SECONDED a MOTION TO ENTER EXECUTIVE SESSION To Consider the Potential Purchase of Property for Public Purposes. The MOTION PASSED 4-0 ON A ROLL CALL VOTE.

The Village Manager, Planning and Zoning Administrator, Finance Director and Solicitor were present for the session, and Trish Gustafson was present via ZOOM.

MOTION TO RESUME REGULAR MEETING

At 6:07pm, Brown MOVED and Housh SECONDED a MOTION TO RESUME REGULAR SESSION. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

SWEARINGS-IN

Stokes swore in Nancy Grigsby as a full member of Environmental Commission.

Stokes swore in Jacob Turner as Police Officer.

ANNOUNCEMENTS

Housh announced the following: No Council meeting the first Monday in August; the VYS received “Honoree” status in the Dayton Business Journal’s “Best Places to Work” competition; Beloved Community monthly free lunch is Saturday, July 20th; Home, Inc. is hosting a general information session at the Coretta Scott King Center on July 16th; August 1st at the Library there will be a small business forum focusing on availability of downtown restrooms; Happy 90th birthday to Donna Denman.

Burns announced that Fischer Homes model home is now open. He noted that 26 structures are up and 80 foundations are in place, with approximately 37 homes already sold. Burns added that the lift station is operational and the playground is up and ready for use.

DeVore Leonard asked all to condemn political violence, given the current political climate.

CONSENT AGENDA

1. Minutes of July 1, 2024 Regular Meeting
2. Credit Card Statement for June, 2024

Housh MOVED and DeVore Leonard SECONDED a MOTION TO APPROVE THE MINUTES of June 17, 2024. The MOTION PASSED 5-0 ON A VOICE VOTE.

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

REVIEW OF AGENDA

There were no changes to the Agenda.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

- Mayor’s Clerk re: Mayor’s Monthly and Quarterly Reports (3)
- Brian Housh re: Village Café Report
- Matthew Schwertman re: Response to Complaints at Spring Meadows Development Site
- Kyle Heiss re: Response to Complaints at Spring Meadows Development Site
- Chief Burge re: Response to Noise Concerns at Pride Celebration
- Carmen Brown re: Suggestions on YSDC Deliverables
- Brian Housh re: 2012 Economic Sustainability Plan
- Sheila Dunphy re: Suggestions for Approach to Affordable Housing
- Spring Meadows Flier

DeVore Leonard reviewed the communication received.

PUBLIC HEARINGS/LEGISLATION

Reading of Resolution 2024-47 Granting Monies to Yellow Springs Development Corporation for the Purpose of Contributing to the Funding of a Part-Time Director Position for the YSDC. Brown MOVED and DeVore Leonard SECONDED A MOTION TO APPROVE.

Blankenship noted that all Council members had submitted suggestions to YSDC, and that Council had agreed that development of a plan should be attached to the funding.

Housh addressed the provided memo, stating that the key point seems to be the manner in which YSDC will work with the Township and Village to move initiatives related to economic development forward.

Stokes queried Council members as to their level of satisfaction with the provided response, with all indicating satisfaction.

DeVore Leonard requested that the conversation be followed up-upon, stating that regular communication had not occurred over the preceding year.

Lisa Abel invited further questions, stating that an initial meeting with Burns will occur, with follow up communication with Council and the Township as the plan is developed.

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

Reading of Resolution 2024-48 Authorizing and Directing the Village Manager or Designee to Apply for Any and All Grant Funds Provided that Any Grant Funds Requiring a Match Must be Approved by Council Resolution. Brown MOVED and Housh SECONDED A MOTION TO APPROVE.

Following brief comment, Council members agreed that the provided resolution and flowchart are a good starting point.

Housh asked that information regarding the process be disseminated to stakeholders.

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

Reading of Resolution 2024-49 Authorizing the Village Manager to Enter into a Contract with Filmore Construction for Parking Lot Expansion at Lawson Place. Brown MOVED and Housh SECONDED A MOTION TO APPROVE.

Burns explained that the expansion will add 14 spots for a total of 30, and will add a bicycle parking area as well.

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

Reading of Resolution 2024-50 Authorizing the Village Manager to Enter into a Contract with Neptune Equipment Company, Inc. for Purchase and Installation of Water Meters. Brown MOVED and Housh SECONDED A MOTION TO APPROVE.

Pelzl cited several reasons for her selection of the NECO metering system, stating that when there is a leak flag (7 days of continual usage) on TuNet, the crew will be able to go out to the residence in question with the belt-clip transceiver and download 90 days of 15-minute interval data from the meter.

This accuracy, Pelzl said, will allow staff to help the customer pinpoint the cause of the leak. Pelzl added that each meter comes with an external antenna, at no additional cost, that gets the signal above the level of the meter lid and the ground level, which translates into more frequent reads picked up by the grid of TuNet electric meters.

There was also discussion about the future ability of customers to monitor their own usage, which will be an additional benefit for residents and businesses.

Reading of Resolution 2024-51 Authorizing Payment of Invoices with a Then and Now Certificate for the Third Quarter of 2024. Brown MOVED and Stokes SECONDED A MOTION TO APPROVE.

Stokes read from the Finance Director's memo, stating that there is a pending invoice from Vance Outdoors for \$4,178.55 for vests for 3 police officers that requires "Then & Now" approval from Council.

The Finance Director has certified that sufficient unencumbered money is and was available both at the time the purchase was made and at the time payment was due.

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

CITIZEN CONCERNS

Molly Finch, former resident and former local employee spoke on behalf of more affordable housing in the village.

Betsy Fox objected to the responses from Fischer Homes and DDC as singling out Emily Seibel, and stated that she did not feel concerns had been adequately addressed.

Emily Seibel characterized the responses as "putting her character into question" and reiterated her concerns regarding safety.

Dino Pallotta stated that Home, Inc's request for a bridge loan could be an improper use of funds, given that that type of loan carries risk. He urged those with concerns to attend meetings and speak up.

SPECIAL REPORTS

There were no Special Reports.

MANAGER'S REPORT

Burns stated that he has signed a letter of support for a Home, Inc. initiative, which carries no obligation on the part of the Village, and will send it to the granting entity forthwith.

Burns reported on response to a recent storm, which resulted in power outages.

Burns noted that work on water tower #2 has begun. He noted water line work on both US 68 North and West Center College Street.

Burns lauded the recently held Safety Village camp, staffed by YSPD and assisted by Public Works.

Housh asked that information be provided on a Housing Coordinator position as soon as feasible.

OLD BUSINESS

LIHTC Update. Blankenship stated that information has now been received from the bond attorney. She stated that information is now available regarding the nature of the encumbrances on the property, noting that there are some properties on which construction is or will commence.

Responding to a question from Stokes regarding next steps, Blankenship recommended reaching out to the lien holders, BAM and Huntington Bank, to assess whether there is interest in releasing the lien on the 3.6 acres in question in order to determine what next steps can be taken. Neither entity, she advised, has any legal duty to entertain the sale of property.

Stokes asked whether there are next steps if the lien holders are a “no”.

Blankenship indicated that at that point, potentially, individual bond holders could be contacted, but advised that Council would need to agree as to that next step given its complexity and additional legal fees. If BAM is not willing to have the conversation, she said, I am not sure that can be overcome.

DeVore Leonard asked whether this parcel is the only possibility.

Housh indicated that both AUM and Cresco have indicated unwillingness to offer a “yes” at this time.

Brown commented that the LIHTC scoring tool changes annually, so this is not the only option moving forward.

Blankenship stated that there is value in the YS Schools and Council discussing the situation. She noted that an Intergovernmental Agreement would need to be signed by both entities, as would conflict waivers.

Judith Hempfling, School Board President, commented that the school district’s legal counsel has reached out to BAM and US Bank regarding release of the land and stated that this person has indicated that there is willingness on the parts of both entities to consider release of the property from lien. She characterized communication between the School Board and Village government as “poor.”

Hempfling opined that the legal costs would be in the “ten-to-twenty thousand dollar” range and urged continued exploration.

Brown pointed out that the intergovernmental agreement would allow for the communication Hempfling asserted is lacking.

Blankenship agreed with Brown's assessment and added that she has been careful to communicate that the Village cannot pay legal fees for the School District. This, she noted, was why it was critical that the Village hire its own counsel and conduct its own due diligence.

Blankenship stated that once an intergovernmental agreement is signed, she can move ahead with communication to the Bricker Gradon attorney regarding his communications with BAM and Huntington, and can determine next steps.

Blankenship suggested that the schools and Council determine point persons for information exchange moving forward.

Stokes asked that the intergovernmental agreement and any needed waivers move forward.

In response to a question from Molly Finch, Stokes explained that BAM holds the bond; Huntington holds the lease back agreement, and US Bank serves as a trustee for entities, whose identities are as yet unknown.

John Hempfling stated that Rebecca Potter and Judith Hempfling are the representatives to the project from the school.

Gustafson clarified that Council cannot expend taxpayer funds based upon unverified information. She stressed that Council had received exactly what was requested and what was needed from bond counsel.

Responding to a question from the Clerk, Stokes stated that he is comfortable continuing to expend funds in an effort to gather more information.

Blankenship urged Council to authorize the Village Manager to sign the conflict of interest waivers.

Housh MOVED TO AUTHORIZE THE VILLAGE MANAGER TO SIGN A WAIVER FORM. Stokes SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Council designated Housh, Burns and Brown as the representatives to the project responsible for communication with school representatives and to Village entities.

Stokes asked whether the land acquisition would include only the land needed for the building site and not land needed for sports fields.

Blankenship responded that it is possible that BAM might ask for other land to encumber, but asked that waivers be signed so that phone calls can take place.

Blankenship responded to a question from Stokes related to authorizing a specific amount of funding, cautioning that Council may not wish to limit dollar amounts at this early stage.

DeVore Leonard commented that the soccer field issue needs to be solved as a part of this issue.

Stokes commented that Council is aware, in agreeing to allow the Village Manager to proceed with exploration of the land purchase, that there will be no direct return on that investment. That said, he noted, he would not be interested in the purchase of any land which would not be eligible for reimbursement if the LIHTC funds were in fact awarded.

Emily Seibel, YSHI Executive Director, commented that a purchase option is typical in this scenario, as opposed to a final purchase prior to application. She added that odds were not favorable for making a successful application, adding that while YSHI is not involved in this process, they “would be happy to reenter the process at the appropriate time.”

Housh commented that Council is aware that there is a strong desire to replace the soccer fields, which Council has actively supported, and that he is glad to see that efforts are underway to attempt that replacement should a land acquisition occur. He added that this part of the process is not in Council’s purview. Housh added that this property is likely to have value in terms of grant acquisition even past the 2024-25 cycle.

Housh asked for agreement on Council that they are agreeing to the signing of waivers and an outreach to BAM.

Stokes reiterated these points and ascertained the agreement of Council.

NEW BUSINESS

Discussion re: Village Funding for Cascades Project. Leatherman described the Cascades Project as a twofold request received from YSHI. The first, she said, is that of a PUD agreement, which must be enacted between YSHI and the Village prior to issuance of building permits, and the second of which is a request for further funding of the same project. She began by addressing the PUD agreement as follows:

Home Inc. began exploring funding sources and concepts for an affordable housing project on the Herman/Marshall St. property in 2018. The original proposal was for a 54-unit multi-family project, which did not receive funding through the Ohio Housing Finance Agency (OHFA), causing Home Inc. to revise the plan to a mix of duplex and triplex buildings totaling 32 units. This 32-unit plan was reviewed and approved by the Council and Planning Commission via a PUD on April 9, 2024.

Leatherman noted that Blankenship has been working with Home, Inc.’s attorney on language in the PUD agreement.

Leatherman stated that support for Cascades to date is a total of \$139,923, which does not include solicitor costs or staff time.

Leatherman added that YSHI has agreed to hold off on their request for further funding, leaving just the PUD agreement for Council review.

Blankenship reviewed the PUD agreement with Council, noting changes made to the original, which have been agreed to by both parties. She identified language related to a Village-owned utility pole on the property as the final area of disagreement, at which point Emily Seibel commented that YSHI is now willing to accept the proposed language.

Blankenship noted that construction permits cannot be issued until the agreement is signed. She recommended that if Council is in agreement with the PUD agreement, that they call for legislation to that effect to be brought on August 19th in knowledge of the fact that they are authorizing the Village Manager to sign the PUD final iteration.

Burns stated that he has spoken to an Ameritech employee regarding the poles owned by Ameritech (ATT) on the Cascades property and that individual has agreed to move the conversation “up the chain”.

Emily Seibel commented that moving the poles is “kind of a big deal” and acknowledged the Village’s assistance in dealing with the issue.

Seibel asked whether the funding request would be discussed at all at this meeting.

The Clerk noted that Council had earlier determined that the request should be discussed during Council’s regularly scheduled budget discussions.

BOARD AND COMMISSION REPORTS

The Clerk asked for Council nominations for two members of the BZA who are willing to serve an additional term on that Board.

Housh NOMINATED Anthony Salmonson and Scott Osterholm for second terms on the BZA. Brown SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

FUTURE AGENDA ITEMS

- Aug. 5: **NO MEETING**
- Aug. 19: Light Up Navajo Nation Report Out
Emergency Reading of Ordinance 2024-08 Approving a Second Supplemental Appropriation for the Second Quarter of 2024 and Declaring an Emergency
Reading of Resolution 2024-52 Authorizing Removal of Defunct and Uncollectible Utility Account Balances from the Utility Billing System of the Village of Yellow Springs from the Years 2022 Through 2023
Reading of Resolution 2024-53 Certifying Delinquent Water, Sewer, Trash, and Electric Bills to the Auditor of Greene County, State of Ohio, for Placement on the Greene County Tax Duplicate
Reading of Resolution 2024-54 Approving a Planned Unit Development Agreement Between the Village of Yellow Springs and YS Home, Inc. for the Cascades Project
Reading of Resolution 2024-55 Designating Judy Kintner as Village Council’s Designee to Receive Public Records Training on Behalf of Each of the Elected Officials Pursuant to and in Accordance with Ohio Revised Code Section 109.43(B) and 149.43(E) (1)
Reading of Resolution 2024-56 Approving a Utility Round Up Program Policy
 LIHTC Update (Intergovernmental agreement)
 Quarterly Financials
 Treasurer’s Report
- Aug. 21: 5-8pm Council Teambuilding
- Aug 26: 5-8pm Council Teambuilding
- Sept. 3: TLT Annual Report
 Levy Resolutions

ADJOURNMENT

At 8:25pm, DeVore Leonard MOVED TO ADJOURN. Brown SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

Signed: _____
Kevin Stokes, Council President

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

Date	Transacti	Name	Memo	Amount
7/3/2024	DEBIT	SAMS CLUB #6517 BEAVERCREEK OH	244450041854	-945.05 Pool Concessions - Streets & Parks
7/5/2024	DEBIT	LARRICKS WAREHOUSE OUT 937-2538686 OH	247554241852	-2273 Office Furniture for JB & EG - Finance
7/5/2024	DEBIT	BENTINOS YELLOW SPRING YELLOW SPRING O	242697941860	-188.41 Movie Day Youth Center - Streets & Parks
7/8/2024	DEBIT	ODP BUS SOL LLC # 1011 800-463-3768 OH	241374641875	-40.94 File Folders - Administration
7/8/2024	DEBIT	WM SUPERCENTER #2124 BEAVERCREEK OH	244450041904	-15 Special Events 2024 - Police
7/8/2024	CREDIT	SAMSCLUB #6517 BEAVERCREEK OH	742263841900	2.02 Special Events 2024 (Credit) - Police
7/9/2024	DEBIT	LARRICKS WAREHOUSE OUT 937-2538686 OH	247554241901	-1684 Office Furniture for JB & EG - Finance
7/9/2024	DEBIT	SAMSCLUB.COM 888-746-7726 AR	242263841900	-171.69 Special Events - 2024 - Police
7/9/2024	DEBIT	GETSLING.COM HTTPSGETSLING CA	240113441910	-38.19 Scheduling Software 2024 - Police
7/15/2024	DEBIT	WIX.COM 1-415-6399034 CA	244921541947	-348 Domain For Sustainable YS - Finance
7/15/2024	DEBIT	DOMINO'S 2360 FAIRBORN OH	244450041955	-119.85 Special Events 2024 - Police
7/15/2024	DEBIT	BENTINOS YELLOW SPRING YELLOW SPRING O	242697941970	-71.22 Food PWR Outage 7/14/24 Electric & Water
7/15/2024	DEBIT	NAPA AUTO PARTS 000124 SPRINGFIELD OH	244310541940	-269.08 Parts for July 2024 - Streets & Parks
7/17/2024	DEBIT	IIMC 909-9444162 CA	247554241991	-185 Annual Dues - Council
7/19/2024	DEBIT	B&H PHOTO 800-606-6969 800-2215743 NY	249064142002	-66.14 HDMI Adapters for Zoom Meetings - Finance
7/19/2024	DEBIT	ODP BUS SOL LLC # 1011 800-463-3768 OH	241374642005	-38.09 Project Lead Supplies - Administration
7/19/2024	DEBIT	ODP BUS SOL LLC # 1011 800-463-3768 OH	241374642005	-83.69 Project Lead Supplies - Administration
7/22/2024	DEBIT	DOLLAR-GENERAL #7647 YELLOW SPRING OH	244450042030	-12.8 Operating Supplies 2024 - Police
7/22/2024	DEBIT	ODP BUS SOL LLC # 1011 800-463-3768 OH	241374642015	-44.22 P&Z Office & Admin Supplies - Administration
7/22/2024	DEBIT	ODP BUS SOL LLC # 1011 800-463-3768 OH	241374642015	-26.1 Project Lead Supplies - Administration
7/22/2024	DEBIT	TOS/CPIM 614-752-8484 OH	244450042020	-100 Annual Registration - Council
7/22/2024	DEBIT	PICKREL BROTHERS DAYTON OH	243230042020	-35.16 Tubing; Repair Chlorine Line - Water & Sewer
7/23/2024	DEBIT	HARBOR FREIGHT TOOLS31 XENIA OH	242316842050	-179.85 Latex Gloves - Water & Sewer
7/24/2024	DEBIT	SWIMOUTLET.COM HTTPSWWW.SWIM CA	240646642050	-206.43 Lifeguard Gear - Streets & Parks
7/24/2024	DEBIT	AMERICAN PUBLIC POWER 585-472-4163 VA	248019742050	-55 Appa Esafety Tracker - Electric & Water
7/25/2024	CREDIT	PAYMENT THANK YOU	WEB AUTOM	5353.96 June Payment
7/25/2024	DEBIT	LARRICKS WAREHOUSE OUT DAYTON OH	247554242062	-299 Office Furniture for JB & EG - Finance
7/25/2024	DEBIT	STORTRONICS 248-912-1200 MI	248019742060	-1314.99 Batteries for Reclosures - Electric & Water
7/25/2024	DEBIT	PSI SERVICES LLC USD 818-847-6180 CA	244921542067	-112 WW Collections Test: Harris Streets & Parks
7/26/2024	DEBIT	STAPLES 00105049 CENTERVILLE OH	241640742071	-585.68 Office Chairs/ Supplies for Offices - Finance
7/26/2024	DEBIT	SAMS CLUB #6517 BEAVERCREEK OH	244450042084	-936.7 Pool Concessions - Streets & Parks
7/31/2024	DEBIT	WIX.COM*1128963645 800-6000949 NY	249064142122	-32.95 YS.TV Domain Renewal - Finance
7/31/2024	DEBIT	LOWES #02603* XENIA OH	246921642121	-82.32 Sump Pump Hose - Water & Sewer

PLANNED UNIT DEVELOPMENT AGREEMENT

This Planned Unit Development Agreement (the “Agreement”) is made this 17th day of _____ July __, 2024, by and between Yellow Springs Home, Inc., an Ohio corporation for non-profit, (the “Developer”), and the Village of Yellow Springs, Ohio an Ohio municipal corporation (the “Village”).

WHEREAS, on January 22, 2019, the Village adopted Ordinance No. 2019-02, (such ordinance and any exhibits thereto together, the “PUD Ordinance”), attached hereto and incorporated herein by reference as **Exhibit A**, amended the zoning map of the Village to rezone the property depicted in **Exhibit B** (the “Property”) attached hereto and incorporated herein by reference, from R-B to PUD;

WHEREAS, pursuant to Chapter 1254 of the Yellow Springs Codified Ordinances, the Property is to be developed in accordance with certain standards;

WHEREAS, pursuant to Section 1254.05(e) of the Yellow Springs Codified Ordinances, prior to the issuance of any building permits or commencement of construction of any portion of the Property, the Developer shall enter into an agreement with the Village, in recordable form, setting forth the Developer’s obligations with respect to the Property;

WHEREAS, a final development plan was approved by the Village Planning Commission, which is attached hereto and incorporated by reference as **Exhibit C**, such development in its entirety shall be referred to herein as “Development” which is intended to include all phases unless otherwise specified; and

NOW, THEREFORE, pursuant to the covenants, agreements, and pledges contained herein, the Developer and the Village do hereby agree that the Property shall be developed in accordance with the provisions set forth herein:

1. Applicable Standards. The Developer shall develop the Property and construct all improvements thereon in accordance with all applicable standards set forth in the Village’s codified ordinances, or any other applicable state or local requirements.

2. Final Development Plan and Approved Uses. Developer shall adhere to the final development plan, and all applicable conditions attached to the approval by the Village. The only uses allowed within the PUD are those specifically approved by the Village. Any change in uses shall be considered a major change and will be processed accordingly.

3. Phasing. Developer plans to develop the Property in the following four phases, subject to funding availability:

Phase 1: 8 units of senior rental housing

Phase 2: 6 units of senior rental housing

Phase 3: 8 units of senior rental housing

Phase 4: 10 for-sale townhomes, which will be developed in two clusters, one with four units and one with six units

The specific buildings to be included in each Phase are indicated on the site plan attached hereto as Exhibit D.

4. Infrastructure.

a. Stormwater Detention Basin. Developer will build and forever maintain a stormwater detention basin in accordance with all applicable laws and regulations. This basin will be completed during Phase 1. The Developer shall provide a cash deposit, certified check, letter of credit or other legal surety approved by the Village in an amount equal to the estimated cost of the construction of the stormwater detention basin, at minimum, in accordance with Section 1272.04 of the Yellow Springs Codified Ordinances.

b. Utility Poles. Additionally, Developer is aware that approximately 4 Ameritech phone poles, with Village utility electric riding on the poles per a pole attachment agreement, are located on the Property. These poles which will need to be relocated in order to accommodate Phases 3 and 4 of the Development. The Village is not responsible for the relocation of, or the maintenance of, those poles. Developer will incur all costs associated with the relocation of the poles. Additionally, Developer will be responsible for Village costs to relocate all Village electric lines riding on these poles.

There is also 1 Village owned electric utility pole located on the Property. This pole will likely also need to be relocated to accommodate the development. The Developer will be responsible for all Village costs associated with the relocation of this pole.

Costs associated with the relocation of Village lines on the Ameritech poles and the Village-owned pole and lines may include, but are not limited to, the costs of engineering, materials, burying the lines, acquiring new easements, and labor costs.

c. Sewer and Water Tap-Ins. Village Council has waived \$57,963.00 of tap-in fee costs. Developer is responsible for any tap-in costs which exceed that amount, unless Yellow Springs Village Council agrees to waive further such costs for future project phases.

5. Ownership. The Developer has and will maintain unified ownership or control of the Property, with proprietary responsibility for the full completion of the project.

6. Phasing Plan. Developer has submitted a Phasing Plan, which is attached as **Exhibit E**. If for any reason development is not completed through all 4 phases, Developer agrees that Village has no legal duty or responsibility to complete any portion of the development. Further, Developer agrees to immediately notify the Village that the development will not be completed. At such time, Developer agrees to coordinate with the Village to complete such items as the Village deems necessary to allow the development to appear complete. Such coordination will include Developer acquiring access permission from the owner of any property included in the Development which Developer does not own. Completion items may include, but are not limited to, the completion of any connectivity items such as trails, parking areas or roads, the relocation of dumpster or any trash receptacles and any related screening or landscaping deemed necessary by the Village Manager.

7. Parking Space in Right of Way. Developer will construct, at its cost, 5 on-street parking spaces on Herman Street during the Development. Developer will follow all applicable procedures for working in the right of way including, but not limited to, acquiring a right of way work permit. Developer agrees to construct these 5 spaces in accordance with all relevant specifications. These 5 parking spaces will be in the Village right of way and, once constructed, will be maintained by the Village.

8. Indemnification and Liability Insurance. Developer, by signing this Agreement, waives any claims against the Village regarding the zoning approval process. The Developer 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 Development and public improvements.

9. License to Enter Upon Private Streets, Driveways, and Parking Areas. Developer herein agrees to grant to the Village of Yellow Springs (i.e., Police Department, Service Department and the like), a license to enter upon any private streets, driveways, or parking areas within the Development 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.

10. Other Applicable Requirements Developer 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 and Greene County regulations as applicable.

11. Breach of Contract. The Developer 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 Developer's failure to perform work at the Development for a period of one year, the Developer'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 Development property, or its conveyance in lieu of foreclosure. The Village agrees that in the event of a breach, it shall provide Developer with notice thereof in writing. Should Developer 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 Developer's guarantees for such purpose and require Developer to pay any additional amount required to complete the work.

12. Preservation and Restoration of Property. The Developer 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. Developer 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 the manner or method of executing said work satisfactorily, or due to the 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, Developer shall restore, at its 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 Developer 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 Law Director.

13. Ingress and Egress. Developer 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.

14. Cleaning Up. During the construction, the Developer shall keep the site of the work and adjacent premises, 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 Manager, such material, debris or rubbish constitutes a nuisance, a safety hazard or is objectionable in any way to the public.

Upon completion of the work, the Developer 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 Developer 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 Developer 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 Developer for said work.

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

Nothing in this Developer'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 Development, and nothing contained in this Agreement shall limit the effect of same.

16. Severability Clause.

If any part, clause, provision or condition of this Developer'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.

17. Obligation to Notify.

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

18. 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 Developer at Yellow Springs Home Inc., 305 North Walnut Street Suite A, Yellow Springs, Ohio 45387.

19. Storm Water Detention Area, Common Areas and Easements.

Developer shall assume responsibility for all maintenance, upkeep, repair, replacement and management of the storm water detention area or other common areas. Developer 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.

20. Remedies. The parties acknowledge that monetary damages for a breach of this Agreement may be inadequate to compensate the Village. Accordingly, the parties expressly agree that, for so long as Developer owns any portion of the Property, in the event of a violation of this Agreement, with respect to such violation, the Village shall be entitled to receive specific performance. Nothing herein shall be deemed a waiver of the Village's rights to seek enforcement of this Agreement or zoning approvals previously granted, to the extent otherwise authorized by law. Notwithstanding the foregoing, in the event there is a violation(s) or alleged violation(s) of the terms or conditions of this Agreement by the Developer, then the Village shall serve written notice upon the Developer setting forth the manner in which Developer has violated the Agreement, and such notice shall include a demand that the violation(s) be cured within a stated reasonable time period. Should a court of competent jurisdiction find the Developer to be in breach of any provision of this Agreement or the PUD approval (in whole or in part), then the Developer shall be required to reimburse the Village for its reasonable attorney fees and costs in connection with the enforcement of such breach. Additionally, the Village shall have the right to utilize stop work orders as appropriate for any violations. All of the remedies of the Village under this

Agreement, the Village's Zoning Ordinance, and state law shall be deemed to be cumulative. In the event of default of this Agreement by the Developer, the Village shall be entitled to any remedies available at law or in equity. The remedies available to the Village in this Section 20 shall be binding on any successors in interest in the Property to the Developer.

21. Recording and Binding Effect. This Agreement and the approved final development plan applicable to the Property shall be binding on all successors in title as to the Property (as well as any and all portions thereof), including but not limited to, successor developers and the purchasers and owners of any individual lot, parcel, or unit within the Property. This Agreement shall be recorded in the Recorder's Office of Greene County, Ohio.

22. Miscellaneous.

a. Governing Law. This Agreement is being executed and delivered and is intended to be performed in the state of Ohio and shall be constructed and enforced in accordance with, and the rights of the parties shall be governed by, the laws thereof. The parties herein agree to submit to the personal jurisdiction and venue of a state court with subject matter jurisdiction located in Greene County, Ohio.

b. Headings and Recitals. The parties acknowledge and agree that the headings and subheadings in this Agreement are for convenience only and shall have no bearing or effect. The parties acknowledge and agree, however, that the recitals hereto are and shall be considered an integral part of this agreement proper to its correct understanding and interpretation.

c. Authorization. The parties affirm that their representatives executing this Agreement on their behalf are authorized to do so (and can fully bind their respective party) and that all resolutions or similar actions necessary to approve this Agreement have been adopted and approved. The Developer further affirms that it is not in default under the terms of any land contract for all or part of the Property.

d. Fees. The Developer shall pay any and all applicable building permit, zoning, and other fees to the Village, unless Yellow Springs Village Council agrees to waive such fees.

e. Changes to Final Development Plan. Any changes to the approved final development plan shall comply with the Zoning Ordinance.

f. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Agreement is executed as of the Effective Date set herein.

VILLAGE OF YELLOW SPRINGS

YELLOW SPRINGS HOME, INC.

Date: _____

Date: _____

By: _____

Johnnie Burns, Village Manager

Emily Seibel, Executive Director

Accepted as to form:

Amelia N. Blankenship, Village Solicitor

Michael Loudenslager, Staff Attorney , ABLE Law

Exhibit A
Ordinance 2019-02

VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2019-02

AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF YELLOW SPRINGS, OHIO FOR THE PROPERTY LOCATED BETWEEN E. MARSHALL STREET AND E. HERMAN STREET IDENTIFIED BY THE FOLLOWING GREENE COUNTY PARCEL ID NUMBERS: F19000100080030300; F19000100080030200; F19000100080030100; F19000100080030000; F19000100080029900; F19000100080031500; F19000100080031600; F19000100080031700; F19000100080031800; AND F19000100080031900 ON 1.853 ACRES FROM "R-B" MODERATE DENSITY RESIDENTIAL DISTRICT TO "PUD" PLANNED UNIT DEVELOPMENT

Whereas, the Planning Commission, following a public hearing and deliberations on November 12, 2018 and on December 10, 2018, made certain findings and recommendations pertaining to an application submitted by Yellow Springs Home, Inc. who requested that the official zoning map for the Village of Yellow Springs be amended from "R-B" Moderate Density Residential to "PUD" Planned Unit Development for the Property located between E. Marshall Street and E. Herman Street with the Greene County Parcel ID Numbers: F19000100080030300; F19000100080030200; F19000100080030100; F19000100080030000; F19000100080029900; F19000100080031500; F19000100080031600; F19000100080031700; F19000100080031800; and F19000100080031900 on 1.853 acres (the "Property"); and

Whereas, Village Council on December 17, 2018 received findings and recommendations from Planning Commission and voted to approve the rezoning request for the Property and to amend the official zoning map from "R-B" Moderate Density Residential to "PUD" Planned Unit Development for the Property,

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

Section 1. Village Council hereby amends the official zoning map from "R-B" Moderate Density Residential to "PUD" Planned Unit Development for the Property located between E. Marshall Street and E. Herman Street with the Greene County Parcel ID Numbers: F19000100080030300; F19000100080030200; F19000100080030100; F19000100080030000; F19000100080029900; F19000100080031500; F19000100080031600; F19000100080031700; F19000100080031800; and F19000100080031900 on 1.853 acres.

Section 2. This ordinance shall take effect and be in full force at the earliest date permitted by law.


Brian Housh, President of Council

Passed: 1-22-2019

Attest: 
Judy Kirtner, Clerk of Council

ROLL CALL

Brian Housh __Y__ Marianne MacQueen __Y__ Kevin Stokes __Y__

Lisa Kreeger __Y__ Kineta Sanford __ABSTAIN__

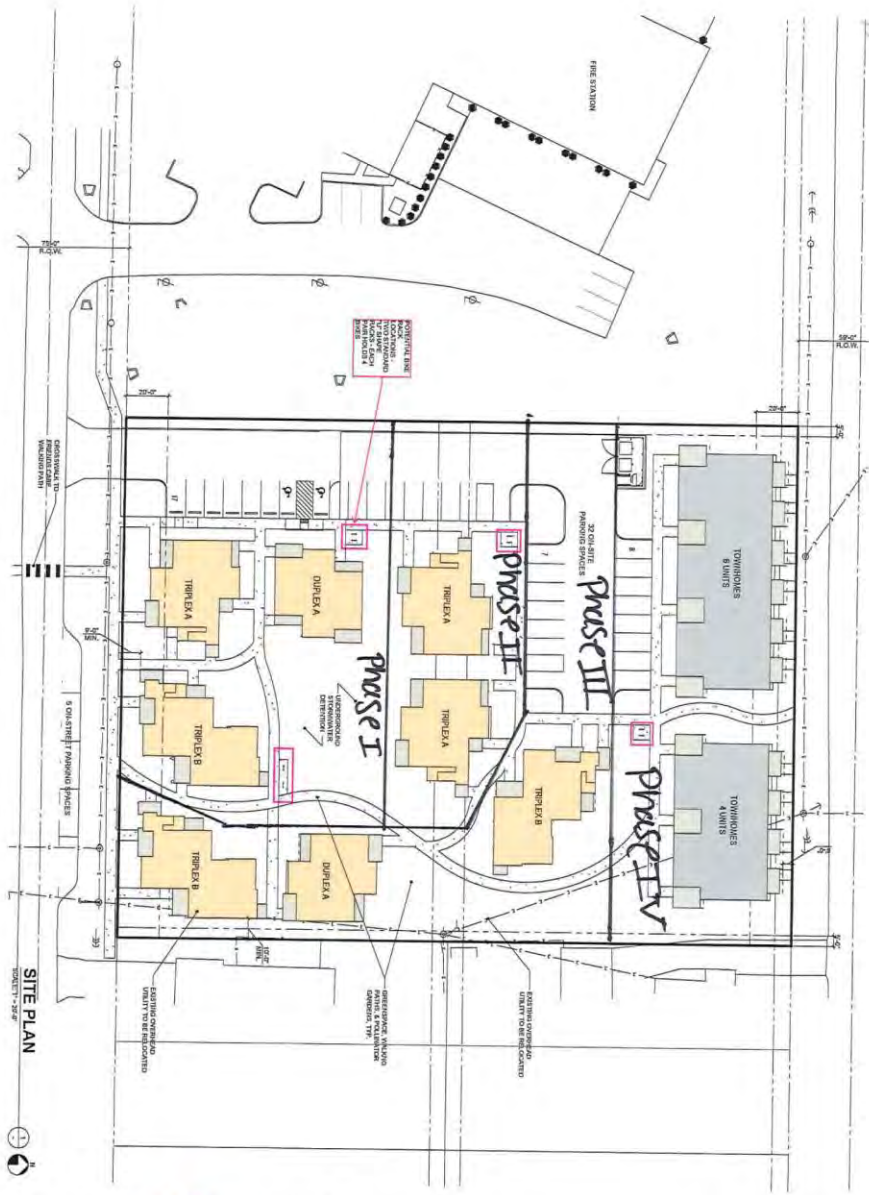
Exhibit C

Final Development Plan



Exhibit D

Site Plan Depicting Phasing



AS1.0

City Architecture
23023

ARCHITECTURAL SITE PLAN - DEVELOPMENT

The Cascades Phase 1
YELLOW SPRINGS HOME, INC.
East Herman Street

Exhibit E

Phasing Plan

Phase Plan-A Narrative

Detailing the total number of phases, how many units are in each phase and the tentative schedule:

The Cascades is being developed in phases based on funding availability and award ceilings. Four phases have been identified, for a total of 32 units:

Phase I: 8 units of senior rental housing

Phase II: 6 units of senior rental housing

Phase III: 8 units of senior rental housing

Phase IV: 10 for-sale townhomes, which will be developed in two clusters, one with four units and one with six units

Tentative Development Schedule

2024-2025

- Project groundbreaking (2024)
- Infrastructure (2024)
- Develop Phase I (fully funded, completion in 2025)
- Fundraise for Phase II (6 rentals)
- Fundraise for Phase IV (for-sale homes)

2026-2027

- Develop Phase II (6 rentals) (groundbreaking in 2026; completion in 2027)
- Fundraise for Phase III (8 rentals)
- Continue fundraising for Phase IV (for-sale homes)
- Begin development of Phase IV

2028-2029

- Develop Phase III (8 rentals) (groundbreaking in 2028; completion in 2029)
- Develop Phase IV (for-sale homes)

2030

- Project fully completed

Yellow Springs Home, Inc. will make every effort to combine phases as funding is made available.

VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2024-53

DESIGNATING JUDY KINTNER AS VILLAGE COUNCIL'S DESIGNEE TO RECEIVE
PUBLIC RECORDS TRAINING ON BEHALF OF EACH OF THE ELECTED OFFICIALS
PURSUANT TO AND IN ACCORDANCE WITH
OHIO REVISED CODE SECTION 109.43(B) AND 149.43(E) (1)

WHEREAS, Ohio's Public Records Law, specifically Ohio Revised Code Section 109.43(B) and 149.43(E)(1), requires that officials elected to statewide or local office receive three hours of Public Records training for each term of office; and

WHEREAS, if the elected official so chooses, the Public Records Law allows a designee to be appointed to receive the training on the elected official's behalf; and

WHEREAS, the designee must be an employee in the public office and there must be evidence of the designation; and

WHEREAS, if there is more than one elected official in the public office, the designee should be the designee of all the elected officials within the office.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS, OHIO, THAT:

SECTION 1. In accordance with Ohio's Public Records Law, Ohio Revised Code Section 109.43(B) and 149.43(E) (1), Village Council hereby and herein appoints Judy Kintner as their designee to receive the requisite Public Records training on their behalf.

SECTION 2. This Resolution shall stand as evidence of Judy Kintner's appointment as the designee by Village Council for all terms of office including the years 2024 and 2025.

SECTION 3. The Council finds and determines that all formal actions of the Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

Kevin Stokes, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Stokes ____

DeVore Leonard ____

Housh ____

Brown ____

Gustafson ____

MEMORANDUM

TO: YELLOW SPRINGS VILLAGE COUNCIL

FROM: Johnnie Burns, Village Manager

DATE: AUGUST 16, 2024

RE: Resolution 2024-54

Nick Boutis, Glen Helen's Executive Director has been working to finalize a grant with the state of Ohio to secure funds designated to make accessibility improvements in Glen Helen. (Council provided a letter of support for this project at the time the Glen was first pursuing funding.)

As a nonprofit, the state of Ohio directs the Glen to establish a cooperative use agreement with a government entity to ensure that the public benefits from the expenditure of state funds.

Glen Helen is committing to provision of public access to the improved areas for no less than 15 years. This agreement requires no financial commitment on the part of the Village.

Upon approval of the terms by our Village Solicitor, I have signed the agreement that Council is now considering endorsing.

VILLAGE OF YELLOW SPRINGS, OHIO

RESOLUTION 2024-54

**AUTHORIZING THE VILLAGE MANAGER TO ENTER
INTO A JOINT USE AGREEMENT WITH GLEN HELEN ASSOCIATION**

WHEREAS, the Glen Helen Association (GHA), an Ohio non-profit organization, has received an appropriation in the amount of \$750,000.00 to construct publicly available parking and trails (the “Glen Helen Accessibility Project”) in the Glen Helen Nature Preserve; and

WHEREAS, to establish the right of GHA to make public use of the Property, Section 509.11 of HB 687 requires GHA to enter into a Joint Use Agreement with the Village of Yellow Springs that contains the requirements in HB 687 Section 509.11 (B)(1)-(3),

NOW, THEREFORE, BE IT RESOLVED BY COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO THAT:

Section 1. Council hereby endorses the Joint Use Agreement signed by the Village Manager as attached hereto as Exhibit A.

Kevin Stokes, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Stokes ____ DeVore Leonard ____ Housh ____
Brown ____ Gustafson ____

JOINT USE AGREEMENT

This Joint Use Agreement (“Agreement”) is entered into by and between the Village of Yellow Springs, whose address is 105 Dayton Street, Yellow Springs, OH 454387 (“Government Agency”), and the Glen Helen Association, an Ohio nonprofit organization, whose address is 405 Corry Street, Yellow Springs, OH 454387 (“Nonprofit”).

WHEREAS, through HB 687, Nonprofit received an appropriation in the amount of \$750,000.00 (the “Appropriated Funds”); and

WHEREAS, Nonprofit will use these Appropriated Funds for the Glen Helen Accessibility Project (the “Project”); and

WHEREAS, the Appropriated Funds will be used to make improvements and construct facilities on real property owned by Nonprofit (the “Property”); and

WHEREAS, the parties to this Agreement will each have obligations and duties in regard to the Project; and

WHEREAS, to establish the right of Nonprofit to make public use of the Property, Section 509.11 of HB 687 requires Nonprofit to enter into a Joint Use Agreement with Government Agency that contains the requirements in HB 687 Section 509.11 (B)(1)-(3); and

WHEREAS, the Glen Helen Association has demonstrated that the value of the use of the Property is reasonably related to the amount of the Appropriated Funds through the worksheet included in this Agreement as Attachment A.

NOW, THEREFORE, in consideration of the mutual benefits hereunder, the parties hereby agree as follows:

Property Owned by Nonprofit: The Property consists of Glen Helen Nature Preserve, located at 405 Corry Street, Yellow Springs, Ohio. Nonprofit owns the Property through its disregarded entity, GHA Glen Operations LLC.

Use of Property by Government Agency. The Property will be used to erect publicly accessible parking and trails.

1. The State of Ohio shall be reimbursed should the Government Agency's right to use the Property be terminated by Nonprofit prior to the expiration of the term of this Agreement, calculated by dividing the Appropriated Funds by 15 and multiplying that sum by 15 less the number of full years the acquired or improved property has been used by the Government Agency.
2. **Use of funds.** The Appropriated Funds shall be used as described in HB 687 and shall be used only for capital improvements and not operating costs. Any Appropriated Funds that are not spent shall be returned in full to the State of Ohio.
3. **Insurance for Nonprofit's Property.** Nonprofit agrees, at its own cost, to procure and continue in force at all times that this Agreement is in effect, in its name, general liability insurance against any and all claims for injuries to persons or damage to property occurring or arising out of any use of the Property contemplated herein. Nonprofit shall also procure, and continue in force, casualty insurance, insuring against all risks of loss or damage to the Property and the improvements made thereto under the Project.
4. **Indemnification.** Nonprofit shall indemnify and hold Government Agency harmless from all liability for construction, operation and maintenance costs of the Project.
5. **Compliance with Federal, State and Local Laws.** Nonprofit shall comply with all applicable federal, state and local laws as well as state administrative regulations relating to the capital improvement process, including construction, bidding and ethics laws and regulations.
6. **Competitive Bidding.** Nonprofit will follow competitive bidding procedures to include, at a minimum, publishing advertisements to seek bids, receiving sealed bids, and awarding contracts to the lowest responsive and responsible bidder, as described generally in Ohio Revised Code Chapter 153.
7. **Term.** The term of this Agreement shall be coextensive with the grant agreement between the Ohio Department of Natural Resources ("ODNR") and Nonprofit relating to the Appropriated Funds and Project.
8. **Amendments.** Any amendments to this Joint Use Agreement require must be approved by ODNR before any amendment takes effect.

GOVERNMENT AGENCY

NONPROFIT

Signature: _____

Signature: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2024-55

AUTHORIZING PAYMENT OF INVOICES WITH A THEN AND NOW CERTIFICATE FOR THE THIRD
QUARTER OF 2024

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 obligation listed below:

American Legal Publishing	\$6,616.70
---------------------------	------------

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 a “then and now” certificate 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: _____
Kevin Stokes, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL:

Kevin Stokes____ Gavin DeVore Leonard____ Carmen Brown____
Brian Housh _____ Trish Gustafson_____



American Legal
Publishing

525 Vine Street, Ste. 310 Cincinnati, OH 45202 1-800-445-5588	Invoice Date	Invoice No.	Ship Date
	7/30/2024	35586	7/30/2024

INVOICE

Billing Address:
Village of Yellow Springs Judy Kintner, Clerk of Council 100 Dayton St. Yellow Springs, OH 45387

Terms:	Upon Receipt	Customer ID:	03996	Ship Via:		P.O. #:	
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Qty. Ordered	Description	Unit Price	Amount
280	2024 S-17 Supplement Pages	19.25	5,390.00T
96	Backup Pages	8.00	768.00T
17	P&Z Pamphlet Copies (34 pages each)	2.00	34.00T
1	Editorial Fee	250.00	250.00T
1	Shipping and Handling Fee	174.70	174.70T

** NEW REMIT TO ADDRESS** 525 Vine Street, Ste. 310 Cincinnati, OH 45202	Sales Tax (0.0%)	\$0.00
	Total	\$6,616.70

customerservice@amlegal.com

**VILLAGE OF YELLOW SPRINGS, OHIO
RESOLUTION 2024-56**

**APPROVING AN INTERGOVERNMENTAL AGREEMENT MEMORANDUM OF
UNDERSTANDING BETWEEN THE VILLAGE OF YELLOW SPRINGS AND THE YELLOW
SPRINGS EXEMPTED SCHOOL DISTRICT**

WHEREAS, Council for the Village of Yellow Springs has identified a need to increase availability of affordable housing units as necessary to the economic development and stability of the Village, as necessary to assuring a robust and diverse student presence in Village schools and as such as a public purpose worthy of pursuit; and

WHEREAS, property now owned by the Yellow Springs Exempted School District (YSESD) has been assigned to a category with a good potential for Low Income Housing Tax Credits per Ohio Housing Finance Agency standards and guidelines; and

WHEREAS, Council and YSESD, through stated shared common goals of support of development of affordable housing in the Village, seek to cooperate on steps necessary for an application to be submitted to OHFA by the February 27, 2025 deadline; and

WHEREAS, engagement in pursuit of this project requires clear communication among all parties representing YSESD and the Village of Yellow Springs, as well as a clear delineation of financial responsibility,

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

Section 1. The Village Manager is hereby authorized and directed to enter into an Agreement with Yellow Springs Exempted School District in a form substantially similar to the attached Exhibit A.

Kevin Stokes, Council President

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Kevin Stokes____ Gavin Devore Leonard____ Brian Housh____
Carmen Brown____ Trish Gustafson____

INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING

This **INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING** (this “Agreement”) is made and entered into as of this ____ day of August, 2024 (the “Effective Date”) by and between **THE VILLAGE OF YELLOW SPRINGS, OHIO** (the “Village”), and **YELLOW SPRINGS EXEMPTED VILLAGE SCHOOL DISTRICT, OHIO** (the “District”) (each a “Party” and collectively the “Parties”).

1. The Village and the District are undertaking cooperative efforts with respect to a parcel of land owned by the District and located within the Village, more particularly described on Exhibit A, and hereinafter referred to as “the Property”.
2. The Property has been assigned an opportunity index score of 94 and an opportunity index category of “Very High” by the Ohio Housing Finance Authority’s (“OHFA”) scoring for potential sites for a multifamily Low-Income Housing Tax Credit project, hereinafter referred to as “the Project”.
3. The Village and the District, through stated shared common goals of support of development of affordable housing in the Village, seek to cooperate on steps necessary for an application to be submitted to OHFA by the February 27, 2025 deadline.
4. The Property is currently encumbered due to a 2024 arrangement in which the District entered into a transaction to issue Certificates of Participation (“COPS”) as part of a lease-lease-back structure which encumbers the Property. The COPS are insured by Build America Mutual (“BAM”). Additionally, in 2020, the District entered into financing arrangements with Huntington National Bank. Both the 2024 COPS and the 2020 Huntington financing arrangement encumber the Property. These two encumbrances are hereinafter referred to as “the Encumbrances”.
5. As of the date of this Agreement, the Parties have agreed to pursue the release of the Property from the Encumbrances. That will require coordination by the District’s legal counsel with BAM and Huntington to request such release and, if approval is granted, to draft the necessary documents.
6. The Village will incur the legal fees associated with unencumbering the land up to a cost of \$_____ (“Village’s Legal Fees Commitment”). If the Village’s Legal Fees Commitment is expended, and the goal of unencumbering the property is not fully achieved, the Village Council will address this in open meeting and determine next steps. The Village is not committing to any further expenditure pursuant to this Agreement.

7. If the Property is successfully unencumbered, the Parties will pursue the sale of the Property from District to Village.

8. Village will then coordinate a request for proposals to locate a qualified housing developer to complete the necessary application for submittal to OHFA.

9. The District will incur all costs associated with legal surveying of the Property, and the District will incur all costs associated with any required subdivision or rezoning of the Property.

10. All documents, records and other work product created by the Parties in furtherance of the Project, including but not limited to legal descriptions and surveys, shall be shared among the Parties.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Intergovernmental Memorandum of Understanding is executed as of the Effective Date.

VILLAGE OF YELLOW SPRINGS, OHIO

By: _____

Its: _____

Date: _____

YELLOW SPRINGS EXEMPTED VILLAGE SCHOOL DISTRICT

By: _____

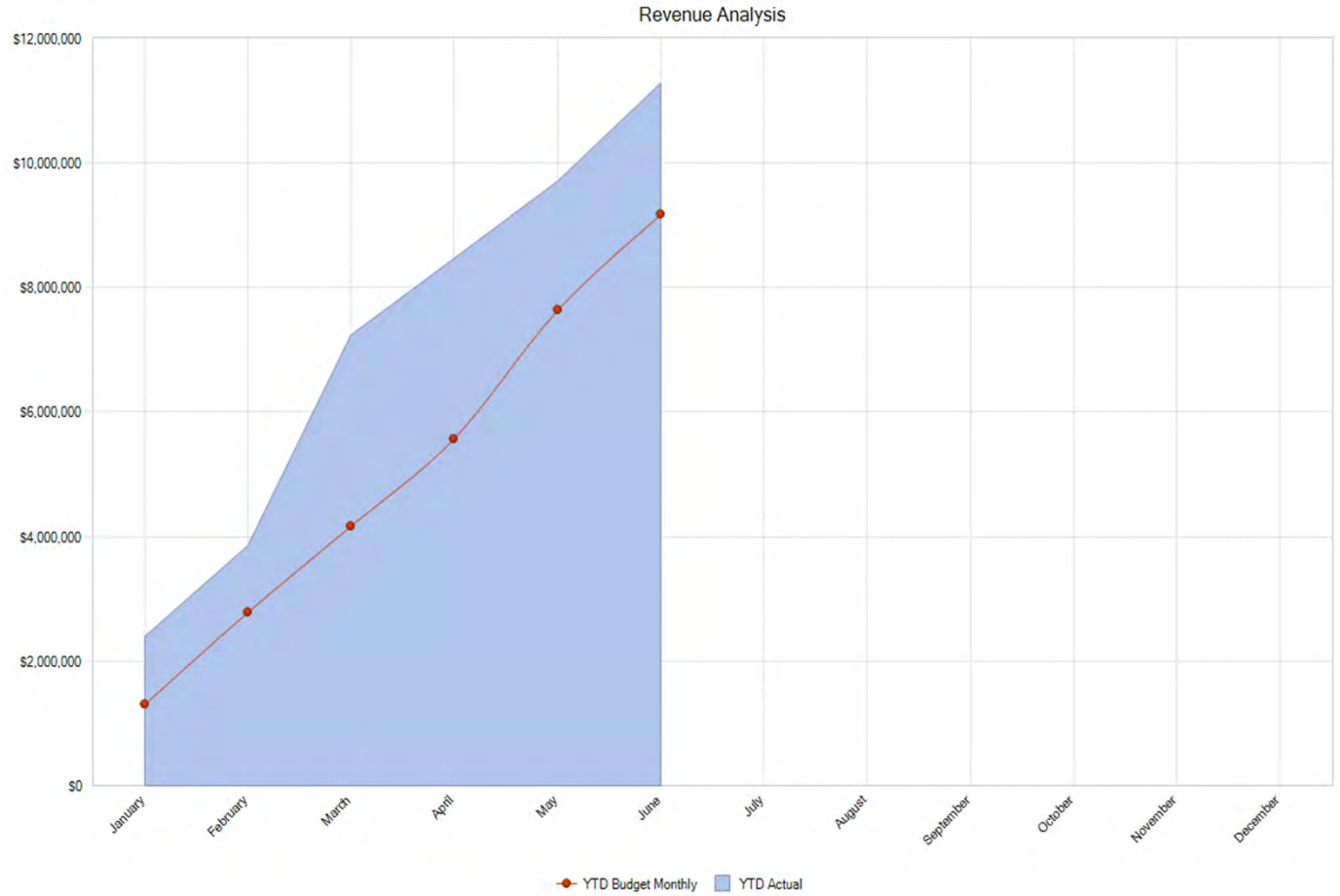
Its: _____

Date: _____

Village of Yellow Springs Second Quarter 2024 Financial Summary Report

	YTD Budget Monthly	YTD Actual
January	\$1,305,414	\$2,392,064
February	\$2,783,327	\$3,851,661
March	\$4,174,991	\$7,231,319
April	\$5,566,654	\$8,457,881
May	\$7,649,151	\$9,722,762
June	\$9,178,981	\$11,284,739
July		
August		
September		
October		
November		
December		

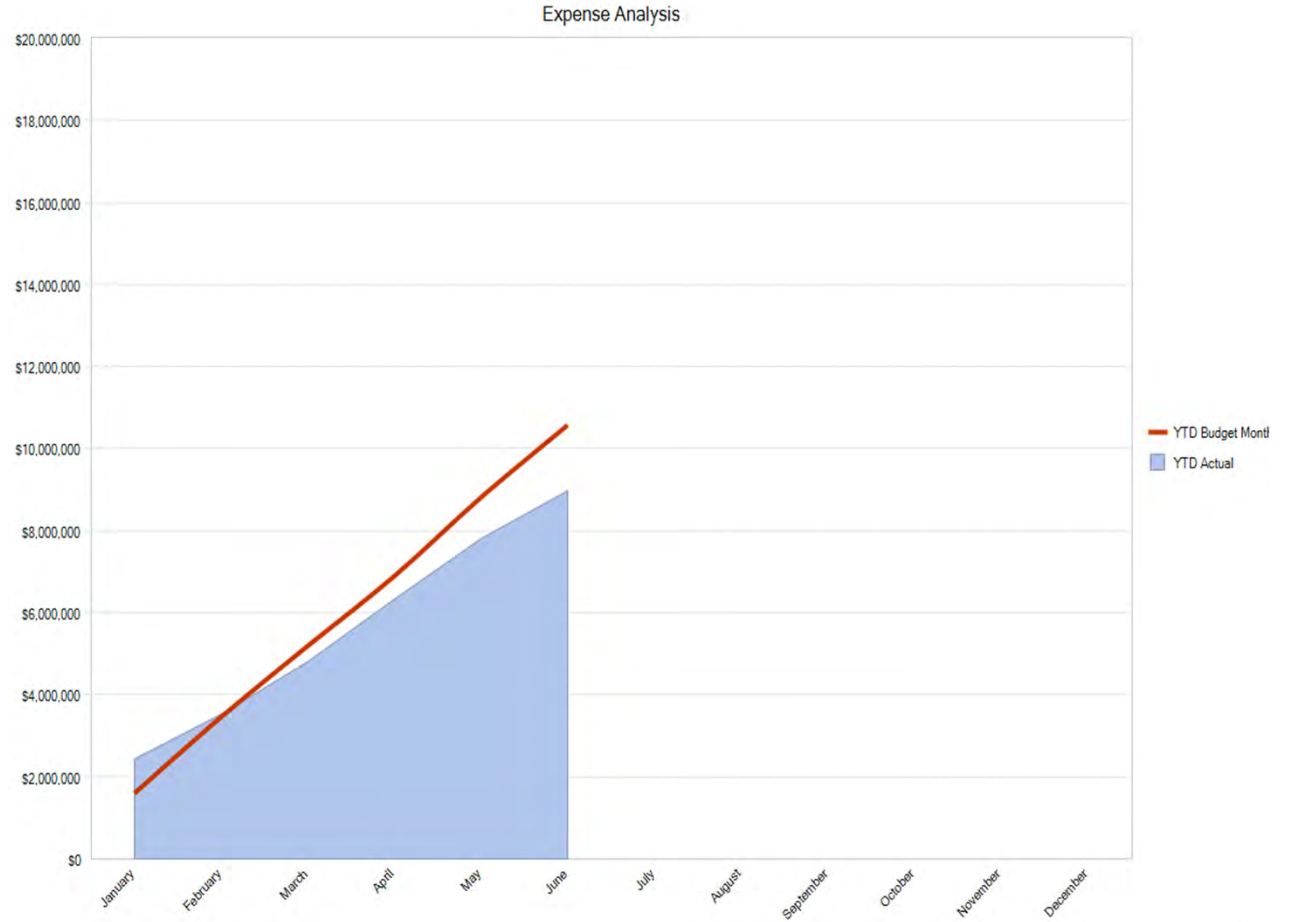
Revenue is ahead of budget by
\$2,105,758 as of June 30th.



Village of Yellow Springs Second Quarter 2024 Financial Summary Report

	YTD Budget Monthly	YTD Actual
January	\$1,601,703	\$2,445,640
February	\$3,472,405	\$3,530,581
March	\$5,200,893	\$4,828,234
April	\$6,902,840	\$6,341,755
May	\$8,818,999	\$7,802,555
June	\$10,582,799	\$8,962,692
July		
August		
September		
October		
November		
December		

Expenses are \$1,620,107 under budget for the second quarter of 2024.



**Statement of Cash from Revenue and Expense
Village of Yellow Springs
Fund Details
June 2024**

	Year Beginning Cash 2024	Actual Revenue 2024	Actual Expense 2024	Current Cash Balance 2024	YTD Encumbrance	Unencumbered Cash Balance 2024	Gain/Loss 2024
*Report Contains Filters							
101 GENERAL FUND	3,817,011	2,950,973	3,384,562	3,383,422	479,008	2,904,413	-912,598
202 STREET MAINTENANCE/REPAIR FUND	691,375	420,319	207,471	904,223	126,952	777,272	85,896
203 STATE HIGHWAY MAINTENANCE FUND	87,927	9,718	2,925	94,720	2,025	92,695	4,768
204 PARKS & RECREATION FUND	361,798	478,645	290,493	549,950	107,854	442,096	80,298
205 ECONOMIC DEVELOPMENT FUND	101,151	20,000	0	121,151	0	121,151	20,000
207 GREEN SPACE FUND	210,950	0	0	210,950	0	210,950	0
208 MOTOR VEHICLE - PERMISSIVE TAX	241,107	20,341	0	261,449	0	261,449	20,341
210 MAYOR'S COURT COMPUTER FUND	364	210	429	144	571	-426	-790
212 LAW ENFORCEMENT AND EDUCATION	11,221	214	0	11,434	0	11,434	214
213 COATS & SUPPLIES FUND	10,438	25	0	10,463	0	10,463	25
215 FED. FORFEITED ASSETS	122	0	0	122	0	122	0
216 STATE L. E. TRUST FUND	14,748	0	6,000	8,748	0	8,748	-6,000
218 YS CLIFTON CONNECTOR TRAIL	2,000	0	0	2,000	0	2,000	0
220 UTILITY ROUND UP FUND	4,660	6,702	7,042	4,320	0	4,320	-340
224 AFFORDABLE HOUSING	17,760	247,502	44,595	220,666	54,640	166,026	148,266
225 ONEOHIO OPIOID SETTLEMENT	3,826	300	0	4,126	0	4,126	300
301 POLICE VEHICLE REPLACEMENT	0	55,000	54,500	500	500	0	0
303 WATER CAPITAL IMPROVEMENT	563,714	1,565,247	657,397	1,471,564	1,176,664	294,900	-268,814
304 SEWER CAPITAL IMPROVEMENT FUND	82,295	0	22,292	60,003	9	59,995	-22,300
305 ELECTRIC CAPITAL IMPROVEMENT	719,676	0	193,825	525,851	154,067	371,784	-347,892
306 PARKS & RECREATION CAPITAL	63,755	0	22,662	41,093	0	41,093	-22,662
307 FACILITIES CAPITAL IMPROVEMENT	74,198	0	48,197	26,000	5,350	20,650	-53,547
308 CAPITAL EQUIPMENT FUND	37,052	80,000	5,500	111,552	0	111,552	74,500
601 ELECTRIC OPERATING FUND	1,985,816	3,554,755	2,412,391	3,128,179	2,567,082	561,097	-1,424,719
610 WATER OPERATING FUND	867,353	739,979	824,452	782,880	175,070	607,810	-259,543
620 SEWER OPERATING FUND	908,890	709,396	463,221	1,155,065	257,289	897,776	-11,114
630 SOLID WASTE OPERATING FUND	179,887	228,046	204,120	203,812	252,988	-49,176	-229,063
640 UTILITY OVER PAYMENT FUND	24,859	13,060	380	37,540	384	37,156	12,297

**Statement of Cash from Revenue and Expense
Village of Yellow Springs
Fund Details
June 2024**

	Year Beginning Cash 2024	Actual Revenue 2024	Actual Expense 2024	Current Cash Balance 2024	YTD Encumbrance	Unencumbered Cash Balance 2024	Gain/Loss 2024
<i>* Report Contains Filters</i>							
650 STORMWATER	95,004	52,018	0	147,022	0	147,022	52,018
660 BROADBAND	25,795	25,933	49,089	2,639	0	2,639	-23,156
901 PAYROLL FUND	29,377	1,095	0	30,472	0	30,472	1,095
902 WIDOWS FUND	1,812	1,500	0	3,312	0	3,312	1,500
903 POLICE PENSION FUND	128,442	98,236	59,314	167,364	0	167,364	38,922
904 SECURITY DEPOSIT FUND	9,612	0	0	9,612	0	9,612	0
905 PETTY CASH	400	0	0	400	0	400	0
906 MAYORS COURT FUND	11,719	5,475	1,333	14,771	0	14,771	3,052
907 FLEXIBLE SPENDING PLAN FUND	500	0	500	0	0	0	-500
908 UNCLAIMED MONEY - S01	9,426	50	0	9,476	0	9,476	50
909 UNCLAIMED MONEY - GD DO NOT USE	4,805	0	0	4,805	0	4,805	0
910 UNCLAIMED MONEY - PAYROLL	1,607	0	0	1,607	0	1,607	0
Report Total :	11,402,453	11,284,739	8,962,692	13,723,410	5,360,453	8,362,957	-3,039,496

Beginning Cash balance of \$11,402,453 is increased to \$13,723,410 as of 6/30/24. Encumbrances for future expenses of \$5,360,453 reduce the expected cash balance to \$8,362,957. Showing a reduction of \$3,039,496 cash balance as of 6/30/2024.

**Revenue Analysis by Fund
Village of Yellow Springs
Fund Details
June 2024**

The % of collected revenue as of June 30th should be 50% or greater. The current rate is 61% overall.

	YTD Expected Revenue 2024	YTD Actual Revenue 2024	YTD Uncollected Balance 2024	Percent Collected 2024
<i>* Report Contains Filters</i>				
101 GENERAL FUND	4,342,532	2,950,973	1,391,559	68%
202 STREET MAINTENANCE/REPAIR FUND	491,000	420,319	70,681	86%
203 STATE HIGHWAY MAINTENANCE FUND	17,520	9,718	7,802	55%
204 PARKS & RECREATION FUND	640,800	478,645	162,155	75%
205 ECONOMIC DEVELOPMENT FUND	20,000	20,000	0	100%
208 MOTOR VEHICLE - PERMISSIVE TAX	32,000	20,341	11,659	64%
210 MAYOR'S COURT COMPUTER FUND	1,000	210	790	21%
212 LAW ENFORCEMENT AND EDUCATION	0	214	-214	0%
213 COATS & SUPPLIES FUND	1,000	25	975	3%
220 UTILITY ROUND UP FUND	7,710	6,702	1,008	87%
224 AFFORDABLE HOUSING	249,000	247,502	1,498	99%
225 ONEOHIO OPIOID SETTLEMENT	0	300	-300	0%
301 POLICE VEHICLE REPLACEMENT	55,000	55,000	0	100%
303 WATER CAPITAL IMPROVEMENT	2,945,000	1,565,247	1,379,753	53%
304 SEWER CAPITAL IMPROVEMENT FUND	140,000	0	140,000	0%
307 FACILITIES CAPITAL IMPROVEMENT FUND	80,000	0	80,000	0%
308 CAPITAL EQUIPMENT FUND	0	80,000	-80,000	0%
601 ELECTRIC OPERATING FUND	5,706,900	3,554,755	2,152,145	62%
610 WATER OPERATING FUND	1,577,000	739,979	837,021	47%
620 SEWER OPERATING FUND	1,367,000	709,396	657,604	52%
630 SOLID WASTE OPERATING FUND	401,000	228,046	172,954	57%
640 UTILITY OVER PAYMENT FUND	0	13,060	-13,060	0%
650 STORM WATER	80,000	52,018	27,982	65%
660 BROADBAND	70,000	25,933	44,067	37%
901 PAYROLL FUND	0	1,095	-1,095	0%
902 WIDOWS FUND	1,500	1,500	0	100%
903 POLICE PENSION FUND	125,000	98,236	26,764	79%
906 MAYORS COURT FUND	7,000	5,475	1,525	78%
Report Total :	18,357,962	11,284,739	7,073,223	61%

**Expense Analysis by Fund
Village of Yellow Springs
Fund Details
June 2024**

	YTD Appropriations 2024	YTD Actual Expense 2024	YTD Unexpended Appropriations 2024	YTD Percent Expensed To Appropriations 2024	YTD Encumbrances 2024	YTD Unencumbered Appropriations 2024	YTD Percent Unencumbered Appropriations 2024
* Report Contains Filters							
101 GENERAL FUND	5,692,056	3,384,562.16	2,307,493	59.46%	479,008	1,828,485	32.12%
202 STREET	808,334	207,470.85	600,864	25.67%	126,952	473,912	58.63%
203 STATE HIGHWAY	12,000	2,925.20	9,075	24.38%	2,025	7,050	58.75%
204 PARKS & RECREATION FUND	757,694	290,493.44	467,200	38.34%	107,854	359,346	47.43%
205 ECONOMIC DEVELOPMENT	40,000	0.00	40,000	0.00%	0	40,000	100.00%
210 MAYOR'S COURT COMPUTER	1,000	429.46	571	42.95%	571	0	0.00%
212 LAW ENFORCEMENT AND	5,000	0.00	5,000	0.00%	0	5,000	100.00%
213 COATS & SUPPLIES FUND	4,000	0.00	4,000	0.00%	0	4,000	100.00%
216 STATE L. E. TRUST FUND	6,000	6,000.00	0	100.00%	0	0	0.00%
220 UTILITY ROUND UP FUND	16,050	7,042.27	9,008	43.88%	0	9,008	56.12%
224 AFFORDABLE HOUSING	262,314	44,595.24	217,719	17.00%	54,640	163,079	62.17%
301 POLICE VEHICLE	55,000	54,500.00	500	99.09%	500	0	0.00%
303 WATER CAPITAL	2,960,051	657,397.21	2,302,654	22.21%	1,176,664	1,125,990	38.04%
304 SEWER CAPITAL	360,280	22,291.50	337,989	6.19%	9	337,980	93.81%
305 ELECTRIC CAPITAL	699,646	193,824.94	505,821	27.70%	154,067	351,754	50.28%
306 PARKS & RECREATION	51,115	22,662.00	28,453	44.34%	0	28,453	55.66%
307 FACILITIES CAPITAL	122,945	48,197.35	74,748	39.20%	5,350	69,398	56.45%
308 CAPITAL EQUIPMENT FUND	5,500	5,500.00	0	100.00%	0	0	0.00%
601 ELECTRIC OPERATING FUND	5,401,412	2,412,391.14	2,989,021	44.66%	2,567,082	421,939	7.81%
610 WATER OPERATING FUND	1,884,442	824,451.91	1,059,990	43.75%	175,070	884,920	46.96%
620 SEWER OPERATING FUND	1,332,838	463,221.09	869,617	34.75%	257,289	612,328	45.94%
630 SOLID WASTE OPERATING	464,907	204,120.34	260,786	43.91%	252,988	7,798	1.68%
640 UTILITY OVER PAYMENT FUND	1,000	379.74	620	37.97%	384	236	23.62%
650 STORM WATER	15,900	0.00	15,900	0.00%	0	15,900	100.00%
660 BROADBAND	50,000	49,088.97	911	98.18%	0	911	1.82%
902 WIDOWS FUND	1,500	0.00	1,500	0.00%	0	1,500	100.00%

**Expense Analysis by Fund
Village of Yellow Springs
Fund Details
June 2024**

	YTD Appropriations 2024	YTD Actual Expense 2024	YTD Unexpended Appropriations 2024	YTD Percent Expended To Appropriations 2024	YTD Encumbrances 2024	YTD Unencumbered Appropriations 2024	YTD Percent Unencumbered Appropriations 2024
* Report Contains Filters							
903 POLICE PENSION FUND	142,114	59,314.15	82,800	41.74%	0	82,800	58.26%
904 SECURITY DEPOSIT FUND	4,000	0.00	4,000	0.00%	0	4,000	100.00%
906 MAYORS COURT FUND	8,000	1,333.00	6,667	16.66%	0	6,667	83.34%
907 FLEXIBLE SPENDING PLAN	500	500.00	0	100.00%	0	0	0.00%
Report Total :	21,165,599	8,962,691.96	12,202,907	42.35%	5,360,453	6,842,454	32.33%

For best budget management, the total % expended should be at 50% as of June 30th. Overall actual expense is at 42.35%.

Village of Yellow Springs Bank Report

Banks: INV to WBP

As Of: 1/1/2024 to 6/30/2024

Include Inactive Bank Accounts: No

Bank	Beginning Bal.	MTD Revenue	YTD Revenue	MTD Expense	YTD Expense	YTD Other	Ending Bal.
IMPREST CASH	\$400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$400.00
STAR OHIO	\$6,345,177.62	\$29,008.82	\$175,034.25	\$0.00	\$0.00	\$0.00	\$6,520,211.87
RAYMOND JAMES INVESTMENT	\$1,831,570.74	\$3,423.50	\$37,894.24	\$0.00	\$0.00	\$0.00	\$1,869,464.98
U S BANK - GUARANTEE DEPOSITS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
MAYOR'S COURT	\$542.00	\$0.00	\$4,684.00	\$0.00	\$0.00	(\$4,157.00)	\$1,069.00
WesBanco GENERAL	\$3,224,762.58	\$1,504,020.29	\$9,053,846.73	\$1,107,430.02	\$6,627,892.95	(\$318,452.31)	\$5,332,264.05
WesBanco PAYROLL	\$0.00	\$262,963.47	\$1,573,885.73	\$290,145.89	\$1,896,495.04	\$322,609.31	\$0.00
Grand Total:	\$11,402,452.94	\$1,799,416.08	\$10,845,344.95	\$1,397,575.91	\$8,524,387.99	\$0.00	\$13,723,409.90

The cash balance increased at the end of Q2 2024 from \$11,402,453 to \$13,723,410. A total increase of \$2,320,957 for the first half 2024. Interest income of \$343,508 was recognized the first half 2024.

**Village of Yellow Springs
Statement of Cash from Revenue and Expense**

From: 1/1/2024 to 6/30/2024

Funds: 220 to 220

Include Inactive Accounts: No

Fund	Description	Beginning Balance	Net Revenue YTD	Net Expense YTD	Unexpended Balance	Encumbrance YTD	Ending Balance	Message
220	UTILITY ROUND UP FUND	\$4,660.25	\$6,702.22	\$7,042.27	\$4,320.20	\$0.00	\$4,320.20	
Grand Total:		\$4,660.25	\$6,702.22	\$7,042.27	\$4,320.20	\$0.00	\$4,320.20	

Through June 30, 2024 the Utility Round Up fund has earned \$6702 and spent \$7042 bringing the ending balance down to \$4320.

There were 27 applications for the first half 2024.

With the new opt-out program we have 87% participation, however it is only averaging around \$1120 in revenue each month.

The Utility Round Up program was temporarily paused May 2024 because of the high volume of requests compared to the revenue coming in.

2023 Comparison

Through June 30, 2023 the Utility Round Up fund earned \$3900 and spent \$9400. But the fund started 2023 with a \$15,000 beginning balance.

There were 28 applicants for the first half of 2023.

Under the old opt-in program there was 20% participation, with an average around \$652.28 in revenue each month.

**Village of Yellow Springs
Treasurer's Report for Period Ending June 30, 2024**

Quarterly Comparison: As of June 30, 2024, the Village had under active investment \$13,721,939. This amount represents a decrease of \$70,534 since your last report, given in May of 2024. The total investment number is derived from combining the Star Ohio account, Raymond James account and WesBanco account information.

The investment picture continues to be stable, with indication that interest rates will be lowered in the next 3-6 months.

Cash Balance as of June 30, 2024:

Account	Balance
Wesbanco (interest earning account 5.46%)	\$5,332,264
Raymond James	\$1,869,464
Star Ohio	\$6,520,211
Total	\$13,721,939

ANNUAL COMPARISON BY MONTH: Cash Balance as of June 30, 2023 with comparison to 2024:

Account	Balance
Wesbanco (interest earning account 4.95%)	\$3,297,033 (-2,035,231)
Raymond James	\$1,796,425 (-73,039)
Star Ohio	\$6,172,052 (-348,159)
Total	\$11,265,510

Cash Balance as of March 31, 2024:

Account	Balance
Wesbanco (interest earning account 5.46%)	\$5,526,578
Raymond James	\$1,843,409
Star Ohio	\$6,432,486
Total	\$13,802,473

Brad Drager's Quarterly Report to the Village was written at the end of July and is available ONLINE ONLY.

*Face (Par) Value of Individual Securities:		\$1,480,000
Value of Money Market Funds		\$397,221
Total	Portfolio	\$1,877,221
Security Type:		
FDIC Insured Securities		49.8%
US Treasury Securities		16.7%
Federal Agency Securities		33.5%
FFCB		0.0%
FHLB		0.0%
FHLMC		33.5%
FNMA		0.0%
Liquidity:		
Average Weighted Maturity	1.64	Years
Modified Duration	1.54	Years
Yield:		
Yield to Maturity at Purchase		4.28%
Yield to Worst at Purchase		4.28%
Current Average Coupon		4.18%
Est. Annual Cpn Cash Flow		\$61,830
Money Market Funds Estimated Yield & Annual Income	5.33%	\$21,172

Total Portfolio Estimates	Cpn Cash Flow \$83,002	YTW 4.50%	Mod Duration 1.21 Years
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Currently, the Village has investment funds in WesBanco, Star Ohio and Raymond James Investment accounts.

As of June 30, 2024, the Raymond James Investment account securities were earning an average of 4.50% (1.21 year commitment). The WesBanco sweep account rate is continuing to earn 5.46%, with nearly immediate availability.

Star Ohio rates continue to remain high, with the annualized yield rate on Friday, August 16, 2024 at 5.56%.

Treasury rates showed an increase over those of the previous three months, with the most significant increase in the two and five-year notes. As of June 28, 2024, Treasury rates were:

1 Month:	5.47%
One Year:	5.09%
Two Year	4.71%
Five Year	4.33%

Rates have now moved down significantly in the one-to-five-year maturities as the Fed indicated a possibly rate cut in September. Below are the Treasury rate numbers from August 13th:

1 Month:	5.48%
One Year:	4.40%
Two Year	3.93%
Five Year	3.68%

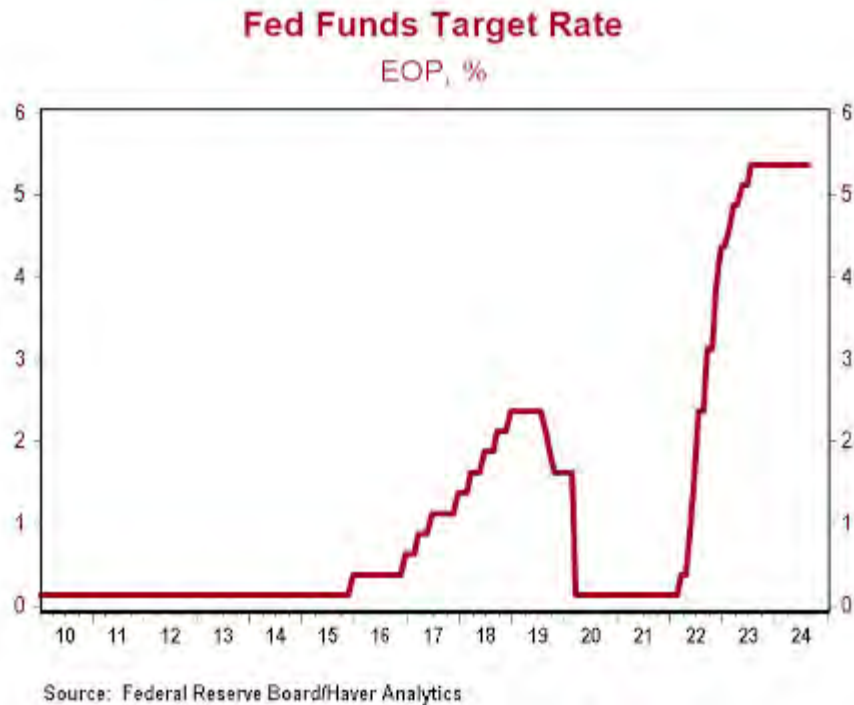
Finance Committee met on August 9th and discussed, among other matters, closer consideration of bond investment, given the likelihood that interest rates will fall over the next several months.

Submitted August 16, 2024,

Judy Kintner, Treasurer

Brad Drager Quarterly Report and Commentary: 8/5/2024

See the attached quarterly report and commentary: AVAILABLE UPON REQUEST. The Fed kept rates unchanged at 5.25%-5.50% last week but indicated that it may very well be appropriate to move as soon as the next meeting. Rates have been moving wildly over the past week as markets digest a potential Fed move and mixed economic figures. I have included Fed meeting commentary in the report and below from Economist Brian Wesbury. Please reach out with any questions.



Could this be the last Fed meeting before rate cuts begin? With inflation moderating and job growth weakening, the Fed prepared markets for a more eventful meeting in September while not committing to anything just yet. The Fed's statement included a number of changes, including language surrounding softening job gains, highlighting a higher unemployment rate, noting further progress on inflation, and changing language to note they are now focused on risks to both sides of their dual mandate (this text previously focused only on inflation risk). However, the Fed did keep language that they "do not expect it will be appropriate to reduce the target range until it has gained greater confidence that inflation is moving sustainably toward 2 percent." During the press conference, Powell was a bit more forthcoming. The very first question from a reporter asked if September is on the table, as markets are now pricing in a rate cut at the next meeting as a done deal. Powell confirmed that if data continues to show the progress it has of late, it may very well be appropriate to move as soon as the next meeting. In fact, Powell later stated that "a strong majority of members supported not moving at today's meeting" showing that there was at least some discussion at this week's meetings of

starting rate cuts today. Powell also spent time expanding on how the Fed views the balance of risks. As employment indicators have weakened, the Fed no longer sees the labor market as a source of higher inflation, and a material weakening in the labor market would now bring forward the potential for policy easing. In Powell's words, "the downside risks to the employment mandate are now real." It still appears the Fed is more worried about moving too soon rather than moving too late, but that too is coming into more even balance. Fed confidence is growing, and easing looks on the horizon, but that doesn't mean the job is done. There are a handful of reports on both inflation and employment to come between now and the September meeting, which could shift expectations just as reports did earlier this year. The Fed have been consistently following the wrong signals since the start; ignoring the growth in the M2 money supply in favor of blaming supply changes, which resulted in targeting a symptom rather than the disease. They flooded the system with excess reserves, muting their ability to manage economic activity through monetary policy and putting themselves in the awkward position of running large losses. They find themselves reacting to stubbornly high inflation they told us would be transitory, and constantly trying to explain away why their forecasts have been off base. We do expect that the Fed will cut rates twice later this year, once in September and again in December, but we see these cuts accompanied by a slowing economy, higher unemployment, and modest progress on inflation. The morphine is wearing off and the aftereffects of money printing, excessive and misguided spending from Washington, and companies getting a bit over their skis in terms of hiring are starting to show.

Brian S. Wesbury – *Chief Economist*
Robert Stein, CFA – *Deputy Chief Economist*

Thanks,

Brad Drager
President
Bond-Tech, Inc.
135 E. Franklin St.
Bellbrook, OH 45305
Office: 937-836-3991

Bond- Institutional
Tech. Investment
Inc. Advisors



Manager's Report
August 19, 2024
Johnnie Burns, Village Manager

Goals	Actions towards Goal
Economic Development	<ul style="list-style-type: none"> • Received 19 new building permits: 3 Residential Electrical, 2 Commercial Revision, 1 Residential Mechanical, 1 Single-family Dwelling, 3 Commercial Electrical, 1 Tent, 3 Residential Structural, 1 Commercial Fire Alarm, 1 Residential Gas, 1 Commercial Structural, 1 Residential Revision, 1 Sign • Staff received 13 new Zoning Permits: 2 Working in ROW, 3 Sign, 5 Fence, 1 Minor Subdivision, 2 New Construction, • Staff received 5 Hearing level applications: 2 Variances, 1 Zoning Map Amendment (Rezone), 1 Conditional Use, 1 Final Plat
Housing	<ul style="list-style-type: none"> • Various projects-see enclosed memo

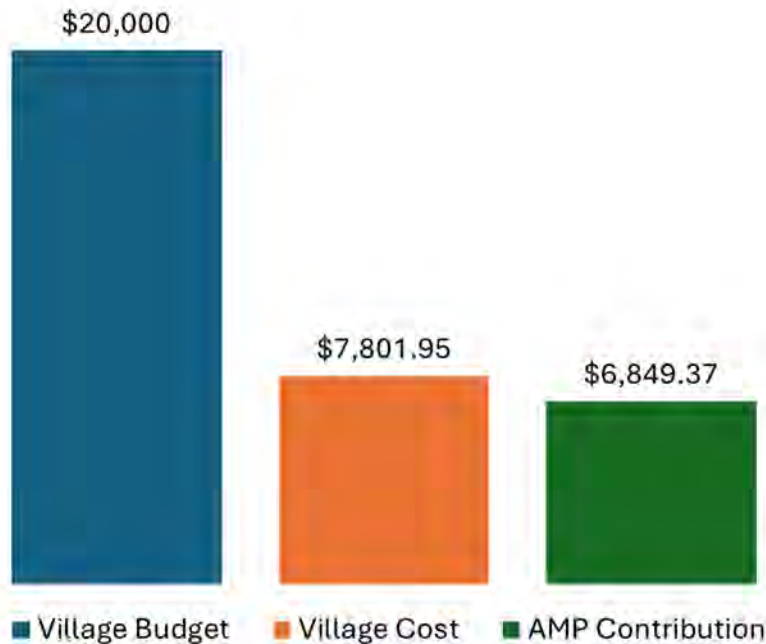
[Looking ahead in Community Engagement](#)

Manager's Desk

Light Up Navajo Nation

The Village of Yellow Springs recently participated in the "Light Up Navajo" initiative. This project involved sending five of our dedicated public works employees to Navajo Nation to assist with critical infrastructure improvements. We initially allocated a budget of \$20,000 for this effort. Thanks to the generous support of AMP, which covered most of the expenses—including airfare, baggage, shipping equipment, rental car, meals, and hotel—our actual expenditure was significantly reduced. The total cost to the Village amounted to \$7,801.95, reflecting a 61% savings under our original budget. AMP has committed to covering these costs again next year to support the Village's participation. We seek the Council's support to facilitate this continued collaboration.

Budget vs. Actual Expenditure with AMP Contribution



This chart shows the financial details of the Light Up Navajo project. The total Village budget was \$20,000. The Village spent \$7,801.95, while AMP contributed \$6,849.37.

Professional Development – ICMA

As part of my commitment to ongoing professional development, I'm pleased to share some of my recent ICMA training accomplishments. In January, I attended a webinar titled "Streamlining Municipal Meetings: A Journey through Best Practices and Success Stories." This

session offered practical tips for making our meetings more efficient, including ways to improve agendas and encourage more productive discussions.

In July, I also participated in the webinar "*Financial Planning Basics: How to Set and Achieve Goals*." This provided useful strategies for setting financial goals and aligning our budgeting with long-term objectives.

Additionally, I earned the ICMA certificate in "*Local Government 201*," which involved completing five comprehensive courses. This certification helped me gain valuable insights into several areas: effective communication, citizen engagement, crisis management, talent recruitment and retention, and promoting diversity and inclusion. These learnings are crucial for improving our operations and better serving our community.

Project Lead Introductions

Elyse Giardullo, our new Project Lead since July 1, 2024, has been actively involved in meeting with Council members. Together with me, she has had productive lunch meetings with Kevin Stokes, Brian Housh, Gavin DeVore Leonard, and Carmen Brown. We are currently arranging a meeting with Trish Gustafson to complete this phase of introductions.

In addition to these meetings, Elyse has participated in several village facility tours conducted by staff. These tours included visits to the Police Department, Water Treatment Plant, Water Reclamation Facility, and the electric and water distribution systems.

Records Retention & File Management Index

Elyse Giardullo, Project Lead, has tackled her first major project by conducting a thorough review of Village Manager records. Partnering with volunteer Denise Swinger, former Planning & Zoning Administrator, Elyse and Denise examined files from both current and past Village Managers, resulting in 29 bankers boxes of records being prepared for retention and 6 bankers boxes designated for shredding. Additionally, Judy Kintner, Clerk of Council, provided Elyse with guidance on records retention.

Elyse has also implemented a new file management index for the Village Manager's Office, making it easier to locate and access files. This updated system will enhance our record-keeping practices.

Insurance Storm Claim from February 28th

We have sent all the final paperwork to the insurance company for final review of documents and claims.

Vernay update

August 14th

EPA rec'd the additional requested information from TRC at the end of June. It is currently being reviewed and will be incorporated into the Statement of Basis. Following, the report will be returned to our internal review process for further evaluation.

Lawson Place

The Village has been signing new leases with current tenants as leases come up for renewal. We had one tenant move out of the complex and the vacant apartment will be prepared for a current tenant to remain a tenant by making a move to a downstairs apartment. The Village will be renovating a completely unrenovated apartment and getting it rented out as soon as it's ready. That apartment will be rented out using the lottery process the Village has in place. Updates will be posted to the Village website in the Housing department as a timeline is created.

Concrete repair to the entry ways and parking lot expansion will be started as early as fall, notices will go out when the timeline is secured. Residents will have additional spots for visitors before the holiday season.

Fiber Update

We have forwarded the pole attachment agreement to Altafiber for their final review and approval. Our goal is to finalize this agreement promptly to secure a place in the queue for the anticipated 2025 start date.

Police Department

- Bi-weekly Data 12 July – 15 Aug
 - Calls for service:
 - 2286
 - Telecommunication Calls:
 - 9-1-1: 20
 - Non-Emergency: 2903
 - Policy & Procedure:
 - 5 Updates / Releases of Policy
 - Naloxone Uses:
 - 1
 - Critical Incidents:
 - 1
 - Major Incidents:
 - 2
 - Noise Complaints
 - 12
- 4 Loud Music – Advisement x4

- 1 Pickleball Noise – Walk in
- 1 Construction Noise – Verbal Warning
- 2 1st Amendment Gathering / Amplification – 1 Group was leaving upon ofc. On arrival, 1 group was advised too loud with a megaphone and discontinued the use of a megaphone.
- 4 Barking Dog – 1 Advisement, 1 Dogs barking at baby racoon – dogs brought inside, 2 unfounded

Special Events & Initiatives

- 2024 Community Survey still active – survey will remain open until September 2nd 1159PM.
- ALICE Training was completed with our School and other law enforcement partners, one occurred at Greene County ESC. One occurred at Greene County Learning Center. Officer Andrus and Corporal Kincade were assisting in facilitating those critical training's.

Public Works

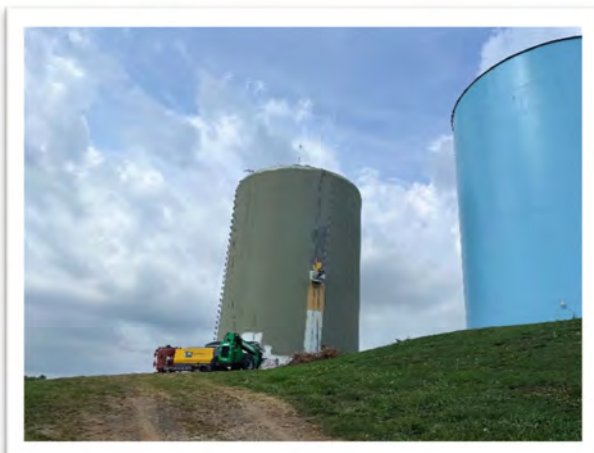
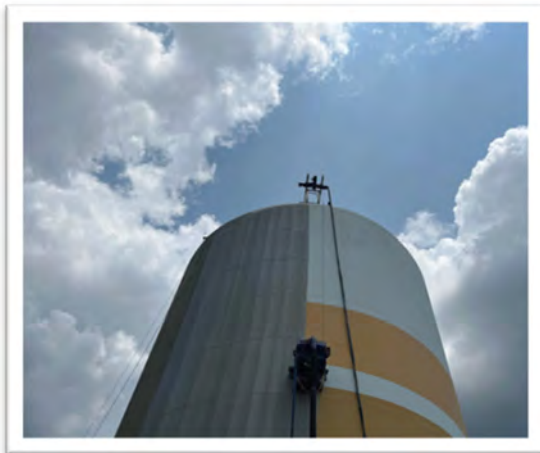
WWTP

- **Treated 8.658 MG of wastewater for July.**
- 3.25 inches of rain in July.
- Glen Hellen science campers were out for a tour and to learn about wastewater. We let them look at microorganisms (bugs) in the microscope and even test our effluent chlorine residual.
- Dan G. from Miami Township mowed overflow basin.
- NP water pump plumbing was leaking. Drained contact tank and cut out plumbing to start repair.
- Running sludge press 8/5/24-8/9/24.
- Completed weekly mowing and trimming.
- Continuing to run microscopic bug counts on MLSS. Microorganisms look good.
- Completing daily samples of aeration to check operation/effectiveness of biological phosphorous removal. Adjusting treatment based off results.
- Completed daily test to determine plants detention time, treatment time and F/M ratio to monitor plant performance and operation.
- Completed weekly sampling for Covid-19.
- Completed daily and weekly cleaning, monitoring and sampling.

WTP

- **Produced 10.185 MG of water for July.**
- Billed for 8.009 MG of water in July.

- Viking working on South tower rehab. Completed most of the sand blasting and primer for the outside of the tower. Working on sandblasting the inside of tower also.
- Softener 2 was plugging up during runs. Blew down all the sand and will be starting yearly maintenance on cleaning scale off softener.
- IO card on plant SCADA went bad and we lost control of chemical pump speeds. MKD Technologies is repairing.
- NPDES permit inspection on plant backwash.
- Gina Hayes and 2 other OEPA employees visited the water plant for a tour.
- Repaired ruptured chlorine feed line on south end of building.
- Mike N. from Streets department out to trim up backwash basins around the plant.
- Completed monthly lab standards.
- Completed weekly mowing and trimming.
- Blew down softener and added sand to other one.
- Completed daily and weekly cleaning, monitoring and sampling.



2024 Water Plant and Billing Totals				
Months	WTP Total MG	Billing Total MG	Water Loss MG	Water Loss Percentage
Jan	8.978	6.084	2.894	32.23%
Feb	8.492	5.786	2.706	31.87%
Mar	9.482	6.28	3.202	33.77%
Apr	9.071	6.19	2.881	31.76%
May	9.883	5.407	4.476	45.29%
Jun	10.204	7	3.204	31.40%
July	10.185	8.009	2.176	21.36%
Aug				
Sep				
Oct				
Nov				
Dec				
Total	66.295	44.756	21.539	32.49%

Streets

- Crew members aided in potential water main break on Xenia at Corry
- Patched two utility cuts with asphalt from potential water main break
- Repaired sinkhole on E. Davis
- Removed 2 fallen trees (Whiteman & Polecat)
- Aided county in removal of large tree on Grinnell
- Performed ROW clearing on covered signs from foliage at S. High/ W. Limestone
- Helped barricade for Independence Day parade
- Replaced concrete sidewalk panel in front of Unfinished Creations
- Repaired door lock on Pottery Shop
- Moved furniture from Public Works Director to Village Manager's office
- Removed vegetation sidewalk & curb downtown

Sewer Collection

- Performed 27 Utility Locates
- Jetted 300' on Omar

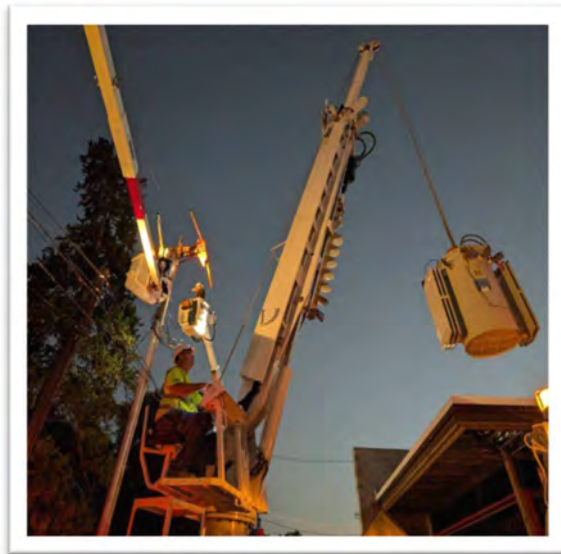
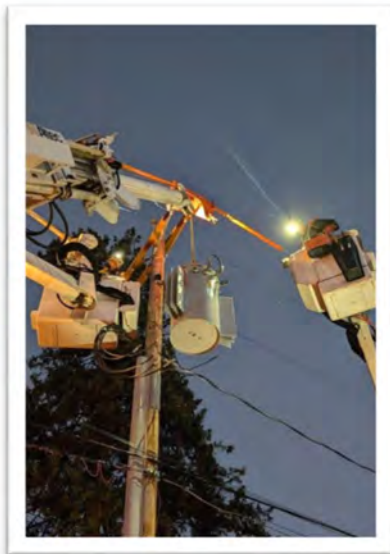
Parks

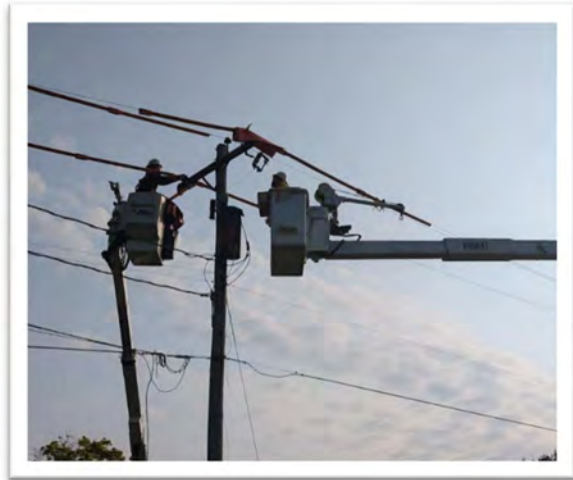
- Prepared Baseball/Softball diamonds for rec league play
- Mowed municipal parks & buildings 2 times

- Install/ takedown of safety barricades for Independence Day fireworks
- Install/takedown of portable restrooms at 3 locations for fireworks
- Install/takedown of hand cleaning stations for fireworks
- Installed new exterior faucet on northern wall of library
- Repaired door lock on Train Station
- Delivered Jacobsen to Grove City for repair
- Replaced blades on mowers
- Installed new spindle on Z970R

Electric Department

- Total work orders completed was 27
- Total number of outages was 1
 - This was a major event due to outdated reclosures
- Total of 5 service releases
- Total of 1 new pole installed
 - Set new pole on West Limestone
- Total of 3 poles on PRP 2022 left and they are ATT poles
- Total of 15 poles on PRP 2023 left
- Total of 34 poles on PRP 2024 left
- Working with ATT to have their poles changed out
- Worked on switchyard and pulled vegetation
- Installed banners
- Worked on auger bits
 - Auger bits should be arriving soon
- Installed new transformer at 221 Xenia Ave for the second time
- Fixed batteries in Bucket truck
- Worked on GIS electric assets





Electric Department Look Ahead

- Keeping up with squirrel protection
- Making permanent connections on electric services
- Starting with PRP 2023
- Fixing the teeth on auger bit
- Lane and Alex now have finished up with 2nd year apprenticeship at AMP
- Hanging banners as needed
- Installing new banner poles when they arrive

Water Department

- Keep up with locates
- Keep up with gis
- Continue working with majors on waterline project
- Meter pit material inspection
- 615 Wright St water service leak W.O #6735
- Mow solar field path W.O #6736
- 420 President St curb stop find and exercise W.O #6734
- 330 East Enon brown water check w.O#6737
- Clean shop
- Clean breakroom
- Clean and detail water van
- Brush cut tree lines at Sutton farm
- Clean up burn pile after recent burn
- Continue working on fire hydrant repairs
- Mow Sutton farm around buildings
- Work on trying to rebuild hydraulic shoring pump
- Remove and replace the batteries on small bucket truck

- Replace hydrant h303 W.O 4331
- Replace hydrant h688 W.O 4332
- Take first water sample on west north college new water main
- Water main break 777 Dayton St
- Asphalt repair 777 Dayton St



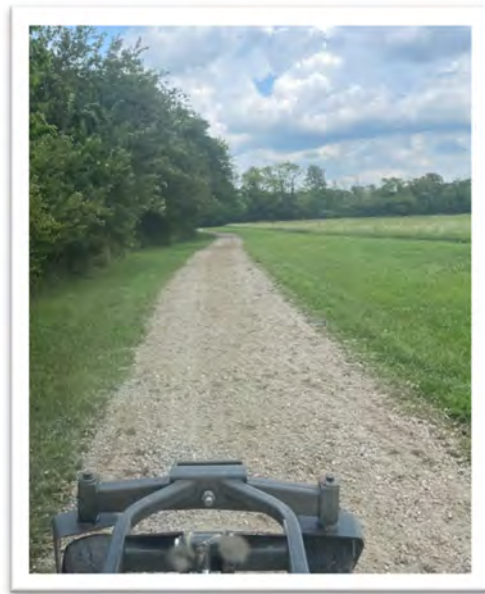
Water Department Look Ahead

- Continue working on hydrant repairs
- GIS valves
- Locates
- Change out three fire hydrants
- Overseeing of 2" waterline replacement
- Crews will be moving to 68/cemetery St

Misc

- Working on plans for switch station upgrade
- Working on plans for property behind firehouse
- Working with LJB on GIS tools for the EPA (Environmental Protection Agency)
- Working with LJB on electric maps
- Working with solicitor on ATT poles on Dayton St.
- Working on a center circuit coming out of switch station
- Received PO for finishing all the electric meters/ order has been placed
- Ready to start building Center circuit out of sub station

- Looking at fencing and landscaping at switch station
- Cleaned up gravel around pole piles
- Cleaned up gravel drive at solar field



Meter Readers (8/13/24)

- August Water Routes on schedule
- High number of Toilets running this month
- Electric Reads on 7/21/24 - a few meters with FAT 50 error (opened case with Tantalus)
- Water Meter Change-out Project: Space Cleared, Water Meters Delivered! New Lids will be delivered on 8/15/24. Pre-Construction Meeting on 8/19/24. Received Belt Clip Receiver for datalogging. (See YS News Article)
- Setting up import files for automatic meter change-out in Authority Utility (our billing software) - confirming decode values and location data will be updated automatically
- New Water Meter Pits Inspected and Meters Installed at Spring Meadows - ongoing.
- Service Line Inventory: 39% complete, visual field inspections ongoing with help from Water dept, streamlined processes
- Meter Van repaired

Village meters go remote

By Reilly Dixon

Over the next several months, crews will be at work throughout the village replacing each and every one of the 1,700-some residential water and electric meters.

Soon, Yellow Springs residents will have meters that can be read remotely and quickly — each producing hour-by-hour usage data. The goal of this initiative? To help local utility customers better monitor usage, and as a result, save money and resources.

Already, this village-wide replacement effort is underway. Village meter reader Rose Pelzl has, in the last year-and-a-half, been following through with a pilot program that has already replaced 76 residential meters with meters that can be read remotely.

That pilot program, Pelzl told the News last month, has already yielded dividends for some residents.

"A couple weeks ago, our system gave out an intermittent flag for this one," Pelzl said, crouching over a water meter buried in the front yard of a Paxson Drive home. "It remotely showed us that there was a gallon of water being used every hour for the last two days — which is not normal."

"It was a leak," she said. Pelzl's hunch proved right — she walked around the side of the home and found water leaking from where a spigot met a garden hose. She knocked on the door and told the resident who sighed, and said her husband sometimes forgets to turn off the hose.

That's essentially how these new remote-read water meters will work. They will routinely transmit radio data to Pelzl's first-floor office in the Bryan Center, where she monitors the water usage of every utility customer in the village. If, for a particular home, usage rates appear to spike in a patterned way — water running at unusual times, throughout the night and day, or at suspicious volumes — Pelzl will contact the homeowner to get to the bottom of the situation.

"Toilets are the main culprit — they leak all the time and you won't always hear it," Pelzl said.

This village-wide replacement effort has been a long time coming, Pelzl noted. According to her, most of Yellow Springs'

SIGN UP FOR SEWER ADJUSTMENT BY AUG. 15

Each year, the Village of Yellow Springs extends a garden-watering sewer adjustment to its local utility customers.

The adjustment is intended to calculate the differential in cost of sewer services for Yellow Springs residents who use a significant amount of water in their yard or garden — which, unlike indoor water from sinks and toilets, does not get treated for reentry into our local water supply.

"If water doesn't go into your sewer, then you shouldn't have to pay our sewer fee," Pelzl said.

By signing up for this adjustment, the Village will calculate your average water usage for June, July and August and compare it to the average usage from the previous December, January and February.

Any water usage above the winter average when compared to the summer average will be adjusted off the customer's bill up to 6,000 gallons. The adjustment will be made in September, and will be reflected on the October bill.

Sign-up forms can be found across from the utility billing window on the first floor of the John Bryan Center. They can also be found online at yso.com and upon completion, can be mailed to utilitybilling@yso.com.

water meters are around 30 years old — many with deteriorating mechanics that don't clearly indicate leaks or are challenging for her and her co-meter reader, Travis Hotaling, to read.

Council offered their support for the replacement project at the group's most recent meeting on Monday, July 15, when they unanimously approved a resolution to authorize Village Manager Johnnie Burns to purchase 1,780 remotely-read water meters from Cincinnati-based Neptune Equipment Company — the manufacturer of the meters, who will be doing all of the installation work. While that many meters cost over

CONTINUED ON PAGE 9



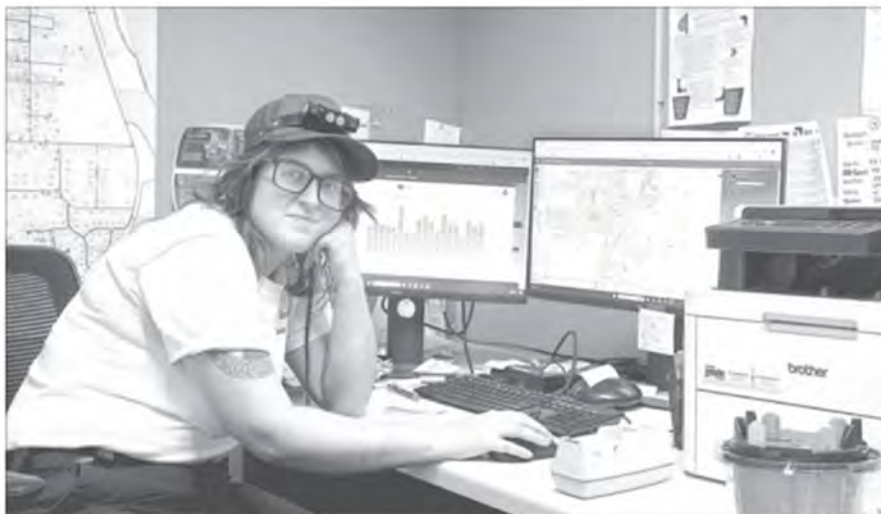


PHOTO BY REILLY DIXON

Once all 1,780 residential water meters in Yellow Springs are replaced in the coming months, Meter Reader Rose Pelzl's work will look a little more like this: monitoring data, patterns and rates of water consumption from her office in the John Bryan Center. The new remotely-read meters will allow Pelzl to catch leaks much earlier than when she and her co-reader Travis Hotaling read meters by hand.

Meters

CONTINUED FROM THE FRONT PAGE

\$780,000, the Village recently received a grant from the Ohio Public Works Commission to cover around 84% of that cost.

"This is a really good thing for the village," Pelzl said. "We're far behind most other communities in the area with updating our meters. And property owners will really benefit because we'll be able to more quickly notify them of high usage."

Pelzl said that Neptune's installation work is set to begin imminently. In the coming weeks, representatives from the company will be going door to door and sending out letters to determine the best time to temporarily turn off residents' water while their meters are replaced.

Neptune workers will schedule their work in two-hour blocks, Pelzl said: 9-11 a.m., 11 a.m.-1 p.m., 2-4 p.m. and 4-6 p.m., Monday through Thursday. Weekend appointments will be made once a month.

"I very much want people to be aware of this and not be surprised when they get notified that someone's coming out to change their meter," Pelzl said. "This isn't a scam."



PHOTO BY REILLY DIXON

The new, remotely-read water meters, were made by Cincinnati-based Neptune Equipment Company. Representatives from Neptune will soon make contact with every Yellow Springs property owner with a water meter to set a time for replacement.

She added that she believes Neptune will finish replacing all the meters before the year's end — perhaps a little later than

when the new ones would have been most useful: during these hot summer days.

"Bills are always the highest in the summer — it's when kids are home and kids use a lot of water," Pelzl said with a smile. "They bathe instead of taking showers, you're doing more dishes and running the toilets more often."

According to the EPA, the average adult uses between 2,000 and 4,000 gallons of water a month, but Pelzl said for the average Yellow Springer, it's probably closer to 1,200.

"Most homes are pretty consistent month-to-month," she said. "And [Travis and I] typically know how many people live in each home, and so we know what to look for and what to expect."

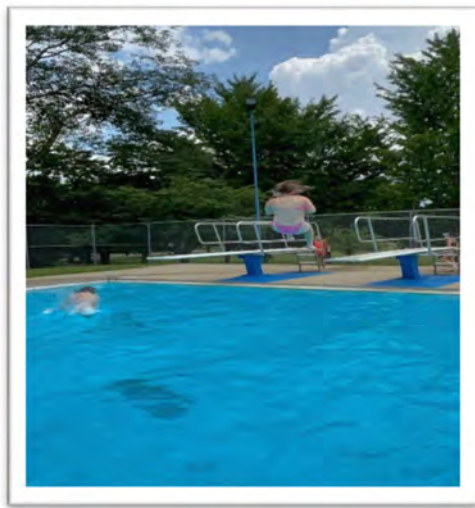
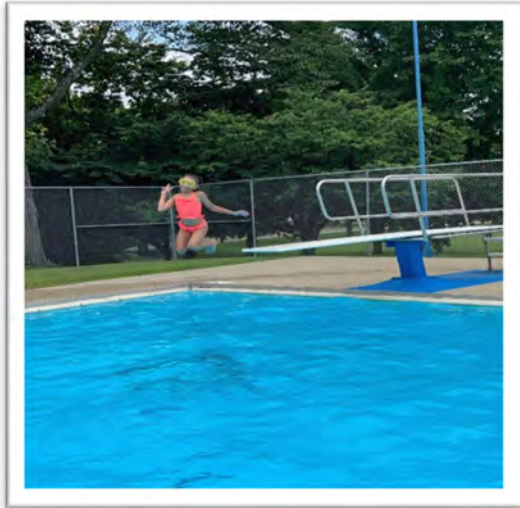
So while the water meters get their much-needed upgrade and Pelzl and Hotaling's work is sure to change — far less walking and meter reading by hand — their community-minded approach to their work will remain.

"I believe in municipal-owned utilities," Pelzl said. "I prefer working for my community rather than a corporation. I'm not enriching stockholders. If I'm enriching something, I'm enriching my community."

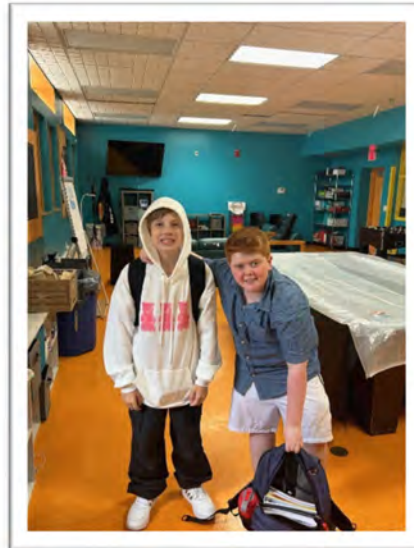
Contact: rdixon@ysnews.com

John Bryan Youth Center

- Averaged 13 youth per day
- Averaged 9 dinners a night for local youth
- There have been 37 rentals in the building
- YSCF and Tony Mumford had a very well attended Chess Camp in the gym and allowed some of your youth participate
- Wednesday pool days have been successful this year with our Fairy Grandparents providing packed lunches most days for the kids who attended. We averaged 7 kids per trip with 2 of them finally passing the swim test so they can go off diving boards. We take them rain or shine as long as the thunder and lightning stay away



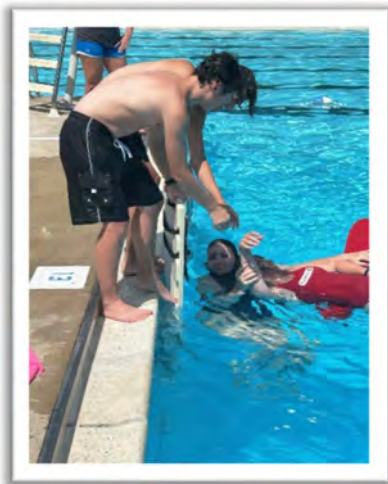
- We are looking forward to learning how to play pickleball with our new equipment this fall
- In the process of securing transportation for an October Kings Island trip
- We will continue to host the weekday tutoring program with Greene County Public Library on Tuesdays and Thursdays
- Back to school preparations were in full swing and it is finally here!



- We have replenished our cabinets, cleaned/organized the game room and inventoried our arts and craft supplies

Gaunt Park/ Pool/ Parks

- The Seadogs season is officially over and ended with their awards ceremony
- There have been 2 rentals at the pool
- Our in-services continue to help keep lifeguard skills up to date whether it be rescues, prevention or working stronger as a unit



- Pool staff got to unwind after hours at our annual potluck staff party



- This is the end of our season with manager and Yellow Springs Community Foundation Miller Fellow Josephine Zinger. She will be returning to college where she will major in English and minor in business. We will miss Josephine's silly, organized and calming ways but wish her luck in her sophomore year!



Digital Media

- **Facebook:** analytics for Village page (past 28 days, as of 8/14)

Discovery	
Post reach	36,197
Post engagement	6,996
New Page likes	13
New Page Followers	25
Interactions	
Reactions	852
Comments	185
Shares	66
Photo views	1,763
Link clicks	61

- **YSCA Channel 5:** ending livestream service via yellowsprings.tv due to poor viewership

Date	Site sessions	Avg. session duration
Aug 1, 2024	16	
Jul 1, 2024	22	7m, 36s
Jun 1, 2024	35	16m, 333ms
May 1, 2024	71	36s
Apr 1, 2024	96	1m, 714ms
Mar 1, 2024	1,694	10m, 24s
Feb 1, 2024	74	2m, 55s
Jan 1, 2024	95	1m, 46s
Dec 1, 2023	91	3m, 46s
Nov 1, 2023	87	5m, 47s
Oct 1, 2023	232	8m, 12s
Sep 1, 2023	361	4m, 33s

- **other:** continuing re-design of Village newsletter; designing branded Village email signature; assisting in recording of new YSO and YSPD phone tree messages; designing Village letterhead

Public Works Fall 2024



DID YOU KNOW?...

The Village of Yellow Springs has award-winning public utilities that feature 100% renewable energy.



Recognized for reliable electric service in 2023

Recognized by @PublicPowerOrg

PUBLIC POWER

American Public Power Association's Reliable Public Power Provider (RPP) program recognizes public utilities that demonstrate high proficiency in reliability, safety, workforce development, and system improvement.

The YS Electric Department currently has a Gold Level designation from the APPA, and it is poised to move up to the Platinum Level by next year.

The YS Electric Department undergoes annual Bucket Truck and Pole Top Rescue safety training with American Municipal Power.


Lineman Lane Dyloman received APPA's Hard Hat Safety Award for his contributions to safety with in the community.



The Village's water treatment plant was awarded the best-tasting water in Ohio by the American Water Works Association in 2023.



Page 4



Ben Guenther
Digital Media Manager, Village of Yellow Springs

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937-767-7803 | bguenther@yso.com | www.yso.com

[f](#) [v](#) [in](#)



October 12th, 2024 • 9am-5pm
Applications now open!

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the you have received this email by mistake, please notify the sender immediately and do not disclose the copies thereof.

Utilities Department

General Notes on the Hefty ReNew Recycling Program:

All information obtained either from Hefty's website and a Rumpke presentation made May 15th at the Greene County Solid Waste Management Policy Committee meeting by Molly Kennedy, Rumpke Communications Coordinator.

Hefty ReNew is a new (to Greene County) recycling program to accept more hard-to-recycle items using Hefty's bright orange ReNew bags. The items are bagged and placed inside of the recycling cart with your regular recycling. These recyclables are turned into decking, park benches, building material, roofing, etc.

- \$7.99/box of 20 orange Hefty ReNew bags at Kroger
 - Available for sale at Kroger, Walmart, Target, Amazon, etc.
- It takes a family of 4 about a month to fill up one bag
- Commercial size Hefty ReNew bags are available through Rumpke.
- Accepted items are listed on marketing materials and on the bags themselves.
- Hefty ReNew is available with curbside service ONLY
 - Greene County plans to allow at the recycling center in the future, but it is not currently an option, except for at Rumpke sorting facilities
- We have mentioned FREE starter kits on our website and social media. We will post it on our July bill message board, as well.

Dos and Don'ts:

- Hefty ReNew orange bags DO NOT have to be on top of the regular recycling when put in the recycling cart
 - Compacted in the middle is fine; it will be sorted later.
- Items still must be rinsed clean.
 - No food on ReNew recyclables.
 - If it is dirty, it is considered contaminated and sorted with the trash.
- Still DO NOT accept plastic clamshells from berries or cookies
- No blocks of Styrofoam
- Packing peanuts are fine.
- They accept dirty/dry/wet/clean Swiffer wipes.
- As always, regular recycling should NOT be bagged.



100 Dayton St.
Yellow Springs, OH 45387

DATE: August 16, 2024
TO: Village Council
FROM: Meg Leatherman, PZ Administrator
RE: Housing Projects at Various Stages

Provided below is a high-level overview of the various residential projects that staff has been working on. They are all at different stages of the entitlement and build-out process. The projects below that have not been through the entitlement process, with public input, could change dramatically, or not happen at all.

Spring Meadows: Preliminary Plat approved for ninety (90) single-family dwellings.

Phase 1: Final Plat was approved for Phase 1, with 56 lots. Staff has issued 29 building permits, 20 lots have been sold, the public park has been fully developed, some landscaping still needs cleaned up

Phase 2: consists of 34 lots, utility construction underway, Final Plat for Phase 2 to be heard by Planning Commission September 10th

The Cascades: Residential PUD approved for a total of 32 dwelling units, funding is only secured for Phase 1

Phase 1: Eight (8) dwelling units, age-restricted rental units with two triplexes and one duplexes, building permits are approved, construction expected to start in the fall of 2024

Phase 2: Six age-restricted rental units comprised of 2 Triplexes

Phase 3: Eight (8) age-restricted rental units comprised of 2 Triplex, 1 Duplex

Phase 4: Ten (10) for-sale townhomes, not age-restricted

School/Village LIHTC**: Total dwelling units unknown, but permanently affordable rentals and likely more than 50 residential units

Current Step: Minor subdivision application and rezone application submitted to Village by School District; potential Planning Commission (PC) public hearing on Rezone 9/10th

Simultaneous Step: Execute Inter-governmental agreement

Simultaneous Step: Remove land encumbrances

Potential Next Step: Village to purchase property from School District

Potential Next Step: After Rezone approved, Village to prepare RFQ to identify developer

Potential Next Step: Developer to prepare and obtain approval of LIHTC application

Potential Next Step: additional public hearings with PC and/or VC depending on specifics of proposal

***there are other steps not included, and there may be some that are unknown at this point in the process*



100 Dayton St.
Yellow Springs, OH 45387

Antioch properties:

Student Union property: Windsor Companies purchased property (2.17 acres) and is preparing PUD concept plan for potential PC Work Session 8/26, residential development is still conceptual but would be rental units with potentially 120 units, public input and entitlement process still needs to occur

Sontag & Kettering buildings: Windsor is in under contract for these buildings but the sale is not final

Other: there are several other properties that Antioch is considering selling, staff has had several conversations about the existing zoning, all Antioch properties are zoned E-1 which is limited for residential development

Doden Property: Michael Spencer is working with owners to evaluate the potential of residential, workforce housing on property (6.7 acres); has met with staff to review code criteria and process for various residential product types

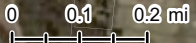
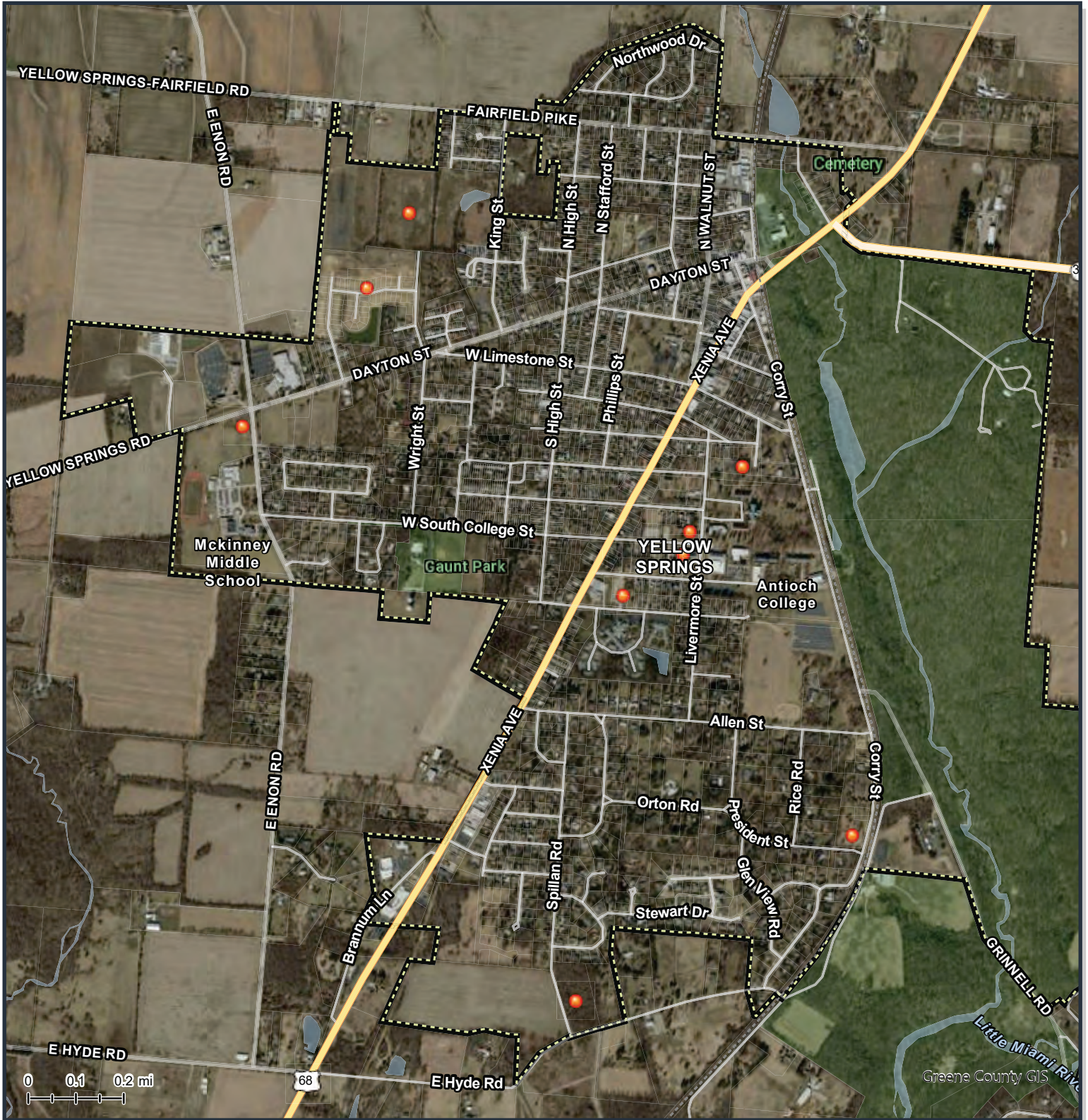
Corry St. & President: The property is presently owned by the Village and GMHA (approx. 3.2 acres), the GHMA portion of the property is presently owned by GHMA, GHMA to discuss potentially returning the property to the Village at their September meeting

Glass Farm: Property is owned by Village and includes solar field and conservation area, total of 42.9 acres with approximately 20 acres developable; staff is evaluating necessary steps for residential development



Housing Efforts

Geographic Information Management System



County Auditor David A. Graham

1 inch = 1,500 feet

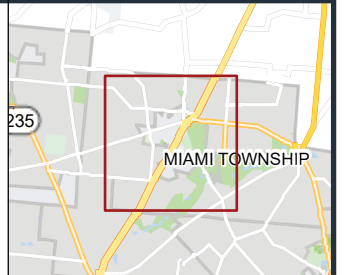
Greene County Legend	
	Interstate Highway
	US Highway
	State Route
	Local Roads
	Parcel Boundary
	Corporation Boundary
	Topography
	Parcel Number Lot Number
	Schools
	Parks
	Cemetery
	Shopping
	Buildings
	Hydrography

DISCLAIMER:
 The data and maps provided herein may not be construed as a legal document or legal representation. Any person or entity who relies on this data does so solely at their own risk. The data provided was prepared by Greene County in accordance with Section 5713.09 of the Ohio Revised Code. Neither Greene County, Ohio nor its employees or officers warrant the accuracy, reliability, or timeliness of any of the data provided herein. This data is provided "as is" without warranty of any kind, and assumes no legal responsibility for the information it contains.

Spatial Reference
 NAD 1983 HARN StatePlane Ohio South FIPS 3402 Feet
 GCS: GCS North American 1983 HARN
 Datum: North American 1983 HARN
 Projection: Lambert Conformal Conic
 Central Meridian: -82.5000
 Latitude of Origin: 38.0000
 Longitude of Origin: 0.0000
 False Easting: 1,968,500.0000
 Central Northing: 0.0000
 Standard Parallel: 38.7333
 Standard Parallel 2: 40.0333
 Scale Factor: 0.0000
 Azimuth: 0.0000
 Map Units: Foot US



Created On: 8/16/2024 9:03 AM



MEMORANDUM

TO: YELLOW SPRINGS VILLAGE COUNCIL
FROM: Johnnie Burns, Village Manager
DATE: AUGUST 16, 2024
RE: Upcoming Request for Phase IV Sewer Relining

At the Council meeting on Tuesday, September 3, I will be presenting a Resolution for your approval to proceed with Phase IV of the sewer relining project.

Phase IV will address the Northwood area of the Village of Yellow Springs. This marks our fourth consecutive year working with Insight Pipe Contracting for the relining of sanitary sewers. The total cost for this phase is \$141,539.60, as outlined in the attached price quote. Notably, this quote is below the amount allocated in the capital budget for this project. Your approval will enable us to continue improving our sewer infrastructure effectively and on schedule.

The specific locations included in this phase are as follows:

1. Northwood Drive
2. Gardendale Drive
3. Whitehall Drive
4. Polecat Road
5. Fairfield Road

Should you have any questions or need further information before the meeting, please do not hesitate to contact me.



MEMORANDUM

TO: YELLOW SPRINGS VILLAGE COUNCIL
FROM: Elyse Giardullo, Project Lead
DATE: AUGUST 14, 2024
RE: Progress Update on Strategic Plan Initiative

I am writing to provide an update on our Strategic Plan initiative for the Village of Yellow Springs. This initiative involves creating a comprehensive, three-year strategic plan specifically designed for the Village's staff to implement.

What is the Strategic Plan?

The Strategic Plan is a roadmap that will outline the Council's vision for the Village over the next three years. This plan will serve as a critical tool for aligning the Village's resources and efforts toward achieving our shared goals and initiatives. Importantly, it is not merely a set of goals but a broader, inclusive framework that reflects input from both the Council and the community.

Project Framework

As part of this initiative, key stakeholders will be identified for interviews. Additionally, a community survey will be developed to gather input that will inform the creation of our strategic goals. A Strategic Planning Committee, composed of Village staff and Council members, will be formed to identify strategic issues and goals for the plan.

Next Steps

I am in the process of drafting a Strategic Plan Agreement, which will be presented for the Council's review at our first meeting in October. This document will have a detailed framework for developing our strategic plan, including the project's scope, objectives, and anticipated outcomes. It will also outline the project timeline, necessary resources, and the schedule for reporting.

Please feel free to reach out to me at egiardullo@yso.com if you have any questions or need further information.

To: Yellow Springs Village Council

From: Allison Moody

August 15, 2024

CBE Update

Dear Council Members,

I am writing to provide an update on the current status of the sales listing for the Center for Business and Education (CBE).

1. Monument Sign: The monument sign is currently in production and will be scheduled for installation in the next few weeks. This will enhance the visibility of the property and assist in attracting potential buyers.
2. Online Listing Performance: The LoopNet listing has garnered significant attention, with over 22,000 views to date. This level of engagement is encouraging and indicative of strong interest in the property.
3. Inquiries and Broker Engagement: I continue to field inquiries and actively share information about the property with commercial brokers and regional economic drivers. These discussions are ongoing, and I will provide further updates as they progress.
4. Regional Market: The broader Miami Valley industrial market is seeing an increase in rental rates and a moderate to low supply of properties for sale. These two factors in addition to falling interest rates will make development a more feasible option for companies expanding or moving into the area.

As always, I appreciate your input. Please reach out directly if you have any questions or would like to discuss further.

Kind regards,



Allison Moody

Commercial Realtor

Coldwell Banker Commercial

Activity Summary

1 Year

Summary of everyone that has seen your property.

22,606

Total Views

5,275

Unique Prospects

36s

Average Time on Page

258

Detail Page Views

4.0

Frequency

2h 1m 10s

Total Time on Page

Traffic Sources

Detail Page Views | All Traffic

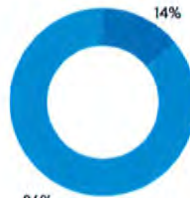
1 Year

New Visitors vs Returning



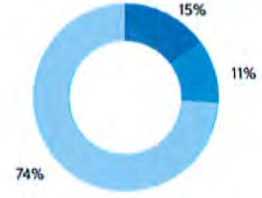
2,424 New
2,788 Returning

In Market vs Out of Market



3,169 In Market
19,139 Out of Market

Traffic Sources



3,359 Organic
2,445 Paid
16,504 Direct, Referral, App



**MEMORANDUM
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION
FOR REVIEW AT EXECUTIVE SESSION ONLY**

TO: Yellow Springs Village Council
FROM: Amy Blankenship, Village Solicitor
DATE: August 19, 2024
RE: Potential Purchase of School Land/ LIHTC Project

As Village Council continues pursuing the possibility of a Low Income Housing Tax Credit project in the Village located on land currently owned by Yellow Springs Schools, the Village and School District are formalizing their relationship with regard to the path forward.

As you know, the land in question is encumbered. Once we have acquired a legal description and survey of the exact area intended for development, the Schools' bond attorneys will work with the bond insurer to seek unencumbering the site needed for the development. The schools have already engaged a surveyor and the survey is expected very soon.

The Village and School District will enter into an Intergovernmental Agreement to set forth the next steps and each party's responsibilities. A draft of that agreement is in your packet for review tonight.



TO: Villagers & Village Council
FROM: Brian Housh
RE: Low-Income Housing Tax Credit (LIHTC) Opportunity Update
DATE: August 16, 2024

Opportunity

The Village of Yellow Springs has a once-in-a-generation opportunity to secure \$15M in low-income housing tax credits (LIHTC) to build 50 affordable **family** rentals, addressing our local housing crisis (underscored by our current \$450,000 median housing cost) and bringing new taxpayers and students who add diverse energy to our community and generate revenue while lowering utility and other costs for all residents. While this project is a win-win for Villagers, state scoring has limited our options for a project site that is competitive for funding.

Progress

The Village did get responses from both AUM and Cresco about the possibility of siting affordable family housing on the CBE, which would require a change in the CBE covenants be agreed to by all three current property owners. AUM indicated that they would have to discuss this at their October board meeting, and Cresco indicated that this project would not be a good fit with their current & growing operations.

As discussed during our last Council meeting on July 15, the bond attorney has confirmed the steps that need to be taken to remove the lien on the school property. Related to required actions, we have been told by School Board President Judith Hempfling that initial outreach to the bond issuers/lien holders was positive. Council indicated it would support legal fees to determine if the lien can be removed, which I confirmed when asked at the August 8 School Board meeting, emphasizing that this would not likely extend to the activity of contacting individual bond holders, which is only necessary if BAM/Trustee do not agree to release lien and is much more complicated & costly.

The YS Schools have applied to subdivide 3.6 acres of its property and rezone this parcel to R-C, which allows for 14 housing units per acre to be built. The associated survey/recording instrument has been completed by Doug Sutton (Clinco & Sutton Surveyors) and is being paid for from the Springers 4 More Springers fundraising, proceeds of which were donated to YS Home, Inc. The School Board is also currently discussing an option to purchase land, which would be contingent on securing LIHTC funds and the Village purchasing the school property for this project, to replace land currently used for recreational soccer and HS girls soccer & cross country activities affected by this affordable housing project.

With an intergovernmental agreement in place and a survey of the property completed, our Village Solicitor has indicated that outreach to BAM/Trustee and Huntington can occur. While we are not yet at the point of "site control" so that we can secure a Community Housing Development Organization (CHDO), Emily Seibel has mentioned she often sees representatives from potential CHDOs for our project and will mention this is a "property to watch".

Springers 4 More Springers continues to meet, I think now twice a month, but I am no longer regularly attending these meetings. Otherwise, the Village Café/LEAF (Livable, Equitable, Age-Friendly YS) group had a discussion after the second Café on Affordability, and they are asking how they can help with the LIHTC effort.

Next Steps

It seems that the Village should be the convener for any joint meetings with the YS Schools and other stakeholders (e.g. Home, Inc.), and we do now have a draft intergovernmental agreement that might be good to review along with discussing related issues. District & Village representatives have been identified, so maybe an initial meeting involving these individuals, and there has also been a request from Amy Bailey to have a meeting with the full School Board and Village Council to make sure that everyone has the same information. My understanding of our next steps to bring this affordable family rentals project forward is:

1. Subdivide proposed school property.
2. Remove lien – BAM/Trustee & Huntington (unlikely to pursue individual shareholders).
3. Confirm site control/option to purchase school property.
4. Determine replacement for rec soccer fields and girls soccer/cross country.
5. Secure developer – CHDO (the Village's process for doing this should be determined soon).
6. CHDO in collaboration with YS Home, Inc. completes LIHTC application.



TO: Village Team – Staff & Council
FROM: Brian Housh
RE: Board & Commission Updates – MVRPC, YSDC, EC, ATEC
DATE: August 16, 2024

MVRPC (Miami Valley Regional Planning Commission)

- The City of Dayton is piloting Right to Counsel, which ensures that evicted individuals have legal representation; I believe the Village should consider establishing such a policy for Lawson Place.
- A “StoryMap” has been created for the Miami Valley Livable & Age-Friendly communities, currently 11, allowing the efforts of Yellow Springs to be further promoted, including new website.
- Other Notables: Comprehensive Climate Action Plan process is beginning, Digital Equity Grant Program is active, Dayton Foundation’s African-American Community Fund is among largest in US

YSDC (Yellow Springs Development Corporation)

- The first round of the YSDC Director search generated over 50 applicants, of which 8 were reviewed by the full Board with 3 finalists interviewed; a recommendation will come to the Board for a vote 8/28. The goal is to have the new Director start at the beginning of September.
- The Township Trustees did approve a contribution of \$10,000 for the YSDC Director position.

EC (Environmental Commission)

- Goal to further update EC webpage (thanks, Ben!), including meeting time (2nd Thursdays, 6-7:30).
- Michele Burns discussed Green Space Fund and current opportunities for which it could be used.
- Other Notables: Future discussions re: environmentally sustainable events, No idling policy, YS Farmer’s Market being actively promoted, Neighborhood gardens slowly being improved, Wellhead Protection Plan moving forward, Ellis Pond progressing, EC supporting SmartGrowth.

ATEC (Active Transportation Enhancement Committee)

- **A Liaison for the ATEC** is important given the value of this public-private-nonprofit collaboration.
- The YS Schools is establishing a “Bike Bus”, with four routes & starting informally this Wednesday.
- A survey to help update the YS ATP will be launched soon, and need to update Bike Friendly status.

Other - Housing

- Having determined the steps for the LIHTC project, it is timely for the Village to get back to strategies for affordable, workforce and diverse market-rate housing development. We should **prioritize securing a Housing Coordinator and drafting an action plan to execute** the more difficult aspects of the Bowen Housing Study, completing prior work to identify needs to make Village-owned sites ready so that we can actively & intentionally determine next steps.



THE RIGHT TO COUNSEL FOR TENANTS FACING EVICTION: ENACTED LEGISLATION

Even before COVID-19, there were over [3.6 million evictions filed every year](#), demonstrating the system has been in crisis for some time. And the stakes are severe because tenants who have been evicted don't just lose their immediate housing: they also face losses of mental and physical health, child custody, employment, educational attainment, and physical property. Those made homeless by eviction risk incarceration and criminal prosecution, and during COVID-19, evicted tenants faced increased [exposure to the virus](#). In addition, [even a filing of eviction](#), regardless of the outcome, reduces housing opportunities and can remain on a tenant's record for years. These consequences are not experienced equally: Black female renters face eviction [twice as often](#) as white tenants. Yet when facing an eviction, on average [only 3% of tenants are represented, compared to 81% of landlords](#).

Tenant representation decreases the likelihood and overall impact of these consequences. **Here's just a sampling of what we know about the effectiveness of right to counsel (sources available on our [website](#)):**

- **New York City:** 84% of represented tenants have remained in their homes, while the filing rate and default rate have decreased by 30%.
- **San Francisco:** 59% of represented tenants have remained in their homes, and of the 30% who did not remain in their unit, 70% received a favorable settlement.
- **Cleveland:** 93% of clients avoided an eviction judgment or an involuntary move. 83% of clients who desired rental assistance were able to obtain it, and of the 21% of clients who were unaware of rental assistance at the time they contacted Legal Aid, approximately 98% wanted rental assistance and Legal Aid helped 81% of those clients obtain it.
- **Boulder:** 63% of represented cases avoided eviction, which was a 26% increase.
- **Kansas City:** The pre-RTC eviction rate was 99% and in the first 3 months of RTC it was less than 20%. Most recently, of all the resolved cases, 91.5% of tenants have avoided eviction, compared to the 99% of tenants who were evicted before RTC.
- **Toledo:** Nearly 88% of tenants in closed cases avoided eviction.
- **Connecticut:** Of the 82% of clients that wanted to prevent an involuntary move, 71% achieved that goal.
- **WA State:** Tenants remained in their homes in more than 50% of closed cases where the result is known.

And here is a sampling of additional data on tenant representation effectiveness:

- **Oklahoma:** A [research brief](#) from Open Justice Oklahoma found tenant legal representation increased the odds of unit retention by 75%.
- **Massachusetts:** For a recent statewide COVID eviction legal help project providing full representation to low-income tenants, 90% of cases resulted in positive outcomes, with 70% of tenants remaining in their homes and 20% of tenants having more time to find a place to live.
- **California:** A [study](#) found that fully represented tenants stayed in their units three times as often as those receiving limited or no legal assistance. When tenants did have to move, fully represented tenants were given twice as long to do so.
- **Minnesota:** A [study](#) out of Hennepin County found that represented tenants were twice as likely to stay in their homes, received twice as long to move if necessary, and were four times less likely to use a homeless shelter than those without counsel. 78% of represented tenants left with a clean eviction record, compared to 6% of unrepresented tenants.
- **Denver, CO:** A [study](#) found that represented tenants remained in their homes 70-100% of the time, compared to 32% of unrepresented tenants. For unrepresented tenants, the dispossession rate was 43% (Denver Housing Authority cases) and 68% (private housing cases).

- **Overall:** Stout LLC, a financial analysis company that has [produced extensive right to counsel reports for numerous cities](#), has consistently found that a right to counsel leads to more than 90% of tenants avoiding disruptive displacement.

In recognition of the interests at stake, effectiveness of counsel, power imbalance between landlords and tenants, race equity considerations, and cost savings, **17 cities, 5 states, and 1 county** have enacted a right to counsel for tenants facing eviction in just the past four years, and the movement is still growing. The movement's success has a great deal to do with the commitment and efforts of community organizers around the country. We at the [National Coalition for a Civil Right to Counsel \(NCCRC\)](#) support the efforts of organizers, legal services organizations, policymakers, and other stakeholders by providing technical support, campaign guidance, research resources, and supportive testimony.

EVICTION RIGHT TO COUNSEL JURISDICTIONS

**NOTE: the links below will take you to a full summary for each jurisdiction, which includes a link to the actual law.
To see a summary of parameters for all the jurisdictions, continue to page 4.**

CITIES

New York City (2017)	Denver (2021)
San Francisco (2018)	Toledo (2021)
Newark (2018)	Minneapolis (2021)
Cleveland (2019)	Kansas City (2021)
Philadelphia (2019)	New Orleans (2022)
Boulder (2020)	Detroit (2022)
Baltimore (2020)	Jersey City (2023)
Seattle (2021)	St. Louis (2023)
Louisville (2021)	

COUNTIES

[Westchester County](#) (2023)
[Los Angeles County](#) (2024)

STATES

[Washington](#) (2021)
[Maryland](#) (2021)
[Connecticut](#) (2021)
[Minnesota](#) (2023)
[Nebraska](#) (2024)

The information provided herein is not legal advice.

For additional resources and information about the right to counsel in eviction cases, and other civil legal areas, please visit the National Coalition for a Civil Right to Counsel at www.civilrighttocounsel.org.

TO: Village Council
 FROM: YS Development Corporation (YSDC)
 DATE: August 16, 2024
 RE: Additional Information Generated for Township Trustees

Proportionality

While the Township, Schools and Village all benefit from economic & residential development in terms of tax and levy funding that support their services to constituents, it certainly makes sense to compare budgets of the two bodies that are legally able to invest in a community improvement corporation. The Village of Yellow Springs has a 2024 estimated budget, not including utility (“enterprise”) funds, of \$5,022,160. Notably, the Community Foundation’s operating support & fiscal sponsorship have been critical given that YSDC funding has been minimal over its 4 years of existence:

Investor	Investment	Notes
Village of Yellow Springs	\$98,000	Includes recently approved \$40K for Director position, \$19K start-up donation, \$35K forgivable loan fund donation & annual dues.
Miami Township	\$13,500	Includes \$10K forgivable loan fund donation & annual dues.
YSCF	\$27,000	Includes \$5K Mills Lawn project, \$20K for Encore Fellow & annual dues.
YS Schools	\$2,000	Annual dues. Note: School districts cannot fund ED.
Antioch College	\$2,000	Annual dues.
YS Chamber	\$2,000	Annual dues.
Dept. of Energy	\$100,000	Community solar grant.
Village of Clifton	\$500	1-year dues. Note: Clifton decided not to continue its membership.

ROI

Without a professional economic impact study, which would be a great idea to conduct if we could secure future funding for the initiative, detailed numbers are difficult to produce. However, we can estimate the property taxes generated by the fire station sale at just over \$126,000 for the first 10 years, with the Township receiving over \$7,000 of that amount. Additionally, 3.5% in income tax is generated to support Village and School services for Township residents from the new jobs generated by the comedy club along with sales and net profit taxes, which support local & regional infrastructure improvement programs. Notably, a primary reason for selecting this business was that it would stimulate existing and new local businesses. Despite its limited capacity & funding, the YSDC has led several notable initiatives in addition to the fire station sale:

Project	Size	Impact (e.g. Employees)	Taxes Generated
Dept. of Energy Community Solar Initiative	\$100K prize (possibly with additional \$200K)	Primary goal to allow lower income residents to access cost savings & other benefits of solar energy, e.g. Lawson Place.	Hard to estimate, but increased property values = more taxes and cost savings mitigate levy/cost of living burdens for residents.
Pandemic Forgivable Loan Program	\$45K donated by Township & Village	The 14 businesses supported by this program have been able to continue operations & retain their 50+ employees.	Ongoing Township taxes estimated at \$1,500 annually, and associated income tax revenues support services for Township residents.
EnviroFlight Retention (unsuccessful but solid effort)	Approx. 18K square feet	Would have retained 20 jobs & likely gained 20 more based on their hires at new location; KY site bettered our incentives.	Lost an estimated \$1,000 in Township taxes & plan to build \$20M facility could have meant significant revenue gains.
“Open For Business” Marketing/ Outreach Campaign	Focused on “Intel-esque” support businesses & entrepreneurs	Potential for new jobs is high, expecting mostly mid- to small-sized firms but still have about 20 acres at CBE and prospect of new commercial spaces.	Based on total property tax revenues paid by Cresco (~\$252K), there is the potential to double the current taxes generated, and the possible income tax growth is substantial.
Various Development Explorations with Local Properties	Sites varied in size, and included commercial & residential	For various reasons, these projects have taken different directions, common with ED projects. Jobs & other positive community impacts are there.	Difficult to estimate, but several of these projects were large-scale and could generate significant revenues, highlighting lots of potential (we are currently seeing).



Yellow Springs Active Transportation Advisory Committee

May 8, 2024

Present: Chris Bongorno, Dorothée Bouquet, Johnnie Burns, Jeff Eyrich, Mitzie Miller, Dan Badger, Eric Oberg

Guests: Megan Winston, ~~Emily Berle~~

Excused/Absent: Brian Housh, Gary Zaremsky, Marilan Moir, Eli Hurwitz

Agenda

1. Welcome
2. Minutes of April 10, 2024
3. YS Schools Updates
4. Village Updates
5. Active Transportation Plan Update
6. Other Business

Welcome and Approval of April 10, 2024 Meeting Minutes

Chris called the meeting to order at 8:30am.

Dorothée motioned (1) approval of the April 10, 2024 minutes; Mitzie seconded (2). All in attendance voted in favor.

Yellow Springs Schools Updates

Principal Megan Winston shared updates on the Bike Bus effort, which has been implemented each Wednesday since April 24th. She reported that we have not had as many participants as we hoped, but we're anticipating more on the official YS Bike to School Day next week.

There are two background checked chaperones at each site and we have enough for now, but we always welcome more.

May 15th is Bike to School Day (all locations) and we are coordinating additional activities for that day.

Megan noted that the volunteers who have been helping with crossing guards and safety patrol on school mornings have been sharing feedback. We would like to continue this effort with adult supervision and would like to have 2 adults out each morning. Hope to start earlier next year and will be revisiting alongside future changes to drop-off.

Jeff noted that he will keep the ATAC up-to-date on the facilities planning/construction process. He added that the Schools may want to work with the VYS to mark off temporary restricted zones for safety during various stages of development.

Village Updates

Johnnie shared that the State approved the grant request for Fairfield sidewalks for \$1.7M. VYS will add 16% match (on top). This is an Ohio Traffic Safety Project (same pot of money as the

Dayton multimodal path). The project will extend sidewalks on the South side of Fairfield from Ridgecrest to the existing SRTS path at Fair Acres, then from Winter to Walnut, and from Walnut to the LMST bike path via ramp. Johnnie estimated that with this grant, VYS has received about \$10M in State funds for active transportation/safety projects since 2016.

On Polecat, Johnnie noted that he is working with the County Engineer with respect to the signage that the VYS installed last year at Polecat and the Ellis Spur. We had permission to do this from other staff and will meet to address this next week

The group discussed speed limits on various streets, which are limited by County Engineer criteria. Johnnie noted that he plans on leaving the speed bumps in place on Fairfield and has ordered another pair of temporary bumps that will be placed in different locations. Chris asked about moving the speed signs alongside the speed bumps to monitor and measure before/after.

Johnnie confirmed that when the weather is amenable, the permanent thermoplastic striping for the Dayton Street Multimodal project will be applied and the remaining RRFBs will be installed. The speed limit from E. Enon to High Street will be reduced to 25 MPH.

The Clifton Connector funds are still out for request from Mike Turner's office.

From Brian (via email):

I am talking with Village Council about appointing a new liaison to replace Marianne. I will remain an alternate, so it would be good to know what flexibility there is in terms of meeting time. We should be able to confirm [the appointee] at our 5/20 meeting. My dance card has become full, and we are looking to better balance the workloads of Council Members.

Notably, Meg Leatherman, our Planning & Zoning Administrator is interested in being involved with engagements re: the ATP update initiative.

Active Transportation Plan

Chris noted that Brian shared some updates on recent engagement:

...I had great interactions with the maps at the Earth Day event, and here are some of the highpoints –

- Bike Trail to Kroger (contemplated in Greene County Master Trails Plan, we should probably incorporate in ours)
- Sidewalk/Path to Ellis Pond from Northwood
- Complete YS-Fairfield Rd Sidewalk
- Protected or painted path to get from Dayton St to Fairfield, and more lighting
- Protected or painted walk/bike lane on Livermore
- Improved access to public transit and maybe benches/sheltered spots
- Speed bumps on Corry St (this one was interesting, apparently big trucks are often flying down this road)
- Rt 68 in the downtown area generally being problematic with vehicles not stopping at crossings even with lights flashing

Chris asked about other upcoming opportunities to engage with community members. Dorothee mentioned that the last day of school is "field day," which may provide an opportunity to engage

with students & parents; she also suggested the start of the school year (in August) when class lists are posted and open houses are hosted at both schools could be an opportune time.

Chris mentioned ideas about engaging students at the HS/MS and referenced a [program in Boulder](#) that he would like to bring to the village that incentivizes non-driving trips to school.

The group discussed connecting with Eli Hurwitz to identify students who can take the lead on some of this engagement; Jeff offered to reach out to Eli.

All agreed that we should prioritize end of summer/start of school year engagement; in the meantime, we can keep working with the PTO to map out engagement efforts.

The group discussed the draft survey that Brian shared and all agreed to get comments in by the end of the week. Chris is keeping a running tally of comments in “track changes.”

Other Business

Sidewalks Updates (Mitzie): Work days on May 18th will showcase multiple efforts from various groups who have helped to improve walkability in the village, from volunteers to committees to the VYS. Multiple news outlets, including channels 2 & 7 and the YS News will be covering the event.

The volunteer group has received the tools from the Village (via Livable Equitable Age Friendly YS), which will help them in their sidewalk clearing efforts.

Mitzie continues to meet with the VYS on sidewalk clearing and noted that they’ve shifted focus more to education; the group has VYS and villager buy-in, but there are still some remaining outliers; they have developed fliers and online content to keep this in front of people; Meg Leatherman has reached out to 8 property owners who are not in compliance with the Village Code about their responsibilities.

Mitzie also noted that she has heard speeding on Limestone has become more of an issue, between Dayton Street and High Street.

Meeting Planning

The next meeting of the ATAC will be scheduled following the selection of a new Council rep. Dorothee noted that we will need to find a new venue. Eric offered the Co-Active space and Dan also suggested the Community Foundation. Meeting time may also need to be revisited.

Dorothee will be away most of the month of June, as will multiple others.

Draft Agenda (June):

- School Updates
- Village Updates
- ATP Update, next steps
- Other Business

Meeting adjourned at 9:47am

**Planning Commission
Regular Meeting**

In Council Chambers @ 6:00pm

Tuesday, June 11, 2024

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, Council Alternate Carmen Brown and Gary Zaremsky. Also present was Meg Leatherman, Zoning Administrator. Gavin DeVore Leonard was out of town.

REVIEW OF AGENDA

There were no changes made.

REVIEW OF MINUTES

Minutes of May 14, 2024 Regular Meeting.

Stiles MOVED TO APPROVE the Minutes of the May 14, 2024 Regular Planning Commission meeting. Osterholm SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

COMMUNICATIONS

There were no communications.

COUNCIL AND COMMITTEE REPORTS

Active Transportation Committee: No Report.

Council: There was no Council report.

Housing Committee: No Report. Housing Committee meetings may resume in July.

CITIZEN COMMENTS

There were no Citizen Comments.

PUBLIC HEARINGS

Conditional Use Application. Abi Katz has submitted a Conditional Use application for an Accessory Dwelling Unit at 990 S. High Street; Chapter 1248 Residential Districts, Chapter 1262.08(e)(1) Conditional Use – Specific Requirements – Accessory Dwelling Units – Medium Density Residential District (R-B) - Greene County Parcel #F19000100080042100.

Leatherman introduced the hearing as follows: The request is to add a detached Accessory Dwelling Unit (ADU) to the southwest corner of the property. It would be independent of the primary dwelling, with a footprint of 16 ft by 24 ft and 8 inches, or approximately 395 square feet. It would include one living area with a kitchen, one bedroom and one bathroom. The applicant plans to use it for guests, and potentially in the future as a long-term rental.

One off-street parking space is required and will be accommodated by the existing driveway.

The dimension of the ADU (16'x24'8") is smaller than the footprint shown on the site plan.

Stiles OPENED THE PUBLIC HEARING.

There being no comment, Stiles CLOSED THE PUBLIC HEARING and called for a motion.

Green received information that the tree line is outside of the Katz property line.

Osterholm MOVED TO APPROVE THE CONDITIONAL USE APPLICATION AS SUBMITTED. Green SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

AGENDA PLANNING

Leatherman noted that she has a potential minor subdivision for August.

ADJOURNMENT

At 6:13pm, Stiles MOVED and Osterholm SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Susan Stiles, Chair

Attest: Judy Kintner, Clerk

Please note: These minutes are not verbatim. A DVD copy of the meeting is available at the Yellow Springs Library during regular Library hours, and in the Clerk of Council's office between 9 and 3 Monday through Friday.

ANTIOCH UNIVERSITY

Office of the Chancellor
| 900 Dayton Street, Yellow Springs, OH 45387 | 937.769.1800 | www.antioch.edu

July 11, 2024

Kevin Stokes, President
Yellow Springs Village Council
100 Dayton Street
Yellow Springs, Ohio 45387

Re: Transformational Low-Income Housing Tax Credit Opportunity

Kevin,

Thank you for your letter requesting Antioch's consideration of amending the restrictive covenants of the Center for Business and Education where our campus is located. Given the significant potential impact a project of this nature would have on Antioch University, this is a matter that would require board approval. Our next regular board meeting is in late October. Therefore, I am unable to provide you with support for amending the restrictive covenants in the time frame you're requesting.

Sincerely,

ANTIOCH UNIVERSITY



William R. Groves, JD
Chancellor

WRG/mm



2024 Mayor's Court Report to Council

	January	February	March	April	May	June	July	August	September	October	November	December	TOTALS
Total Charges from PD	15	13	9	36	25	74	29						201
Charges sent to MC	8	12	6	32	8	62	17						145
Percentage of charges sent to MC	53%	92%	67%	89%	32%	84%	59%						68%
Total Incidents	13	12	9	36	18	70	22						180
Total Incidents to MC	8	11	6	32	8	62	16						143
Percentage of Incidents to MC	62%	92%	67%	89%	44%	89%	73%						74%
Total Charges in MC	8	12	6	32	8	74	16						156
Traffic	3	5	5	8	3	6	6						36
Criminal	0	1	0	1	0	1	0						3
Parking	5	7	1	23	5	67	10						118
Payments													
Traffic/Criminal	\$ 310.00	\$ 695.00	\$ 925.00	\$ 1,065.00	\$ 305.00	\$ 555.00	\$ 1,040.00						\$ 4,895.00
Parking Tickets	\$ 60.00	\$ 440.00	\$ 295.00	\$ 480.00	\$ 550.00	\$ 740.00	\$ 620.00						\$ 3,185.00
Weddings	\$ -	\$ 150.00	\$ 150.00	\$ 50.00	\$ -	\$ 50.00	\$ 100.00						\$ 500.00
TOTAL	\$ 370.00	\$ 1,285.00	\$ 1,370.00	\$ 1,595.00	\$ 855.00	\$ 1,345.00	\$ 1,760.00						\$ 8,580.00
Expenses pd to State/Co													
Victims of Crime	\$ (18.00)	\$ (45.00)	\$ (18.00)	\$ (81.00)	\$ (18.00)	\$ (45.00)	\$ (72.00)						\$ (297.00)
Indigent Defense													
Support Fund	\$ (50.00)	\$ (125.00)	\$ (60.00)	\$ (230.00)	\$ (50.00)	\$ (125.00)	\$ (210.00)						\$ (850.00)
Drug Law Enforcement	\$ (7.00)	\$ (17.50)	\$ (7.00)	\$ (28.00)	\$ (7.00)	\$ (17.50)	\$ (28.00)						\$ (112.00)
Child Safety Restraint	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -						\$ -
Sealing Records - State	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -						\$ -
Seat Belt Fines	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -						\$ -
Indigent Drivers													
Alcohol Treatment - County	\$ (3.00)	\$ (7.50)	\$ (3.00)	\$ (13.00)	\$ (3.00)	\$ (7.50)	\$ (12.00)						\$ (49.00)
TOTAL	\$ (78.00)	\$ (195.00)	\$ (88.00)	\$ (352.00)	\$ (78.00)	\$ (195.00)	\$ (322.00)						\$ (1,308.00)
MC Check to Village	\$ 292.00	\$ 1,090.00	\$ 1,282.00	\$ 1,243.00	\$ 777.00	\$ 1,150.00	\$ 1,760.00						\$ 7,594.00
General Fund	\$ 272.00	\$ 1,040.00	\$ 1,252.00	\$ 1,153.00	\$ 757.00	\$ 1,100.00	\$ 1,670.00						\$ 7,244.00
MC Computer Fund	\$ 20.00	\$ 50.00	\$ 30.00	\$ 90.00	\$ 20.00	\$ 50.00	\$ 90.00						\$ 350.00
TOTAL REVENUE	\$ 292.00	\$ 1,090.00	\$ 1,282.00	\$ 1,243.00	\$ 777.00	\$ 1,150.00	\$ 1,760.00						\$ 7,594.00

Mayor's Court Report on 2024 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	8	0	0%	N/A
Feb.	12	11	0	0%	N/A
Mar.	9	6	0	0%	N/A
Apr.	36	32	0	0%	N/A
May	18	10	0	0%	N/A
Jun.	70	62	1	1%	N/A
Jul.	22	16	0	1%	N/A
Aug.					
Sept.					
Oct.					
Nov.					
Dec.					
Total	180	145	1	0%	

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	5	0	1	1	0	0	3	0
Feb.	12	1	0	0	1	0	0	0	0
Mar.	9	3	0	0	3	0	0	0	0
Apr.	36	4	0	0	1	0	0	3	0
May	18	10	0	4	3	0	0	3	0
Jun.	70	7	0	2	2	0	0	2	0
Jul.	22	6	0	2	2	0	0	2	0
Aug.									
Sept.									
Oct.									
Nov.									
Dec.									
Total	180	36	0	9	13	0	0	13	0

8-16-24

To: Village Council

Re: CBE DECISION

I'd like to once again address the CBE issue. We finally have an answer from Cresco (NO, to changing the covenants) and you know the answer from AUM, which even though they are going to meet in mid October, had no interest in changing the covenants. Therefore, we can finally say the issue of changing the covenants on the CBE is dead and you can stop badgering our local business and college about affordable housing on the CBE.

You entertained discussions from The School Board and Home Inc, who both had no concept of the CBE covenants, but yet, you entertained these discussions for almost 10 months sending mixed messages to both the housing community and the business community. Almost 10 months later you've got nothing except wasted time and taxpayer dollars investigating the CBE covenants. It appears the tail has been wagging the dog here. PLEASE, do your job and actively find businesses for the CBE so we can get valuable tax dollars and jobs to come to this community. We need leadership from you. It's that simple!

Now let's turn to the affordable housing issue and our tax dollars you keep spending on housing "investigations." Again, the tail is wagging the dog from The School Board and Home Inc. Some, on this council have an idea and THINK they know the will of the Villagers regarding this issue. It's apparent, as you continually struggle with this issue your don't have enough input or information from ALL of us. Relying on a group of 40-50 biased people is not a random sampling of the village in making your decisions.

It's time to put something on the ballot regarding a line item affordable housing tax plan. Introduce an affordable housing tax percentage and put it on the next ballot. Let's see where the village of 3500 stands and votes as opposed to you and 40-50 others that are here trying to make a decision for ALL of us. If it passes then you will have a continual flow of taxpayer money to support an affordable housing fund as opposed to ripping money out of other funds, as you do now.

Let the will of the people decide and then you'll know for sure which way to pursue this issue.

Respectfully Submitted,

Dino Pallotta

Dear Council Members:

Thank you for contacting Cresco Labs regarding the potential for a residential housing development next to our cultivation, manufacturing, and production facility in Yellow Springs. Cresco Labs is a proud member of the Yellow Springs Community and remains committed to being a good community partner while growing our facility and bringing more good paying jobs to Yellow Springs. Importantly, the start of adult use cannabis in Ohio has increased the opportunity to bring those jobs and expand our facility in Yellow Springs.

Cresco understands the need for an increase in affordable housing in Yellow Springs and hopes that a suitable site can be found for this project. Cresco is also concerned about the introduction of a residential housing immediately adjacent to our manufacturing and production facility. A residential facility will inevitably bring children and adults with a range of sensitivities that will conflict with our commercial activity. With our anticipated facility expansion and increased production, Cresco fears the increased truck traffic, construction noise, and manufacturing activity will be incompatible with the high quality of living those residents will deserve.

We are happy to discuss our concerns with the council and look forward to our continued partnership in Yellow Springs.

Sincerely,



John Sullivan
Executive Vice President, Cresco Labs

Judy Kintner, Clerk of Council

From: Jim Zehner <jzehner@aol.com>
Sent: Friday, August 16, 2024 6:58 AM
To: Judy Kintner, Clerk of Council; YSPD Dispatch
Subject: Butler County Helicopter raid

You don't often get email from jzehner@aol.com. [Learn why this is important](#)

Dear Council Members:

As we all know, the Butler County Sheriff's Department sent helicopters to harass our Village.

As we also know, neither the Yellow Springs Police Department NOR the Greene County Sheriff's Office were aware of this operation or it's purpose. As we also know this operation created great concern among our citizens. We have had some major incidents of violence here in recent years and citizens were RIGHTLY concerned if their safety was in danger. How were we to know that a mass shooting wasn't taking place? Or that a violent criminal wasn't on the loose?? All kinds of speculation was occurring and someone could have been hurt as a consequence. Even worse, the Village had to ask people not to call because there was a danger of emergency lines being overloaded. Consequently an emergency could have happened and assistance could not have been dispatched.

I want the Council to inquire as to the legal status of another county's sheriff raiding our county without informing OUR sheriff of this action. I want to know what they are looking for. If they are looking for legal marijuana growing, they are a few months too late. Were they trying to determine if some people were growing 13 plants instead of 12??? And what is Butler County going to do with the "information" they gathered? Will they pass it on to the Village Police and if so what is the Department intend to do with it? Who is paying these helicopter cowboys who apparently just got out of a showing of Apocalypse?

It gets worse. Not only Yellow Springs was raided, but also Xenia and Fairborn, also apparently without warning and also raising great concerns among honest citizens who rightly wondered what the hell was going on in their town.

It's important to remember that these raids took place over our CITIES. A normal person would expect that any police action locating ILLEGAL marijuana growing would be occurring over fields where major growing operations would be taking place. But that's not what's happened. So it is legitimate to question what the motivation was for the Butler County Sheriff.

I hope Council will demand an explanation.

Sincerely,

Jim Zehner