



*The Economic Sustainability Commission provides information and makes recommendations to Council regarding economic development for the Village of Yellow Springs, identifying primary opportunities for economic development in the Village and strategies to support these efforts and facilitating a forum for incubating ideas and networking among diverse groups working on economic development in the Village.*

**ESC Meeting Agenda  
Wednesday, April 04, 2018, 7pm  
Council Chambers, John Bryan Community Center**

7:00 Approval of March 07, 2018 Minutes

7:10 Citizen Concerns

7:20 New Business

- 1) Discussion of D-CIC with guest expert on Community Improvement Corporations, Rob Anderson, City Manager from Fairborn.
- 2)

7:20 Old Business

- 1) Localization Initiative – update from Kat Walters.
- 2) Council Response to Incentive Policy Proposal

8:20 PM – Setting agenda for next meeting

8:30 Adjournment

**Next meeting is May 02, 7pm, Council Chambers**



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## **Economic Sustainability Commission Minutes**

Wednesday March 7, 2018; 7 pm

Council Chambers, John Bryan Community Center

Attendees: Saul Greenberg, Henry Myers, Lisa Kreeger, Mark Crockett, Gerry Simms, Emily Seibel, Karen Wintrow, Brian Housh, Kat Walter (representing Susan Jennings)

The meeting was called to order at 7:03 by Greenberg. Gerry Simms was welcomed as a new member of the ESC.

### **Minutes**

Minutes from February accepted with no corrections. (Myers/Kreeger)

### **Citizen Concerns**

None

### **Old Business**

#### **Village Incentive Policy**

The ESC reviewed the incentive policy and application presented by Wintrow. There was general approval of the documents but some revisions were suggested by members. Greenberg suggested adding a mentoring program as part of the incentive policy but members agreed that the need for such a program was more directly related to the Revolving Loan Fund.

Members agreed that Wintrow, Kreeger and Seibel would collaborate to finalize the document for presentation at the March 19 Council meeting. Per Kreeger, the Incentive Policy is listed as a separate agenda item from the Annual Report presentation.

### **New Business**

#### **2017 ESC Annual Report**

Members reviewed the 2017 Annual Report developed by Wintrow and Greenberg. Revisions were suggested including removing the ESC Plan from the 2018 Goals as our goals were already ambitious and there didn't seem to be an urgency to update the plan at this time. A goal of Researching and Advising Council on the formation of a designated CIC was added to the 2018 goals.

Members agreed that Wintrow, Kreeger and Seibel would collaborate to finalize the document for presentation at the March 19 Council meeting. The 2017 Annual Report was approved as amended (Simms/Myers).

#### **Designated Community Improvement Corporation**

Per Kreeger, Council would like the ESC to review and decide if we can assist them on the development of a Designated CIC. Supporting documents in the packet included a report from Village Solicitor Chris Conard on the purpose and function of a CIC and an email from Richard Lapedes supporting the concept as a means to strategize and collaborated among the Village, Township and School Board.

Members were concerned with our capacity to be able to assist given the legal intricacies of a CIC. Wintrow suggested bringing an expert to our next ESC meeting to educate the group on what a CIC does and how it might impact economic development in the Village. Members agreed to that strategy and Wintrow volunteered to find an appropriate expert.

Members also decided to formulate questions that would be presented back to Council so we could better understand how they see our role in the CIC discussion.

Kreeger has asked Conard for more information on CIC's which she will share with the ESC when she receives it.

#### Laura Curliss Recommendations

Members appreciated appreciation for and interest in a list of suggestions related to economic development provided by Laura Curliss. Wintrow indicated that she prepared a document with more details on the recommendations including current status of initiatives that are already underway. Members asked her to share that which she will. Wintrow also volunteered to send a message of appreciation to Curliss for her interest.

#### Proposed Agenda for April 4 meeting

Discussion of CIC with expert to be determined

Adjournment at 8:40 (Simms/Seibel)

**Next meeting April 4, 2018 at 7pm in Council Chambers**



# HANDBOOK

## Ohio County Commissioners

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## CHAPTER 81

# COMMUNITY IMPROVEMENT CORPORATIONS

**Latest Revision**  
**1994**

### 81.01 PURPOSE

A community improvement corporation (CIC) is a nonprofit corporation organized under the provisions of Chapter 1724 of the Revised Code for the sole purpose of promoting, advancing and encouraging the industrial, economic, commercial and civic development of the area. This chapter will describe the organization and powers of CIC's, their role in issuing industrial development bonds, and will explain their role in county depressed economic area linked deposit programs.

### 81.02 ORGANIZATION OF A CIC

A CIC may be organized in the manner specified and provided for in Sections 1724.01 to 1724.09 of the Revised Code. The articles of incorporation and the original appointment of statutory agent, which must be signed by the three incorporators of the CIC, are filed with the Secretary of State. The Secretary of State, in turn, will forward the articles of incorporation to the Attorney General for a legal compliance review. After the documents are returned to the Secretary of State, the CIC is notified that incorporation is completed.

The organizational meeting may then be held to elect a board of trustees, officers and adopt a code of regulations. The filing fees charged by the Secretary of State with respect to the filing of articles of incorporation and original appointment of statutory agent is \$25. The Ohio Department of Development (DOD) can provide guidance to political subdivisions considering the formation of a CIC.

### 81.03 POWERS

The powers of the CIC are broad and include, by way of illustration, the following:

1. To borrow money for any purpose of the corporation by issuing debt. Such debt is secured by a mortgage or other lien on its property.
2. To make loans to persons, partnerships, corporations or other business organizations and to regulate the terms and conditions of such loans. Such loans cannot be approved by a CIC unless the person has tried to obtain a loan through ordinary commercial channels and has been refused by at least one financial institution.
3. To purchase or acquire real and personal property and to dispose of such property.
4. To acquire the good will, business, rights, real and personal property, and other assets of firms and persons and to assume or pay debts and liabilities of such persons and firms.
5. To acquire real estate for the purpose of constructing industrial plants or business establishments or to dispose of such property for such purposes. In addition, a CIC may acquire industrial plants and business establishments and may sell, operate, maintain or lease such facilities.
6. To acquire, sell, pledge, etc., stock shares, bonds, notes or other securities of persons, firms, or corporations.
7. To do all things necessary to carry out the powers of a CIC.

#### **81.04 DESIGNATION BY COUNTY COMMISSIONERS**

A CIC may be designated by a county, one or more townships, one or more municipal corporations, two or more adjoining counties, or any combination of these political subdivisions. A designated CIC is the agent of the political subdivision for the industrial, commercial, distribution, and research development in the jurisdiction. The designation is made for counties by resolution of the county commissioners.

Not less than two-fifths of the governing board of any designated CIC must be composed of mayors, members of municipal legislative authorities, township trustees, county commissioners, or any other appointed or elected officers of such political subdivisions, provided that at least one officer from each subdivision must be a member of the governing board. A designated CIC, is considered a public body and must comply with Ohio Sunshine Law, (OAG 79-061).

It is advantageous for a CIC to be designated by a political subdivision as its agent because it can then approve or certify projects for industrial development bond (IDB) financing. It can, however, without designation, still be used to expedite financing programs of the Ohio Department of Development.

A CIC, designated by a county, and the members of the governing board and any other employees of a CIC that perform functions on behalf of the county are all deemed to be "employees" of a political subdivision for purposes of the sovereign immunity law, Chapter 2744 of the Revised Code (OAG 87-024). As such, they are accorded limited immunity from liability as provided by that law. The sovereign immunity law also applies to determinations concerning the issuance of industrial revenue bonds by a CIC.

A county that has designated a CIC is obligated to defend the CIC, any members of the governing board and other employees of a CIC in any civil action arising from issuance of IDB's, provided the acts or omissions alleged to have caused injury occurred while the CIC and its employees were acting in good faith and within the scope of their official responsibilities.

A county may, when it deems appropriate, appeal an unfavorable decision and post an appeal bond on behalf of a CIC's board members and employees. A county is also obligated to indemnify and hold harmless the governing board of a designated CIC in the amount of treble damages in a federal anti-trust case alleging injury stemming from the issuance of IDB's if the CIC and its governing board were acting in good faith.

A CIC, when designated by a county or other political subdivision, prepares an economic development plan for the political subdivision. The plan will show how the CIC will participate in such plan of economic development activities proposed in the plan. This plan must be approved by the legislative authority of the political subdivision and signed on behalf of the CIC and political subdivision prior to the time the CIC can act as agent of the political subdivision with respect to the plan.

The primary function of many CICs has been to assist in the issuance of industrial development bonds (IDB's). Ohio law requires a CIC to certify that a project to be financed with IDB's is consistent with its approved economic development plan before the bonds are issued. A CIC may, however, and if in accordance with the plan:

1. Insure mortgage payments required by a first mortgage on any industrial, economic, commercial or civic property for which funds have been loaned by any person, corporation, bank or financial or lending institution upon such terms and conditions as the CIC may prescribe.
2. Incur debt, mortgage its property acquired under Section 1724.10 of the Revised Code or otherwise, and issue its obligations, for the purpose of acquiring, constructing, improving and equipping buildings, structures and other properties and acquiring sites therefor, for lease or sale by the CIC. Any such debt issued by a CIC solely obligates the CIC, not the political subdivision.

A CIC, with the authorization of the political subdivision and under certain circumstances, may also sell or lease any land or interest in land owned by the political subdivision

determined by the legislative authority thereof not to be required by such political subdivision for its purposes.

All laborers and mechanics employed on projects financed by IDB's shall be paid prevailing wages in accordance with Chapter 4115 of the Revised Code (ORC 165.031). Projects funded in part by the issuance of IDB's and in part through private sources are also subject to prevailing wages. Prevailing wages must also be paid on construction projects completed or substantially completed with private funds if IDB's are subsequently issued and the proceeds are used to retire the original construction loan (OAG 82-096).

### **81.05 ANNUAL REPORT**

Annually, before January 31, the CIC must submit a report to the Director of the Department of Development. The annual report must cover all financial and other transactions for the preceding year. The report should also include a roster of officers and trustees for the previous year, and, if feasible, those who will be serving in the current year.

Each CIC is also required to have an audit prepared by a certified public accountant for submission to the DOD. The Director of Development must, by rule, establish guidelines governing the scope and frequency of audits (ORC 1724.05). Failure to submit the report within 90 days after January 31, or the results of an audit within 90 days of the date specified by the Director, shall result in cancellation of the articles of incorporation by the Secretary of State who will inform the CIC of such action. Reinstatement may be accomplished within two years of such cancellation by filing all delinquent reports and audits to the satisfaction of DOD. An additional fee of \$10 will then be charged by the Secretary of State.

### **81.06 FINANCIAL CONTRIBUTIONS**

County commissioners may contribute funds, supplies, equipment, office facilities, and other personal property or services to a CIC to help pay expenses. The CIC may use the board's contributions for any authorized purpose under Chapter 1724 of the Revised Code (ORC 307.78).

### **81.07 FINANCING PROGRAMS**

A CIC primarily services the political subdivision for which it has been designated with respect to IDB issues. However, a CIC can, and many do serve to promote state development programs. Two of the most important state programs for economic development are the direct loan and loan guarantee programs, administered by the DOD. These programs are explained in the next section.

## **81.08 DOD's DIRECT LOAN AND LOAN GUARANTEE PROGRAMS**

DOD provides direct loans and loan guarantees to businesses for new fixed-asset financing including land, buildings and equipment. Loans and loan guarantees are intended to create jobs and stimulate expansion or relocation of businesses engaged in industry, commerce, distribution or research. DOD evaluates applications considering the number of jobs to be created or retained and the need for government assistance. The evaluation also considers the applicants ability to repay the loan on the terms established. Approved applications must also be approved by the state Controlling Board.

The amount of each loan or loan guarantee is based upon the need for funds to make a project possible. The following guidelines apply to loans and loan guarantees:

1. LOANS - Up to 50 percent of the cost of acquisition, or \$500,000, which ever is less.
2. LOAN GUARANTEES - Up to 75 percent of the cost of acquisition, or \$500,000, which ever is less.

For more information about direct loans and loan guarantees, contact: Economic Development Financing Division, Ohio Department of Development, P.O. Box 1001, Columbus, Ohio 43266-0101, (614) 466-5420.

## **81.09 INDUSTRIAL DEVELOPMENT BONDS (IDB's)**

One of the primary functions of a designated CIC is to assist in issuing IDBs under Chapter 165 of the Revised Code. Under Chapter 165, a political subdivision may issue IDBs to finance a project which:

1. Consists of real or personal property or any combination thereof.
2. Is located within the boundaries of the political subdivision that is the issuer of the bonds.
3. Is for the assistance of industry, commerce, distribution and research.
4. Creates or preserves jobs.

The financing generally takes the form of a loan to the person or business entity desiring to build or expand business within the political subdivision issuing the bonds. The bonds are generally sold to financial institutions or the public through an underwriting firm. The bonds may have a term not to exceed 30 years.

Small issue IDB's are now called qualified small issue bonds under Section 144 of the Internal Revenue Code. Qualified small issue bonds are limited to \$10 million. The proceeds of such bonds must be expended for land or depreciable property. There is a



25 percent limitation on expenditures of bond proceeds for land alone. All capital expenditures (including those made from bonds proceeds) of the borrower are also limited to \$10 million for a period of three years before and after the bond issue unless such issue is made with respect to a UDAG Grant. In this case the limit is \$20 million. There is also a national limitation of \$40 million of such bonds for any one borrower.

Such bonds are further subject to the state unified volume cap provisions of Section 146 of the Internal Revenue Code. The volume cap is explained in detail in chapter 82 of this handbook. Qualified small issue bonds are not available for commercial facilities and, other than for certain borrowers, are only issued for manufacturing facilities. This includes any facility used in the manufacturing or production of tangible personal property. This is a very general description and there are other specific federal restrictions pertaining to the bonds that are too detailed for this handbook.

## **81.10 LINKED DEPOSIT PROGRAMS**

County commissioners may assist in providing low cost loans for economic development in their county under linked deposit programs. Commissioners may implement two types of linked deposit programs. A county linked deposit program involves the use of county monies and is explained in chapter 79 of this handbook. The other program, which involves state monies, is the Depressed Economic Area Linked Deposit Program of the State Treasurer. It is discussed in this chapter because such a program is authorized by county commissioners, who often designate a CIC as their agent for the program.

## **81.11 DEPRESSED ECONOMIC AREA LINKED DEPOSIT PROGRAM**

County commissioners of any county with a rate of unemployment, as determined by the Bureau of Employment Services, that is at least one percent higher than the statewide average rate of unemployment may authorize the county's participation in the Depressed Economic Area Linked Deposit Program under the provisions of Sections 135.81 - 135.88 of the Revised Code.

The law permits the State Treasurer to invest up to three percent of the state's total investment portfolio in depressed economic area linked deposits, provided that no more than \$1 million in such deposits are outstanding per county in any two year period. A depressed economic area linked deposit is a certificate placed by the State Treasurer with an eligible lending institution at up to three percent below current market rates.

The lending institution agrees to lend the value of the deposit under a deposit agreement to eligible businesses at three percent below the rate applicable to each business at the time of the deposit of state funds in the lending institution. The purpose of the program is to provide lower cost funds to businesses in economically depressed areas, to promote economic revitalization of those areas, to sustain or improve business profitability and to retain and increase employment in such areas (ORC 135.82, 135.83).

## **81.12 COUNTY AUTHORIZATION OF DEPRESSED ECONOMIC AREA LINKED DEPOSIT PROGRAM**

County commissioners of an eligible county may authorize the county's participation by appointing a qualified agent to operate the program. The agent may either be a CIC or a non-profit corporation organized under Chapter 1702 of the Revised Code that meets criteria established by the DOD.

Designation of a CIC as the qualified agent for the purpose of implementing a Depressed Economic Area Linked Deposit Program is separate from designation as the county agency for implementation of the community improvement corporation law (ORC 1724.10) and requires separate action by the county commissioners.

County commissioners have the following powers to authorize the county's participation in a Depressed Economic Area Linked Deposit Program (ORC 135.84):

1. To appoint a qualified agent.
2. To secure eligible lending institutions to participate in the program with preference to institutions from the county. An eligible lending institution must be authorized to make commercial loans, be a public depository of state funds and agree to participate in the program.
3. To approve loan applications prior to submission to the State Treasurer.
4. To encourage eligible businesses to make loan applications. An eligible business is any person organized for profit that maintains or will maintain offices and facilities in the county and transacts business in the county.
5. To employ staff and to develop forms and procedures to implement the program.
6. To establish, with the approval of the State Treasurer, a service fee not to exceed .5 percent of the discounted portion of the loan. This fee is paid to the county to defray the cost of implementing the program.
7. To fix the amount of a loan eligible for a reduced rate loan. The maximum may not exceed 50 percent of the total loan.

## **81.13 APPLICATION AND PROCESSING OF DEPRESSED ECONOMIC AREA LINKED DEPOSIT LOANS**

An eligible business may apply to an eligible lending institution in a county that has a Depressed Economic Area Linked Deposit Program utilizing forms provided by the lending institution. The lending institution evaluates the credit worthiness of each applicant

business and forwards any loan applications it approves to the county commissioners. The county commissioners have 14 working days to approve or disapprove a loan based on:

1. The immediacy of a business's financial need,
2. The economic needs of the area,
3. The number of jobs to be created or preserved through the loan, and
4. Other factors related to the financial need of the applicant and the county as a whole.

Loans approved by the lending institution and the commissioners are prepared as a package by the lending institution and sent to the State Treasurer for approval or disapproval on forms prescribed by the State Treasurer (ORC 135.85).

The State Treasurer has broad discretion to accept or reject any loan or loan package based on that office's evaluation of each business and its need, amount of the loan or package, economic needs of the area, and the ratio of state funds deposited to jobs created or preserved. DOD may advise the State Treasurer on the approval and rejection of loans. DOD may also recommend the suspension or redirection of linked deposits.

When a county ceases to be eligible to participate in the program because of a decline in the unemployment rate, the State Treasurer must notify the county commissioners, affected lending institutions and any qualified agent. A county may resume participation in the program subject to an increase in the unemployment rate and approval of the State Treasurer (ORC 135.84(B)).

Upon acceptance of a loan or loan package, the State Treasurer may place a linked deposit at a reduced rate with a lending institution that has entered into an agreement with the State Treasurer to implement the provisions of the program.

The law relieves county commissioners, qualified agents, the state, Treasurer of State and DOD from liability to pay the principal and interest on a reduced rate loan that is late or in default.

## **SOLICITOR'S REPORT**

March 5, 2018

### **Revolving Loan Fund Discussion**

This report is not intended to be a complete summary of Ohio law on the formation and function of Community Improvement Corporations. The summary is intended to provide Village Council with requested background information to facilitate a discussion centered on the creation and implementation of a Village funded revolving loan fund for economic development within the Village.

Ohio law authorizes the creation of "Community Improvement Corporations," commonly known as a "CIC." A CIC may be formed for two general purposes: economic development or land reutilization. As Council is exploring the creation of a revolving loan fund as an economic development tool, the discussion necessarily centers on the formation and organization of a CIC for economic development purposes.

Generally, CICs assist with the promotion and financing of economic development by providing loans to individuals and businesses, buying selling and leasing real and personal property for economic development purposes and by entering into contracts with state and local governments. CICs have the ability to be flexible and move quickly on various economic development transactions, including acquiring, selling or leasing property, or other real property owned by the CIC. Land transactions can be made by the CIC and are exempt from competitive bidding requirements.

An economic development CIC is a not for profit corporation formed for the purpose of: "advancing, encouraging, and promoting the industrial, economic, commercial and civic development of a community or area."<sup>1</sup>

The CIC shall have the following general powers:

1. Borrow money by means of loans, lines of credit, or other instruments including bonds and notes whether secured or unsecured;<sup>2</sup>
2. To make loans to any person, firm or partnership or cooperation and to establish and regulate the terms and conditions of such loans.<sup>3</sup>
3. A CIC may not approve any application for a loan unless the applicant shows that the person has been denied for the loan through ordinary banking or commercial channels.<sup>4</sup>

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<sup>1</sup> Ohio Revised Code Sec. 1724.01(B)(1).

<sup>2</sup> Id. at 1724.02(A)(1)(a).

<sup>3</sup> Id. at 1724.02(A)(2).

<sup>4</sup> Id.

4. A CIC may purchase, hold, manage, lease, lease purchase, or otherwise acquire to sell, convey, transfer, lease etc. real and personal property.<sup>5</sup>

The CIC must incorporate under Ohio law with Articles of Incorporation filed with the Secretary of State and with approval of the Attorney General for legal compliance. Upon approval the Attorney General returns the Articles to the Secretary of State for recording. The Board of Director shall be comprised of not less than two-fifths of Council or other appointee of Council.<sup>6</sup> A Board could be comprised of three directors.<sup>7</sup>

The CIC must adopt a Code of Regulations, books, records, and meeting minutes must be maintained and a verified statement of continuing existence filed. The territory for the CIC must be identified where economic development will occur. Only one CIC within a jurisdiction may be “dedicated.”

In the context of the CIC discussion the question has been posed what is a “Dedicated CIC?”

A Dedicated CIC is the agent of the political subdivision, in this case the Village. Generally, the advantage of a Dedicated CIC as an agent of a political subdivision is that the CIC can obtain forms of financing and funding not otherwise available to a non-dedicated CIC in the form of industrial development fund bond financing (“IDB”). However, even without designation, a CIC may still be used to expedite financing programs of the Ohio Development Services Agency (“ODSA”).<sup>8</sup> The ODSA is an economic development arm of the state using public incentives to attract, and drive expansion of business toward the creation of jobs. The ODSA is charged with assuring that commitments are met.

A Dedicated CIC Board of Directors is subject to the protection of sovereign immunity. A Designated CIC is also generally subject to Ohio public records and sunshine laws with limitations that are significant in regard to business and economic development. For example, when a CIC is acting as an “agent” of the political subdivision:

Any financial and proprietary information submitted by or on behalf of an entity or held or kept by a CIC for an entity related to the relocation, location, expansion, improvement, or preservation of the business of that entity is “confidential information and is not subject to section 149.43 of the Revised Code.”<sup>9</sup>

Any other information submitted by or for an entity and held or kept by a CIC which is related to the relocation, location, expansion, improvement, or preservation of the business of that entity “is confidential information and is not a public record subject to section 149.43 of the Revised Code.” ... But in this case, the information is confidential only until the entity commits, in writing, to

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<sup>5</sup> Id.

<sup>6</sup> Id. 1724.10(B)(1)

<sup>7</sup> Id.

<sup>8</sup> For additional information on the ODSA, go to <https://development.ohio.gov>.

<sup>9</sup> Id. at 1724.11(A)(1).

proceed with the relocation, location, expansion, improvement, or preservation of its business.<sup>10</sup>

In conclusion, a CIC has broad power and discretion to promote economic development. Whether to create a Dedicated CIC is a function of the purpose(s) the municipality is seeking to form the CIC.

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<sup>10</sup> Id. at 1724.11(A)(2).

From: Lapedes, Richard  
RLapedes@lionprotects.com

Subject: D-CIC

Date: Mar 5, 2018 at 2:26:18 PM

To: Lapedes, Richard

RLapedes@lionprotects.com

Hi, I'm Richard Lapedes

Brian Housh mentioned creating a D-CIC to me;  
and I've broadly mentioned it to a few others.

My own, and I believe their own immediate  
reactions have been very favorable.

Why?

It may address an obvious missing piece in our  
whole community's governance structures:  
Strategic Planning for Infrastructure Investment.

At present, our Village Council, Township Trustees  
and School Board each have key pieces of whole  
Village infrastructure health viability. Each  
separately proceeds to solve problems that  
naturally emerge from their slice of the whole.  
These problems emerge because no infrastructure  
lasts forever; and there is no cost free way to  
sustain or improve them. An obvious, but often  
under-estimated effect.

In any case without consolidated planning we often  
get unexpected and/or sub-optimal results from  
the taxpayers perspective.

Lack of infrastructure planning results in divisive  
piecemeal competition for taxpayer money that, in  
turn, not only creates broad divisions in the  
community, it also makes for lengthy delays that  
make corrections much more costly.

I believe that a D-CIC may provide us with a solid  
forum with protocols to surface all our strategic  
needs and then prioritize them long in advance of  
actual investment.

I also believe no infrastructure should be allowed  
new investment unless the infrastructure

management supplies us with detailed annual  
maintenance schedules and budgeted operating  
costs for both existing and proposed components.

Finally, another notion, that Brian mentioned and I  
was immediately interested in, is that a proposed  
D-CIC should be the sole recipient of the hoped  
for Cresco Labs 2%/year contribution to the  
Village's wellbeing. That new fund, which may be a  
considerable amount, would empower the D-CIC  
with seed money for each infrastructure project.  
Putting all the fund into a D-CIC will also prevent  
an unending food fight for operational supplements  
among the Village's 100's of nonprofits, big and  
small, in every domain. If Council is the go-to place  
for extra money, it will be saddled with an onerous  
processing burden and constant competitive  
divisiveness. Their already difficult jobs will be  
everything else they must do.

Thank You

Sent from my iPhone

**James A. McKee Association**

# **Open for Business in Yellow Springs**

**YSCHAMBER**  
YELLOW SPRINGS CHAMBER OF COMMERCE  
enterprising ideas + meaningful support



# MISSION of the YS CHAMBER

to encourage a vibrant business environment that drives the success of our members while enhancing the quality of life in our community.

# Rooted in a Strong Community



## ROOTED IN A STRONG COMMUNITY

Public Service  
Vibrant Downtown

Entrepreneurial Spirit  
Innovative Schools

Parks & Trails  
Arts & Culture

# Drives Success of our Members

## Zoning & Permitting Process

Type of Project	Step 1 – YS Zoning Department	Step 2 – YS Utility Department	Step 3 – YS Finance Department	Step 4 – Greene Cty. Building Regulation	Step 5 – Greene Cty. Combined Health District
NEW BUSINESS in an existing building	Zoning Permit even with no use change	Utility Service Setup	Business Withholding Questionnaire	Certificate of Occupancy	Plumbing, Food Sales, Tattoo/Piercing Operation, Commercial Pools/Spas
EXTERIOR RENOVATION of an existing building (non-structural)	None	None	None	Building Permit	Plumbing, Food Sales, Tattoo/Piercing Operation, Commercial Pools/Spas
INTERIOR RENOVATION in an existing building	Zoning Permit	None	None	Building Permit	Food Sales
NEW CONSTRUCTION of any structure including accessory	Zoning Permit Working in ROW Permit	Utility Service Setup	Business Withholding Questionnaire	Building Permit Certificate of Occupancy	Plumbing, Food Sales, Tattoo/Piercing Operation, Commercial Pools/Spas
EXPANSION of an existing building	Zoning Permit Working in ROW Permit	Right of way permit for curbs, sidewalks, drive	None	Building Permit Certificate of Occupancy	Plumbing, Food Sales, Tattoo/Piercing Operation, Commercial Pools/Spas
CONSTRUCTION or EXPANSION of a new fence or parking lot	Zoning Permit Working in ROW Permit	None	None	None	None
SIGNS: new or alteration of existing or temporary sign	Zoning Permit	None	None	Building Permit	None

**YSCAMBER**  
YELLOW SPRINGS CHAMBER OF COMMERCE  
enterprising ideas • meaningful support

[vil.yellowsprings.oh.us/departments/index.php?structureid=17](http://vil.yellowsprings.oh.us/departments/index.php?structureid=17)

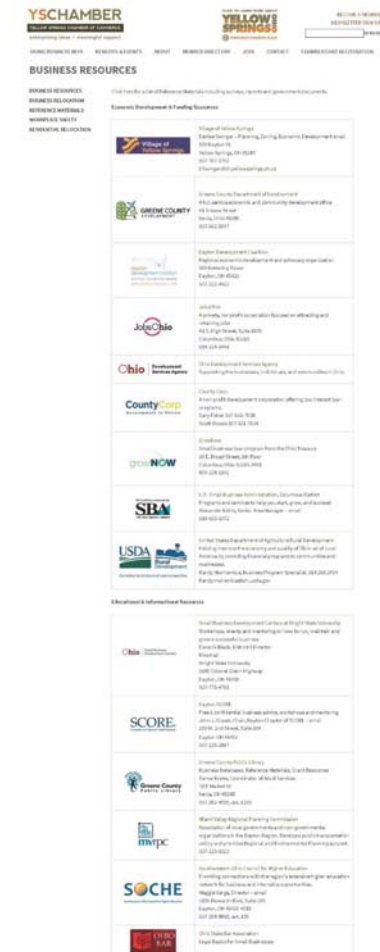
[vil.yellowsprings.oh.us/departments/index.php?structureid=20](http://vil.yellowsprings.oh.us/departments/index.php?structureid=20)

[vil.yellowsprings.oh.us/departments/index.php?structureid=14](http://vil.yellowsprings.oh.us/departments/index.php?structureid=14)

[www.co.greene.oh.us/index.aspx?NID=139](http://www.co.greene.oh.us/index.aspx?NID=139)

[www.gcph.info/public-health-programs/environmental\\_health\\_programs](http://www.gcph.info/public-health-programs/environmental_health_programs)

## Resources



# Drives Success of our Members

## LUNCH & LEARN

**WHEN:** APRIL 19, 2018 / 12:00 - 1:00 PM

**WHERE:** BRYAN CENTER ROOMS A&B

**TOPIC:** BENEFITS OF YOUR CHAMBER MEMBERSHIP  
INCLUDING THE NEW SOCA BENEFIT PLAN  
(an alternative to existing health plan options)

**LUNCH PROVIDED BY:**



**YSCAMBER**

YELLOW SPRINGS CHAMBER OF COMMERCE

enterprising ideas + meaningful support



# Enhances Quality of Life



**YSCAMBER**

YELLOW SPRINGS CHAMBER OF COMMERCE

enterprising ideas + meaningful support

## Congratulations

### David Butcher

Graduate of Yellow Springs High School on May 28, 2015  
Awarded the Yellow Springs Chamber College Scholarship  
in the amount of Two Thousand Dollars.

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# Enhances Quality of Life

## SHRED-IT • YELLOW SPRINGS

Bring your sensitive documents to be shredded.

**SATURDAY, APRIL 21 • 9a – 12 p**

Parking Lot at Limestone & Corry



ANTIOCH  
COLLEGE



Glen Helen

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# Encourages Vibrant Business Environment

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CLICK TO LEARN MORE ABOUT  
**YELLOW SPRINGS**  
ENTERPRISE MOVEMENT

BECOME A MEMBER  
NEWSLETTER SIGN UP  
SEARCH

DOING BUSINESS IN YS BENEFITS & EVENTS ABOUT MEMBER DIRECTORY JOIN CONTACT CHAMBER CHAT REGISTRATION

## BUSINESS RELOCATION

BUSINESS RESOURCES  
BUSINESS RELOCATION  
REFERENCE MATERIALS  
WORKPLACE SAFETY  
RESIDENTIAL RELOCATION

Founded in 1804, Yellow Springs is a unique mix of rural and urban, with a thriving downtown and eclectic neighborhoods surrounded by farms and orchards that fill its markets with fresh local food.

The business environment is rich in creativity, camaraderie and engagement, and new zoning codes reflect an interest in creative business growth. Currently thriving businesses in Yellow Springs focus on wellness, education, local food, alternative energy and environmental sustainability.

Doing business in Yellow Springs offers competitive advantages to other areas of the country due to low costs, an educated workforce and both plentiful and affordable water and electric resources.

EDUCATIONAL RESOURCES
ZONING, PERMITTING & UTILITIES
FINANCIAL INFORMATION
ACCESS
ATTRACTIONS
COMMUNITY
PROFILE
SUPPORT

### AVAILABLE BUSINESS

Type	SQ FT	Address	Contact	Phone
Office	4,500	1425 Xenia Ave.	Shella Dunphy	937-767-2100
Office	600	Xenia Ave.	Shella Dunphy	937-767-2100
Mixed Use	2 acres	Dayton & Railroad St.	Denise Swinger	937-767-1702
Office/Industrial	30 acres	Center for Business & Education; Dayton-Yellow Springs Rd & E. Enon Rd.	Denise Swinger	937-767-1702
Office/Industrial	48,000, 4 acres	Millworks Business Center; 305 N. Walnut St.	Rod Hoover	937-767-9338
Mixed Use	13,000 (3 floors)	314 Dayton St.	Shella Dunphy	937-767-2100

## Yellow Springs is a great place to do business.

Offering convenient access to I-70, I-675 and I-75, Yellow Springs is just 30 minutes from Dayton and 60 minutes from Cincinnati & Columbus.

With a business environment rich in engagement, creativity, and camaraderie, Yellow Springs has a tradition of fostering and nurturing small start-up businesses of all types with a historic focus on wellness, education, agriculture, local food, alternative energy and environmental sustainability.

A new zoning code reflects an interest in creative business growth and a dedicated Village staff is available to assist with all aspects necessary to open a new business or expand. They are extremely responsive to the needs of businesses.

Doing business in Yellow Springs offers competitive advantages to other areas of the country because of lower costs, an educated workforce and both plentiful and affordable water and electric resources.

Yellow Springs operates its own service-oriented, responsive and rate competitive water, sewer and electric services and is proud of the new, state of the art water treatment plant, recently upgraded water reclamation facility, and a power purchase portfolio of 85% renewable energy.

Yellow Springs is home to over 75 shops, eateries and galleries plus myriad small businesses of all types. Major industries include YSL, a Xylem Brand incubated in Yellow Springs over 75 years ago at Antioch College. It remains our largest employer and one of the largest international makers of environmental monitoring equipment to test water quality.

EnviroFlight, LLC developed proprietary technologies that enable the rearing of non-pathogenic black soldier fly larvae in an industrially scalable manner to provide an environmentally-friendly, toxin-free, sustainable source of high-value nutrients for pet food, aquaculture and technologies under exploration.



Our newest large business, DMS Ink, is a minority/woman owned business serving clients nationally with innovative solutions in direct mail, digital print and data management.

Finally, Cresco Labs has broken ground on a \$10 million facility for the cultivation and processing of medical cannabis bringing an emerging new industry to Yellow Springs.



## YS Chamber drives success of our members & encourages a vibrant business environment.

The Yellow Springs Chamber should be your first stop when you are considering a new business endeavor or relocation.

Whether you are an entrepreneur with a great idea or an expanding corporation, Chamber staff and board can connect you to resources for financing, real estate, mentoring, business management, marketing, construction, and much more.

A business startup or expansion project can be daunting and it helps to have as many advocates in your corner as you can get. We have connections to elected officials and government staff as well as experts locally, regionally and even nationally that we can call on for support. If you are having trouble getting started or run into a snag on your project, we can reach out to the folks who can help the project move forward.

The YS Chamber is also a membership organization providing support services to drive the success of our members.

Those support services include discount programs that contribute not only to your bottom line but allow you to offer benefits to your employees, enhancing your ability to attract and retain quality staff. The savings from using even one of these discount opportunities should pay for your annual membership.

The YS Chamber provides member education and networking at various events including Chamber Chats, Lunch & Learn and Business After Hours.

The YS Chamber's extensive public relations and advertising campaign, Destination Yellow Springs, turns our member investments into huge promotional benefits. In addition, we print the Visitor's Guide, event flyers, and host our website that links our member businesses and provides visitor information. We also sponsor events including the semi-annual Street Fair, Holiday in the Springs and other events that bring visitors from around the region.

Let us help you establish and grow your business and work effectively in Yellow Springs.



## YELLOW SPRINGS CHAMBER OF COMMERCE

101 Dayton Street, Yellow Springs, OH 45387 P: 937.767.2686 [gchamber.org](http://gchamber.org)

## DOING BUSINESS IN YELLOW SPRINGS



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# Encourages Vibrant Business Environment



**June 9th • 9am-5pm**

**250+ Vendors • 65 Shops & Eateries • Endless Fun**

**Music & Beer Fest - 12pm-7pm • Soin Stage & Bulldog Bistro - 9am-5pm**

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# Employment Trends

Bowen Natl Research 1/16/2018

2016 census est. 3680 total / 2171 18-64

⇒ **1,206 commute in**

⇒ **988 commute out**

⇒ **383 work locally**

2577 total workers

YS News Article 4/3/2014

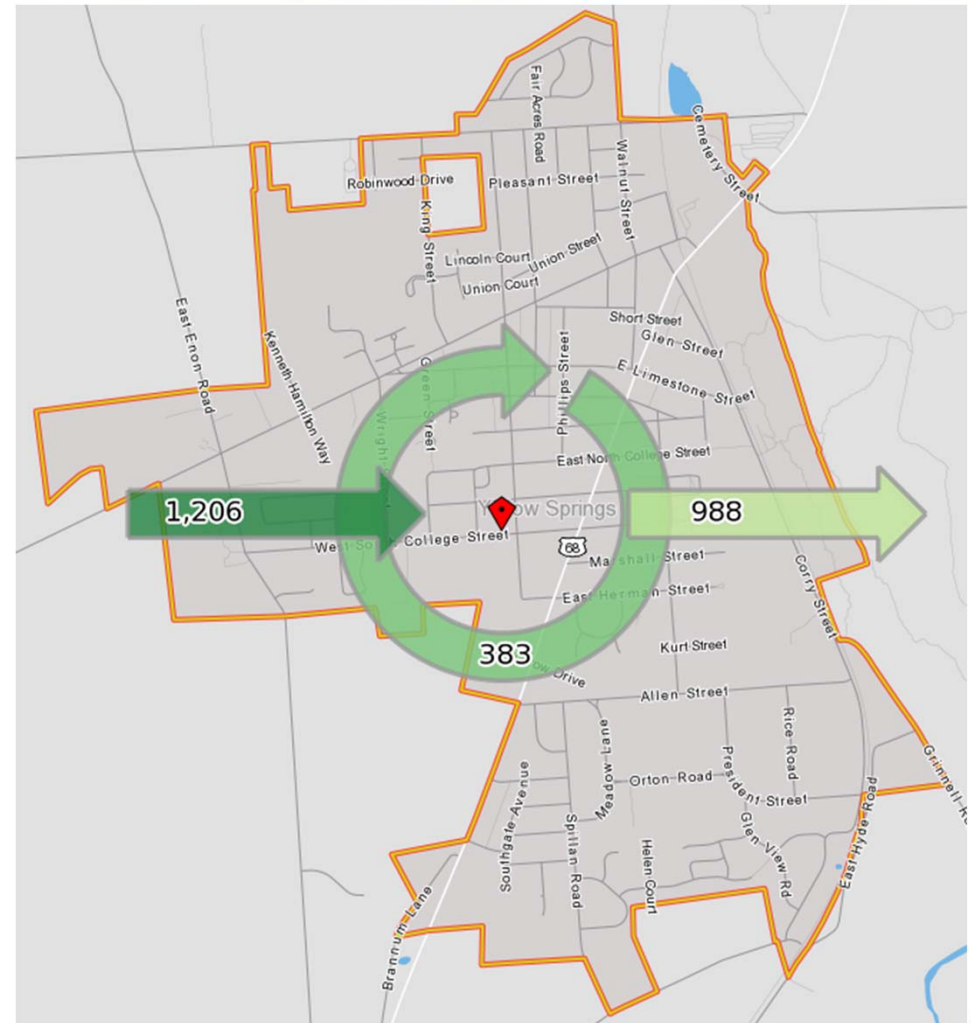
2010 census 3487 total / 2047 18-64

❖ **1,191 commute in**

❖ **1,351 commute out**


❖ **304 work locally**

2846 total workers



# Top 21 Employers

Based on income tax withholding

- 
1. **YSI, Inc. (200+)**
  2. **Antioch College (149+)**
  3. **Yellow Springs School District**
  4. **Antioch University**
  5. **Defense Finance**
  6. **DMS Ink (75+)**
  7. **GC Educational Service Ctr (187)**
  8. **Friends Health Care**
  9. **Village of Yellow Springs**
  10. **Electroshield**
  11. **Enviroflight**
  12. **Ability Network Inc**
  13. **MVECA**
  14. **The Winds Café**
  15. **Mills Park Hotel**
  16. **Peach's Grill**
  17. **Vernay Laboratories**
  18. **Kettering Medical Ctr**
  19. **Weaver Supermarkets**
  20. **YS Brewery**
  21. **Premier Health**

# 2009 CUPA R&E Survey

**102 Businesses Surveyed**

**74 Unchanged**

**13 Closed, replaced by new business**

**1 Closed completely, location empty but lease in place**

**1 Moved to new location, old location for sale**

**13 Closed completely**

A C Service Co.  
Anderson Farm Market  
Anne Erickson  
Antioch College  
Antioch University  
McGregor  
Arthur Morgan Institute for  
Community Solutions  
Bentino's of Yellow Springs  
Bing Design  
Communications, Inc  
Blanket Netcom  
Bonadies Glasstudio  
Brother Bear's Café  
Buntons Greenleaf Gardens  
Bushworks, Inc  
Community Children's  
Center  
Community Physicians  
Creative Explorations (Now  
- Women's Retreat)  
Current Cuisine  
Curves  
Dark Star Books & Comics  
Deck & Fence Revivers  
Design Sleep  
Dino's Cappuccinos  
Dolbeer's Cleaners  
Duckwall, Mark G DC  
E Health Data Solutions  
Earth Rose  
Electronic Edge  
Emporium  
Forest Village Foods  
Fred Bartenstein &  
Associates  
Gailz Tattooz  
Getaways for Women  
Glen Helen Ecology  
Institute

Gregor Construction  
Ha Ha Pizza  
Hasket Veterinary Svc  
Huntington Instruments  
Import House  
Julietta's Trunk  
Keith A Watson, Inc  
Kismet  
Legendary Roofing Co.  
Little Miami Flower Co.  
Main Squeeze  
Miami Valley Pottery  
Michael Jones Ceramics  
Morgan Family Foundation  
MVECA  
No Common Scents  
Non-Stop Liberal Arts  
Institute  
Ohio Silver  
Orkin Pest Control  
Pangaea Trading Co.  
Peach's Grill  
Peifer Orchards  
Poortinga Chiropractic  
Posterior Chain  
Rita Caz Jewelry Studio  
Sam & Eddie's Open Books  
Sapphire Computers, Inc  
Soundspace, Inc  
Speedway  
Springs Healing Hands LLC  
Springs Motel  
Subway Sandwiches &  
Salads  
Sunrise Cafe  
Super-Fly Comics & Games  
(Super)Town Drugs  
Tecumseh Land Trust  
Tibet Bazaar  
Tie-Dyed Gift Shop

Tom's Market  
Tree Of Life Spinal Care  
Unfinished Creations  
US Bank  
Vernay Laboratories, Inc  
Village Automotive  
Village BP  
Village Cyclery  
Village Greenery  
Village Herb Shoppe  
Wes Banco Bank  
Williams Eatery &  
Gathering Place  
Winds Cafe  
Would You Could You in a  
Frame  
WYSO  
Yellow Springs Community  
Federal Credit Union  
Yellow Springs Community  
Foundation  
Yellow Springs Country B&B  
Yellow Springs Dental  
Yellow Springs Exempted  
Schools  
Yellow Springs Florists  
Yellow Springs Home  
Assistance  
Yellow Springs Home, Inc  
Yellow Springs News  
Yellow Springs Pottery  
Yellow Springs  
Psychological  
Yellow Springs Senior  
Citizens  
Yellow Springs Travel, Inc  
Yoga Springs Studio  
Young's Jersey Dairy  
YSI, Inc

# 2009 CUPA R&E Survey

**Yellow Springs Businesses by Type**





# Business Attraction - DMS Ink

Relocated in 2016 bringing 75+ employees



# Business Attraction - Cresco Labs

**Groundbreaking – December 14**



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# Business Attraction - Cresco Labs

## TIMELINE

**1<sup>st</sup> Contact – May 12**

**Conference Call – May 15**

**Stakeholder/1<sup>st</sup> Public Meeting – May 22-23**

**Illinois Facility Visits – June 2 & 14**

**Legislation for Option on Land – June 19**

**Application Submitted – June 30**

**License Awarded – November 30**

**1<sup>st</sup> Construction Meeting – December 6**

**Groundbreaking – December 14**



# Business Attraction - Cresco Labs

**Income Tax Potential - \$37,500** (\$2.5 million payroll)

**1.5% Net Profits Tax - Unknown**

**Property Tax Potential - \$163,520 Total**

Appraised Value	\$6,000,000	
Assessment Ratio	35%	
Assessed Value	2,100,000	
TY 2016 Effective Tax Rate	77.865971	
Annual Tax Est	163,518.54	
	<b>Yellow Springs Village (F19)</b>	
	<b>Effective Tax Rate</b>	<b>Est Tax</b>
County		
Total	13.838407	\$ 29,060.65
Miami Township	4.4	\$ 9,240.00
Yellow Springs Schools	45.071604	\$ 94,650.37
Yellow Springs Village	11	\$ 23,100.00
Career Center	2.781056	\$ 5,840.22
Health District	0.774904	\$ 1,627.30
Total	77.865971	\$ 163,518.54



# Expansion - Yellow Springs Brewery

**Old Bowling Alley purchased in 2016**

**Zoning Approval for New Event Space - December 11, 2017**

**Construction Expected in 2018**





# Business Expansion - House of AUM

July 26



Old Rita Caz space –  
owners retired

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# New Business - Clem & Thyme

**Grand Opening  
October 7**

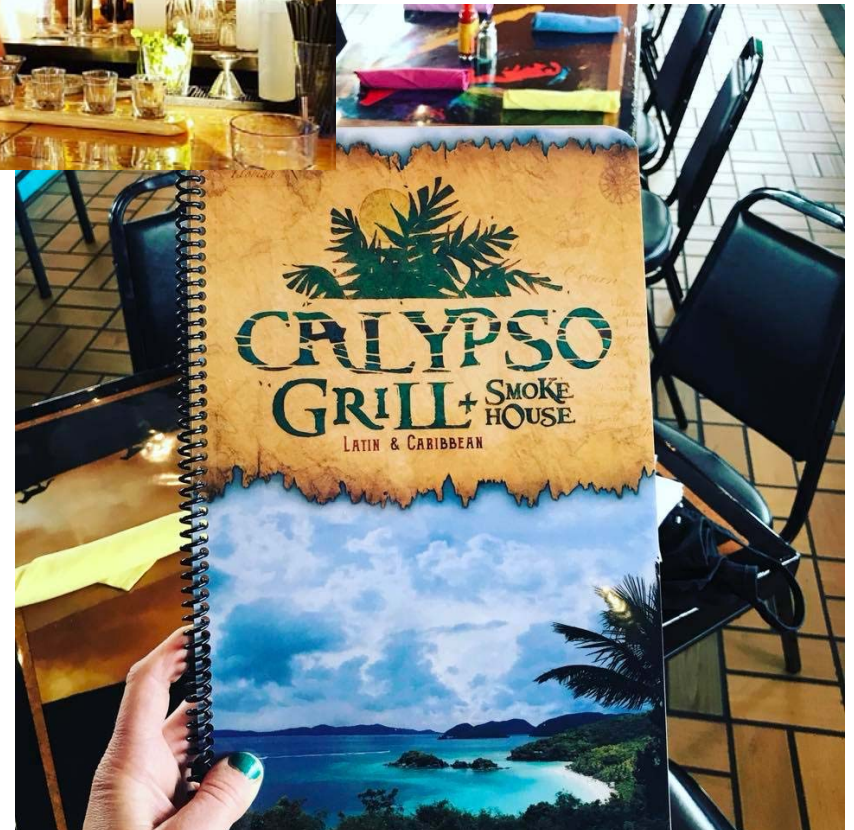




# Business Change - Calypso Grill

## Grand Opening – March 22

Dona Margarota's closed in 2017.





# Business Change - Yellow Springs Toy Company

## Grand Opening - March 24



**Mr. Fub's Location-  
Owner retired November, 2017.**

# Business Relocation - Basho Apparel

## Grand Opening - March 24



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**New owner Anthony Wall;  
moved from Miami Township**



# Improvements - Tom's Market

## New Delicatessen





# New Retail Businesses in 2017



Wander & Wonder



Yellow Springs Hardware



Little Fairy Garden



Blue Butterfly



# The Game Changer

**Opened April, 2016**

- **28 Rooms**
- **Board Room**
- **Banquet Hall**
- **Restaurant**
- **Gift Shop**



# New Retail Coming in 2018

## **TRAIL TOWN BREWING** **101 Corry St.**

**Grand Opening - April 6**



**Grand Opening - April 6**



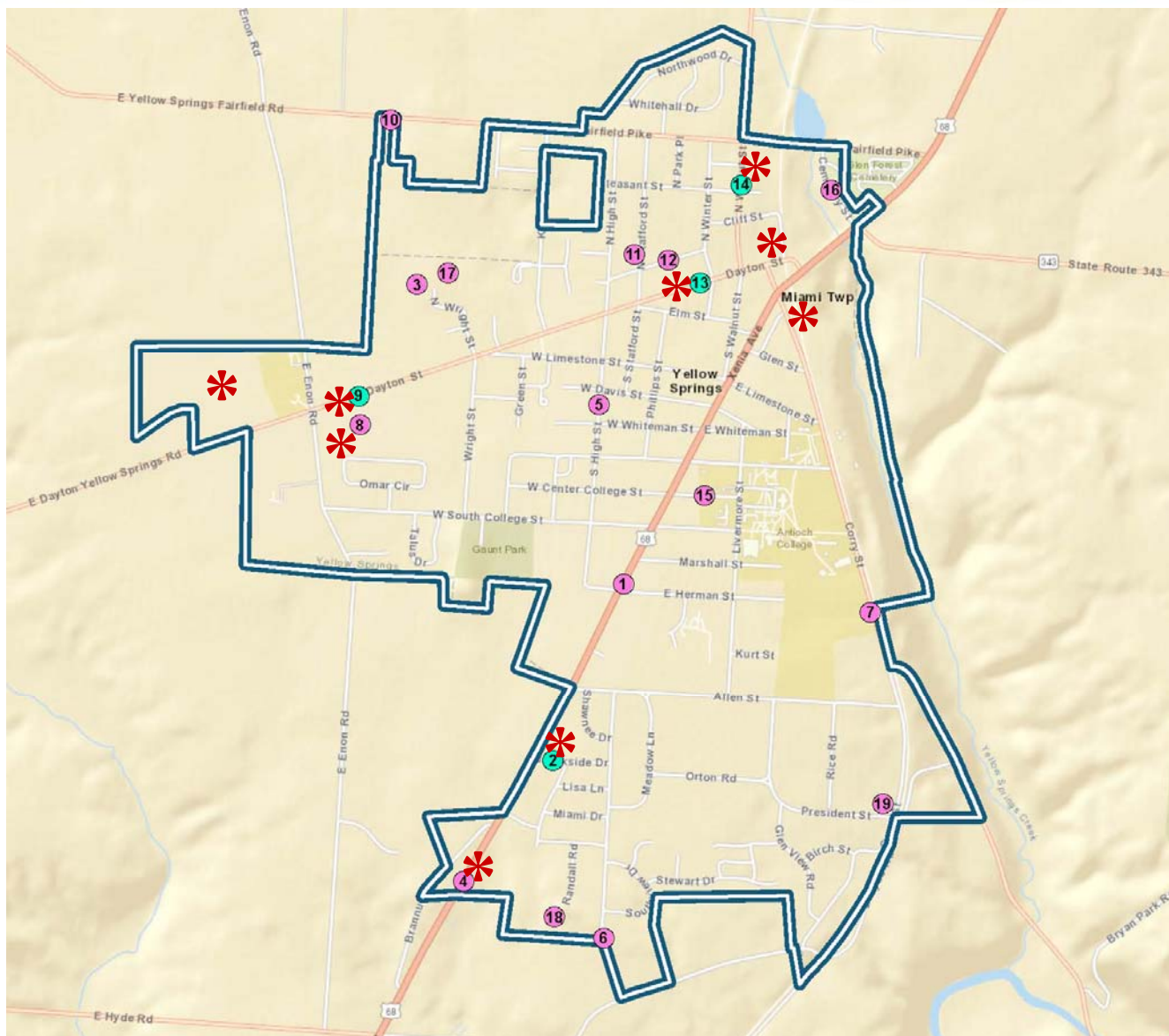
**255 Xenia Ave.**

# Available Properties

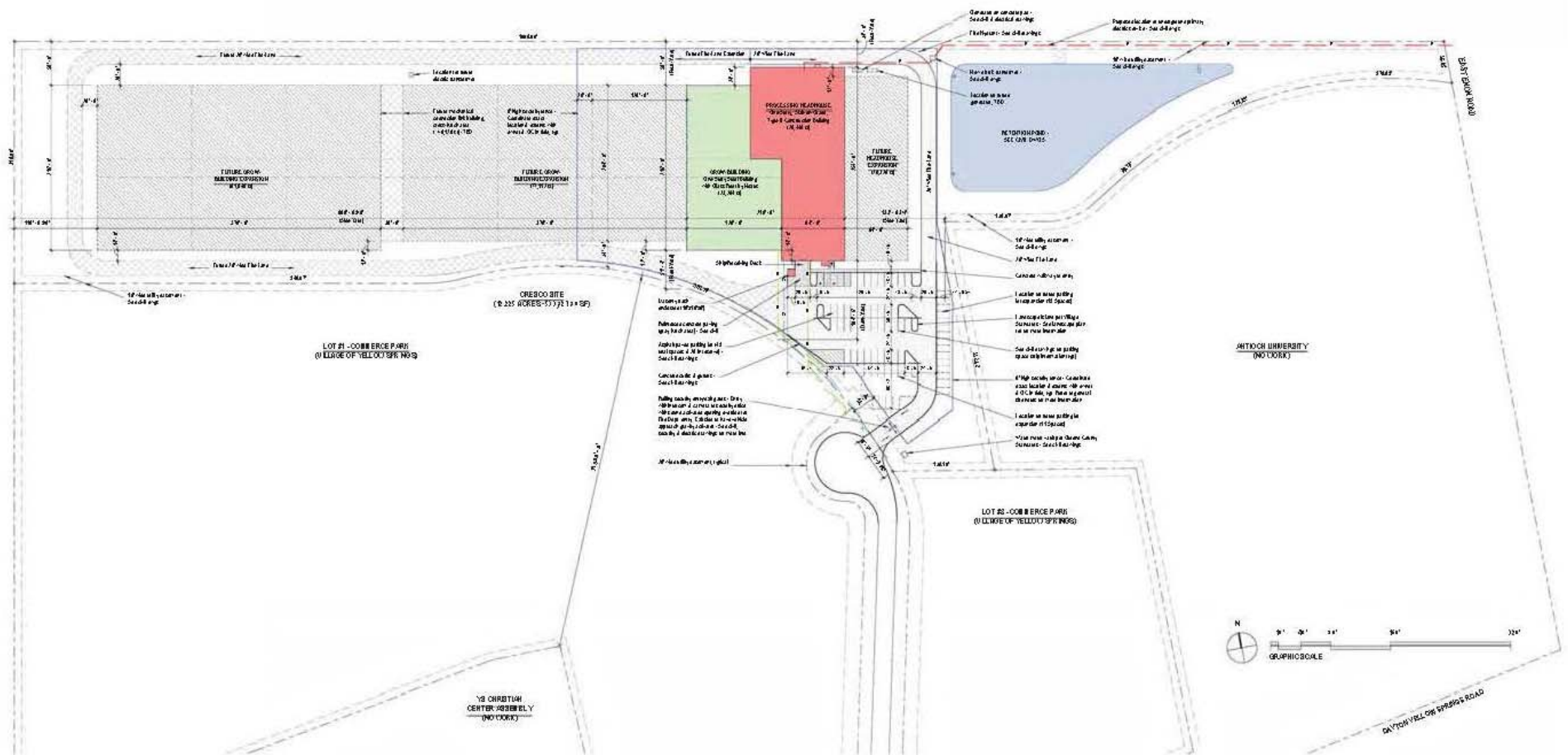
Map ID	Property Address	Current Use	Lot Size	Building Size	Available	Zoning Class
1	<a href="#">1001 Xenia Ave</a>	VL	8,712 SF	N/A	Proposed	E-Exempt
* 2	115 Brookside Dr.	Office-RB	35,310 SF	884	For Sale	C-Office
3	<a href="#">402 N. Wright Street</a>	VL	984,456 SF	N/A	Unknown	R- Residential
* 4	<a href="#">1655 Xenia Ave</a>	VL	503,074 SF	N/A	Unknown	R-Residential
5	South High St, Lot 1	VL	307,229 SF	N/A	Unknown	R-Residential
6	<a href="#">1899 Spillan Rd</a>	VL	291,852 SF	N/A	Unknown	R-Residential
7	Corry St, Lot 1	VL	122,186 SF	N/A	Unknown	E-Exempt
* 8	<a href="#">825, 875, 895 Dayton St</a>	VL	861,530 SF	N/A	Unknown	I-General Farm
* 9	<a href="#">845 Dayton St</a>	Office-RB	43,865 SF	2,666	Unknown	C-Office
10	Glass Farm - West Side King St	VL	1,871,511 SF	N/A	Unknown	A-Agricultural
11	210 Stafford St	VL	6,534 SF	N/A	For Sale	R-Residential
* 12	<a href="#">322 Union St</a>	VL	108,987 SF	N/A	Unknown	C-Commercial
* 13	<a href="#">314 Dayton St</a>	RB	69,696 SF	13,332	For Sale	C-Commercial
* 14	305 North Walnut St	Multiple RB	180,966 SF	1,500-6,800	For Sale	I-Industrial Warehouse
15	East Center College St, Lot 11	VL	35,044 SF	N/A	Unknown	E-Exempt
16	Cemetery St	VL	22,477 SF	N/A	Unknown	R-Residential
17	North Wright Street	VL	213,444 SF	N/A	Unknown	R-Residential
18	Southgate	VL	1,977,624 SF	N/A	Unknown	R-Residential
19	Corry Street	VL	121,968 SF	N/A	Unknown	Conservation
PSA Totals:			7,766,465 SF	18,382 – 23,682		



# Available Properties



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# Village Projects Supporting Business

- ❖ **New Water Plant**
- ❖ **Water Line Upgrades and Extensions**
  - **Loop Completion**
  - **Bottleneck Elimination**
  - **Mills Park Hotel**
  - **Cemetery St.**
- ❖ **Turn Lane & Infrastructure to CBE**
- ❖ **Downtown Streetscape**
- ❖ **Street Paving & Sidewalk Replacement Programs**
- ❖ **Solar Array to increase peak power availability**
- ❖ **Electric Infrastructure for YSI & Antioch College**
- ❖ **New Business-Friendly Zoning Code**
- ❖ **Event Support**

# Village Zoning Code

## **Purpose:**

**Promote new retail, commercial and industrial development** in areas in the community where these land uses already exist (are already zoned for) and/ or to yet undeveloped areas within current Village borders. New development shall be encouraged within the Village through infill and greater density and it shall not be considered outside the Urban Service Area. The Village will work with the Township to balance controlled development with goals of preservation of the Jacoby Greenbelt.

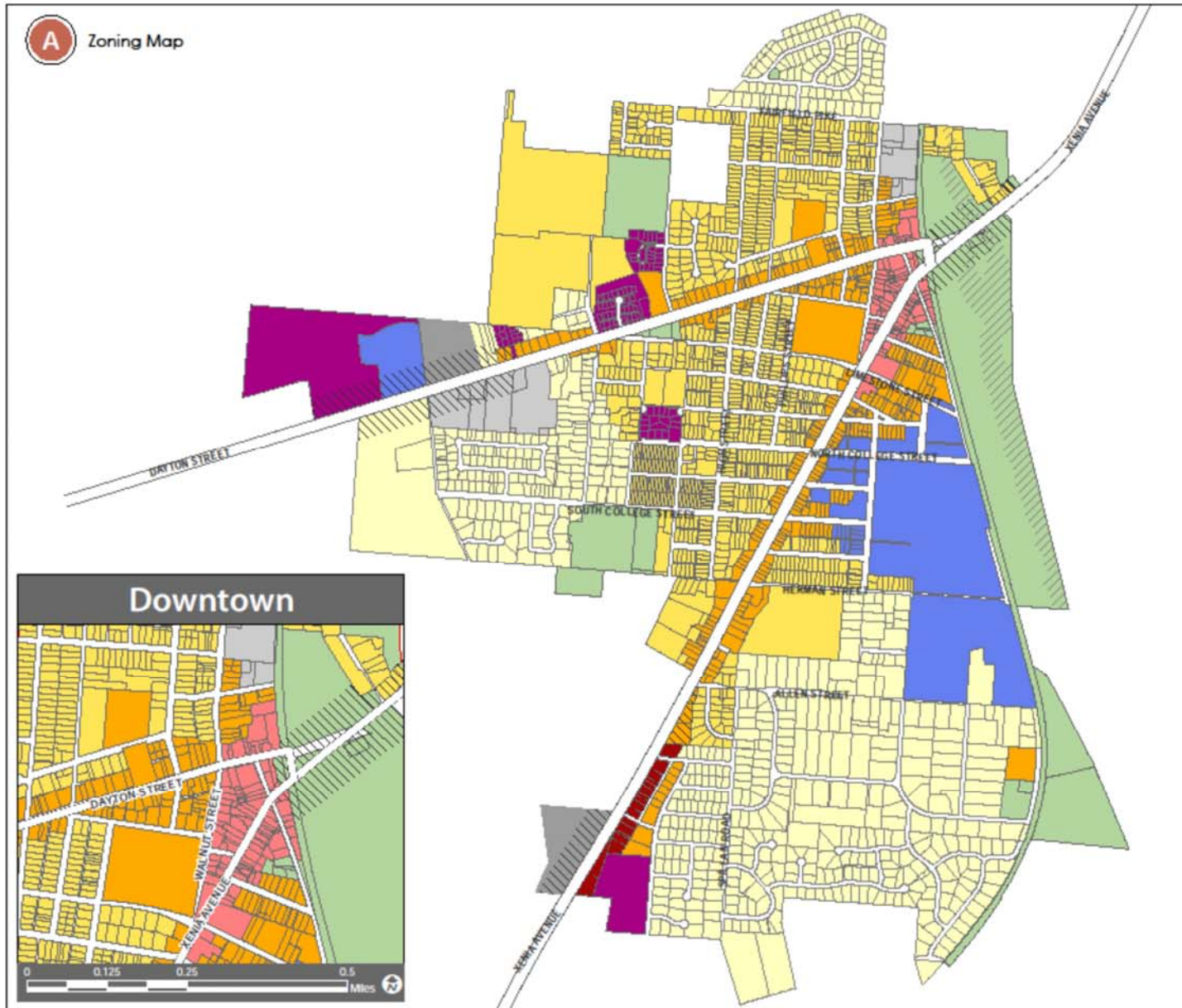
# Village Zoning Code

## **Business-Friendly Changes:**

- **Expanded RC District (high density residential) the entire length of Xenia Ave. and Dayton St.**
- **Permitted Offices in RC as a Conditional Use**
- **Home Occupations Permitted in all Residential Districts as a Conditional Use**
- **Expanded Conditional Uses in all Business Districts**
- **Expanded Business Uses in Educational Districts**
- **Reduced Set-backs for Downtown Buildings**
- **Reduced Parking Requirements**
- **Clearer Requirements for Signage**



# Village Zoning Map



## Zoning Map

Zoning Code  
Village of Yellow Springs  
Greene County, OH

- C Conservation
- R-A Low Density Residential
- R-B Moderate Density Residential
- R-C High Density Residential
- E-1 Educational Institution
- B-1 Central Business
- B-2 General Business
- I-1 Business Park
- I-2 Industrial
- PUD Planned Unit Development
- Floodplain Overlay District
- Gateway Overlay District

Adopted - 9/16/2013  
Effective - 10/22/2013



Sources: State of Ohio, Village of Yellow Springs



# Visions of things to come

