

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

AGENDA

IN COUNCIL CHAMBERS @ 7:00 P.M.

Monday, January 13, 2014

Comments from the Public are welcomed at two different times during the course of the meeting: (1) Comments on items not on the Agenda will be heard under Citizens Concerns, and (2) Comments on all items listed on the Agenda will be heard during Council's consideration of said item. A Sign-In sheet will be made available on the small table at the rear of the Council Chambers. Please write your name and the topic you wish to discuss.

CALL TO ORDER

ROLL CALL

ANNOUNCEMENTS

REVIEW OF MINUTES

Minutes of December 16, 2013 Regular Council Meeting.

REVIEW OF AGENDA

At this time, Council may add to the Agenda any other such matters as they may wish to discuss.

I. PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Steven Heckart re: CBE
Rick Donahoe re: CBE
William Firestone re: CBE
Lori Askeland re: CBE
Panayiotis T. Manolakos re: CBE
Dan Reyes re: CBE
Carmen Milano re: CBE
Sue Abendroth re: CBE
William Firestone re: CBE
Christina Cox re: January Library Activities (on line only)
Vivian Daly re: Environment OH
Mayors Monthly Report
Ann Erickson re: Antioch College Land Development

II. PUBLIC HEARINGS/LEGISLATION

Correction of Clerical Error to Ordinance 2013-28 Supplemental Appropriation for Fourth Quarter

Second Reading and Public Hearing of Ordinance 2013-22 Vacating an Alley Located Between E. South College and Marshall Streets

Reading of Ordinance 2014-01 Approving the Issuance of Bonds for the Funding of Infrastructure Improvements at the Center for Business and Education

Reading of Resolution 2014-02 Adopting Council Rules and Procedures

Reading of Resolution 2014-03 Approving a Bid for Lease of Village Owned Farmland

Reading of Resolution 2014-04 Authorizing the Interim Village Manager to Contract with Management Partners for Consulting Services

Reading of Resolution 2014-05 Certifying to the Ohio Public Works Commission that Funds for the Village Share of the Cost of a Water System Loop Completion Project are Available and Committed

Reading of Resolution 2014-06 Approving a Cost of Living Increase for 2014 for Village Employees

Reading of Resolution 2014-07 Certifying Availability of Village Matching Funds for Community Development Block Grant

III. CITIZEN CONCERNS

IV. SPECIAL REPORTS

Chief Pettiford re: YSPD Report on Community Initiatives

V. OLD BUSINESS

2014 Budget Schedule
Council Retreat Agenda Review
CBE Updates and Information

VI. NEW BUSINESS

2014 Goals/Principles Preliminary Discussion
Proposal for Upgrades to Council Chambers

VII. MANAGER'S REPORT

VIII. CLERK'S REPORT

IX. FUTURE AGENDA ITEMS

Resolution 2014-01 Authorizing the Village Manager to Contract for a Project Manager for the CBE Project (2-3-2014)

Ordinance 2014-03 Returning Easement #5 to the Village

Report from Dayton Pool Management on 2013 Pool Operations

Resolution 2014-xx Authorizing the Village Manager to Solicit Bids for 2014 Gaunt Park Pool Management

Resolution 2014-08 Strongly Opposing the Passage of Amended Substitute House Bill 5 by the Ohio General Assembly

RCAP/LJB Report on Water Plant Rehab

Ordinance 2014-02 Approving Creation of a TIF (Tax Incremental Financing) District at the Center for Business and Education

Antioch College Updates: Mark Roosevelt

X. EXECUTIVE SESSION

For Purpose of the Discussion of the Hiring of a Public Official.

XI. ADJOURNMENT

The next meeting of the Council of the Village of Yellow Springs will be held at 7:00 p.m. on Tuesday, January 21, 2014 in Council Chambers, John Bryan Community Center, 100 Dayton Street.

The Village of Yellow Springs is committed to providing reasonable accommodations for people with disabilities. The Council meeting is wheelchair accessible. 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.

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**Council of the Village of Yellow Springs
Minutes**

In Council Chambers @ 7:00 P.M.

Monday, December 16, 2013

CALL TO ORDER

President of Council Karen Wintrow called the meeting to order at 7:00 pm.

ROLL CALL

The Clerk called the roll, showing all Council members present. Interim Village Manager Bristol and Director of Finance Melissa Vanzant were also present.

ANNOUNCEMENTS

MacQueen encouraged citizens who do not yet have digital cable to obtain their low cost digital boxes from Time Warner Cable before year's end. TWC will install the boxes at no charge, she stated, and the improvement will enable the recipient to view Cable Channel 5. Housh added that those without cable can watch a YouTube broadcast of meetings with a 2-3 day delay.

REVIEW OF MINUTES

Minutes of December 2, 2013 Regular Council Meeting. Simms MOVED and Askeland SECONDED a MOTION TO APPROVE THE MINUTES AS AMENDED. The MOTION PASSED 5-0 on a Voice Vote.

Wintrow outlined parameters for citizen participation at Council's meetings, noting that profane or threatening remarks could result in removal from the meeting. Wintrow explained that one comment would be permitted per individual per topic, and that the time limit for comments is three minutes.

REVIEW OF AGENDA

There were no changes made to the Agenda.

PETITIONS & COMMUNICATIONS

Askeland reviewed the communications received.

The Clerk will receive and file:

K. Van der Heiden re: CBE

Christine Roberts re: CBE

Kate Hamilton re: CBE

Todd Leventhal re: CBE

Dawn Johnson re: CBE

Marianne MacQueen re: CBE

Vicky Hennessey re: Fluoride (attachments available in on-line packet)

League of Women Voters re: Millard Meier

Dan Reyes re: CBE

Panayiotis Manolakos re: CBE

PUBLIC HEARINGS AND LEGISLATION

First Reading of Ordinance 2013-22 Vacating an Alley Located Between E. South College and Marshall Streets. Askeland MOVED and Simms SECONDED a MOTION TO APPROVE.

Askeland spoke to the ordinance, stating that Planning Commission had heard the matter in October and on a 4-1 vote (with Till preferring easement over vacation) recommended to Council approval of the petition.

Reggie Stratton, representing Antioch College, stated that the reason for the request is that the WYSO generator and the building now used as Antioch's maintenance building are located partially in the alleyway. A vacation would eliminate the problem. Stratton referenced a petition he had sent to Council on Monday with a signature of support from the Vice President of Global Research and Development for Vernay.

Wintrow OPENED THE PUBLIC HEARING. There were no questions or comments from citizens.

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

Reading of Resolution 2013-49 Approving Then and Now Certificates for the End of Fourth Quarter. Askeland MOVED and Simms SECONDED a MOTION TO APPROVE.

Vanzant explained that this is a housekeeping item, cleaning up expenditures which were undertaken prior to issuance of a Purchase Order.

Wintrow noted that these were incurred before Vanzant's tenure, and expressed her hope that once past expenditures are properly accounted for there will not be a repeat of the need for Then and Now legislation. Vanzant agreed that these should not be regularly needed in the future.

CITIZEN CONCERNS

JK Laurence thanked Human Relations Commission for sponsoring International Day of People with Disabilities. He thanked them for including him on the speakers panel and commented that he thought the event went very well.

Wintrow thanked Laurence for his participation, and expressed her appreciation to HRC for sponsoring the event.

Joan Edwards commented on the recent traffic incident in which an inebriated driver broke a power pole, causing a major outage in the Village. She asked that proprietors of drinking establishments monitor their patrons more closely.

Bristol commented that while the pole is the property of DP&L, the lines are the purview of the Village. He thanked the Village crew for working all night to secure the area and restore power.

Christine Monroe Beard, owner of Peaches, commented that her bartenders are well trained in observing patrons and in providing rides home. She acknowledged that this is a significant aspect of operating an establishment that serves alcohol.

Sam Young thanked Council for their swift passage of the resolution of support for acquisition of the Girl Scout property abutting the Glen.

SPECIAL REPORTS

There were no Special Reports.

OLD BUSINESS

Report on Consultants for Village Manager Search. Housh explained that he and Simms contacted six Village Managers that had engaged Cecil Osborn of Management Partners (MP). All were very positive regarding the services of Management Partners, citing his ability to team-build, his use of local expertise and his ability to bring an objective perspective.

In explanation of the lack of other candidates, Housh stated that of the three viable options, one was too far away, and the other was unable to undertake the project at this time.

Simms stated that he was impressed with MP's ability to adapt to the Village's preference regarding process. He noted that Osborn stressed a twofold approach, starting with selling the Village to the candidates, and then selling the candidates to the Village. He stated that MP was also willing to work on the Village's preferred timeline.

Askeland commented that she was pleased to learn that the proposal can be adapted, as she found the initial proposal somewhat off-putting.

MacQueen commented that she did not agree with the philosophy of "selling the Village" to the candidates, believing that they should in fact understand the Village as a condition of fit with the position.

Housh explained that the consultant is flexible in terms of their level of oversight and the level of Council involvement. Housh noted that Council will receive all applications, ranked, and would receive an explanation of the ranking philosophy.

MacQueen noted that all Council persons would be interviewed both individually and as a group.

Wintrow received confirmation that the group will be able to reach beyond the scope of candidates addressed in their proposal. Simms reassured her on that point.

Bristol addressed MacQueen's earlier concern regarding the "selling of the Village", stating that the relationship is complex, and that outreach to candidates with information about the Village and Council is critical.

Housh MOVED that Council ENGAGE MANAGEMENT PARTNERS to ASSIST IN LOCATING A PERMANENT VILLAGE MANAGER. Simms SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

MacQueen asked that Cecil Osborn be listed as the principle on the contract. Housh indicated that this is covered in the contract.

Revised Budget Schedule. Bristol suggested a bare bones budget as a starting point. These would include three-years worth of past data. Wintrow asked that the Clerk supply the budgets from past years, including DVDs to Vanzant so that she can prepare for the upcoming budget sessions.

Council did not decide upon a final schedule, but asked Vanzant and Bristol to bring a revised schedule for budget discussions to the January 6th meeting.

Discussion: Next Steps for Center for Business and Education Project. Wintrow introduced the topic, noting inclusion in the packet a timeline that delineates legislation specific to the CBE since its inception.

Bristol outlined his phone meeting with Squire Sanders, which included himself, Jerry Sutton, Rachel McKinley, Village Treasurer, McQueen and Simms, and Vanzant. Bristol related that given the current market, the best approach is to go straight to bonds.

The amount needed to financing totaled \$978,000, which was rounded up to one million dollars as a conservative estimation of all costs related to financing, including the original amount. Bristol explained that the average weighted interest rate for 20 years would be \$87,587/year. Bristol averaged the amounts out for 10 years, and reminded Council that the numbers represent a "worst case scenario".

In response to a question from Wintrow, Bristol stated that he would need a project manager, and that he had spoken to the engineer, who would be happy to handle the construction side of the project only.

Dawn Johnson shared a document she developed based upon her conversations with the Greene County Auditor and Greene County Appraiser to analyze the payback for other development projects in Greene County. She used as an example Valle Green behind the Fairborn Kroger and at the Acropolis at the Fairfield Mall. She identified the contrast between the two projects with the Acropolis showing a payback of less than three months and Valle Green requiring 166 years to recoup the investment.

Dimi Reber spoke about the difference between meaningful work and the type of work she feared might be available in a commerce park. She broke her comments into three areas of concern: The first was taking on debt given the Village's need for infrastructure improvements (water plant and Fair Acres water lines) which might be affected by expenditure of funds on the CBE project. The second was a need to align potential occupants of the proposed development with Yellow Springs' values (sustainability, meaningful work, etc.), Reber cautioned against embarking on the project unless Council and citizens are given official voice in the vetting process. She commented that she wanted to know more about the proposed designated CIC status of the CBE.

Michael Jones stated that he favors some kind of business park, but that he wishes this to conform to Yellow Springs' values. Jones commented that the notion is not feasible without a business plan. He gave an example of a manufacturer of pornographic or racist materials, and asked what would be in place

to protect collective values. Jones questioned the ability of jobs available at the CBE to provide the kind of income needed to positively affect the tax income of the Village.

Steve Deal asked whether the Village had performed risk or cost-benefit analyses. He advocated greater transparency in the process.

Isaac DeLamatre stated that he supported Council denying funds for the CBE project based upon his philosophical opposition to the destruction of farm land.

Sharon Mohler asked why Council would consider funding the CBE project when there are infrastructure needs to be addressed.

Bob Baldwin asked that Council gather more information before rendering a decision, stating that he still lacks enough data to make an informed decision. He opined that there is probably space available at Antioch College, and noted empty buildings around town as potential red flags to the success of a business park. He spoke in favor of local businesses growing, rather than of businesses relocating to Yellow Springs. Baldwin noted the recent sale of the Creative Memories building at a low price as another reason for caution. Baldwin urged delaying a decision.

Dan Reyes characterized the CBE project as a potential risk and potential opportunity, given that the Village would be the principle financial agent for the project. Reyes suggested reviewing the specifics of the approved infrastructure for potential improvements to the design. He expressed concern about bringing legislation in January, and advocated further information gathering first.

Jerry Sutton stated that Council had acted 22 times over the past 11 years in support of the CBE. He noted that the Village ran the design process, and had accepted Ohio Department of Transportation funds to do so. He stated that the design had met ODOT standards, and was vetted by the Village and ODOT throughout the process. Sutton recommended against changing the design in any way at this late date.

Paul DeLavernne noted that the subject of economic development had been vetted in the Visioning process. He referred to the situation of the Village in years past, when there were four major industries in town, and commented that those Antioch graduates had not been fearful of risk as many seem now to be.

Matt Carson stated that there is no plan for the CBE.

Chrissy Cruz spoke against voting for financing at the January meeting, and noted a petition against public funding for the CBE. Cruz stated that her organization would seek referendum if legislation was passed regarding financing for the CBE.

Sue Abendroth identified herself as a recent member of the CBE board. She stated that she has followed the process over the past decade. Abendroth read a statement to the effect that budget shortfalls should be covered by economic development. Abendroth commented that the CBE discussion has been ongoing over the past decade, and wondered why now there was energy mounting in opposition. Abendroth advocated for the Village moving forward with the project.

Carole Cobbs commented that she and others are not opposed to the CBE, but are not necessarily willing to take on the risk. Cobbs responded to DeLavernne's comment regarding risk, stating that support for the CBE eroded when Villagers were told that they would be "taking up the slack" for the financing of the project.

Paul Abendroth asked that those opposed to the CBE project bring business plans, financial forecasts, or other plans as alternatives to the CBE project.

Christine Roberts spoke against the CBE, and asked Council members to explain why they see it as a good risk. Roberts asserted that she is not acting out of fear, but in self defense, given the out of date model proposed, and the substantial risk entailed. Roberts stated that she does not believe the model is forward thinking. She spoke against private funding of government enterprise as reallocation of funds to the wealthy, and as such inappropriate and ineffective. Roberts asserted that the proposal is contradictory to the Comprehensive Plan.

Dimi Reber asked whether borrowing funds for the CBE would in any way affect the ability to borrow funds for the water plant and what occurred with the proposal that CR become a CIC.

Sue Abendroth read through a litany of investments made by the Village in recent years as a testimony to the fact that government involvement in economic development can be effective and appropriate.

Dawn Johnson commented that the County Auditor had informed her that without buildings on the property, the cost of funding the TIF would not be recovered.

Dan Reyes stated in response to DeLavernge's earlier comment that he has submitted proposals directed towards economic development, specifically, the change of scope in the design parameters. Reyes stated that design changes are inexpensive when compared to the cost of making changes after construction has begun.

Bristol and Wintrow clarified that Council had agreed to ask CR to "consider" becoming a CIC. Askeland further clarified that the conversation would take place once funding is obtained.

Wintrow stated that any holdup at this point will severely slow the project.

Michael Jones interjected that the CBE discussions had not been open to Villagers. Wintrow responded that she had provided a two page document enumerating the legislation relevant to the CBE, which all occurred in public meetings.

Bristol clarified that the CBE Bonds would be a different than the bonds which would be issued for a water plant project and would have no impact on our ability to fund that project. Bristol commented that the financing fees would amount annually to about 2/3 of 1% of the total Village budget.

MacQueen asked for clarification regarding what kind of control the Village would be able to have over the types of businesses which could locate at the CBE, stating that she would like to see a fair amount of control in this area.

MacQueen noted that CR is now a CIC, but is not a designated CIC. MacQueen noted that the estimate for a water plant upgrade will be addressed in January, and has not been forgotten.

MacQueen responded to comments regarding the Comprehensive Plan made earlier, stating that while the Plan implies that developers will pay their own costs, it does not mandate this approach.

MacQueen stated her priority that Council enter into any agreement regarding the CBE after doing due diligence, and not "back in" to the process. She stated that an economic development strategy for the Village should be completed before this can occur, and that such a document would require the cooperation of many elements of the community. MacQueen acknowledged the diversity of opinion regarding the CBE project, and the years of work on the part of CR.

Housh acknowledged the possibilities for positive outcomes, noting the small percentage of total budget needed to cover the finance charges annually. Housh stated his belief in the importance of projects which address the long term viability of the Village, and asked for suggestions from citizens.

Housh commented that Council has done a great deal of due diligence to this point, and stated the importance of properly marketing the Yellow Springs lifestyle.

Askeland commented that she is concerned by some of the issues raised by Dawn Johnson regarding rate of return, and questioned whether village staff have the organizational capacity to provide a total development model. Askeland stated that her misgivings are increasing as she questions the Village's ability to handle such a concern, and whether such a private-public partnership can work well.

Wintrow stated that she has met with MacQueen regarding a marketing plan for the Village, noting that the bare bones of such a plan exists in the Economic Sustainability Plan written several years ago. Energy efficiency, Wintrow said, is addressed through AMP's program; work with Tecumseh Land Trust is ongoing, and the Urban Service Boundary gives control to the Village for development outside of the Village limits. Wintrow stated that having a project manager to bring the "bare bones" into a coherent plan for the CBE is a necessity, and noted that this is a rare opportunity for the Village to invest in a

infrastructure project with a potentially significant return. Wintrow strongly stated her belief in the ability of the office park to succeed over time.

Wintrow noted that the new zoning code is aligned with Yellow Springs' values, and expressed that no business that does not have a high level of comfort with those values is likely to wish to locate at the CBE.

Simms stated that any comprehensive study of risk or return will take years. He asked that Council vote on the issue and move on.

MacQueen stated that regardless of whether or not Council funds the CBE, the socio economic issues have to be discussed.

Bristol stated that he can initiate the process enabling the project to proceed financially if directed to do so by Council. Bristol stated that he would need to bring in the Engineer to go over how to manage the administrative processes for a bid package for contractors prior to letting the bid package, which would closely follow legislation to fund the project. Bristol asked for a motion from Council.

Simms MOVED to authorize the Interim Village Manager to proceed to obtain a Bond package for the CBE project, and to begin work on a bid package. Housh SECONDED.

MacQueen asked for this at the second January meeting to allow time to look at the proposed plan for the CBE.

Simms stated that the plan is part of the package for which the Village received a grant.

Bristol concurred, stating that the Army Corps of Engineers, and the Ohio Department of Transportation have vetted the plan and approved it, and that it is not readily changeable at present.

Wintrow CALLED THE VOTE, and the MOTION PASSED 3-2, with MacQueen and Askeland voting against.

Council Rules and Procedures. Wintrow introduced the document, noting that the only significant changes occur on page three of the document. Askeland stated that she had inserted a sentence in the decorum section which states that individuals who interrupt or disrupt a meeting will be removed from that meeting, noting that this is by way of guaranteeing the right of every citizen to be heard in a public meeting.

Sue Abendroth commented that it is difficult to make a reasoned argument in three minutes, and asked Council consider this difficulty.

Wintrow responded that this issue will likely be brought forth at the Council retreat.

Wintrow MOVED that Council adopt the Rules and Procedures with the changes submitted by Askeland. Simms SECONDED, and the MOTION PASSED 5-0 ON A VOICE VOTE.

NEW BUSINESS

Scheduling and Topics for Council Retreat. Council agreed upon 5 potential dates in January, and asked the Clerk to bring available venues for consideration for those dates which are close by yet which offer some degree of privacy.

MacQueen read a list of suggestions for topics, and Housh added the topic of Council Boards and Commissions. The Clerk added these to the rolling list of topics for consideration.

Wintrow noted wanting to explore the idea of committees, and of looking at one monthly meeting as a work session format.

Wintrow commented that some of MacQueen's topics while important are policy-oriented, and as such might be better addressed in a regular Council meeting.

Wintrow noted that final decisions regarding the Retreat Agenda, venue and dates will be made at the January 6th meeting.

MANAGER’S REPORT

Bristol reported upon a recent misunderstanding regarding the use of lights at Gaunt Park by the Ultimate Frisbee group. He stated that he is working to tighten up the communication in this regard, and stated that staff will work to communicate more frequently regarding field usage. In the meantime, the group has relinquished their key, and will ask the police to turn on the lights from now on, as is done by other groups.

In response to an inquiry from Housh, Bristol stated that there is a delay in implementation of some aspects of the Safe Routes to School components, but noted that the entirety of the project is in the hands of ODOT, which is funding the project.

Bristol noted arrival of a letter from the Ohio Department of Agriculture regarding the improper application of Herbicide in Summer 2013, in which they chide the Village for improper application, and make note of potential fines, should the offence recur.

Bristol noted that he has a request in from a girl scout who would like to perform a cleanup on the old Village amphitheater.

CLERK’S REPORT

The Clerk noted a busy several weeks, and passed out the 2014 Meeting Schedule for all Boards and Commissions.

STANDING REPORTS

Council Rep.	Commission	Alternate
Marianne MacQueen	Environmental Commission	On Haitus
Lori Askeland	Planning/Bike Commission	Simms
Gerald Simms	Village Mediation Program	
Brian Housh	Human Relations Commission	MacQueen
Marianne MacQueen	Energy Board	Housh
Gerald Simms	Community Resources	MacQueen
Karen Wintrow	Economic Sustainability Commission	On Haitus
Gerald Simms	Library Commission	Housh
Lori Askeland	Planning Commission-Greene County	Wintrow
Brian Housh	Community Access Panel	Simms
Karen Wintrow	Chamber of Commerce	
Karen Wintrow	Miami Valley Regional Planning Com.	Askeland
Brian Housh	Public Art Commission	Wintrow

Housh reported that HRC has been very active, and that the deadline for proposals for the Rainbarrel Project is December 27th. He noted that CAP now has access to high speed internet and a new processor, which should speed up the process of getting meetings on line for viewers.

Askeland asked that improving the sound in Council chambers be a priority for 2014. Simms offered to take this on as a project. Bristol offered to ask the engineer from MVCC for input.

Housh noted that Public Arts Commission has begun preliminary conversation regarding upcoming meetings. Housh NOMINATED John Fleming to PAC. Simms SECONDED, and the MOTION PASSED 5-0 on a Voice Vote.

Wintrow noted that there has not been closure on the matter of public locations for the public art project. She asked Housh to follow up on the matter.

MacQueen reported the Energy Board met last week, and heard from Jim Hammond regarding the hotel slated for construction beginning in 2014 on the Barr property. Hammond informed the group of energy efficiencies he is undertaking regarding the structure. MacQueen noted that there was also some discussion regarding the Antioch solar farm. At their next meeting, the group will hear from a group that has developed an on-line system for energy monitoring. MacQueen said she has asked the group to consider involvement in sustainability efforts for any CBE construction.

McQueen stated that she is attempting to contact members of the Economic Sustainability Commission to see whether they can play a role in the CBE.

FUTURE AGENDA ITEMS

- Second Reading of Ordinance 2013-22 Alley Vacation
- Retreat Discussion
- Legislation to Issue Bonds for the CBE
- 2014 Goals
- Update on PD Matters: Chief Pettiford
- 2014 Budget Tentative Schedule
- Resolution 2014-01 Authorizing the Interim Village Manager to Enter into an Agreement with Management Partners for Consulting Services (Village Manager Search)
- Financial Aspects of Pool Process—Report
- Ordinance Returning Easement #5
- 2013-48 Authorizing the Village Manager to Solicit Bids for 2014 Gaunt Park Pool Management (1-21)
- RCAP-LJB Report (1-21)

In response to MacQueen’s request that Council consider the issue of sidewalks, Wintrow asked that Bristol and the Clerk bring information on upgrades and needed upgrades to a future meeting, noting that this is a matter for budget discussion.

EXECUTIVE SESSION

There was no Executive Session

ADJOURNMENT

At 9:52, Simms MOVED and Askeland SECONDED a MOTION TO ADJOURN. The MOTION PASSED 5-0 ON A VOICE VOTE.

Please note: These notes are not verbatim. A DVD copy of the minutes is available for viewing in the Clerk of Council’s office between 9 and 3 Monday through Friday.

Karen Wintrow, President

Attest: Judy Kintner, Clerk

ORDINANCE NO. 2013-28

**2013 SUPPLEMENTAL APPROPRIATIONS and DECLARING AN EMERGENCY
VILLAGE OF YELLOW SPRINGS, OHIO**

WHEREAS, Ordinance 2012-28 was adopted to make appropriations for current expenses and other expenditures of the Village of Yellow Springs, State of Ohio, during the fiscal year ending December 31, 2013, and

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

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

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

Section 1. To provide for expenses and other expenditures of the said Village of Yellow Springs during the fiscal year ending December 31, 2013 the following sums are hereby set aside and appropriated as follows:

Section 2. That there be appropriated from the **GENERAL FUND**:

		CURRENT BUDGET	AMENDMENT	AMENDED BUDGET
	Council Total	241,445		241,445
	<i>Personal Services</i>	105,945		105,945
	Mayor Total	55,186		55,186
	<i>Personal Services</i>	402,576		402,576
	Administration Total	367,577		367,577
	<i>Personal Services</i>	194,794		194,794
	Auditor	37,925		37,925
	Rental Property	30,060		30,060
	Library	5,500		5,500
	Cable	1,000		1,000
	Public Safety Total	1,296,078		1,296,078
	<i>Personal Services</i>	1,052,923		1,052,923
	Planning Total	189,924		189,924
	<i>Personal Services</i>	25,924		25,924
	Human Relations	10,500		10,500
	Mediation	6,200		6,200
	Transfers (to Police Pension, Streets)	1,252,033		1,252,033
	TOTAL GENERAL FUND APPROPRIATIONS	\$ 3,493,428	\$ -	\$ 3,493,428

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

201	Street Maintenance & Repair Total	\$ 763,133		\$ 763,133
	Streets	688,133		688,133
	<i>Personal Services</i>	180,681		180,681
	Northern Gateway	30,000		30,000
	ODOT - SRTS Grant	45,000		45,000
204	Parks and Recreation Fund Total	\$ 361,357		\$ 361,357
	Parks Total	52,643		52,643
	<i>Personal Services</i>	16,118		16,118
	Pool Total	103,120		103,120
	<i>Personal Services</i>	-		-
	Bryan Center Total	204,094	\$ 12,000	216,094
	<i>Personal Services</i>	76,057	\$ 12,000	88,057
	Bryan Youth Center Total	1,500	\$ 1,000	2,500
205	Economic Development Fund	\$ 40,363		\$ 40,363
210	Mayor's Court Computer Fund	\$ 4,000		\$ 4,000
212	Law Enforcement & Education Fund (LEEF)	\$ 2,680		\$ 2,680
213	Coat & Supply Fund	\$ 8,000		\$ 8,000
215	Furtherance of Justice Fund	\$ 79,216		\$ 79,216
903	Police Pension Fund Total	\$ 104,870		\$ 104,870
	TOTAL SPECIAL REVENUE FUND APPROPRIATIONS	\$ 1,363,619	\$ 13,000	\$ 1,363,619

Section 4. That there be appropriated from the **DEBT SERVICE FUNDS**:

401	Bryan Center Building Bond Retirement Fund	\$ 535,274		\$ 535,274
	TOTAL DEBT SERVICE FUND APPROPRIATIONS	\$ 535,274		\$ 535,274

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

302	Cable T. V. - Capital Fund	\$ 2,500		\$ 2,500
306	Parks & Recreation Improvement Fund	\$ 35,000		\$ 35,000
307	Facilities Improvement Fund	\$ 428,500	\$ (223,913)	\$ 204,587
308	Capital Equipment Fund	\$ 65,000		\$ 65,000
TOTAL CAPITAL PROJECT FUND APPROPRIATIONS		\$ 531,000	\$ (223,913)	\$ 307,087

Section 6. That there be appropriated from the **ENTERPRISE FUNDS:**

601	Electric Fund Total	\$ 3,781,113	\$ -	\$ 3,781,113
	<i>Personal Services</i>	446,528	\$ -	446,528
610	Water Fund Total	\$ 1,696,631	\$ (978,000)	\$ 718,631
	Water Distribution Total	1,437,335	\$ (978,000)	459,335
	<i>Personal Services</i>	258,379	\$ -	258,379
	Water Treatment Total	257,546		257,546
	<i>Personal Services</i>	123,546		123,546
620	Sewer Fund Total	\$ 1,087,740	\$ -	\$ 1,087,740
	Sewer Collection	511,528		511,528
	<i>Personal Services</i>	198,069	\$ -	198,069
	Sewer Treatment	574,462		574,462
	<i>Personal Services</i>	121,356		121,356
630	Solid Waste Fund	\$ 225,020	\$ 70,000	\$ 295,020
TOTAL ENTERPRISE FUND APPROPRIATIONS		\$ 6,790,504	\$ (908,000)	\$ 5,882,504

Section 7. That the appropriation from the Total Fund Budget is as follows:

GRAND TOTAL APPROPRIATIONS ALL FUNDS	\$ 12,713,825	\$ (1,118,913)	\$ 11,594,912
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Section 8. The Finance Director and the Village Manager are hereby authorized to draw warrants on the Village Treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by an ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with such ordinance.

Section 9. This ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble hereto, and shall take effect immediately upon passage.

Karen Wintrow, President

Passed: 11-18-2013

Attest:

Judy Kintner, Clerk of Council

ROLL CALL:

Karen Wintrow Y
Lori Askeland Y
Gerald Simms Y
Brian Housh Y
Marianne MacQueen Y

PARKS & RECREATION FUND:				
BRYAN CENTER:	Personal Services	\$	12,000	Need additional appropriations to cover wages anticipated for the remainder of the year
BRYAN YOUTH PROGRAMS:	Special Event	\$	1,000	Appropriate donation to Youth Programs
FACILITIES IMPROVEMENT FUND	Public Works	\$	(223,913)	reduce appropriation levels of fund to amount anticipated to be received for the year - transfer in amount
WATER FUND:				
WATER DISTRIBUTION:	Public Works	\$	<u>(978,000)</u>	reduce appropriation levels of fund to reflect not receiving OPWC funding in FY2013 as originally anticipated.
	TOTAL WATER FUND	\$	(978,000)	
SOLID WASTE:				
SOLID WASTE COLLECTION:	Solid Waste (Rumke)	\$	<u>70,000</u>	additional funding needed to pay 2013 trash hauling invoices - should be able to cover with CY receipts & balanc
		\$	<u>(1,118,913)</u>	

**VILLAGE OF YELLOW SPRINGS
ORDINANCE 2013-22**

**AN ORDINANCE VACATING THE ALLEY LOCATED WEST OF LIVERMORE STREET
BETWEEN E. SOUTH COLLEGE STREET AND MARSHALL STREET**

WHEREAS, pursuant to Ohio Revised Code Section 723.05 the Village Council has determined that there is good cause for vacating an alley located west of Livermore Street between E. South College Street and Marshall Street, as depicted on Attachment "A" ("Alley"), and that such vacation will not be detrimental to the general interest; and

WHEREAS, pursuant to Yellow Springs Ordinance 1224.02, the Yellow Springs Planning Commission gave notice of a public hearing regarding vacation of this Alley, ten (10) days in advance, in the local newspaper. All abutting property owners to the right-of-way in question were notified of the public hearing by mail; and

WHEREAS, at the public hearing on this matter no abutting property owners appeared to oppose the vacation and the Yellow Spring Planning Commission has recommended vacation of this Alley to the Council of the Village of Yellow Springs.

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

Section 1. The Council of the Village of Yellow Springs hereby accepts the recommendation of Planning Commission and finds there is good cause for vacation of the Alley and said vacation is not detrimental to the general interest of the public.

Section 2. The Village hereby retains a utility easement, including but not limited to: electric, storm sewer, sanitary sewer, water line, cable line and gas line. Said easement is attached hereto and incorporated herein as Attachment "B".

Section 3. The Council hereby orders the Alley be vacated.

Section 4. This Ordinance shall go into effect at the earliest period allowed by law.

Karen Wintrow, Council President

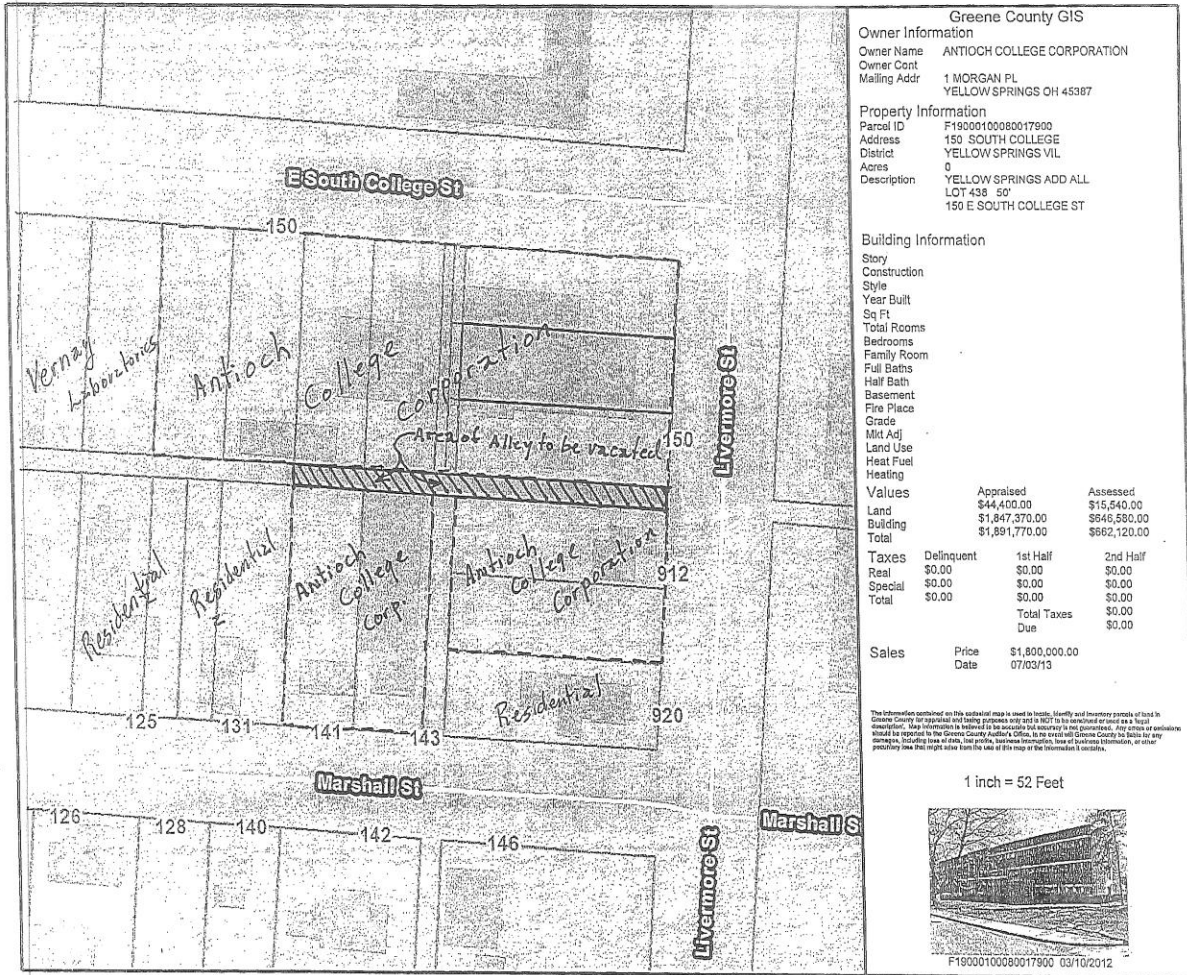
ATTEST:

Judith O. Kintner, Clerk of Council

Roll Call:

Wintrow ____ Askeland ____ Simms ____ MacQueen ____ Housh _____

The Alley



Greene County GIS
Owner Information
 Owner Name ANTIPOCH COLLEGE CORPORATION
 Owner Cont
 Mailing Addr 1 MORGAN PL
 YELLOW SPRINGS OH 45387

Property Information
 Parcel ID F19000100080017900
 Address 150 SOUTH COLLEGE
 District YELLOW SPRINGS VIL
 Acres 0
 Description YELLOW SPRINGS ADD ALL
 LOT 438 50'
 150 E SOUTH COLLEGE ST

Building Information

Story
 Construction
 Style
 Year Built
 Sq Ft
 Total Rooms
 Bedrooms
 Family Room
 Full Baths
 Half Bath
 Basement
 Fire Place
 Grade
 Mnt Adj
 Land Use
 Heat Fuel
 Heating

Values	Appraised	Assessed
Land	\$44,400.00	\$15,540.00
Building	\$1,847,370.00	\$646,580.00
Total	\$1,891,770.00	\$662,120.00

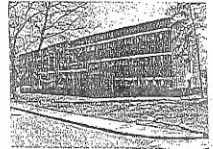
Taxes	Delinquent	1st Half	2nd Half
Real	\$0.00	\$0.00	\$0.00
Special	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00
		Total Taxes	\$0.00
		Due	\$0.00

Sales

Price	\$1,800,000.00
Date	07/03/13

The information contained on this plat map is used to locate, identify and inventory parcels of land in Greene County for appraisal and taxing purposes only and is not to be construed or used as a legal description. Any information is believed to be accurate but should not be depended upon without a legal description. It should be reported to the Greene County Auditor's Office. It is the user's responsibility to check for any changes, including lots of sale, lot profiles, business transactions, loss of business transactions, or other proceedings that might cause them the use of this map or the information it contains.

1 inch = 52 Feet



F19000100080017900 03/10/2012

UTILITY AND ACCESS EASEMENT AGREEMENT

THIS UTILITY AND ACCESS EASEMENT AGREEMENT (“Agreement”) is made this ____ day of January, 2014, by **ANTIOCH COLLEGE CORPORATION**, an Ohio nonprofit corporation (“Grantor”) and **THE VILLAGE OF YELLOW SPRINGS, OHIO**, an Ohio municipal corporation (“Grantee”), under the following circumstances:

WHEREAS, Ordinance No. 2013-22, which was recorded at official records Book _____, Page _____, of the official Greene County Records (“Vacation Legislation”), vacated the alley located in the Village of Yellow Springs, Ohio, as more particularly described on Exhibit A, attached hereto and incorporated herein (“Alley”);

WHEREAS, pursuant to the Vacation Legislation, Grantor owns the Alley;

WHEREAS, the Village owns and/or operates certain public utilities for the benefit of the public; and

WHEREAS, Grantor desires to grant to Grantee permanent utility and access easements over, into, upon, and under the Alley as depicted on Exhibit A (the “Easement Area”).

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

1. Grant of Easements.

a. Utility Easement. Grantor hereby grants to Grantee, its successors and assigns forever, for the benefit of Grantee, and for the public at large, a permanent, non-exclusive easement over, into, upon, and under the Easement Area, for the installation, construction, maintenance, repair, replacement, operation and use of utilities, including electrical lines and any related aerial wires, transformers, equipment or appurtenances in the Easement Area (the “Utility Easement”).

b. Access Easement. Grantor hereby grants to Grantee, its successors and assigns forever, for the benefit of Grantee, a permanent, non-exclusive easement over and upon the Easement Area as is necessary to permit ingress, egress and access by Grantee, to and from the Easement Area for purposes of construction, maintenance, repair and replacement of utilities, facilitating the use of the Utility Easement by Grantee (the “Access Easement”) (the Access Easement and Utility Easement are collectively referred to herein as the “Easements”).

c. Minimizing Impact. Construction, maintenance, repair or replacement of utilities in the Easement Area shall be done in such a manner so as to reasonably minimize the impact on the Alley. After construction, maintenance, repair or replacement of any utilities in the Easement Area, Grantee shall return the Easement Area as nearly as reasonably possible to its natural level.

d. Public Dedication. Grantee may assign or grant the Easements (in whole or in part) and other rights conveyed hereby to one or more public utility companies or governmental authorities for use as a part of a private or public system. Construction of any improvements within the Easement Area shall be to Village standards.

2. Use. Grantee shall not permit the Easements to be used for purposes inconsistent with any local, state or federal laws or regulations or for purposes other than those set forth in this Agreement.

3. Reservation. Grantor reserves for itself, its successors and assigns forever, the right to use the Easement Area in any manner not inconsistent with the rights conveyed in this Agreement; provided, however, that no buildings or other structures shall be constructed or vegetation permitted within the Easement Area which interfere with the use of such area for the purposes permitted hereby.

4. Maintenance. Grantee shall maintain and repair their respective utility improvements or facilities, including any electrical lines and any related aerial wires and transformers constructed or installed by Grantee in the Easement Area.

5. Covenants Run with the Land. All covenants, agreements and conditions contained in this Agreement shall be considered as running with the land.

6. Miscellaneous. This Agreement shall be construed in accordance with the laws of the State of Ohio. If any term or provision of this Agreement shall, to any extent, become or be held to be invalid or unenforceable, the remaining terms and provisions shall be unaffected and shall be valid and enforceable in accordance with their terms. No waiver or breach of a covenant or provision in this Agreement shall be deemed a waiver of any other covenant or provision in this Agreement, and no waiver shall be valid unless in writing and executed by the waiving party. No amendment to this Agreement shall be valid or enforceable until has been executed by the parties hereto and recorded with the Greene County, Ohio Recorder's office. This Agreement represents the complete agreement of the parties and any modification or amendment hereto shall be valid only if in writing and signed by all parties hereto. This Agreement shall be binding on the parties hereto and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and date first above written.

GRANTOR:

ANTIOCH COLLEGE CORPORATION

By: _____

Name: _____

Title: _____

STATE OF OHIO, COUNTY OF _____, SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by _____, the _____ of Antioch College Corporation, an Ohio nonprofit corporation, on behalf of said nonprofit corporation.

Notary Public

GRANTEE:

VILLAGE OF YELLOW SPRINGS, OHIO

By: _____

Name: _____

Title: _____

STATE OF OHIO, COUNTY OF Greene _____, SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by _____, the _____ of the Village of Yellow Springs, Ohio, an Ohio municipal corporation, on behalf of said municipal corporation.

Notary Public

This instrument prepared by:
W. Chip Herin III, Esq.
Coolidge Wall Co., L.P.A.

VILLAGE OF YELLOW SPRINGS, OHIO

ORDINANCE 2014-01

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS OF THE VILLAGE OF YELLOW SPRINGS, OHIO, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$995,000, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF ACQUIRING AND CONSTRUCTING CERTAIN PERMANENT INFRASTRUCTURE AND ROADWAY IMPROVEMENTS IN THE VILLAGE, TOGETHER WITH NECESSARY APPURTENANCES THERETO, AND AUTHORIZING A BOND REGISTRAR AGREEMENT AND A BOND PURCHASE AGREEMENT.

WHEREAS, this Council by Resolution No. 2006-15, passed April 3, 2006, authorized the Village Manager to participate with the Department of the Army, Corps of Engineers (“USACE”), in the design and construction of the Center for Business and Education water and sewer infrastructure improvements, which project is located on the northwest corner of the intersection of Dayton-Yellow Springs Road and East Enon Road, in the Village and the County of Greene, Ohio; and

WHEREAS, the Village Manager has executed an Agreement with USACE for Design and Construction Assistance for the Yellow Springs Center for Business and Education, Water and Sewer Project, effective May 14, 2007 (the “USACE Agreement”); and

WHEREAS, in addition to the design and construction of certain water and sewer improvements addressed in the USACE Agreement, the Village hereby determines to proceed with the acquisition, construction, improvement and installation of further permanent public infrastructure and roadway improvements described herein as part of the Center for Business and Education Project; and

WHEREAS, this Council finds and determines that it is in the best interest of the Village to issue general obligation bonds in accordance with Chapter 133 of the Ohio Revised Code in the maximum aggregate principal amount of \$995,000 (the “Bonds”) for the purpose of paying a portion of the costs of acquiring and constructing certain permanent infrastructure and roadway improvements, including the acquisition, construction, improvement and installation of Gateway Drive (accessing Dayton-Yellow Springs Road and proceeding to a terminus) and University Way (intersecting Gateway Drive) as depicted as Phase I on the schematic plan dated May 1, 2013, provided by Heintz Engineering, LLC (the “Schematic Plan”), and sanitary sewer system improvements, waterworks system improvements, storm water management, curbs and gutters, pavement, and traffic control devices in connection therewith, together with the necessary appurtenances therefor and construction and project management (the “Improvements”), and to pay capitalized interest on the Bonds and costs of issuance of the Bonds; and

WHEREAS, the Schematic Plan is attached hereto as Exhibit A and by this reference is made a part hereof; and

WHEREAS, this Council has requested that the Village Manager certify the estimated life or period of probable usefulness of the Improvements and the maximum maturity of the Bonds described in Section 2, as prescribed in Chapter 133 of the Ohio Revised Code and the Charter of Yellow Springs, Ohio (the “*Charter*”), with such certifications as required thereby, including the Section 46 certification of Heintz Engineering, LLC; and

WHEREAS, in accordance with the foregoing, the Village Manager has certified to this Council that the estimated life or period of usefulness of the Improvements described in Section 2 is at least five (5) years, and that the maximum maturity of the Bonds is at least twenty (20) years;

NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY ORDAINS, as follows:

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“*Authorized Denominations*” means \$5,000 and integral \$5,000 multiples thereof.

“*Bond Proceedings*” means, collectively, this Ordinance, the Certificate of Award, the Purchase Agreement, the Registrar Agreement, and such other proceedings of the Village, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

“*Bond Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 5.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State of Ohio, as designated by the Village Manager in the Certificate of Award and determined to be in the best financial interest of the Village, as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds and until appointment of a successor Bond Registrar and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bonds*” means, collectively, the Serial Bonds and the Term Bonds, each as designated in the Certificate of Award.

“*Certificate of Award*” means the certificate authorized by Section 6, to be executed by the Village Manager, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*Clerk of Council*” means the person at the time performing the duties of the Clerk of the Council, and appointed to that position by Council pursuant to Section 16 of the Charter.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“*Code*” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a section of the Code includes any applicable successor section or provision and such applicable regulations, rulings, announcements, notices, procedures and determinations pertinent to that section.

“*Council*” means the Council of the Village.

“*Financing Costs*” shall have the meaning given in Section 133.01 of the Ohio Revised Code.

“*Interest Payment Dates*” means June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award, or such other dates as may be designated in the Certificate of Award.

“*Mandatory Redemption Date*” shall have the meaning set forth in Section 3(b).

“*Mandatory Sinking Fund Redemption Requirements*” shall have the meaning set forth in Section 3(e)(i).

“*Mayor*” means the person elected and at the time performing the duties of the Mayor of the Village as provided in Section 29 of the Charter.

“*Original Purchaser*” means the purchaser of the Bonds specified in the Certificate of Award.

“*Principal Payment Dates*” means December 1 in each of the years from and including 2015 to and including 2034; *provided* that the first Principal Payment Date may be advanced up to one year and the last Principal Payment Date may be advanced or deferred by such number of years as determined by the Village Manager in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the Village; *provided, further*, that in no case shall the final Principal Payment Date of the Bonds exceed the maximum maturity limitation referred to in the preambles hereto.

“*President of Council*” means the person at the time performing the duties of the President of the Council, and elected to that position by Council pursuant to Section 15 of the Charter.

“*Purchase Agreement*” means the Bond Purchase Agreement between the Village and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the Village Manager in accordance with Section 6.

“*Registrar Agreement*” means the Bond Registrar Agreement between the Village and the Bond Registrar, as it may be modified from the form on file with the Clerk of Council and executed by the Village Manager in accordance with Section 4.

“*Regulations*” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“*Serial Bonds*” means those Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest and payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“*Solicitor*” means the person at the time performing the duties of legal advisor to, attorney and counsel for, the Village, and appointed to that position by Council pursuant to Section 79 of the Charter.

“*Term Bonds*” means those Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

“*Treasurer*” means the person at the time performing the duties of the Village Treasurer, and appointed to that position by Council pursuant to Section 34 of the Charter.

“*Village Manager*” means the person at the time performing the duties of the Village Manager under Article IV of the Charter, and appointed to that position by Council pursuant to Section 30 of the Charter. The Village Manager may be, and includes, an interim Village Manager, appointed to that position by Council pursuant to Section 30 of the Charter.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the Village to issue bonds of this Village in the maximum aggregate principal amount of \$995,000 (the “*Bonds*”), for the purpose of paying a portion of the costs of acquiring and constructing certain permanent infrastructure and roadway improvements, including the Improvements described in the preambles hereto and to pay capitalized interest on the Bonds together with other permissible costs under the Uniform Public Securities Law, particularly Chapter 133 of the Ohio Revised Code. The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter, this Ordinance and the Certificate of Award.

The aggregate principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Village Manager in the Certificate of Award to be the principal amount of the Bonds that is required to be

issued at this time for the purpose stated in Section 2, taking into account the costs of the Improvement, the estimates of the financing Costs and the interest rates on the Bonds.

The proceeds from the sale of the Bonds received by the Village (or withheld by the Original Purchaser on behalf of the Village) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation, the payment of the costs of issuing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, and all other financing costs (as defined in Section 133.01 of the Ohio Revised Code) and costs incurred incidental to those purposes. The Certificate of Award and the Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the Village. Any portion of those proceeds received by the Village representing premium (after payment of any Financing Costs identified in the Certificate of Award) and/or accrued interest shall be paid into the Bond Retirement Fund.

The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds is authorized and approved, and the Village Manager is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available, and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360 day year consisting of twelve 30-day months), as shall be determined by the Village Manager, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature or be payable subject to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Village Manager in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the Village.

Consistent with the foregoing, and in accordance with the determination of the best interest of and financial advantages to the Village, the Village Manager shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature and the

principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a “*Mandatory Redemption Date*”) and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds and the principal amount of Bonds maturing on each Principal Payment Date, shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year. The net interest rate for the Bonds determined by taking into account the respective principal amounts of the Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Bonds shall not exceed 6.00% per year.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated corporate trust office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person’s address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Village Manager, in the name and on behalf of the Village, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the “*Mandatory Sinking Fund Redemption Requirements*”).

The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Mandatory Redemption Date the principal amount of Term Bonds payable on that Mandatory Redemption Date pursuant to the

Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter provided).

The Village shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the Village, as specified by the Village Manager, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. That option shall be exercised by the Village on or before the 15th day preceding any Mandatory Redemption Date with respect to which the Village wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Village Manager, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Village Manager, also shall be received by the Village for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations), as specified by the Village Manager, for Term Bonds stated to mature on the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the Village, in whole or in part in integral multiples of \$5,000, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Village Manager in the Certificate of Award; *provided* that the redemption price for any optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same

maturity (and interest rate within a maturity if applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Village Manager to the Bond Registrar, given upon the direction of the Village by passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the Village. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the Village by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be

sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Sections 3(d) and 5, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds; *provided* that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the Village to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the President of Council and by the Village Manager, in the name of the Village and in their official capacities; *provided* that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Village Manager, shall be numbered from 1 upwards as determined by the Village Manager in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter, this Ordinance and the Certificate of Award.

The Village Manager is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar. The Village Manager shall sign and deliver, in the name and on behalf of the Village, the Registrar Agreement between the Village and the Bond Registrar, in substantially the form as is now on file with the Clerk of Council. The Registrar Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the Village and that are approved by the Village Manager on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Registrar Agreement or amendments thereto. The Village Manager shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Village Manager on behalf of the Village. The same person need not sign the certificate of authentication on all of the Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Bonds remain outstanding, the Village will cause the Bond Registrar to maintain and keep the Bond Register at its office. Subject to the provisions of Section 3(d), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the Village nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the Village's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the Village are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the Village. In all cases of Bonds exchanged or transferred, the Village shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the Village and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The Village or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the Village, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the Village nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of

Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Village Manager determines in the Certificate of Award that it is in the best interest of and financially advantageous to the Village, the Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository or its designated agent for that purpose, which may be the Bond Registrar; (ii) the beneficial owners of Bonds in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Village.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Village Manager may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Village Manager does not or is unable to do so, the Village Manager, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assignees of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of the Village action or inaction, of those persons requesting such issuance.

The Village Manager is hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the Village, that the Village Manager determines to be necessary in connection with a book entry system for the Bonds.

Section 6. Sale of the Bonds. The Village Manager is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Village Manager in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Village Manager with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance and the Purchase Agreement. The Village Manager is authorized, if it is determined to be in the best interest of the Village, to combine the issue of Bonds with one or more other bond issues of the Village into a consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the terms of this Ordinance.

The Village Manager shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The Village Manager shall sign and deliver, in the name and on behalf of the Village, the Purchase Agreement between the Village and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the Village and that are approved by the Village Manager on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

Each of the Mayor, the President of Council, the Village Manager, the Treasurer, the Finance Director, the Solicitor, the Clerk of Council and other Village officials, as appropriate, is authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 7. Provisions for Tax Levy. There shall be levied on all the taxable property in the Village, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund of the Village, which is irrevocably pledged for the payment of the debt charges on the Bonds when and as the same fall due.

In each year to the extent money from the municipal income tax is available for the payment of the debt charges on the Bonds and is appropriated for that purpose, and to the extent not paid from other lawfully available municipal funds, the amount of the tax shall be reduced by the amount of such money so available and appropriated with the covenant hereinafter set forth. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefore under the Constitution and the laws of the State of Ohio, and the Charter of the Village; and the Village hereby covenants, subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such annual debt charges.

Nothing in the preceding paragraph in any way diminishes the irrevocable pledge of the full faith and credit and general property taxing power of the Village to the prompt payment of the debt charges on the Bonds.

Section 8. Federal Tax Considerations. The Village covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under Section 57 of the Code.

The Village further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Village Manager or any other officer of the Village having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the Village with respect to the Bonds as the Village is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Village, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the Village, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the Village regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds. The Village Manager or any other officer of the Village having responsibility for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Section 9. Bond Counsel; Financing Costs. The legal services of the law firm of Squire Sanders (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client

relationship, that firm shall not exercise any administrative discretion on behalf of this Village in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this Village, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Village Manager is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the Purchase Agreement, is authorized and approved, and the Village Manager is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 10. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to promptly deliver a certified copy of this Ordinance and a copy of the Certificate of Award to the County Auditor of Greene County, Ohio.

Section 11. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the Village or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the Village have been done or performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 7) of the Village are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter, this Ordinance and the Certificate of Award.

Section 12. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

Section 13. Effective Date. This Ordinance shall be in full force and effect thirty days after the date of its passage.

FIRST READING: _____
SECOND READING: _____
THIRD READING: _____

Passed: _____, 2014

Karen Wintrow, President of Council

Attest:

Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow _____
Lori Askeland _____
Gerald Simms _____
Brian Housh _____
Marianne MacQueen _____

CERTIFICATE

The undersigned Clerk of Council of the Village of Yellow Springs, Ohio, hereby certifies that the foregoing is a true copy of Ordinance No. 2014-_01__ passed by the Council of the Village on _____, 2014, with the concurrence of a majority of a quorum of Council. The undersigned further certifies that on _____, 2014, she filed a certified copy of the foregoing Ordinance with the County Auditor of Greene County, Ohio.

Clerk of Council

RECEIPT OF GREENE COUNTY AUDITOR

Received this _____ day of _____, 2014, a certified copy of the foregoing Ordinance No. 2014-01 of the Council of the Village of Yellow Springs, Ohio, authorizing the issuance of general obligation (limited tax) bonds, in the maximum principal amount of \$995,000.

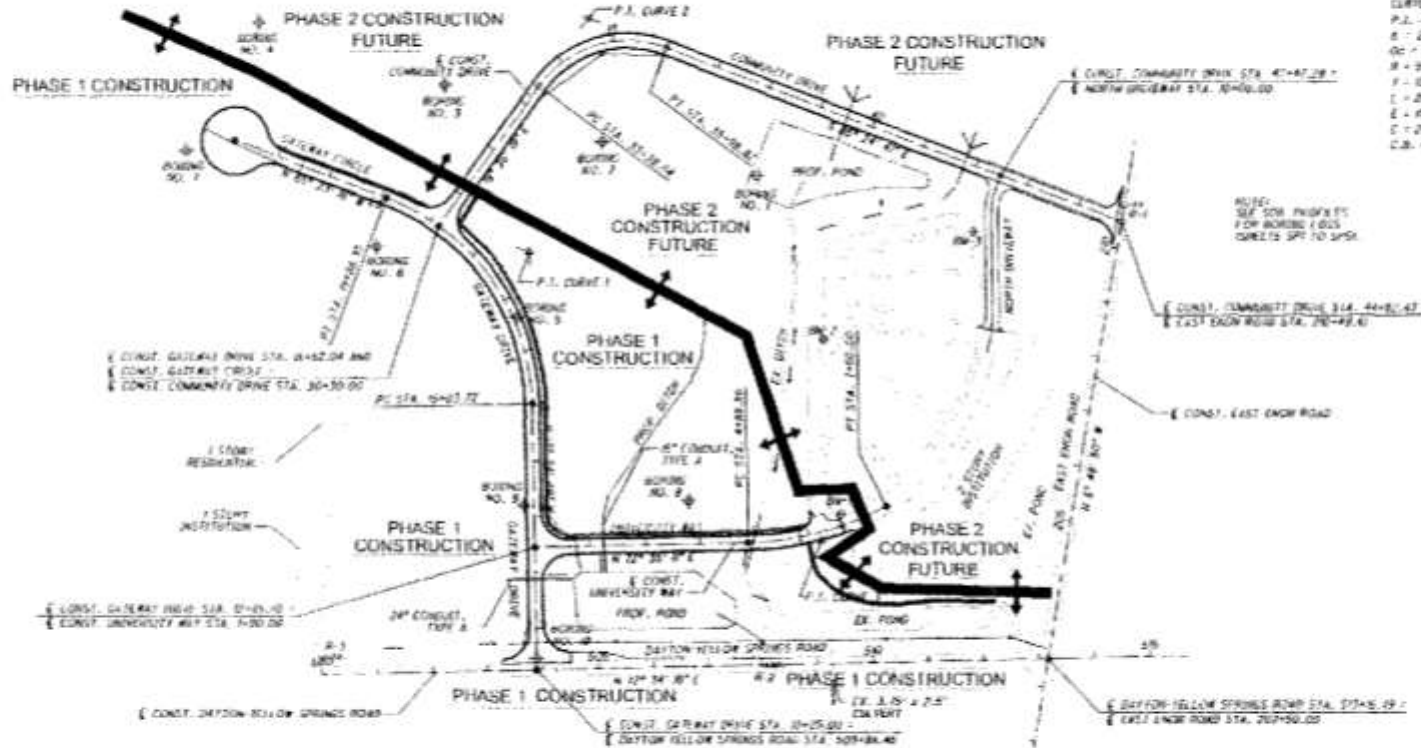
Greene County Auditor

NUMBER	DESCRIPTION	BEARING	DISTANCE	ELEVATION	CENTRAL ANGLE	STATION	OFFSET
PM-1	LOT SQUARE IN LIGHT POLE BASE	889.824 4250	1,572.381 3240	1032.437	UNIVERSITY WAY	4+87.60	27.2154
PM-2	LOT SQUARE IN LIGHT POLE BASE	882.027 3340	1,572.430 3240	1032.437	COMMUNITY DRIVE	42+51.58	287.2530
PM-3	LOT SQUARE IN LIGHT POLE BASE	880.798 3440	1,572.430 3240	1032.437	COMMUNITY DRIVE	42+51.58	287.2530

NUMBER	DESCRIPTION	BEARING	DISTANCE	ELEVATION	CENTRAL ANGLE	STATION	OFFSET
B-1	IRON PIV POINT	020.334 0200	1,572.381 3240	1032.437	EAST ENON ROAD	20+79.42	0.0000
B-2	WAGON WHEEL POINT	020.334 0200	1,572.430 3240	1032.437	DAYTON YELLOW SPRINGS ROAD	20+79.42	0.0000
B-3	IRON PIV POINT	020.334 0200	1,572.430 3240	1032.437	DAYTON YELLOW SPRINGS ROAD	20+79.42	0.0000

P.I. = 514.17+24.42
 A = 87° 58' 29" E 7'
 Dc = 47' 00" 31"
 B = 408.00
 T = 215.74
 L = 465.23
 E = 84.27
 C = 457.77
 C.B. = N 57° 24' 02" W

P.I. = 514.24+91.57
 B = 75° 02' 06" E 10'
 Dc = 38' 58" 14"
 B = 398.00
 T = 151.53
 L = 258.38
 E = 51.57
 C = 249.22
 C.B. = N 82° 05' 00" E



PROJECT CONTROL
 STATE PLANE GRID: SOUTH ZONE, NAD 83/2011, NAD83
 PROJECT ADJUSTMENT FACTOR: 1.0000000002

PARALLEL BUA TYPICAL
 12" RETIULIKE PATH

Michael J. Heintz, P.E., P.L.
 231 Sandspur Place
 Dayton, Ohio 45326
 PH: 937-710-3310
 mh@heintzengr.com

HEINTZ ENGINEERING, LLC

VILLAGE OF YELLOW SPRINGS
 GATEWAY DEVELOPMENT

SCHEMATIC PLAN
 May 1, 2013
 1" = 200'

This depicts the Center for Business & Education infrastructure project on the NW corner of the Dayton-Yellow Springs Road and East Enon Road.

VILLAGE OF YELLOW SPRINGS, OHIO

Resolution #2014-02

ADOPTING RULES AND PROCEDURES FOR COUNCIL

WHEREAS, the Charter for the Village of Yellow Springs, Ohio, calls for Council to adopt rules and procedures governing its meetings,

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

Section 1. The attached rules and procedures are adopted.

Section 2. These rules and procedures shall take effect at the earliest date permitted by law.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll Call:

Wintrow _____ Askeland _____ Simms _____

Housh _____ MacQueen _____

January 6, 2014

**VILLAGE OF YELLOW SPRINGS COUNCIL
RULES AND PROCEDURES**

Ethics

Council Members shall act with honesty and uphold the highest ethical standards so that public confidence and trust in the integrity, objectivity, and impartiality of government are conserved and enhanced. Each member of Council, the Village Manager and Clerk of Council shall become familiar and comply with the most current version of the Ohio Ethics Laws (O.R.C. Ch. 102 which are summarized in Attachment 1) and Related Statutes (O.R.C. Ch. 2921 which are summarized in Attachment 2,) specifically, as they apply to elected officials and public employees of Villages. The President of Council will ensure that each Council member receives a copy of the Ohio Ethics Laws and Related Statutes upon his or her election or appointment. Any Council member or Employee who believes that he/she may have a conflict of interest with a pending issue should seek the advice of the Village Solicitor or Ohio Ethics Commission prior to entering into any discussion or voting on that issue.

Meetings

All meetings of Council shall be properly advertised and, with the exception of executive sessions (see below), shall be open to the public--whether they are regularly scheduled meetings, special meetings, or emergency meetings. Three (3) Council members constitute a quorum, which is required to hold any meeting.

Regularly Scheduled Council Meetings will convene at 7:00 p.m. on the first and third Mondays monthly, (except when Monday is a recognized holiday, in which case the meeting will be held on Tuesday of that week) in Council Chambers (unless otherwise advertised) located on the second floor of the John Bryan Community Center. The Clerk of Council will present a meeting schedule for the coming year at a regular Council meeting by December of the preceding year. Additionally, notice specifying time, place and agenda shall be published the week prior to the regularly scheduled meeting in a local newspaper of general circulation. Council will endeavor to conclude the regular meeting by 10:00 p.m.

Special Meetings may be called by the President of Council, by two Council members, or by an affirmative vote of the majority of Council taken at any regular or special meeting, to conduct non-emergency Council business which should be addressed before the next regularly scheduled meeting. All news media outlets which have requested such notification will receive 24 hours minimum advanced notification of any Special Meeting with, time, place and purpose of the meeting being stated. No other matters may be put to a vote after notice is given.

Emergency Meetings may be called by the President of Council to address issues that are time-sensitive and must be addressed immediately. All such meetings shall comply fully with the requirements of Ordinance 2009-20 which is summarized in Attachment 3.

Emergency Meeting notices will be displayed in the first floor lobby of the John Bryan Community Center and at the Yellow Springs Public Library within the same time period that news media notification is made.

All Council members will be notified of the time, place and purpose of each Special Meeting or Emergency Meeting. The President of Council, Village Manager and Clerk of Council may jointly coordinate the notification of Council members.

The Clerk of Council shall be responsible for ensuring that advance notification of all

meetings is accomplished and notices are displayed as described above.

Executive Sessions may be called at any meeting, on affirmative vote of the majority of Council members present to deal with matters relating to personnel, real estate, litigation and other such matters as permitted by the laws of the State of Ohio. (Charter, Section 14, which is summarized in Attachment 4, and Chapter 121.22 of the ORC: <http://codes.ohio.gov/orc/121.22>).

Additionally, state law permits the following reasons to hold executive sessions:

1. Preparing for, conducting, or reviewing collective bargaining strategy.
2. Matters required to be kept confidential by federal law, federal rules, or state statutes.
3. Specialized details of security arrangements in which disclosure of the information to be discussed in executive session might reveal information that could be used to commit, or avoid prosecution for, a violation of the law.

Council may invite such persons to Executive Session as may be required for advice and information.

Meeting Agenda & Materials

The Clerk of Council shall work with the President of Council and Village Manager in constructing the agenda for each Council meeting. Items to be considered for the agenda will be accepted until 10:00 a.m. on the Monday prior to the next scheduled meeting.

The Clerk of Council shall cause to be placed into the possession of each member of Council and the Village Manager, seventy-two (72) hours in advance of the regular meeting, a packet containing copies of the agenda, minutes of the previous meeting, proposed/pending legislation, reports and communications. Meeting packets can be distributed electronically or in print as requested by each Council member. The same information will be placed in the John Bryan Community Center lobby and the Yellow Springs Public Library as well as linked to the Village of Yellow Springs website www.yso.com, in advance of a regularly scheduled meeting.

The Clerk of Council will work with the Village Manager to provide comprehensive reports and other information as deemed appropriate to Council members by the most efficient means possible as soon as those items become available. When time allows, those materials will be added to the information available to the public. Meeting materials will also be available on a table outside Council Chambers the day of the meeting.

Meeting Minutes

The Clerk of Council will prepare and maintain full and accurate minutes of all meetings. These minutes shall provide sufficient facts and information to permit an understanding of the rationale behind Council decisions.

Order of Business

1. Call to Order
2. Roll Call
3. Announcements
4. Review of Minutes
5. Review of Agenda
6. Review Petitions/Communications
7. Public Hearings/Legislation
8. Hear Citizens' Concerns
9. Hear Special Reports
10. Discuss Old Business
11. Discuss New Business

12. Hear Standing Reports Second Monday only
13. Hear Manager's Report
14. Hear Clerk's report
15. Agenda Planning
16. Executive Session (If Required)
17. Adjournment

Council may decide during the Agenda Review at the beginning of the meeting to vary from this order as needed.

Recess

The presiding officer may call for a seven (7) minute recess, for the convenience of the Council and citizen participants at his or her discretion, or at the request of another Council person or staff participant, especially when a regular meeting extends beyond two and one half hours and is expected to continue for more than one half (1/2) hour. The meeting will reconvene promptly after seven (7) minutes.

Decorum

While the Council is in session, order and decorum must be preserved. Therefore Council members and citizen participants shall observe rules for debate and participation outlined below, and shall not, by conversation or other means delay or interrupt the proceedings or disturb duly recognized speakers. Council will endeavor to communicate council rules during meetings, but persons who ignore or violate Council rules or refuse to follow the orders of the presiding officer may be asked to leave the premises.

Rules of Debate

Council meetings will be conducted using [Robert's](#) Rules of Order, which are summarized in Attachment 5, as a general guideline. The President, Vice President or other member of the Council who may be presiding, shall not be deprived of any rights and privileges of a Council member (move, second and debate, etc.) by reason of acting as the presiding officer.

Council members shall wait until the Chair has recognized them before speaking. A member, once recognized, shall not be interrupted except under the general guidelines of Parliamentary debate.

Decorum

While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council or disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.

Citizen Participation

Village Council, in convening its meetings, shall provide for, encourage and assist the participation of the public. Procedures for public participation are intended to promote dialog, the full sharing of information and perspectives, and thoughtful analysis of the issues before Council.

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

1. The presiding officer must recognize citizens wishing to speak. When they have been recognized, they shall go to the microphone, give their name, and state the subject of their concern or comment.
2. Comments shall be addressed to the presiding officer. No conversations will be carried on between individual citizens in attendance or with individual Council members, except as recognized by the presiding officer.
3. The use of profane or threatening language or gestures while making comments will not be tolerated.
4. Individual comments should be limited to three (3) minutes with only one (1) comment per person. Persons with other views on the same subject will be given equal time for response. The presiding officer may terminate continued discussion at any point in the discussion after opposing views have been equally addressed.
5. A Sign-In sheet will be made available outside Council Chambers. Please write your name and the topic you wish to discuss.
6. Citizens should address all staff and/or personnel matters to the Village Manager prior to coming to Council.

Public Hearings

The second reading of each proposed ordinance is designated a Public Hearing, **the official opportunity for citizens to be heard**. Citizens are encouraged to comment and make inquiries as to the nature or impact of the ordinance or offer their approval if that is their desire. The presiding officer will open the floor to public hearing after the second reading and following a motion to adopt and seconding by Council. Following the public hearing Council will hold a discussion and take appropriate action.

In time-sensitive situations, an ordinance may be declared an emergency, which means it will go into effect immediately rather than in thirty days as is legally required. An Emergency Ordinance can have one or more readings with the final reading including a Public Hearing.

Resolutions will not normally require public hearing. However, the scope of the particular resolution may be such that it warrants such a hearing. When that is the case the process will follow the same procedure for the second reading of an ordinance.

Reports to Council from Commissions or Task Forces may also be designated public hearings, at which time the public is encouraged to express their views and opinions on the subject matter to Council.

Public comments should be limited to three (3) minutes with only one (1) comment per person. Persons with other views on the same subject will be given equal time for response. The presiding officer may terminate continued discussion at any point in the discussion after opposing views have been equally addressed.

Other Agenda Items

The presiding officer may recognize members of the public who are in attendance during discussion of other agenda items, when and to the extent it is appropriate.

Letters to Council

Letters to Council must be received by the Clerk of Council by 10:00 a.m. Friday preceding a regularly scheduled meeting to be considered in that meeting. Items received after 10:00 a.m., unless having direct bearing on a topic slated for discussion, will be held without review or action until the following regularly scheduled meeting unless it is determined that such

delay would create an emergency or require special action on the part of Council or Village Staff. Regarding the aforementioned: Items having direct bearing on a topic of consideration for that meeting will be made available to Council Members at the Council table and by e-mail if received electronically. To the extent possible, Council Members will endeavor to review all such material prior to the start of the Council Meeting.

Reserved Time Participation

Any group or individual wishing to make an oral presentation to the Council may, by notifying the Clerk of Council not later than 10:00 a.m. Monday before the next regularly scheduled meeting, make a request to Council to be placed on the agenda. A short summary defining the intention of the presentation must be provided to the Clerk at that time.

Any such addition to the Agenda requires the approval of Council. Council may elect to defer the presentation to the following meeting, to request further information regarding the group or the presentation, or, if appropriate, to deny the request altogether. In the latter instance, the group or individual may still elect to speak during Citizen Concerns.

Any materials for inclusion in the Council packet must be delivered to the Clerk of Council not later than 11:00 am the preceding Thursday.

Please contact the Clerk of Council regarding this procedure. Appropriate time periods for public review and comment will be determined for each report.

VILLAGE OF YELLOW SPRINGS, OHIO

RESOLUTION 2014-03

AWARDING A LEASE ON VILLAGE-OWNED FARMLAND

Whereas, the Village of Yellow Springs owns a certain amount of rural property which it traditionally leases to farmers for agricultural uses, and

Whereas, the lease on that property known as “the Glass Farm” has recently expired and the immediate past tenant has expressed an interest in renewing that lease, and

Whereas, the Village Manager, having given public notice, conducted an open, public process to solicit competitive offers for a new lease of the subject property, and thereby having identified the maker of the highest and best bid for said lease,

NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF YELLOW SPRINGS DOES HEREBY RESOLVE THAT:

Section 1. It hereby accepts the offer of Kent Oberschlake, bidding on behalf of Flatter Hereford Farms, Inc., of \$125.00 per acre per year for the 29 tillable acres of the Glass Farm.

Section 2. The lease shall run for a period of three years (2014, 2015, 2016) and be subject to the terms defined in the announcement “Request for Bids”.

Section 3. The Village Manager is hereby authorized and directed to execute a lease agreement with the successful bidder on behalf of the Village.

Section 4. This resolution shall take effect immediately upon approval by Council.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll Call: Karen Wintrow ____ Lori Askeland ____ Gerald Simms ____
 Brian Housh ____ Marianne MacQueen ____

VILLAGE OF YELLOW SPRINGS

FARMLAND LEASES

The Village of Yellow Springs will auction the right to use the property known as the Glass Farm at a proceeding to take place in Village Council Chambers at 7:00 pm on Monday, December 30, 2013. Any and all interested parties are invited to attend and offer bids in a competitive auction. The proffered lease is for a term of three years encompassing the crop years of 2014, 2015 and 2016. The highest and best bid will be presented to Village Council for approval at their January 6, 2014 meeting. The Village reserves the right to accept or reject any or all bids, to waive informalities in the bid process and to make any award that, in its opinion, serves the best interests of the Village, including not awarding any lease.

The Glass Farm consists of 29 tillable acres located west of King Street and south of Yellow Springs-Fairfield Road, as shown on the attached map.

The lease and the use of the property offered are subject to the following terms:

- the lease is for a three year term from 2014-2016
- the property is to be used for agriculture only and shall not lie fallow
- lessees must maintain the land in good condition and observe prudent conservation practices, including prevention of erosion, siltation of streams and drainage channels
- the Village will be responsible for paying applicable real estate taxes
- the acreage quoted is approximate
- bidders are responsible for visiting and examining the offered property and making their own evaluation of suitability for intended use(s) and usable area
- the successful bidder will be required to enter into a lease agreement (see attached sample)
- minimum acceptable offer is \$100 per acre, per year, payable as follows: 10% of the first year lease due upon signing the lease agreement, with the balance due November 1, 2014, and with rents in succeeding years due November 1st of each year
- offers from bidders who have outstanding, unmet obligations to the Village will not be entertained
- the Village agrees to cooperate in the execution of any forms required to make lessee eligible for any federal or state agriculture-related program
- the Village wants permission from lessee to apply treated sludge from its wastewater treatment plant under conditions agreed between the parties and will execute the lease with the understanding that this stipulation is agreeable to lessee unless other terms are specifically negotiated

Questions and comments can be directed to Kent Bristol, Village Manager, Village of Yellow Springs, Ohio, 100 Dayton Street, Yellow Springs, Ohio 45387, telephone (937) 767-1279, or email to: kbristol@vil.yellowsprings.oh.us.

Village of Yellow Springs, Ohio

RESOLUTION 2014-05

Certifying to the Ohio Public Works Commission that Funds for the Village Share of the Cost of a Water System Loop Completion Project are Available and Committed

WHEREAS, the Village has applied for funds to make certain improvements to the water distribution system, and

WHEREAS, the State of Ohio Public Works Commission District Eleven Integrating Committee has responded favorably to that application, and

WHEREAS, it is now necessary to certify that the Village \$450,000 share of the project cost will be available before the dates listed in the project schedule

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

Section 1. It is the intent of the Village to accept the OPWC offer of help in financing the water system loop completion project and to complete execution of said project.

Section 2. To the extent that money is available from the water fund at the time it is needed, the required resources will be taken from the water fund.

Section 3. Any additional monies required to complete the Village's \$450,000 obligation for funding the aforesaid project will be taken from the general fund.

Section 4. The Village Director of Finance is hereby authorized and directed to sign this commitment on behalf of the Village of Yellow Springs.

Section 5. The Interim Village Manager is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 5. This Resolution shall go into effect at the earliest period allowed by law.

Karen Wintrow, Council President

Passed:

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow _____ Lori Askeland _____ Gerald Simms _____

Brian Housh _____ Marianne MacQueen _____



A POLICY ON FUNDING FOR PROJECTS SPONSORED BY NON-PROFIT ORGANIZATIONS

I. Public support for non-profit sponsored activities

Non-profit organizations provide richness the community and help local government achieve stated goals for the common good. Non-profit organizations enjoy preferred tax status for the very reason that their activities further the public good and support the work of government in furthering the public health, safety and welfare.

The Village of Yellow Springs Council supports the activities of non-profit organizations by:

- Providing public works, public safety and administrative staff support for events on Village streets or on Village property, including the twice-a-year Streetfair;
- Providing space in buildings on the Bryan Center property for non-profit activities and events;
- Providing project-specific funding that furthers a Council goal, program or policy (e.g. greenspace funding, the Coat fund).

This policy addresses requests for cash transfers from the general fund for non-profit sponsored activities.

II. Cash transfers from the General Fund for non-profit projects

The Council will consider requests for cash transfers (“funding”) from the General Fund for specific projects being proposed by eligible non-profit organizations.

Requests must:

EXHIBIT A to Resolution 2013-05 (dated 2.19.13)

- Be proposed by an eligible organization;
- Be project-specific;
- Be time-limited – project has a beginning and end point;
- Be limited to one request per calendar year; and
- Be in furtherance of a stated Council goal.

Requests for operational or non-specific funding will not be considered.

Eligible organizations are I.R.C. 501(c)(3) non-profit corporations registered in the State of Ohio, and must be “in good standing” with the Ohio Secretary of State. Organizational filings must be current such as any required federal filings (990, 990EZ) and the annual Ohio Attorney General filing for charitable organizations.

III. Funding

Council is not obligated to setting aside a certain amount in the General Fund for non-profit projects; however, they may do so as funds allow, either in the annual budgeting process or as a supplemental.

There is not dollar amount limit for project-specific requests. In general, the more important a project to the needs of the Village or the more it furthers a specific Council goal, the more likely it is to be funded. Council may fund a project in whole or in part.

IV. Accountability. The Village Manager will require proof of how funds are spent.

V. Procedure

Appendix A sets for the procedure and proposal form for use by 501(c)(3) non-profit organizations requesting project-specific funds.

ADOPTED: February 19, 2013

APPENDIX A

PROCEDURE

FOR REQUESTING PROJECT-SPECIFIC FUNDING
BY ELIGIBLE NON-PROFIT ORGANIZATIONS

REVIEW PROCESS

STEP 1: PROPOSAL SUBMITTED TO VILLAGE MANAGER

DATE SUBMITTED TO THE VILLAGE MANAGER: _____

REVIEWED BY VILLAGE MANAGER: _____

STEP 2: REVIEW AND DECISION BY COUNCIL

DATE OF HEARING BEFORE VILLAGE COUNCIL: _____

COUNCIL DECISION – TIMING PER COUNCIL

PROPOSAL
FOR PROJECT-SPECIFIC FUNDING

Name of Project: _____ Date: _____

Start date of project¹: _____ End date: _____

Name of 501(c)(3) Organization: _____

EIN: _____

¹ May be approximate.

EXHIBIT A to Resolution 2013-05 (dated 2.19.13)

Name and Contact Information of the Non-Profit representative:

Provide a description the project (including attachments as needed):

How does this project fulfill a stated Village goal?

PLEASE ATTACH A BUDGET FOR THIS PROJECT.

AMOUNT OF REQUEST: \$ _____ DATE NEEDED: _____

Please submit the Project-specific funding request and attachments to the Village Manager's Office when complete.

VILLAGE OF YELLOW SPRINGS, OHIO

RESOLUTION 2014-06

ADJUSTING RATES OF PAY FOR VILLAGE EMPLOYEES

Whereas, the Village Manager annually reviews pay rates for employees of the Village and recommends changes in those rates, as needed, to Village Council, and

Whereas, during the preceding twelve month period the Consumer Price Index as calculated by the United States Department of Commerce has increased by approximately one point two four (1.24) per cent, and

Whereas, a survey of intended changes by other municipalities in the Miami Valley region reveals that they anticipate making adjustments in their pay scales ranging from zero to three per cent with a weighted average of one and three quarters per cent, and

Whereas, having assessed the state of Village finances to evaluate Yellow Springs' capacity to support higher wages for its staff, and the history of similar adjustments in the recent past, the Village Manager is recommending that pay rates for employees be increased by one and three quarters per cent for the calendar year 2014,

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

Section 1. Pay scales for Village employees shall be adjusted by increasing them by one and three quarters per cent (1.75%) across the board.

Section 2. This increase shall be applied and be in effect on and after January 13, 2014.

Section 3. Those employees directly appointed by elected officials (Clerk of Courts, Clerk of Council, Solicitor, Treasurer and Village Manager) will not have this change applied to their wages unless such pay adjustment is stipulated in their Employment Agreement.

Section 4. This resolution shall be in full force and effect immediately upon adoption.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll call: Karen Wintrow ____ Lori Askeland ____ Gerald Simms ____
 Brian Housh ____ Marianne MacQueen ____

VILLAGE OF YELLOW SPRINGS, OHIO

RESOLUTION 2014-07

CERTIFYING THE AVAILABILITY OF MATCHING FUNDS FOR A COMMUNITY DEVELOPMENT BLOCK GRANT TO UPGRADE SIDEWALK RAMPS

Whereas, the Village, in cooperation with the Greene County Department of Development, has requested a grant to upgrade the sidewalk ramps at several intersections to meet current ADA requirements, and

Whereas, that grant request has been approved,

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

Section 1. The Village of Yellow Springs gratefully acknowledges the grant award and reaffirms its intent to complete the project.

Section 2. We certify that the local share of matching funds in the amount of \$2,200 (two thousand two hundred dollars) is available and dedicated for the execution of this project.

Section 3. The Village Manager is hereby authorized and directed to execute any contracts or other documents related to this undertaking on behalf of the Village.

Karen Wintrow, President of Council

Passed:

Attest: _____
Judy Kintner, Clerk of Council

Roll call: Karen Wintrow ____ Lori Askeland ____ Gerald Simms ____

 Brian Housh ____ Marianne MacQueen ____

Proposed 2014 Budget Schedule

January 6 th	Schedule/Format presented
January 21 st	Capital and Enterprise Fund budgets presented
February 3 rd	General Fund budget presented
February 18 th	Budget workshop – collective budget with any revisions from prior meetings
February 24 th	2014 Budget
March 3 rd	1 st read as emergency
March 17 th	2 nd read as emergency
Before April 1 st	2014 Budget filed with Auditor

**2013 GENERAL FUND BUDGET
AND FORECAST**

ACCOUNT DESC	2010	2011	YTD	2012	2012	2013	NOTES (Explanation for any unusual variances from prior years)	2014	2015	2016	2017
	ACTUAL	ACTUAL	2012 ACTUAL	BUDGET	PROJECTED	BUDGET		BUDGET	BUDGET	BUDGET	BUDGET
101 GENERAL FUND											
REVENUE											
101-0100-40101 REAL ESTATE TAXES	\$ 863,249	\$ 879,848	\$ 874,696	\$ 863,450	\$ 874,696	\$ 874,696		\$ 874,696	\$ 874,696	\$ 874,696	\$ 874,696
101-0100-40102 PERSONAL PROPERTY TAXES	\$ 3,334	\$ 2,203	\$ 4,757	\$ 4,000	\$ 4,757	\$ 4,757		\$ 4,757	\$ 4,757	\$ 4,757	\$ 4,757
101-0100-40103 KWH TAX	\$ 133,867	\$ 135,008	\$ 87,638	\$ 133,000	\$ 116,850	\$ 116,850		\$ 116,850	\$ 116,850	\$ 116,850	\$ 116,850
101-0100-40104 CITY INCOME TAX	\$ 1,252,158	\$ 1,668,566	\$ 953,119	\$ 1,255,000	\$ 1,270,825	\$ 1,270,825		\$ 1,270,825	\$ 1,270,825	\$ 1,270,825	\$ 1,270,825
100 LOCAL TAXES	\$ 2,252,607	\$ 2,685,625	\$ 1,920,211	\$ 2,255,450	\$ 2,267,129	\$ 2,267,129		\$ 2,267,129	\$ 2,267,129	\$ 2,267,129	\$ 2,267,129
101-0200-40201 LOCAL GOVERNMENT-TANGIBLE	\$ 145,302	\$ 142,005	\$ 101,696	\$ 100,365	\$ 125,890	\$ 125,890		\$ 45,205	\$ 45,205	\$ 45,205	\$ 45,205
101-0200-40202 LOCAL GOVERNMENT-INTANGIBLE	\$ -	\$ 344									
101-0200-40203 ESTATE TAXES	\$ 86,772	\$ 271,001	\$ 58,987	\$ -	\$ 58,987	\$ -		\$ -	\$ -	\$ -	\$ -
101-0200-40204 CIGARETTES	\$ 186	\$ 186	\$ 186	\$ 185	\$ 186	\$ 186		\$ 186	\$ 186	\$ 186	\$ 186
101-0200-40205 LIQUOR & BEER	\$ 5,555	\$ 5,590	\$ 6,795	\$ 5,500	\$ 6,640	\$ 6,640		\$ 6,640	\$ 6,640	\$ 6,640	\$ 6,640
101-0200-40206 STATE INCOME TAX	\$ 22,526	\$ 21,667	\$ 13,255	\$ 25,000	\$ 15,000	\$ 6,342		\$ -	\$ -	\$ -	\$ -
101-0200-40207 STATE MUNICIPAL INCOME TAX	\$ 4,227	\$ 5,936	\$ 156	\$ 6,000	\$ 200	\$ -		\$ -	\$ -	\$ -	\$ -
101-0200-40208 ROLLBACK/HOMESTEAD	\$ 129,089	\$ 129,853	\$ 131,065	\$ 130,000	\$ 131,065	\$ 130,000		\$ 130,000	\$ 130,000	\$ 130,000	\$ 130,000
101-0200-40211 COMMERCIAL ACTIVITY TAX	\$ 6,807	\$ 1,719	\$ -	\$ 2,000	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
200 STATE SHARED TAXES & PERMITS	\$ 400,463	\$ 578,301	\$ 312,140	\$ 269,050	\$ 337,968	\$ 269,058		\$ 182,031	\$ 182,031	\$ 182,031	\$ 182,031
Other Local Grants	\$ 5,000	\$ 1,100		\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
400 INTERGOVERNMENTAL AID, GRANTS	\$ 5,000	\$ 1,100		\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
101-0500-40521 TWP. SHARED COSTS	\$ -	\$ -	\$ 1,500	\$ -	\$ 1,500	\$ -		\$ -	\$ -	\$ -	\$ -
500 CHARGES FOR SERVICES	\$ -	\$ -	\$ 1,500	\$ -	\$ 1,500	\$ -		\$ -	\$ -	\$ -	\$ -
101-0600-40602 PERMITS	\$ 958	\$ 1,199	\$ 906	\$ 1,200	\$ 1,200	\$ 1,200		\$ 1,200	\$ 1,200	\$ 1,200	\$ 1,200
101-0600-40604 RESTITUTION	\$ 120	\$ -	\$ 190	\$ -	\$ 190	\$ 190		\$ 200	\$ 200	\$ 200	\$ 200
101-0600-40605 FINES & COSTS	\$ 56,652	\$ 61,414	\$ 37,428	\$ 57,000	\$ 47,140	\$ 47,140		\$ 45,000	\$ 45,000	\$ 45,000	\$ 45,000
101-0600-40606 DRUG LAW ENFORCEMENT	\$ 444	\$ 1,065	\$ 755	\$ 1,000	\$ 1,000	\$ 1,000		\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
101-0600-40607 XMC-FINES & COSTS	\$ 792	\$ 237	\$ 50	\$ 400	\$ 50	\$ 50		\$ 50	\$ 50	\$ 50	\$ 50
101-0600-40608 IMMOBILIZATION FEES	\$ 400	\$ 200	\$ -	\$ 400	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
600 FINES,COSTS,FORFEITURES,PERMIT	\$ 59,366	\$ 64,115	\$ 39,329	\$ 60,000	\$ 49,580	\$ 49,580		\$ 47,450	\$ 47,450	\$ 47,450	\$ 47,450
101-0800-40800 AUCTION PROCEEDS	\$ -	\$ 25	\$ 4,605	\$ -	\$ 4,605	\$ 4,605		\$ -	\$ -	\$ -	\$ -
101-0800-40802 INTEREST	\$ 2,463	\$ 921	\$ 577	\$ 1,000	\$ 700	\$ 700		\$ 700	\$ 700	\$ 700	\$ 700
101-0800-40803 RENT (Now includes Verizon)	\$ 37,203	\$ 37,951	\$ 38,504	\$ 28,600	\$ 45,150	\$ 45,150		\$ 45,150	\$ 45,150	\$ 45,150	\$ 45,150
101-0800-40804 OTHER (Refunds, AMP Landfill Gas Sales)	\$ 537	\$ 142,813	\$ 30,698	\$ 12,400	\$ 28,000	\$ 28,000		\$ 28,000	\$ 28,000	\$ 28,000	\$ 28,000
101-0800-40805 REIMBURSEMENTS	\$ 11,380	\$ 12,799	\$ 16,415	\$ 11,374	\$ 16,415	\$ 16,415		\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000
101-0800-40806 LOGOS, CODES, MAPS	\$ 32	\$ 51	\$ 771	\$ -	\$ 800	\$ 800		\$ 800	\$ 800	\$ 800	\$ 800
101-0800-40808 DONATIONS	\$ 20										
101-0800-40809 PU ELECTRIC DEREG.	\$ 2,202	\$ 504									
101-0800-40815 CABLE FRANCHISE	\$ 31,959	\$ 54,006	\$ 45,434	\$ 54,000	\$ 45,275	\$ 45,275		\$ 45,275	\$ 45,275	\$ 45,275	\$ 45,275
101-0800-40817 ANTHEM-EMPLOYEES SHARE	\$ 25,272	\$ 20,029	\$ 21,853	\$ -	\$ 25,465	\$ 25,465		\$ 25,465	\$ 25,465	\$ 25,465	\$ 25,465
101-0800-40818 DELTA DENTAL	\$ 1,351	\$ 1,154	\$ 1,233	\$ -	\$ 1,440	\$ 1,440		\$ 1,440	\$ 1,440	\$ 1,440	\$ 1,440
101-0800-40819 VENDING MACHINE SALES	\$ -	\$ -	\$ 493	\$ -	\$ 550	\$ 550		\$ 550	\$ 550	\$ 550	\$ 550
800 MISC RECEIPTS & REIMBURSEMENTS	\$ 112,418	\$ 270,252	\$ 160,583	\$ 107,374	\$ 168,400	\$ 168,400		\$ 159,380	\$ 159,380	\$ 159,380	\$ 159,380
TOTAL GENERAL FUND REVENUE	\$ 2,829,855	\$ 3,599,393	\$ 2,433,762	\$ 2,691,874	\$ 2,824,577	\$ 2,754,167		\$ 2,655,990	\$ 2,655,990	\$ 2,655,990	\$ 2,655,989

GENERAL FUND EXPENDITURES:

1001 COUNCIL

ACCOUNT DESC	2010	2011	YTD 2012	2012	2012	2013	NOTES (Explanation for any unusual variances from prior years)	2014	2015	2016	2017	
	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROJECTED	BUDGET		BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
101-1001-51101	WAGES	\$ 51,706	\$ 57,298	\$ 48,486	\$ 57,651	\$ 58,250	54,651		61,450	67,850	80,200	80,200
101-1001-51104	PART-TIME WAGES	\$ 1,773	\$ 14,333	\$ 3,815	\$ 6,240	\$ 4,578	22,796	Added PT multifunction person 24-28hrs./wk	19,560	19,560	19,560	19,560
101-1001-51109	EARLY RETIREMENT INCENTIV			\$ -	\$ -	\$ -	-		-	-	-	-
101-1001-51110	PENSION	\$ 6,071	\$ 7,620	\$ 6,143	\$ 6,536	\$ 7,372	10,843		10,610	11,505	13,235	13,235
101-1001-51111	HEALTH INSURANCE	\$ 6,661	\$ 12,170	\$ 12,327	\$ 16,542	\$ 13,193	13,636		15,681	18,034	20,739	23,849
101-1001-51112	LIFE INSURANCE	\$ 110	\$ 132	\$ 99	\$ 330	\$ 330	330		330	330	330	330
101-1001-51113	WORKERS COMPENSATION	\$ 1,081	\$ 805	\$ 787	\$ 1,600	\$ 1,227	1,150		1,150	1,150	1,150	1,150
101-1001-51114	DENTAL INSURANCE	\$ 783	\$ 876	\$ 763	\$ 872	\$ 915	916		989	1,068	1,154	1,246
101-1001-51129	MEDICARE	\$ 693	\$ 793	\$ 665	\$ 926	\$ 813	1,123		1,100	1,195	1,370	1,370
101-1001-51130	OTHER PERSONAL SERVICES			\$ -	\$ -	\$ -	250		250	250	250	250
101-1001-51131	PRE-EMPLOYMENT PHYSICALS	\$ 116	\$ -	\$ -	\$ -	\$ -	-		-	-	-	-
101-1001-51132	SAFETY TRAINING	\$ 250	\$ 250	\$ 25	\$ 250	\$ 39	250		250	250	250	250
1	PERSONNEL SERVICES	\$ 69,243	\$ 83,877	\$ 73,110	\$ 90,947	\$ 88,816	\$ 105,945		\$ 111,371	\$ 121,192	\$ 138,238	\$ 141,441
101-1001-52101	TRAVEL & TRAINING	\$ 3,518	\$ 1,743	\$ 1,360	\$ 3,500	\$ 1,360	3,300		\$ 3,300	\$ 3,300	\$ 3,300	\$ 3,300
2	GENERAL OPERATING EXPENSES	\$ 3,518	\$ 1,743	\$ 1,360	\$ 3,500	\$ 795	\$ 3,300		\$ 3,300	\$ 3,300	\$ 3,300	\$ 3,300
101-1001-53101	OTHER CONTRACTUAL SERVICE	\$ 7,436	\$ 6,304	\$ 4,678	\$ 4,678	\$ 7,296	-		\$ -	\$ -	\$ -	\$ -
101-1001-53102	UTILITIES			\$ -	\$ -	\$ -	-		\$ -	\$ -	\$ -	\$ -
101-1001-53103	RENTS & LEASES		\$ 1,417	\$ 1,148	\$ 1,750	\$ 1,433	1,500		\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
101-1001-53104	PROFESSIONAL SERVICES	\$ 77,063	\$ 85,346	\$ 22,500	\$ 117,268	\$ 34,343	15,000		\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
101-1001-53105	INSURANCE			\$ 150	\$ -	\$ -	-		\$ -	\$ -	\$ -	\$ -
101-1001-53106	MAINTENANCE OF EQUIPMENT	\$ 407		\$ -	\$ -	\$ -	10,000	Website Redesign	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
101-1001-53107	POSTAGE		\$ 95	\$ -	\$ 150	\$ -	50		\$ 50	\$ 50	\$ 50	\$ 50
101-1001-53108	MEMBERSHIPS	\$ 7,191	\$ 8,073	\$ 3,490	\$ 8,000	\$ 5,444	8,000		\$ 8,000	\$ 8,000	\$ 8,000	\$ 8,000
101-1001-53110	AUDITOR & TREASURER FEES		\$ 125	\$ -	\$ -	\$ -	-		\$ -	\$ -	\$ -	\$ -
101-1001-53123	LOANS		\$ 30,000	\$ -	\$ -	\$ -	-		\$ -	\$ -	\$ -	\$ -
101-1001-53134	TELEPHONE	\$ 437	\$ 455	\$ 479	\$ 455	\$ 710	500		\$ 500	\$ 500	\$ 500	\$ 500
101-1001-53135	MAINTENANCE OF FACILITY			\$ -	\$ -	\$ -	-		\$ -	\$ -	\$ -	\$ -
101-1001-53137	PRINTING	\$ 708	\$ 945	\$ 5	\$ 700	\$ 8	900		\$ 900	\$ 900	\$ 900	\$ 900
101-1001-53138	ADVERTISING	\$ 10,766	\$ 13,466	\$ 11,617	\$ 13,500	\$ 15,462	14,500		\$ 14,500	\$ 14,500	\$ 14,500	\$ 14,500
101-1001-53140	LICENSE & PERMITS		\$ 5	\$ -	\$ -	\$ -	-		\$ -	\$ -	\$ -	\$ -
101-1001-53141	NATURAL GAS			\$ -	\$ -	\$ -	-		\$ -	\$ -	\$ -	\$ -
101-1001-53146	HARDWARE/SOFTWARE SUPPORT	\$ 1,009	\$ 2,065	\$ 508	\$ 1,922	\$ 696	1,500		\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,500
101-1001-53147	LEGAL SERVICES						\$ 60,000		\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
3	CONTRACTUAL SERVICES	\$ 105,017	\$ 148,296	\$ 44,574	\$ 148,423	\$ 65,393	\$ 111,950		\$ 111,950	\$ 111,950	\$ 111,950	\$ 111,950
COUNCIL CONTINUED												
101-1001-54101	OFFICE SUPPLIES	\$ 508	\$ 245	\$ 266	\$ 250	\$ 416	350		\$ 350	\$ 350	\$ 350	\$ 350
101-1001-54102	OPERATING SUPPLIES	\$ 381	\$ 177	\$ 250	\$ 1,453	\$ 391	500		\$ 500	\$ 500	\$ 500	\$ 500
101-1001-54104	BOOKS & PUBLICATIONS	\$ 8,237	\$ 6,093	\$ 4,859	\$ 10,000	\$ 7,579	7,200		\$ 7,200	\$ 7,200	\$ 7,200	\$ 7,200
101-1001-54106	OFFICE EQUIPMENT	\$ 120	\$ 129	\$ -	\$ 500	\$ -	500		\$ 500	\$ 500	\$ 500	\$ 500
101-1001-54109	SPECIAL EVENTS	\$ 735	\$ 754	\$ 1,521	\$ 2,500	\$ 2,372	1,700		\$ 1,700	\$ 1,700	\$ 1,700	\$ 1,700
101-1001-54110	SAFETY EQUIPMENT			\$ -	\$ -	\$ -	-		\$ -	\$ -	\$ -	\$ -
4	MATERIALS & SUPPLIES	\$ 9,981	\$ 7,397	\$ 6,897	\$ 14,703	\$ 10,758	\$ 10,250		\$ 10,250	\$ 10,250	\$ 10,250	\$ 10,250
101-1001-55103	PUBLIC WORKS			\$ -	\$ -	\$ -	10,000	Council Chambers Upgrade				
5	CAPITAL			\$ -	\$ -	\$ -	\$ 10,000					
1001	COUNCIL TOTAL	\$ 187,760	\$ 241,314	\$ 125,940	\$ 257,572	\$ 165,762	\$ 241,445		\$ 236,871	\$ 246,692	\$ 263,738	\$ 266,941
1002	MAYOR											
101-1002-51101	WAGES	\$ 42,680	\$ 43,825	\$ 38,914	\$ 44,000	\$ 44,000	42,464		\$ 44,440	\$ 44,662	\$ 44,886	\$ 45,110
101-1002-51110	PENSION	\$ 5,896	\$ 6,113	\$ 5,034	\$ 6,150	\$ 6,040	5,945		\$ 6,222	\$ 6,253	\$ 6,284	\$ 6,315
101-1002-51111	HEALTH INSURANCE			\$ 140	\$ 140	\$ -	-		\$ -	\$ -	\$ -	\$ -
101-1002-51112	LIFE INSURANCE	\$ 66	\$ 66	\$ 50	\$ 330	\$ 330	330		\$ 330	\$ 330	\$ 330	\$ 330
101-1002-51113	WORKERS COMPENSATION	\$ 693	\$ 642	\$ 607	\$ 750	\$ 679	679		\$ 679	\$ 679	\$ 679	\$ 679

2014 GENERAL FUND BUDGET

ACCOUNT DESC	2012 ACTUAL	2013 BUDGET	2013 ACTUAL	2014 BUDGET	NOTES
101 GENERAL FUND					
GENERAL FUND REVENUE:					
# LOCAL TAXES	\$ 2,171,282	\$ 2,267,128	\$ 2,344,459	\$ 2,341,648	
# STATE SHARED TAXES & PERMITS	\$ 326,989	\$ 269,058	\$ 550,193	\$ 244,950	
# INTERGOVERNMENTAL AID, GRANTS	\$ -			\$ -	
# CHARGES FOR SERVICES	\$ 1,500	\$ -	\$ -	\$ -	
# FINES,COSTS,FORFEITURES,PERMIT	\$ 43,258	\$ 49,580	\$ 42,561	\$ 37,400	
# MISC RECEIPTS & REIMBURSEMENTS	\$ 182,415	\$ 168,400	\$ 245,560	\$ 177,705	
TOTAL GENERAL FUND REVENUE	\$ 2,725,444	\$ 2,754,166	\$ 3,182,773	\$ 2,801,703	

ACCOUNT DESC	2012 ACTUAL	2013 BUDGET	2013 ACTUAL	2014 BUDGET	NOTES
GENERAL FUND EXPENDITURES:					
1001 COUNCIL					
1 PERSONNEL SERVICES	\$ 86,068	\$ 113,983	\$ 93,718		
2 GENERAL OPERATING EXPENSES	\$ 1,731	\$ 3,300	\$ 3,121	\$ 3,900	
3 CONTRACTUAL SERVICES	\$ 71,323	\$ 132,796	\$ 113,529	\$ 136,750	
4 MATERIALS & SUPPLIES	\$ 7,033	\$ 10,250	\$ 7,005	\$ 15,250	
5 CAPITAL	\$ -	\$ 10,000	\$ -	\$ -	
1001 COUNCIL TOTAL	\$ 166,155	\$ 270,329	\$ 217,373	\$ 155,900	
1002 MAYOR					
2 GENERAL OPERATING EXPENSES	\$ 1,684	\$ 1,013	\$ 1,328	\$ -	
3 CONTRACTUAL SERVICES	\$ 524	\$ 1,537	\$ 420	\$ -	
4 MATERIALS & SUPPLIES	\$ 2,252	\$ 2,275	\$ 2,001		
1002 MAYOR TOTAL	\$ 58,212	\$ 55,331	\$ 60,228	\$ -	
1003 ADMINISTRATION					
1 PERSONNEL SERVICES	\$ 127,435	\$ 202,182	\$ 157,233		
2 GENERAL OPERATING EXPENSES	\$ 1,588	\$ 5,000	\$ 2,059	\$ -	
3 CONTRACTUAL SERVICES	\$ 93,212	\$ 155,126	\$ 140,118		
4 MATERIALS & SUPPLIES	\$ 11,431	\$ 9,295	\$ 6,413	\$ -	
7 MISCELLANEOUS	\$ 364	\$ 3,500	\$ 3,060	\$ -	
1003 ADMINISTRATION TOTAL	\$ 234,029	\$ 375,103	\$ 308,883	\$ -	
1004 AUDITOR					
3 CONTRACTUAL SERVICES	\$ 37,713	\$ 37,925	\$ 30,418	\$ -	
1004 AUDITORS TOTAL	\$ 37,713	\$ 37,925	\$ 30,418	\$ -	
1005 RENTAL PROPERTY					
3 CONTRACTUAL SERVICES	\$ 14,327	\$ 29,560	\$ 22,243	\$ -	
4 MATERIALS & SUPPLIES	\$ 3	\$ 500	\$ 75	\$ -	
7 MISCELLANEOUS	\$ -	\$ -	\$ -	\$ -	
1005 RENTAL PROPERTY TOTAL	\$ 14,330	\$ 30,060	\$ 22,318	\$ -	

Proposed Agenda Items for Council Retreat

The following agenda items were suggested at the last Council meeting as potential topics for discussion at our retreat.

- Agenda Planning
- How to achieve greater citizen participation during Council meetings
- System to track projects
- Economic Development Strategies
- Review Council Goals
- Sidewalks
- Benefit/Cost of tourist oriented Village
- Use of Social Media
- Boards and Commissions
- Most effective work strategy for Council projects
- Explore 1 traditional and 1 work-session meeting/month format
- Use of committees as more Council project oriented than Boards and Commissions

Based upon that input and our desire for retreats to focus on making the process of council more effective as opposed to policy setting, I'm putting forth a tentative agenda for consideration.

Tentative Agenda

9:00 Welcome & Review Agenda

9:05 Input from Council, Interim Village Manager, Clerk of Council regarding work and observations to date. (3 minutes each)

9:30 Discussion of agenda setting, moving projects forward and tracking progress.

10:30 Break

10:45 Discussion of meeting format and how to achieve greater citizen involvement.

12:00 Lunch

12:45 Council Boards and Commissions and consideration of additional work committees

1:45 Most effective work strategy for Council projects including community collaborations, boards, commissions, non-profit partnerships

2:45 Break

3:00 Social Media

4:00 Adjournment

CENTER FOR BUSINESS AND EDUCATION (CBE)



"Everyone's Favorite Place...To Do Business"



January 3, 2013

The Center for Business and Education (CBE) is a 35.227-acre greenfield that will be shovel ready in 2014. Anchored by the impressive 95,000 square foot Antioch University Midwest building that occupies 11.144 acres, the CBE offers a **unique opportunity** for businesses looking for a globally minded community passionate about nature, art, wellness, entrepreneurship and education. Facilitated by a nonprofit community improvement corporation, Community Resources, the Village of Yellow Springs, in collaboration with Miami Township, is leading a responsible and sustainable economic development initiative in line with community values.

CONCEPT

The Center for Business and Education provides a real alternative to the “cookie cutter” commerce parks that can be found throughout the region; Yellow Springs is creating an environment in which the interaction of business and education are enhanced through a campus layout and a “green” atmosphere. The CBE reflects the character and values of our creative community, highlighting the pedestrian/bicycle friendly nature of the Village of Yellow Springs and its focus on sustainability. Greenways, public art and low impact design strategies are important features that embody the unique character of the CBE. Careful consideration is being given to such aspects as building positioning to maintain the aesthetic of this distinctive commercial opportunity.

Zoned as Planned Unit Development (PUD) commercial property, the CBE is designed for

- data processing and computer centers
- professional buildings
- research, testing, design, development, engineering and training
- office buildings
- institutional offices
- telemarketing and telephone-based services
- libraries, printing and publishing operations
- municipal buildings
- light manufacturing and assembly line operations
- and some limited structures incidental to the principal use

Commerce activities involving office, commercial, medical, educational, assembly, research, servicing, light industrial, warehousing and distribution purposes and for services related to those uses are welcomed, and foodservice, sales office and other retail uses are permitted only incidental to and confined within the building of a permitted use.

COMMUNITY

Yellow Springs is an unexpected surprise in the heart of the Midwest – a cosmopolitan Village in a lovely rural setting that is less than an hour from three major metropolitan areas. Known for its

recreational attractions, unique shops, gourmet restaurants and lively arts scene, our community is culturally diverse, active, friendly and creative. Yellow Springs was recently named a "Best Hometown" by Ohio Magazine, one of Budget Travel's "Coolest Small Towns" and a Rand McNally/USA Today Best of the Road "Most Fun Town."

The Village of Yellow Springs Economic Sustainability Plan calls for the development of policies that encourage and enable economic sustainability through cooperative, business-friendly initiatives. Surrounded by a green belt, Yellow Springs is a globally minded community. Businesses locating in Yellow Springs do so because of the rich quality of life highlighted by our

- Proven track record of embracing sustainability
- Low crime rates
- Easy access to restaurants and shopping
- Desirable destination for visitors
- Enthusiastic and supportive business owners, community leaders and citizens

The green belt surrounding Yellow Springs "provides for a multitude of opportunities and community well-being. The recreational and relaxation opportunities provided by open space are a significant benefit to the physical and mental health of all community members. These places provide education and spiritual enrichment, and protect cultural and scientific resources." (Perspectives 2020: A Future Land Use Plan for Greene County, Ohio)

Local Assets

1. Highly Skilled/Educated Workforce – nearly 60% of Yellow Springs residents 25 years and older have attained Bachelor's degree level or higher (nearly 30% have attained Master's degree level or higher). Of the more than 1,700 residents currently employed, approximately 40% work outside of the county or state (2010 census data). Notably, residents strongly value working in Yellow Springs and many are looking for appropriate local job opportunities.
2. Economic Viability – the average disposable income among Yellow Springs residents is \$57,901. We have a vibrant downtown area with a mixture of specialty shops, cultural attractions and social gathering places.
3. Physical Character – including distinctive natural and built environments. Our character has remained largely unaffected by generic corporate architecture that is common in most parts of the country. Miami Township contains some of the most scenic natural areas in western Ohio, much of which is under permanent preservation.
4. Attractive Location – Yellow Springs is located within 10 minutes of Wright Patterson Air Force Base, Ohio's largest single site employer and the core of the region's rich history of technological innovation. We are just 5 minutes south of the Springfield Air Park, providing easy access for private aircraft. The CBE provides easy access to I-675 and the rest of the Miami Valley.

5. Excellent Schools – strong, well-funded and well-managed public & private educational institutions offer creative curriculums that serve all segments of the community.
6. Local Infrastructure – local control of utilities (electric, water and sewer) and the authority to decide on extensions allow the Village to actively promote positive growth.

Despite the challenges of the current economy, Yellow Springs is optimistic about its future. Our citizens' high levels of education, our tradition of civic engagement, our unique social fabric and the reputations of Antioch College and Antioch University are just some of the assets that businesses can build upon. Yellow Springs is poised as an ideal location for business growth and development in a stimulating and friendly environment.

The Village of Yellow Springs is a special place to **live, work and play**. We are a community with a strong tradition of innovation, entrepreneurial spirit and environmental sustainability. Creative, forward thinking businesses will find kindred spirits in our Village. This is truly a town where you can find a great home for both your business and your family.

A Vision for the Future

"Our vision of the future is to be a diverse and unique community with rich arts and lifelong learning opportunities that work collaboratively to create a more sustainable future – in the broadest definition – with vital and authentic villages surrounded by a carefully managed rural landscape."

The Village of Yellow Springs and Miami Township are committed to these initiatives:

1. Strengthening the Economy
2. Managing the Physical Environment
3. Meeting the Needs of People
4. Promoting Energy Conservation & Sustainability

The Village provides safe and supportive facilities, services and infrastructure as well as a range of attractive housing choices that meet the needs of a wide range of residents. Responsible stewardship of land resources maintains the scale and distinct character of Yellow Springs, a welcoming community that encourages diversity and authenticity.

CONDITIONS

In 2007, the Army Corps of Engineers completed a "Finding of No Significant Impact" for the CBE, and the Village of Yellow Springs has developed sustainable municipal infrastructure so that high quality roads and reliable utilities are available to any business locating on this attractive commercial property located at the Western Gateway of the Village. Our signature YS Business Center, a uniquely designed professional office building, sets the tone for a vibrant and entrepreneurial business environment.

Utilities

The Village of Yellow Springs has its own electric, water and waste water departments, enabling us to be highly service-oriented, responsive and competitive.

1. Sewer System – Three million dollars in recent improvements have made the Village of Yellow Springs Water Reclamation Facility a state-of-the-art waste water treatment plant. The Plant received the 2013 Facility Image Award and is well-maintained by an expert team.
2. Water System – The Village of Yellow Springs has invested in modernizing its water sourcing and distribution system in 2014 to accommodate the needs of businesses and residents. An extensive and protected well field means that water capacity dramatically exceeds current usage.
3. Electrical System – The Village of Yellow Springs electric distribution system was evaluated by the Electric System Task Force in 2007 for reliability and future adequacy, and the report indicated that the system is in good condition and well-maintained. The current portfolio is comprised of 85% green energy (hydro, solar and other renewable resources). Our municipal electric system offers expansion capabilities and service that is second to none in the case of emergency outages.

Transportation

The Village of Yellow Springs has relatively easy automobile access to the region through the interstate system, located 6 miles east of I-675 and 8 miles south of I-70. U.S. Route 68 is a major thoroughfare running through the Village, which connects it with the larger cities of Xenia and Springfield. An extensive bicycle trail system connects Yellow Springs with various regional destinations.

Community Appearance

Staying “small” and retaining authenticity, Yellow Springs is a “village” in both name and character, exemplifying the most valued attributes of an urban village. Our tight-knit street grid, diversity and adjacency of land uses, nearby natural and agricultural areas, and lack of franchise ownership and architecture give our community a genuineness that is unique to the region, state and country. The Village is highly interested in economic development opportunities that enhance its assets.

Housing

The Village of Yellow Springs exhibits a greater range of housing types and sizes than most rural communities of its size – 73% are single family structures while 27% are either mixed-use or multi-family structures. Yellow Springs offers diverse housing choices including historic homes, single-family new construction at Birch III, innovative clustered concepts at Thistle Creek and Stancliff, and affordable housing driven by a local nonprofit organization. The surrounding

countryside of Miami Township offers rural living at its finest among the rolling hills and active farms that provide locally grown food at year-round farmers markets.

Quality of Life

Yellow Springs is a diverse, healthy place to live. For generations, the Village has been a center for human creativity expressed through progressive education, the arts, entrepreneurship, environmentalism and wellness. A welcoming, multi-cultural community, Yellow Springs draws people from around the world who appreciate the openness and rich quality of life. Families and individuals of all ages flourish in Yellow Springs drawn by a sense of community that enriches lives. Downtown, walkable from anywhere in the community, is filled with a colorful and distinctive collection of shops and galleries, most locally owned, including specialty shops for books, wine, clothing, jewelry, toys and “green living” along with a gourmet deli, independent grocer, pharmacy, hardware store, movie theatre and three banks. Our public library, senior center, elementary school and community center are all located downtown, offering community amenities and services easily accessible to our citizens and businesses.

Villagers and visitors alike value healthful living; wonderful outdoor recreation opportunities abound, healthy food/restaurant alternatives are around every corner, and a wider array of traditional and complementary healing arts, multi-disciplinary massage therapists and yoga studios serve the needs of discerning, health-conscious individuals. Cyclists and walkers enjoy the Little Miami Scenic Bike Trail, part of a 285-mile paved trail system that runs through the heart of Yellow Springs. The 1,000-acre Glen Helen Nature Preserve offers hikers 25 glorious miles of trails with waterfalls and forests. Additional hiking and camping opportunities are nearby at John Bryan State Park and Clifton Gorge State Nature Preserve. Notably, the North Country National Scenic Trail passes through Yellow Springs, and many take advantage of the convenient access to the Little Miami River, a State and National Scenic River.

Yellow Springs values and supports lifelong learning opportunities. Our ‘Excellent with Distinction’ public schools offer a challenging environment with small class sizes geared to individual development. The Community Children’s Center and Antioch School offer programs for preschool through elementary. Yellow Springs is home to three institutions of higher education – Antioch University (AU) is a distributed institution with national reach, one of AU’s graduate campuses Antioch University Midwest provides a beautiful state-of-the-art campus with innovative programs for adult learners, and Antioch College offers an exciting undergraduate liberal arts curriculum focused on experiential learning.

Local government provides services equal to those of communities many times our size, creating an environment that supports a high quality of life and fosters business success. Public amenities include seven parks, the centrally located John Bryan Community Center and

the only public swimming pool in Greene County. Thanks to an extensive pavement management program and the work of full-time street crews, the Village has excellent streets that are well-maintained year round. Our local police department and locally-sited Miami Township Fire & Rescue ensure safety and security.

UNIQUE OPPORTUNITIES

Yellow Springs is part of the dynamic Dayton region, which is within 600 miles of 53% of the US population and 63% of US manufacturers. Three international airports less than 60 minutes away connect businesses to Dayton's 90-minute air market and more than 137 million people. The region is evolving from a strong manufacturing center to a hub for research and technology thanks to a wealth of educational opportunities, with nearly 90 nationally recognized colleges and universities within 70 miles of Yellow Springs. Together Yellow Springs, Greene County, the Miami Valley and the State of Ohio boast a rich collection of economic development organizations and tools to assist businesses of all sizes succeed, grow and prosper.

Ideal organizations for the Center for Business and Education are local businesses that are expanding as well as progressively minded businesses that value the importance of sustainability, community and quality of life. The Village of Yellow Springs is a good fit for entrepreneurial energy and creative thinkers, providing a more personalized approach to economic development that supports innovation and success.

FINAL THOUGHTS

Yellow Springs is a community with a tradition of fostering and nurturing start-up businesses such as YSI, which was founded by Antioch College students in 1948 and is now part of the Xylem division of Fortune 500 ITT Corporation. The Village of Yellow Springs offers a refreshing alternative to fast-lane, big box development. With its compact size and extensive amenities, Yellow Springs is truly a community in which you can live, work and play. Combining an emphasis on local enterprise with strong environmental values, Yellow Springs views development in terms of sustainability, recognizing that environmental protection, planned growth and meaningful local jobs can best sustain a healthy, thriving community.

CONTACT

Village of Yellow Springs, Village Manager, 937-767-1279, cbe@vil.yellowsprings.oh.us, 100 Dayton Street, Yellow Springs, Ohio 45387, www.yso.com/cbe

COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS

2013 Principles

Principle #1 - Deepen democratic decision-making processes with active citizen participation and effective representative governance

- Support Community Access Panel's efforts to provide web access of meeting videos \$
- Provide improved audio and video technology in Council Chambers for attendees and cable viewers. \$
- Yearly Review of Council Rules and Procedures
- Hold an annual Council Retreat to discuss effective governance, process and procedures
- Meet annually with Miami Township Trustees and Yellow Springs School Board, or as necessary
- Discuss Village role in providing funding for organizations, projects and programs that further the goals of the Village and develop appropriate policies *Discussion, no policies*

Principle #2 - Be an excellent employer and provider of services within a responsible fiscal framework

- Explore and encourage resource sharing within Yellow Springs, Miami Township, Greene County and the region
- Continue Water System Discussion \$ *Active*
- Stay informed regarding Health Care Reform issues *In Process*

Principle #3 - Be a welcoming community of opportunity for people of diverse races, ages, sexual orientations, belief systems, cultures, incomes, and abilities.

- Hold a discussion with local realtors, rental property owners and local employers regarding the Village's broader housing needs
- Find effective ways to communicate the historic role of the African American community in Yellow Springs and our identity as a welcoming community, including but not limited to the Village website and printed materials
- Develop security cameras/ surveillance cameras use policies *Discussion, no policies*

Principle #4 - Pursue a strong economy that provides diverse employment, a stable tax base and supports the values of the community

- Review and re-work the revolving loan fund
- Work with local officials and economic development organizations to develop a plan to increase the income tax base by retaining and expanding existing businesses, attracting new opportunities and supporting entrepreneurs and home occupations
- Support, in a timely and efficient manner, the work at the CBE *In Process*
- Collaborate with institutions and individuals working on economic development, including incubation, mentoring, job-training, funding and infrastructure *Active*

Principle #5 - *Seek, in all our decisions and actions, to reduce the carbon footprint of the community and encourage sound ecological practices throughout*

- Actively encourage local businesses and residents to opt in to the AMP/VEIC energy efficiency program *Active*
- Fund continued efficiencies of Village facilities at \$50,000 (EB) per year. \$ *In Process*
- Seek advice from Energy Board regarding ways to increase workplace energy efficiency of the Village facilities *Active*
- Continue to work with AMP to seek green energy sources

Principle #6 - *Provide careful, creative and cooperative stewardship of land resources*

- Determine best uses for publically owned property, specifically Dayton Street temporary parking and Glass Farm properties
- Complete zoning code update *Complete*
- Continue downtown streetscape improvements *In Process*
- Determine a strategy for funding the Green Space. \$

Village Manager Projects:

- recruit new Finance Officer
- recruit new Village Manager
- water physical plant:
 - a) supply
 - b) distribution
- Center for Business and Education
- Safe Routes to School
- Fair Acres infrastructure
- Morris Bean waste discharges
- personnel:
 - a) classification and pay
 - b) policy manual
- utilities:
 - a) water rates
 - b) interconnect w/solar generators
 - c) wellhead protection
 - d) accounting/collection practices

Karen asked if borrowing for CBE would adversely affect our ability to finance other, needed work in the future. Ohio limits how much money local governments can borrow. It is a percentage of the assessed value of real estate in the municipality. The limit is essentially a pool against which any tax supported (i.e., general obligation) debt by all entities – county, school, township and village is charged. In our case it has not seen much use. If we borrow one million dollars for CBE, we would still be able to borrow another 5.7 million dollars for future projects. Some projects we might want to do don't affect this, because fee supported services, like water, usually issue revenue bonds, repaid from service fees, which don't count against the general obligation limit.

We have issued shut off notices to four village utility customers. These few people are chronic delinquents with large balances (up to \$1000). As a matter of state law and our policy, we do not shut off electricity during winter months so as not to interfere with home heating. So in cold weather we shut off water, instead. Every one of the people we have notified has stalled, written bad checks, failed to adhere to an agreed payment plan, refused to talk with us or engaged in some other form of seriously irresponsible behavior – the worst of a bad bunch in other words. I say this in case they contact you so you will know that their problems are self-inflicted.

Working with Kelly Fox and Ruthe Ann Lillich we think we have identified a likely candidate to fill Kelly's position when he retires at the end of the month. If this goes as we hope, this person will work with us to fill the two other impending vacancies in that work unit. We will probably need to work out some sort of consulting agreement with Kelly to extend the transition time.

At a recent Council meeting Joan Edwards reported that she cannot hear our tornado sirens inside her house. I have consulted with the Greene County Emergency Services Manager. She is trying to find some objective standard we can use to test our sirens (X decibels sound level at Y distance from the siren). She also advises that sirens are intended to alert people who are outdoors. With modern insulation, storm windows and central air conditioning it is not feasible to install a siren that is able to penetrate all of that and still be safe for people who may be outside and nearby. We do use Hyper Alert and also recommend that residents own a weather radio with alert capabilities. I will talk with Joan and continue to work on a test that will tell us if the sirens we are using are as loud as they can be without risk of damaging residents' hearing.

A Council member also asked for an update on my report a couple of months ago about the impending expiration of our transmission agreement with DP&L. American Municipal Power is acting as our agent. They have been nudging DP&L regularly but are having trouble getting a response. Our present agreement expires at the end of 2014. It is very unlikely that we will be stranded. DP&L is prohibited from terminating service to us except in an instance where a physical malfunction in our system jeopardizes their operations. The Federal Energy Regulatory Commission oversees these matters and has a set of common standards that apply to owners of transmission facilities. There is another, lower level of regulation provided by our regional operator of the power grid, PJM (for Pennsylvania, Jersey, Maryland, though they actually cover a much larger region now). Celina, another member of the Western AMP Service Group (municipal power utilities in the DP&L service area) has been operating for years under the FERC/PJM standard offer terms. We suspect that what will happen is we will all just

MANAGER'S NEWSLETTER for 1/10/14 continued

transition to the regulated tariff when our contract is up. The only question mark relates to our delivery voltage of 12,000 volts. Technically this is "distribution" not "transmission" and may subject us to some additional fees from DP&L. Celina is in the same situation and has not been asked to pay more than the tariff transmission rate, so we think this is unlikely.

We received a letter from a group calling themselves the Yellow Springs Open Space Committee. They are concerned about recent and impending uses by Antioch College of the "golf course". They would like to see it remain open space. Their letter makes allegations about impropriety in changes to the Village Zoning code. That process went on for years and was very open and well publicized. The actual zoning (Educational Institution) hasn't changed for at least thirty five years. What has changed is the list of permitted and conditional uses. Many of the concerns are about newly listed conditional uses: a farm, solar cells, wind turbines, et al. Since these are conditional uses, they do require an application, public hearing, and approval by the Planning Commission. One of the issues is the installation of geothermal wells for heating and cooling – these do not require any sort of public hearing or special approval, any more than any other form of heating or cooling. One of the issues appears to be a preference that the "golf course" remain undeveloped. It is private property, and the college has a right to make legal use of it, so we may find ourselves in the middle of conflicting goals between the college and its neighbors. A delegation from the college did meet with the neighbors and agreed to work with them and keep them informed.

Some general musings about personnel: I have been impressed upon my return by how productive our employees are and the variety of roles they fill. One of our problems, for example, in recruiting to fill Kelly Fox's job is that he has two major functions, electric and water distribution. Most applicants have one set of skills or the other, but not both. Jason Hamby and his crew cover streets, storm sewers, sanitary sewers, parks maintenance, the swimming pool, Bryan Center and buildings and facilities maintenance generally. That's a huge scope of duties for four people to cover on our scale (25-29 miles of streets, both types of sewer, tens of acres of parks, a pool, library and community center cum office). Most service organizations allocate two thirds to three fourths of their budget to personnel costs – in our case, even dropping out the three million or so we pay for wholesale electric power, it's more like one third. I'm not suggesting that we should aspire to paying higher personnel costs. It just reinforces my subjective impression that the Village is understaffed. And given the lukewarm responses we are getting to our advertisements of vacant positions, I wonder how competitive our pay rates are. I will probably not be here to carry it out, but I think we are due for a thorough review of our employee classification and pay plan, and a review of how we compare with other employers in the area, both public and private.

1/6/2014

To: Council

From: Judy Kintner

Re: Clerk's Report

This has been a very busy several weeks, between time off for holidays, adoption (working on increasing the population one kid at a time) and many many requests for public information.

I am looking forward to the upcoming Council retreat, which is at this point set for January 16th, and will be held at the YS Country B&B.

--Judy Kintner

From: **Rick Donahoe** <dbdonahoe@yellowsprings.com>

Date: Fri, Dec 20, 2013 at 1:38 PM

Subject: Hi Brian

To: brianhoush@gmail.com

Hi Brian, I wish so much that you'd been around here not too many years ago, when pretty much the same group that is pushing so hard for the CBE was pushing, very much against the wishes of the village, for several hundred houses and retail (a strip mall complete with motel, fast food, dry cleaner, etc.) on what was called the Fogg Farm, 40 acres across from the CBE. If that would have happened, today it would be some kind of terrible mess, developed or not, and those responsible hard to find. Yet here we are again.

During your campaign you made it clear you were in favor of the CBE, as were others, the rub here being that the general public, myself included, didn't understand that you supported a project being financed with village funds. Am I wrong here?

During your campaign you made it clear that your job would be to listen to and enact the wishes of the people, not just a certain small segment of the people. And by the people, I include those who worked so hard for so many years to come up with a Comprehensive Plan. You should have seen those meetings, they went on forever. A plan, it seems, we're pretty much disregarding if not throwing out.

At the Council meeting the other night, the "fear" issue came up several times, pointed at those who don't want the village to risk funding this project. "Fear" I think is a valid issue, only one that applies even more so to those pressing hard for Village involvement in a project whose cost recently jumped 30% and is almost certain to jump much more. This relatively small group sees an opening here, a new Council led by one of their own.

The best scenario would be to follow the Comprehensive plan (development paid for by the developer) as I'm not sure what a valid argument would be against that. Beyond that, I think a definite cap needs to be put on the amount borrowed. In this case go back to the 700,000.+
Anyway, enough for now. Rick Donahoe

From: William Firestone <william.firestone@gmail.com>
Date: December 19, 2013 at 10:23:21 PM EST
To: <brianhoush@vil.yellowsprings.oh.us>
Subject: Taxation Without Representation

As a supporter of yours in the recent election I was deeply disappointed in your vote in favor of obtaining bonds in the amount of approx. \$1,000,000 for the purpose of funding infrastructure (sewer, roads, etc.) for the sole benefit of the CBE.

The fundamental problem with this is that the CBE is privately owned. While we are assured that Community Resources has only the best of intentions for our community, only blind faith would allow Council to make such a move.

At a later date we the people of Yellow Springs will most likely be told that the CBE project is not viable without the construction of spec building(s).

The Village will likely be asked to loan Community Resources the money to construct at least one building.

The cost of construction will be at least \$100/sq.ft. (more if prevailing wages are required).

When the building(s) is complete it will likely have to compete with the former Creative Memories building across the street (95,000sq ft) for commercial/light industrial tenants.

Since the aforementioned 95,000sq.ft. was purchased for only \$700,000, it is reasonable to assume that this establishment would have a significant competitive advantage over the newly constructed, and relatively expensive, square footage of the CBE.

Thus it is likely that the new CBE building(s) will remain unoccupied for some time...appraised values will drop...potential tax revenue to the village will be diminished...

Just thinking out loud,
Looking forward to meeting you,

William Firestone

Dear People: Several villagers have thanked me over the past few days for my vote against bringing the CBE funding resolution to the next meeting, and people I care about have asked me to explain my position, so this email, at some length, explains where I stand right now and what happened between last Saturday when I said in my mass email that I planned to support the CBE funding, but with “concerns,” and this past Monday, when I voted no at the meeting. (I will note that when I first drafted that email, I had written “misgivings,” and that stronger word was, at it turns out, probably more accurate).

It's basically my philosophical position--and as several people have noted, it is the Comprehensive Plan's position--that development should pay for itself. That's a long held belief of mine, which developed long before we moved here and started paying attention to local politics in Lawrence, Kansas. Government support for economic development is too often a transfer of wealth from poorer people to the wealthy; Frank Goetzke, the YS resident who is a professor of Urban and Regional Economics at the University of Louisville, argues that such things are usually a mistake UNLESS the municipality has its own goals that such an investment will also directly serve, beyond economic development.

But, given all that had been invested up to this time, I was willing to say, ok, any position may have an exception; maybe there are other ways of thinking about this, and I hate to see the federal dollars lost and another building season gone by. Frank is a self-described “free market guy” and I am more of a socialist at heart. I also hate the idea of wasting the already expended effort, money, and time of many good and thoughtful people. And I am aware that municipalities around here, everywhere, are wooing businesses with all kinds of tactics. They are doing so not because they are foolish, but because they recognize that the only way you can keep costs of services down is to get some tax-paying, wage-generating businesses in your borders. Some of the tactics are probably fine, but as with any investment, it's easy to lose sight of the costs with which one is “buying” often elusive future money.

So I am wary of the “me-too”-ism that can make that “get businesses at all costs!” idea into a downward moving spiral that ends up costing a community so much that future benefits are canceled out. But I'm also wary of the “we're different”-ism that can keep us on a course of becoming simply a retirement community, gentrifying, aging, losing diversity. We really do need a plan to keep costs for residents down, services up; it is hard for low-income people to live here. I am deeply aware of that.

And it's also reasonable to look at the last election as something of a referendum on this question: this was the issue that dominated debate, and the people who won were, effectively, in favor of it--those who staked out a position against it lost. Kent Bristol points out that because interest rates are so low right now, particularly for municipalities, the annual costs of our initial investment will be less than 1% of our General Fund and, unlike private investors, we can think of this as a slow-return investment--we can be patient and wait 20 years. Most private investors need faster turn around, have to think in terms of quarters, not decades. That all speaks for government investment.

And let me state up front: First, I believe that the people who volunteer for CR have our Village's best interests at heart; this is a group of dedicated people really trying to make something happen that they believe will help the community survive and thrive, create opportunities. And, second, I personally am not swayed by the arguments about this as sprawl or by the concerns that something horrific like pornographers or drone-producers will end up in that space. Karen is right: no business wants to put itself in a place where it will not be welcomed and may have to contend with pickets, etc. Those are red herrings, in my view, and unpersuasive at best.

And let me further be very clear: I am not opposed to there being a business park on that site, at all.

The question is, should the infrastructure for this project be mostly publicly funded by the Village, which will necessarily also mean that the village must take significant responsibility for marketing the property?

On those grounds, then, it is ultimately my job to look at this as a long-term investment / reinvestment strategy, which governments can do (ideally from the Federal / State level--think of the railroads, the interstate system, etc.) The reasonable argument that CR and others make is that we need to invest in ourselves and our economic viability; every investment has some risk--*as does doing nothing*, as does doing anything else.

And let me say one more thing: I am deeply aware also that it's really easy to say “no,” and there's an ego-boost in

being critical. Even better: saying "hell no!!" and fancying oneself as the truth-sayer in the wilderness. This is a VERY seductive role for Yellow Springers, me included, and it's kind of how we like to imagine ourselves as a community.

But the thing is: that's a very low-cost role to take on. If we no-sayers are wrong, we've often lost nothing immediately visible, and have invested little. If the plan goes ahead and works, we can celebrate the success and quietly disappear. If it doesn't work, we can feel smug about being "right," and yet still have the option of doing nothing but throwing snowballs from the sidelines.

So as I have been thinking about this, I have worked very hard to be mindful of the seductive nature of that "party of no" position. It's been deadly in Washington DC. And that means thinking carefully about what alternatives I see as reasonable and available to us, that I would put energy into and advocate for.

And, finally, no one manufactured the time pressure here--the pressures are coming from the potential loss of the grant funding and the timing of the annual construction cycle, not from nefarious intentions by evil capitalists, or what have you.

Given everything above, I would argue that if this project offers a likelihood of payback, even on a somewhat long range, like 20 years, then it is a reasonable thing to do.

So that means that we have try to assess the likely costs and the likelihood of payback of what is in some ways real estate speculation. Diane's editorial in the *News* also strongly stated that we desperately need some better numbers to base our decision on, saying "\$700,000 is a Lot of Money," and her arguments, after the long series of articles in the *News*, trying to get to the bottom of this investment, which I also read, gave me pause.

It's widely recognized, even by supporters, that the numbers that the CR provided in their report from earlier this fall, are just not credible. We have asked for better numbers in a variety of contexts, but they have not been readily forthcoming.

Then, having written my email on Saturday, saying I was supporting the project with "concerns" (originally "misgivings"), I was frustrated that it was only by late Monday that I found out that the initial investment / stake, with the costs of financing, is likely to be closer to \$1 million. This works out to \$80K per year for 20 years, \$120K per year for 10. (See Manager's Report from Monday).

Even knowing that it will probably be not quite so much as \$1M, and that the numbers were calculated on a "worst case scenario" basis, there's a distinct sense of cost creep. Because, as Diane noted, that's just the "up front" cost. The people who have talked to me about this, even the supporters, have made it clear that they expect we'll have to offer tax abatements and/or other incentives for this site to get building jump started; if we don't, the project will likely languish. And it's clear to me that we'll need to provide some kind of project management focus, so the \$80K / year is just the beginning of the costs for us, let alone the time.

(As an aside: While \$80K per year is only a small portion of our General Fund, it is a good salary in this town, even with benefits included. It's more than double what we pay all Council members combined, for all our work, even with the pay increase. As a Council member, I do have to ask: Is this the best way, even a good way, for us to spend money for the next 20 years toward economic development?)

And, frankly, our track record on this very project isn't great. The design we have at length gotten approved by the Army Corps and ODOT looks problematic, particularly after Sarah Hippensteel Hall, of the Miami Valley Conservancy, recently spoke to us about retention ponds as horrible from a conservancy point of view. It's really hard for governments to be supple.

This isn't about a personal attack on Council or CR; it's structural. For the reasons articulated by Richard Lapedes and Frank Goetzke and others who say: if you don't have your own "skin in the game" these kinds of projects have a way of languishing just due to the nature of governments, elections, and the many other central demands on our time and attention. CR is a group of really dedicated people, but they are volunteers. We on Council, meanwhile, are also dedicated but while we are the only group in town that can provide water, sewer, street repair, etc., other groups

can do economic development--and often do it better because putting your own money down has a way of focusing your attention.

So cost creep concerns me particularly when it's public funds. But what about the other side—the likely benefits / return on investment? The argument has been that it's close to impossible to get the numbers we need, particularly. But two people are giving me some numbers, and they both are suggesting this is likely to be a bad idea--Bob Baldwin, a local, long-term real estate investor, and Dawn Johnson, who lives here and works in this field in our region. Specifically, she is the the Warren County GIS Coordinator, and in that capacity is privy to most land developments prior to their approval and certainly upon their execution, and she works with Auditors to determine values of properties based on the geographic location, and she regularly with the Warren County Economic Development and Warren County Planning and Zoning. She is asking very specific questions along the lines of those asked for by Diane Chiddister, questions I don't have good answers for at this point. Johnson seems to be providing data that we need to attend to, just based on work she's doing on her lunch hour.

In particular, Johnson's numbers about local TIFF projects, which I would like further time and help to digest, don't look great, even with better siting (e.g., visibility from I-675) and better infrastructure (fiber optics in place) and an aggressive marketing strategy for those sites. With all that in place, the Valle Greene sites have an estimated 165.91 years-to-recoup their costs. I know that YS is different, that we have better coffee shops and restaurants for employees, etc., but are we that different--145 years different, for the kinds of projects for THIS site? As someone who owns a small piece of commercial real estate in town, I have significant doubts.

Of her years of work in Warren County, Johnson herself says, "I have never seen a community 'grow' its way out of debt--when its growth by way of debt driven subdivision, regardless of the type, residential, commercial or industrial. And I have seen communities grow without debt, by virtue of market forces."

Then Bob Baldwin again reminded us that the CM building across the street had been built for probably around \$9.5 million dollars (95,000 sq ft at \$100/sf, a reasonable estimate) and was just sold for \$700,000. (We might have been better off buying that building with our \$700K, frankly). Moreover, the article in the *YS News* noted that the new owners are open to building a high bay space, to a business's specifications, for lease *on that site*, which already has infrastructure. Shovel ready. No government involvement.

And there are the moves by Roger Husbands to develop an impact hub, and the reservations of Todd Leventhal, also a local, successful business person, who said in a letter to Council: "I am all for giving a helping hand to businesses to locate here. Providing funds to fix up an old building or partition an existing building such as Creative Memories would make a lot of sense. Or work with Antioch College to invest in an incubator for new businesses in one of the existing buildings on their campus, would make a lot of sense. Even funding an apprenticeship program at the high school where students could be trained at current factories in the area for good long term paying jobs would be great for our community. But we must be realistic that in an entertainment and educational type of town that we have become, a new industrial park at the edge of town might not be the best way to spend our limited resources."

Given that there may be other similar places, such as the undeveloped parts of the Creative Memories site, for these sorts of businesses, and there are these alternative possibilities of economic development strategies, I guess I just have serious misgivings that \$1M up front, plus whatever it's going to take to try to make this work, is ever likely to be returned, which means that we're likely not doing what this project is supposed to do: improve our budget's revenue-to-costs ratio.

And when I, personally, think about putting a lot of time and effort into this project, myself, and re-organizing our few government positions in our shoe-string organization around THIS economic development strategy, I feel exhausted by it, not energized. I've watched us flounder for a long time on this. So I feel it's unethical for me to give a vote of confidence for something where I'm thinking: other people better pick up the slack on this one, because I know with every fiber of my being that I, personally, won't have time /energy for it. (There's another tendency in my beloved community, toward what I call "Conceptual Artist": we like to imagine great projects and then assume other people will do the grunt work.)

Finally, I am hearing significant concerns, again from people who are experienced in real estate, about the lack of a detailed business plan for the CBE (from the start), the lack of real estate professionals on the CR board, and many

other details. Serious people, with expertise I do not have, are telling me that, at the very least, it is absurd to go ahead with a plan that has never had a detailed business plan, and which lacks many more details about reasonable build-out time, exactly how the financing would be offset by taxes and when, especially if other financial incentives would need to be put in place, and other salaries paid to manage the process.

Increasingly I simply believe that it is unwise for the Village to go into debt for this project, even if that means losing the federal grant.

That is where I stand today. I am going to make my stance clear, and I am going to advocate that my fellow Council people reconsider their positions.

Yet, with all that being said, if this does go forward, I will of course do what I can to make it a success, which definitely means that I will demand that we get more details such as those I've mentioned above.

I will ask wise people to make a checklist of things we need to have before us. Whatever I am asked to do as a member of Council, I will do, because if we do invest the money, I want us to get it back and then some; I want it to work. I will seek to have people who *do* have energy and expertise for this project (not me) put in place to make it work.

I definitely know that my position is likely less informed than it needs to be in the end—and probably should have been all along. I am deeply aware that some people who I know and trust have looked at this same information have reached and come to the opposite conclusion--including people who spend a lot more of their time focused on these questions and issues than I do. There may be things I have gotten wrong or misunderstood here.

And, ultimately, I do not believe this is a make-or-break decision for the town. It is not betting the whole farm or putting all our eggs in one basket--we can encourage other experiments too. BUT it does represent a significant financial stake that will affect our other decisions and our ability to make other investments, so we need to make it thoughtfully, or walk away. At this point, I felt I needed to send a signal that I'm feeling increasingly less certain that it is our best use of funds, so I voted no. I am open and still listening to all sides, but my misgivings did reach a tipping point last Monday that I felt I needed to explain.

Best,
Lori

From: <SHECKART@aol.com>
Date: Sun, Dec 22, 2013 at 10:04 AM
Subject: Commerce Park
To: brianhoush@gmail.com

Dear Mr. Housh:

I want to encourage you to help make the Commerce/Business Park a reality.

It is my firm belief that this Village, including the school system, can't maintain its current life style unless we somehow bring in more tax revenue. It is obvious from the very strong "no-growth" contingent in the Village that the revenue is unlikely to result from residential property taxes. So, the only alternative that I can see is to grow jobs with the expectation that the jobs will also provide income taxes in addition to some property tax..

Full disclosure: I was a member of the Planning Commission in the late 1990's and early 2000's. I drafted a "Mixed Commerce" ordinance and submitted it to my PC colleagues in June of 2001 so the notion of a business park has been around a long time. Far too long with too little action in my opinion.

Some of our citizens want a guarantee that the CBE would be successful. In the real world there can be no such guarantee but there is a reality based guarantee. The the Village will not experience meaningful business growth to replace those companies and jobs associated with firms like Vernay unless we do something to attract those companies including providing infrastructure, a business-friendly posture, and possibly facilities.

Thank you for your attention.

Steve Heckart
230 Allen Street

Judy Kintner

From: Panayiotis T. Manolakos [ptmanolakos@gmail.com]
Sent: Friday, December 13, 2013 3:27 PM
To: Judy Kintner
Subject: Letter: No public monies for the Center for Business and Education

Dear members of Council:

I am writing to urge you to oppose any public financing and provision of infrastructure at public expense for the so-called Center for Business and Education. I believe that a preponderance of evidence and sound economic logic unambiguously supports this position.

Our community does not need a business park. We need repairs for our water plant, or to begin constructing a new water plant.

Infrastructure for the people should be our main concern.

Furthermore, it is imperative that the village conform to the Comprehensive Plan as our economic development policy. I also oppose, without apology, the development and manufacturing of commercial and military drones in our village.

It is my view that any public financing of the Center for Business and Education (CBE) represents a political attack on our elders, the working class and people of color in our village. If the present Council takes additional steps that would ultimately culminate in approval of public financing and provision of infrastructure at public expense, then I will contemplate any appropriate action permitted under ARTICLE VIII of the village charter.

I sincerely hope that all members of Council will adopt a common sense political economy on this matter.

Respectfully submitted,

Taki Manolakos

Hello Lori,

Much thanks to you for taking time to share your thoughts, your questions and your observations on the request for Village money to support the CBE at this time. I have been riding on both ends of a seesaw on this over the past couple of months since it's come into the fire of a date of action to not lose funding.

I too do not oppose the existence of the CBE for our village and believe it would be beneficial overall if developed in such a way as to be sustainable and solvent.

Looking at it from many angles, I must get right to the bottom line question before us now as to whether our village resources (tax dollars) should be used to rescue the grant money efforts and essentially be investors in the infrastructure and consequently marketers/caretakers/stakeholders in it. As I understand it, the CBE was not a Village/municipality venture though the village has already literally and figuratively paved a way for it. My position is, given the guidance of the comprehensive plan stating that development must pay for itself, as well as being very uncomfortable with extending our Village financially to the extent being requested without the support of a well thought out business plan that fits into our Village economic development plan: **NO, we should not be extending \$800,000+ of Village monies for the CBE.**

I deeply believe the need for "skin in the game" on the part of businesses that choose to in Yellow Springs or anywhere else. The infrastructure dollars we are talking about providing strikes me as the roots of this development. Roots are vital to the growth and stability of any plant we expect to thrive. They lie below the surface, yet must be fully connected to what is happening above. If we, as a municipality hoping to strengthen our economic base, provide this root money, tax abatements and other incentives to attract businesses where is the connection/commitment on the part of each business that moves there? Rather than having vigorous and persistent perennials I believe we would find ourselves with what equates to artificial flowers that fool the eye initially but can be pulled up and set down elsewhere without notice. Or something that is simply discarded or abandoned because it was never truly anchored and committed to "grow where it is planted."

I am not familiar enough with the efforts of the folks of CR to know if private investors have been courted on this. If not, why not? If so, why is it not possible to attract the money needed if it is such a "sure thing"? And I do completely agree with you that the members of CR working on this are highly intelligent, highly skilled, hard working, civic minded people that have the well being of our community in mind and give generously of their time.

What has been pointed out as far as having built in 'competition' with the newly purchased Creative Memories site as well as a number of buildings on campus, and elsewhere in the village, that are empty and could be revitalized is also important to me in this issue. How do we maximize what is here already? How do we support life of the interior of YS before expanding? Many villages, towns, cities have expanded

outward in the quest for growth and stability while allowing vacancies in the interior to cause a loss of vitality, walk ability, desirability and safety of the what once was the essence of the municipality itself.

This issue has been state as money will be "lost" and only village money can "save" it at this point in time. However, if the village of YS, via our tax dollars, is loaning \$800,000 to \$1M to provide infrastructure and it is anticipated that tax abatements and other incentives would also be necessary as businesses would be wooed to the CBE where exactly does the village recoup the money being loaned?

I'll end this with what is my overall concern: our comprehensive plan requires development to pay for itself.

Thanks to you, and all members of council, as well as village admin that have put so much time and effort into this. We are so fortunate to have all of you representing us.

Carmen Milano
RECEIVED 12/30/13

Dear Members of Village Council;

I know there have been a number of thoughts already circulating on this but I am thinking to share a couple of observations from a slightly different perspective.

With recent and ongoing Council discussions about Community Resources' proposal concerning Village financing and construction of roads and infrastructure at the CBE (beginning with proposal presented 8/19/13), it occurs to me that the particular parameters of the design proposal itself have garnered little direct attention. Most of the discussion and deliberations have centered, not inconsequentially, on the financial side of the question; 'to fund or not to fund' or 'how to go about funding' the project. With the design remaining essentially unexamined, numerous opportunities for determining and limiting the prospective scope and extent of the work that the Village would take-on seem to me prospectively missed.

By CR' own representation what we have here is a 'greenfield' development opportunity which translates into an almost blank page where many things are possible. The proposal presented in August represents one such possibility. I have not gotten the sense that Council has in a direct manner entertained the question of "What exactly, at this time, might be necessary and desirable in terms of the scope and extent of work?"

While the applicant would in all likelihood prefer (for their reasons as committed developers of this property) to have funded and built as much of what has been requested as can be approved, the criteria that Council answers to is not necessarily identical to this. Recent local community discussion and expressions of concern over the expense and financial risk underscore this point.

With the Village standing prospectively as the principle financial agent in this work, it is entirely within Council's purview to pose questions and to make decisions on the specific scope and extent of the project; not simply 'yes or no' on whether or not to be involved in the project. To put it plainly, concerns already expressed elsewhere and to Council about the economic risk suggest that a serious examination of ways to reduce and limit the project should be part of the decision on how and if to move forward. (Not just 'take it or leave it' as the only choices.)

Even with only a site plan in hand (named as drawing 2 of 50; 49 of which were not include in the August CR presentation) several possible **options for reducing the extent, cost and impact of the project** are apparent and clear.

From a very quick review:

The section of proposed roadway named "University Way" provides little or no immediate unique development opportunity/access, with a proposed new pond on one side and a parcel already accessed by proposed Gateway Drive on the other. University Way can be eliminated or deferred at sizable cost savings. The proposed new pond, on an unrelated note, continues a barrier (approaching becoming a kind of 'moat' between primary road and site) making the development more akin to the sort of self-contained enclave that typically gets dubbed 'sprawl'. While I think this is secondary to my present remarks, other water control solutions should be considered.

With "Gateway Drive" itself, there is very little reason why its full-proposed extent would need to be constructed at this time. Absent of any presales whatsoever, Gateway Drive could be reduced by about 60%, building only the southern portion as far north as PC STA 15 +03.72 (about as far as the neighboring 1 story residential structure to the west) and locate turning circle thereabouts to provide access and service to several sellable lots within the southern half of the site.

Adopting these two measures alone would significantly reduce the amount of paving to be constructed by more than 2/3, leaving much of the site's current agricultural use undisturbed.

Rather than saying that the above modifications would in any way exhaust the conversation, my point is to suggest that there are multiple solutions. Working these things out through discussion and on an engineer's drawing board is relatively inexpensive and likely worth the effort.

If indeed Council decides to be involved in providing Village support to a CBE project, further consideration of options should precede voting on construction plan proposals that may well in essence deserve being reformulated first.

While appreciating that Council faces some pressure to "act fast" I believe acting *smartly* and *prudently* is a better outcome for the community.

Regards,
Dan Reyes

Judy Kintner

From: Alex Melamed [a.g.melamed@gmail.com]
Sent: Friday, January 10, 2014 1:08 PM
To: Judy Kintner
Subject: Letter in Support of CBE funding with Stipulations

For Ms. Kintner and the Village Council,

I write in support of the action to fund the development of the CBE in its current form. My support, however, does hinge on one caveat. The development site is separated from the village in one very important way.

Pedestrian and bicycle traffic is all but excluded from that corner of the village. The success of the CBE project hinges on making good on the promises outlined in the published literature about the CBE and Yellow Springs. Namely, if we, as a village, can provide the type of lifestyle we aspire to and promise to others, we must have a pedestrian and bicycle corridor along Dayton Street leading through town to the CBE site.

Otherwise the fears that many villagers have about a suburban blight on the edge of our community may become hard to deny. I want the CBE to be a success for Yellow Springs. It must be seen as a part of the village to be successful and in order for it to be integrated it must be part of the advertised walking lifestyle that we are offering. Otherwise it will be a lonely cul-de-sac behind the ugliest building in town - that you have to drive to. But, it could be the most exciting place in town to work that's a five minute bike away. We must support this ambitious project with with the amenities it needs to survive. These amenities would serve the whole community as well and hopefully persuade those of us who are not yet convinced of the wisdom of this project. I support the CBE as part of our village's overall development and economic future if we can make it connect.

Thanks for your efforts,

Alex Melamed, MArch CPHC
Green Generation Building Co.

Yellow Springs, OH
850.766.6023

From: **William Firestone** <william.firestone@gmail.com>
Date: Mon, Jan 6, 2014 at 9:01 AM
Subject: Cheerleading for the CBE
To: brianhoush@vil.yellowsprings.oh.us

Brian,

I read your post on Facebook yesterday and was disappointed to see that you have not altered your position on public funding of infrastructure for the CBE.

Community Resources is a private, nonprofit corporation with accountability only to its stakeholders.

Is it the appropriate role of local government to pick winners and losers in the private sector? Do you intend to provide public subsidies to other developers/landlords who have invested or intend to invest in commercial/industrial properties in Yellow Springs?

Thank you for at least taking the time to read the Comprehensive Plan.

Please resist the urge to put a lawyerly spin on the contents of it.

The plan clearly states that developers will install and assume the cost of onsite infrastructure.

The village's role is to maintain this infrastructure.

With over 20 years of experience working for and with local developers

I can assure you that there is not any among them who would not love to receive a free 1.9 million dollars to give their properties an edge in the marketplace.

Think about it Brian.

Do you work for the Village
or the Chamber of Commerce?
Please clarify.

With hope and respect I thank you for your public service.

Sincerely,

William E. Firestone

From: [Sue Abendroth](#)

Sent: 1/5/2014 9:21 AM

To: [Karen Wintrow](#); [Clerk of Council](#)

Subject: Re: Agenda Review Council Meeting Monday January 6

On 1/4/2014 7:22 PM, Karen Wintrow wrote:

snip

Karen,

As you know, I support the CBE proposed "joint venture" with Council very strongly because I believe that it provides the best chance and most reasonable way for the Village to address our declining tax base. As you've stated so well, there is always risk to investments projects. However, NOT investing in the CBE constitutes a much bigger risk to the village's future . I hope Council won't be swayed by the scare tactics and nasty insinuations being promulgated by a very vocal but tiny posse.

Thanks for all your hard work.

Sue Abendroth

Please share my comments with the rest of the Council.

Yellow Springs Open-space Coalition (YSOC)

Mission Statement and Goals

12-30-2013

The Yellow Springs Open-space Coalition (YSOC) has been formed with the purpose of establishing a more principle based stakeholder engagement process regarding the changes taking place at the Antioch College (AC) property commonly known as the Golf Course (GC).

Our mission is to support Antioch College in its growth and development while protecting the health, safety, and quality of life in our shared neighborhood and the surrounding community.

In order to accomplish our mission, YSOC expects to be considered, consulted, and included in AC decisions and discussions that impact the Yellow Springs (YS) community.

These are our goals:

1. Keep the GC as undeveloped open community space.
2. No Farm.
3. No Solar Panels.

We hope that YSOC will be a welcome resource to ensure that YS is part of AC's success. YSOC consists of concerned alumni, neighbors, existing and new donors. All are disheartened by recent non-inclusive developments. YS is part of the AC community as much as AC is part of the YS community. We must make this work for all of us.

From: midwifeanne@aol.com [<mailto:midwifeanne@aol.com>]

Sent: Thursday, January 2, 2014 11:43 PM

To: kwintrow@yellowsprings.com

Subject: Golf Course Zoning Process

Yellow Springs Open-space Coalition
YSOC
Established 12/22/13

Karen Wintrow, President Yellow Springs Village Council

29 December 2013

Karen:

I am contacting you on behalf of a concerned citizens group called the Yellow Springs Open-space Coalition (YSOC). Attached are our Mission and goals.

YSOC believes that zoning changes were made for the open space known as the Golf Course without due process. It was a breach of community representation. This was presumably done to accommodate Antioch College's plan for agricultural livestock, a geothermal field, and a solar panel field on their land within village boundaries. A past Village Council member has made it known conversationally that the solar panel field on the Golf Course is a "done deal" and the village has already negotiated a purchase price for energy.

Aside from the issues with Antioch College's plans for the Golf Course, YSOC is very concerned about the seemingly under-handed way in which these zoning variances have been implemented. YSOC wants a written admission and detailed documentation of what changes were made, when they were made and by whom. We also want written assurance that this will not occur again and how that will be accomplished. YSOC believes it is necessary to reverse those changes because of the improper procedure.

Antioch College is a vital part of our community. YSOC intends to support the college as well as advocate for the citizens of this community. Antioch College is *not* more important than the people of Yellow Springs. Failing to provide fair representation and due process is never justified.

Respectfully,
Anne Erickson, representing YSOC

MAYOR'S MONTHLY REPORT TO COUNCIL

DATE: December 31, 2013
 TO: Members of Council, Village Manager, Chief of Police
 FROM: David H. Foubert
 RE: December 2013 Report

There were 20 traffic, 0 DUI, 0 misdemeanor and 9 parking citations filed with Mayor's Court in December for a total of 600 citations filed to date in 2013.

BOND ACCOUNT

NO ACITIVITY IN DECEMBER - 0.00 BALANCE

MAYOR'S ACCOUNT

Violations Bureau:		
Fines/Costs	2220.00	32536.00
Parking	170.00	1830.00
Court Fines	1435.00	21238.46
Weddings		250.00
Expungement Fee		50.00
Mayor's Account Balance	3825.00	55904.46
Refund(overpayment)		104.00-
Bank Charges		70.43-
Adjustment for 2012		130.00-
Restitution		650.00-
Remitted to Other Agencies		
Victims of Crime	214.00	3117.00-
Indig. Defense Fund	655.00	8731.00-
Drug Law Enforcement	80.50	1116.50-
Indig. Drivers Alcohol	33.50	478.50-
Seatbelt		300.00-
Expungements		30.00-
Law Enforcement Educ. Fund -2013	200.00	200.00-
Remitted to Computer Fund	279.00	3599.00
Remitted to Village GF	2363.00	37378.03

 Comparison Figures from December 2012

There were 23 traffic, 2 DUI, 0 misdemeanor and 3 parking citations filed with Mayor's Court in December for a total of 439 citations filed to date in 2012.

Remitted to Computer Fund	184.00	2663.00
Remitted to Village GF	1750.00	40776.20

David H. Foubert

 David H. Foubert, Mayor *DF*

Yellow Springs Police Department Activity Report for October, 2013

(A) Calls for Service Information

Total number of calls for service received ----- 684

(B) Offenses Information

Total offenses reported ----- 202

(C) Felony criminal citation, misdemeanor criminal citations, and traffic citations (moving, parking, and warning citations).

Total citations issued ----- 260

(D) Stolen Property Value

Value of reported stolen property ----- \$25,570.00

Value of property recovered ----- \$25,060.00

(E) Accident Information

Accidents without injury ----- 2

Accidents with injury ----- 2

Accidents hit skip ----- 0

Accidents fatal ----- 0

(F) Domestic Violence Information

Domestic violence incidents ----- 0

From: Vivian Daly [<mailto:vdaly@environmentamerica.org>]
Sent: Thursday, December 19, 2013 2:10 PM
To: info@yso.com
Subject: #ActOnClimate with Environment Ohio

Dear Mayor Foubert,

My name is Vivian Daly and I'm a field organizer with Environment Ohio, the statewide, citizen-based, environmental advocacy group, we're all about protecting clean air, clean water, and open spaces. I reached out to you a few weeks ago about our Stop Global Warming Campaign, our top priority campaign, asking for your support by adding your name to a letter of support for President Obama's Climate Action Plan.

I wanted to let you know that it's not too late; you can still add your name to a letter of support addressed to the President for his action on climate.

As you probably know global warming is already affecting us right here in northern Ohio, especially our treasured Lake Erie. Rising temperature, caused by global warming, fueled dangerous and toxic blue-green algae blooms in our lake this past summer. These blooms are not only damaging to the ecosystem, but also make the water undrinkable and swimmable for humans. Additionally, warmer temperature trigger smog production in our air, resulting in respiratory illnesses. Impacts like these will only continue to grow worse, unless we act on climate change.

Environment Ohio, along with our climate allies around the state, are working to build support for climate action by asking public officials to add their name to the attached letter of support for the President's Climate Action Plan to limit global warming pollution from new and existing power plants, while promoting clean renewable, energy sources.

If this is an effort you would like to support please let me know by phone at 614-460-8730 or email at vdaly@environmentohio.org

Thank you very much and Happy Holidays.

Best,

Vivian Daly

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Vivian Daly, Field Organizer
Environment Ohio

614-460-8730 (o)

781-690-6581 (c)

vdaly@environmentohio.org

Follow us on Twitter @EnvironmentOH
Follow us on Instagram @EnviroOH
Like us on Facebook at Environment Ohio
www.environmentohio.org

692 N High St., Suite 202
Columbus, OH 43215

From: Cox, Christine [CCox@gcpl.lib.oh.us]
Sent: Monday, December 16, 2013 8:50 AM
To: jgraue@xeniagazette.com; editor@xeniagazette.com; Cox, Christine; info@foremostevents.us; Fischer, Larry; lifestyle@xeniagazette.com; LShepherd@cinci.rr.com; markgrfx@sbcglobal.net; Ulvestad, Deanna K.; Webster, Kay L.; rcmoore@sbgnet.com; Collett, Connie J.; rebecca@yellowsprings.com; dbenning@yso.com; info@yellowspringsohio.org; channel13@yso.com; ysnews@ysnews.com; Colon, Karl
Subject: Yellow Springs Library Announces January Programs

FOR IMMEDIATE RELEASE

Contact: Yellow Springs Library, 352-4003

Yellow Springs Library Announces January Programs

Yellow Springs, OH: Exciting and fun programs for people of all ages are being planned at the Yellow Springs Community Library, 415 Xenia Avenue.

January Story Times

Story Time will be held at the Yellow Springs Community Library on Fri., Jan. 10, 17, 24, 31, from 10:30-11 a.m.

Baby & Toddler Play Time will be held at the Yellow Springs Community Library on Thu., Jan. 9, 16, 23, 30, from 2-2:45 p.m.

January Children's Programs

Lunch With the Librarian: Book Discussion for Home School Families will be held at the Yellow Springs Community Library on Mon., Jan. 13, 12:30-1:30 p.m.

Bring your lunch and anything you've been reading. We'll have lunch together and talk about books. Informal fun!

Second Tuesday Feed & Read: A Book Club for Tweens will be held at the Yellow Springs Community Library on Tue., Jan. 14, from 3-3:45 p.m. Get together with other readers after school. Talk about books and enjoy snacks provided by the library.

After School Games will be held at the Yellow Springs Community Library on Tue., Jan. 21, from 3-4 p.m. Enjoy board games, cards and puzzles with friends after school. Registration required. Call 352-4003.

Build It! A Woodworking Craft for Parent & Child will be held at the Yellow Springs Community Library on Tue., Jan. 28, from 6-7:30 p.m. Work in pairs to construct a truck, a tank, a ship, a jeep, or other cool vehicle. All materials provided, no power tools necessary! Registration required. Call 352-4003.

January Teen Programs

Matinee Movie for Teens & Tweens will be held at the Yellow Springs Community Library on Fri., Jan. 3, from 3-5:15 p.m. Enjoy Despicable Me with friends on a winter afternoon. Bring your minions, we'll provide the popcorn. Registration required. Call 352-4003.

January Adult Programs

YS Book Discussion for ages 18+ will be held at the Yellow Springs Community Library on Monday, Jan. 27, from 6:30-8 p.m. Call for this month's title. New participants are welcome.

Mystery Book Club for ages 18+ will be held at the Yellow Springs Community Library on Wed., Jan. 8, from 6-8 p.m. All mystery lovers are invited to join us for our new Mystery Book Club!

Organizing 101 for 18+ will be held at the Yellow Springs Community Library on Thu., Jan. 16, 6:30-8 p.m. The ladies of Call-To-Order Organizing will help you make an action file to organize your paperwork, and answer other organizing and decluttering questions. Registration required. Call 352-4003.

For a complete schedule of activities, stop by your local library or log on to the library website at www.greenelibrary.info.

The Greene County Public Library system consists of seven locations: Beaver creek, Jamestown, Cedarville, Fairborn, Yellow Springs, Xenia and Bellbrook.

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