

**URBANA CITY COUNCIL
REGULAR SESSION MEETING
APRIL 20, 2021, AT 6:00 P.M.**

Please join meeting from your computer, tablet or smartphone.

<https://zoom.us/j/2412774424?pwd=TzBqdXRid1ZQNfZrU113UDgvY1J0QT09>

Meeting ID: 241 277 4424

Passcode: 43078

Dial by Phone: 1-646-558-8656

PLEASE MUTE YOUR PHONES

Call to Order

Roll Call

Pledge of Allegiance

Approval of Minutes:

Urbana City Council Regular Session Meeting Minutes of April 6, 2021.

Mayoral Proclamation: Arbor Day

CEP Update: Marcia Bailey

CEP Communication Letter and List of Board of Directors (See attached)

Communications:

1. Thank-you Acknowledgement from Lawnview Board of Directors and the EVERYbody Plays Playground Committee (See attached)
2. E-mail from Terry Meeks, AES Ohio, regarding tree trimming (See attached)
3. Man on the Monument Pictures (before & after) Cleaning and Recoating (See attached)
4. Oak Dale Cemetery Sign Pictures (before & after) Cleaning and Recoating (See attached)

Board of Control:

1. The Board of Control recommends that the Director of Administration be authorized to accept the base bid of \$50,376.90 and enter into a contract with Strawser Construction, Inc. of Columbus for the 2021 Crack Sealing Program which includes the crack sealing of various city streets within the city (see attached map). This bid was the lowest and

best bid of three bids received (see attached bid tabulation). The engineer's estimate for the base bid crack sealing work was \$75,000.00. This expense will be charged to Capital Improvement Fund – Street and is in the 2021 budget. **VOTE: 3-0**

2. The Board of Control recommends Council authorize the Director of Administration to enter in a contract with M&T Excavating LLC in the amount of \$287,775.70, including a contingency of 15% of the original bid amount of \$250,239.74. This bid was the lowest and best bid of three bids received (see attached). The engineer's estimate for this project was \$313,000.00. This expense will be charged to various funds (see attached). **VOTE: 3-0**

Citizen Comments:

Ordinances and Resolutions:

First Reading:

Resolution No. 2411-21

A Resolution authorizing the Director of Administration of the City of Urbana to prepare and submit final application to participate in the Federal Aviation Administration (FAA) Airport Improvement Program (AIP), and to execute contracts as required. (Rule Suspension Requested)

Resolution No. 2449-21

A Resolution authorizing the Director of Administration of the City of Urbana to participate in the Ohio Department of Transportation's (ODOT) Winter Road Salt Contracts (018-22) awarded in 2021, and declaring it an emergency. (Rule Suspension Requested)

Resolution No. 2606-21

A Resolution of the City of Urbana Council adopting an Economic Development Agreement by and between the City of Urbana as the Municipal Corporation and Sutphen Corporation as the Enterprise. (May be passed on first reading)

Resolution No. 2607-21

A Resolution to authorize the Mayor or designee to apply to the Champaign County Commissioners under the Program Year 2021 Community Development Block Grant ("CDBG") Community Development Program, and to further authorize the Mayor or designee to pursue other economic development and public infrastructure-related CDBG programs, and declaring an emergency. (May be passed on first reading) CDBG (Doug) (May be passed on first reading)

Ordinance No. 4541-21

An Ordinance to authorize the Director of Finance to establish the "Neighborhood Curb, Gutter and Sidewalk Fund", to transfer \$260,000 from the Supplemental Investment Fund to the new fund, and ordaining funds directed to the account be used only for the purpose of repair/replacement of curbs, gutters and sidewalks along streets of the City of Urbana, Champaign County, Ohio. (Sponsored by: Dwight Paul)

Second Reading: None

Third Reading: None

Committee Reports:

Miscellaneous Business:

Adjourn:



Office of the Mayor
Urbana, Ohio

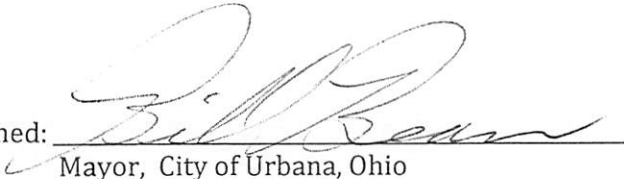
PROCLAMATION

- WHEREAS:** In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and
- WHEREAS:** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and
- WHEREAS:** trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and
- WHEREAS:** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and
- WHEREAS:** trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and
- WHEREAS:** trees, wherever they are planted, are a source of joy and spiritual renewal; and
- WHEREAS:** the City of Urbana is once again recognized as a Tree City USA by The National Arbor Day Foundation.

NOW, THEREFORE, I, Bill Bean, Mayor of the City of Urbana, Ohio do hereby proclaim our city's recognition of **ARBOR DAY** on Friday, April 30, 2021 and urge all citizens to participate in the continued efforts to replenish and protect our trees and woodlands.

Dated this 30th day of April, 2021

Signed: _____


Mayor, City of Urbana, Ohio



March 24, 2021

Mayor Bill Bean, Administrator Brugger and City Council Members
205 S. Main St.
Urbana, OH 43078

Re: CEP Board of Directors

Mayor Bean/Administrator Brugger and City Council Members,

I wanted to first thank you for your continued support of the Champaign Economic Partnership. We feel our partnerships throughout Champaign County has been incredibly positive over the last six years and look forward to the continued positive economic impact we have been experiencing.

Our Board of Directors is made up of a variety of industries including government, small business, agriculture, manufacturing, human resources, education, health care and other entities. The Directors are elected to a 3-year term per our Code of Regulations. Recently, two new directors were added representing the financial and entertainment/leisure industries. We have one opening remaining currently, an At Large representative.

In reviewing our Code of Regulations and our current board members, we realized we need to make some adjustments. Ohio Revised Code 1724.10(B)(1) specifies that not less than 40% of the Board of Directors of a CIC (aka CEP), which is designated as the agent of the county or other political subdivisions, must be elected or appointed officials of the designating political subdivisions. The CEP (aka CIC) was designated by the City of Urbana per ORC Section 80.07 as the economic development agency. The CEP Code of Regulations also includes ORC 1724.10(B)(1) regarding the Board of Directors.

At this time, we the CEP has 18 members with 4 members meeting the definition as outlined in ORC 1724. In discussing this item with Mark Feinstein, CEP legal advisor the City Council can designate a current CEP Board Director member to be the City designee. We will also be asking the same of the councils of St. Paris, Mechanicsburg and North Lewisburg as well as the Champaign County Commissioners. The Board of Directors are very committed and bring various viewpoints to the work of economic development for our community.

I have included a list of the current Board members for your review and would request an opportunity to discuss this action further.

Sincerely,

A handwritten signature in black ink that reads 'Marcia Bailey'. The signature is written in a cursive style with a large, flowing 'M' and 'B'.
Marcia Bailey
CEP Director

2020-2021 CEP Board of Trustees

Officers

President - Kyle Hall, The Hall Company (2022) (manufacturing)

Vice President - Todd Michael, Michael Family Farms (2023) (Commercial/Retail)

Treasurer - Dave Snyder, Farmers Equipment Inc. (2023) (At large)

Board Members

Jerome Armstrong, Edward Jones Financial Advisor (2024) (Financial)

Bill Bean, City of Urbana Mayor (no term limit) (Gov't largest municipality)

Ryan Berry, Berry Digital Solutions (2024) (IT/Marketing)

Dana Booghier, Champaign County Building Regulations (2022) (Building/Zoning)

Robin Coffey, Memorial Health (2023) (Health Care)

Justin Evans, Champaign County Chamber (2022) (Chamber)

Ed Funderburgh, Rush Township (no term limit) (Township/Gov't)

Todd Garrett, Pioneer Electric Cooperative (2023) (Infrastructure)

Steve Hess, Champaign County Commissioner (no term limit) (Gov't)

Dan Kaffenbarger, Madison-Champaign Educational Service Center (2024) (Education)

Ethan Snyder, Old Souls Farms (2022) (Small Business)

Mark Westfall, Agriculture (2023) (Agriculture)

Brad Winner, MIXX 165 (2024) (Entertainment/Leisure)

Andy Yoder, Village of North Lewisburg (no term limit) (Gov't/Village)

Dana Zook, Wagner, Maurice & Davidson Co., LPA (2023) (Legal)



EVERYbody Plays!

April 20, 2021

Urbana City Council Members,

The Lawnview Board of Directors and the EVERYbody Plays Playground Committee are so grateful for your generosity. Your generous donation will help bring an inclusive playground to our community. The playground will provide a place for children and families of all physical, mental and social abilities and ages an opportunity to play together in an integrated, sensory-rich environment without the barriers that have traditionally existed on playgrounds.

Thanks to you we will be breaking ground sooner than originally thought possible. We continue to gain support from the community, and it is our belief that once the first section of playground is in place and being enjoyed, people will see the true beauty of inclusion.

Once again, thank you for your belief in the playground project. It is truly appreciated, and we look forward to the project moving forward and growing.

Sincerely,

Mary Kay Snyder
Mary Kay Snyder

Kerry Brugger

From: Terry Meeks <terry.meeks@aes.com>
Sent: Thursday, April 8, 2021 10:16 AM
To: Kerry Brugger; Doug Crabill
Cc: Jason Willis
Subject: AES Ohio Planned Line Clearance Community Notification - DH1202

All-

We will begin trimming one of our Urbana area circuits in the next couple of weeks and wanted to give you a heads up. Our contractor, Lewis Tree Service, will be trimming the area south of our Kingscreek substation, which is located at Clark Rd north of Jackson Hill Rd. This circuit travels south into town following Clark Rd. It then turns east following Court St. Trim area includes: South of Maple Tree Lane, north of Miller Dr. west of S Dugan and E of Russell. We will initiate an outbound phone call to all customers on the circuit on Monday at 2pm announcing the upcoming work. Lewis will also attempt to make contact with each property owner prior to commencing any work. Please let me know if you have any questions or concerns. Below is the call script:

Hello, Dayton Power and Light is now AES Ohio. This call is to let you know that our contractor, **Lewis Tree Service**, will be conducting line clearance tree trimming in your area. If there are trees on your property that are close to the powerlines a **Lewis** representative will notify you in advance of any necessary trimming. If you are not at home, the **Lewis** representative will leave a door hanger with contact information where you may reach them to answer any questions. ALL POLES ARE CLEARED OF ANY VEGETATION. If you have general questions you can contact AES Ohio at 937-331-3900. Or visit our website at AES-Ohio.com for information about our tree trimming and Right Tree Right Place programs. Thank you.

Please let me know if you have any questions or concerns.

Thanks,

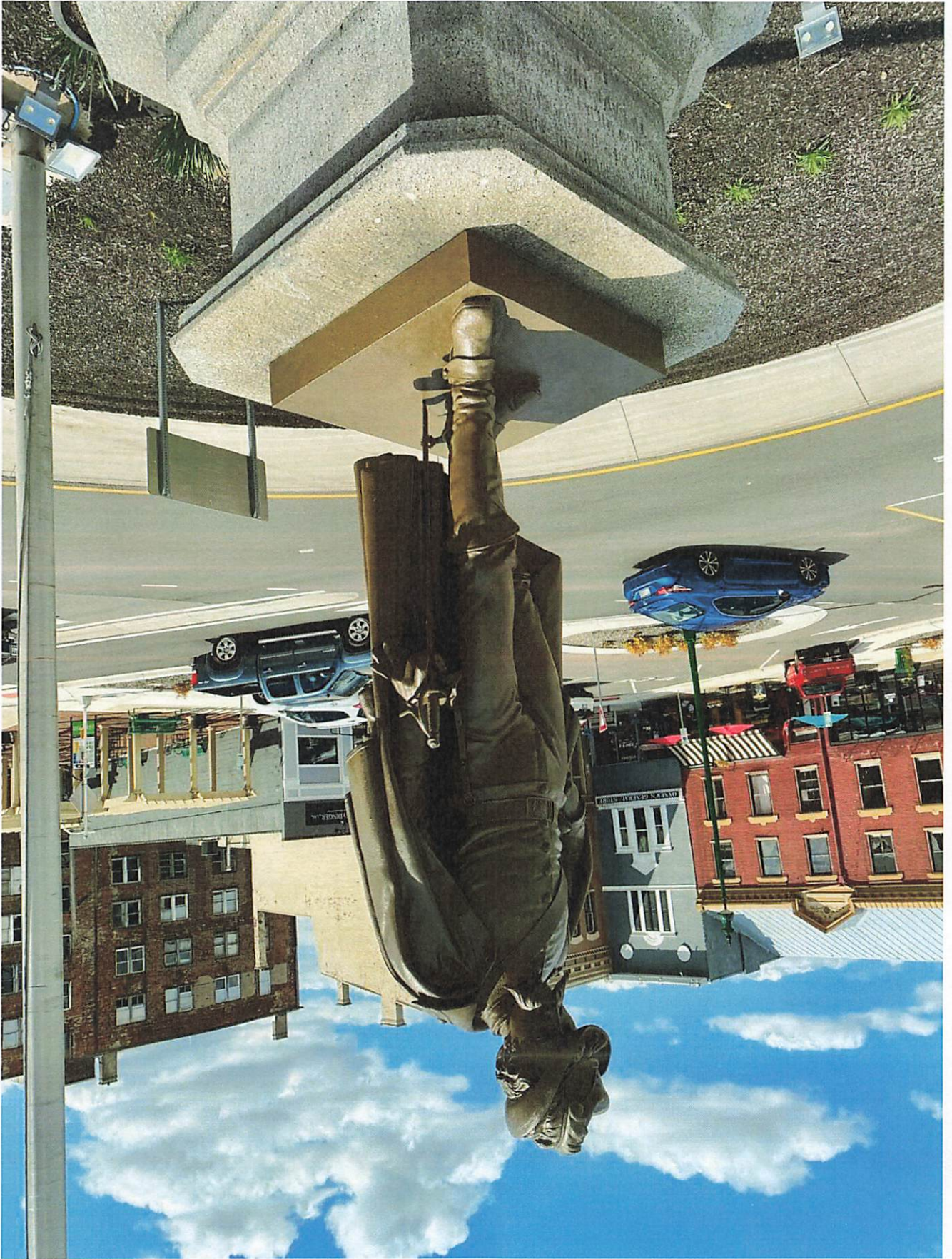
Terry Meeks

Supervisor/Line Clearance, ISA Arborist
1900 Dryden Rd. | Dayton, Ohio 45439
Desk: 937-331-4435
Terry.meeks@aes.com

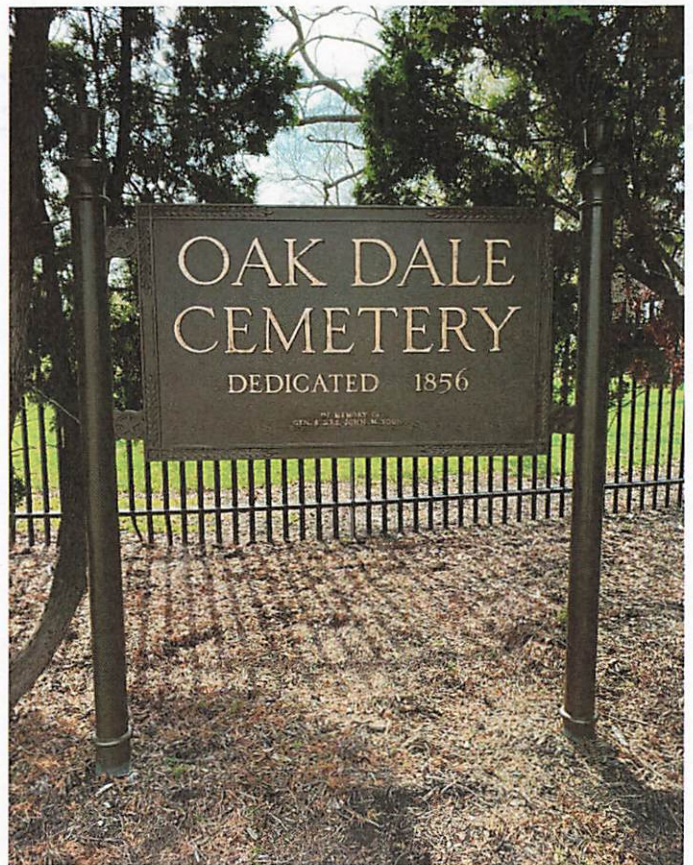
aes Ohio

Man on the Monument
Cleaned and Recoated by Mike Major
April 14, 2021





Oak Dale Cemetery Entrance Sign – 4/8/21



2021 Crack Sealing Program (#7699543)

Owner: City of Urbana, Ohio

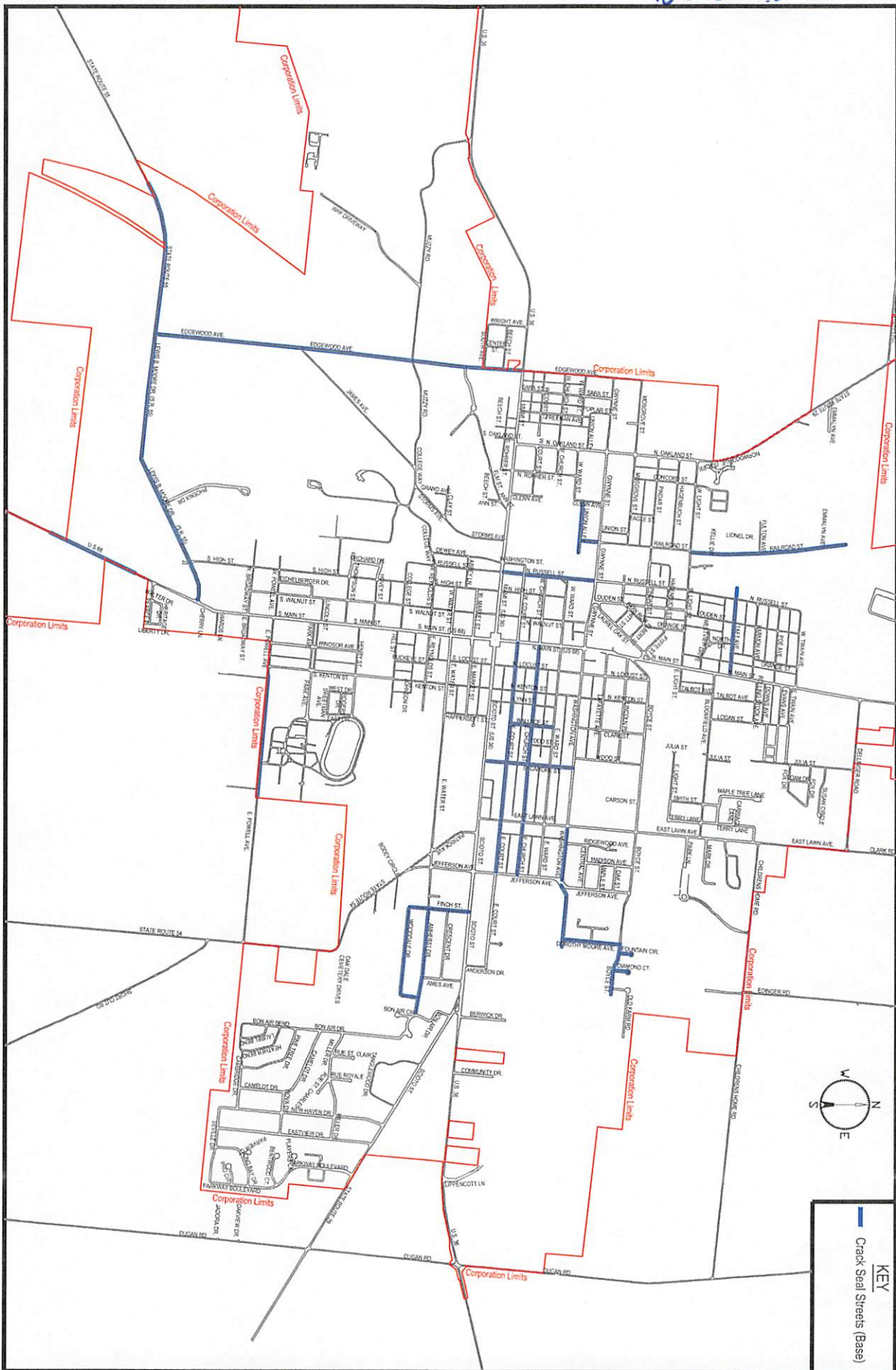
Solicitor: City of Urbana, Ohio

04/12/2021 10:00 AM EDT

Line	Item	Item Description	UofM	Quantity	Strawser Construction, Inc.		American Pavements, Inc		The Aero-Mark Company LLC	
					Unit Price	Extension	Unit Price2	Extension3	Unit Price4	Extension5
Base Bid										
1	423	CRACK SEALING, TYPE II	S.Y.	155473	\$0.30	\$46,641.90	\$0.33	\$51,306.09	\$0.39	\$60,634.47
2	614	MAINTAINING TRAFFIC	LUMP	1	\$1,800.00	\$1,800.00	\$2,350.00	\$2,350.00	\$1,600.00	\$1,600.00
3	624	MOBILIZATION	LUMP	1	\$1,800.00	\$1,800.00	\$5,875.00	\$5,875.00	\$3,400.00	\$3,400.00
4	103.05	CONTRACT BOND	LUMP	1	\$135.00	\$135.00	\$425.00	\$425.00	\$964.53	\$964.53
Base Bid Total:						\$50,376.90		\$59,956.09		\$66,599.00

BOC #1

30C #1



A	CAD FILE: G:\Engineering\Urbana Map\Street Paving Map.dwg			
	DRWN BY: TLB	APPRVD BY: TLB	SCALE: 1" = 1600'	ISSUE DATE: 3-23-21
			REVISION DATE: ----	

2021 Crack Sealing Program
Crack Sealing Map
 Tyler L. Bumbalough, P.E.
 CITY ENGINEER

CITY OF URBANA
 DIVISION OF ENGINEERING
 205 S. Main Street Urbana, Ohio 43078
 Fax: (937) 652-4306
 Phone: (937) 652-4324

City of Urbana, OH - Scioto Street Curb & Gutter Improvements (#7681039)

Owner: City of Urbana, Ohio

Solicitor: Urbana OH, City of

04/05/2021 10:30 AM EDT

Line	Item	Item Description	UofM	Quantity	M&T Excavating LLC.		Newcomer Concrete Services, Inc.		J & J Schlaegel, Inc.	
					Unit Price	Extension	Unit Price2	Extension3	Unit Price4	Extension5
Base Bid										
1	202	Curb and Gutter Removed	Feet	4,966	\$3.08	\$15,295.28	\$6.80	\$33,768.80	\$3.50	\$17,381.00
2	202	Sidewalk Removed	S.F.	1,796	\$1.10	\$1,975.60	\$1.50	\$2,694.00	\$1.50	\$2,694.00
3	202	Pavement Removed, As Per Plan	S.Y.	1,031	\$3.32	\$3,422.92	\$18.00	\$18,558.00	\$8.50	\$8,763.50
4	202	Removed, As Per Plan	Lump	1	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$5,000.00	\$5,000.00
5	253	9" Asphalt Pavement Repair, As Per Plan	S.Y.	585	\$90.00	\$52,650.00	\$102.50	\$59,962.50	\$80.00	\$46,800.00
6	452	6" Plain Concrete Pavement, As Per Plan	S.Y.	433	\$59.40	\$25,720.20	\$56.25	\$24,356.25	\$67.50	\$29,227.50
7	608	4" Concrete Walk	S.F.	1,796	\$6.25	\$11,225.00	\$5.40	\$9,698.40	\$6.25	\$11,225.00
8	609	Combination Curb and Gutter, Type 2	Feet	4,966	\$17.00	\$84,422.00	\$12.65	\$62,819.90	\$18.50	\$91,871.00
9	609	Concrete Traffic Island	S.Y.	13	\$148.50	\$1,930.50	\$277.00	\$3,601.00	\$148.50	\$1,930.50
10	611	Catch Basin, Adjusted to Grade, As Per Plan	Each	16	\$315.00	\$5,040.00	\$250.00	\$4,000.00	\$450.00	\$7,200.00
11	614	Maintaining Traffic, As Per Plan	Lump	1	\$4,140.00	\$4,140.00	\$3,000.00	\$3,000.00	\$4,500.00	\$4,500.00
12	623	Construction Layout Stakes and Surveying	Lump	1	\$5,885.00	\$5,885.00	\$5,940.00	\$5,940.00	\$5,400.00	\$5,400.00
13	624	Mobilization	Lump	1	\$4,800.00	\$4,800.00	\$7,600.00	\$7,600.00	\$7,500.00	\$7,500.00
14	630	Removal and Re-Erection of Sign and Support	Each	8	\$150.00	\$1,200.00	\$150.00	\$1,200.00	\$150.00	\$1,200.00
15	638	Service Box, Adjusted to Grade, As Per Plan	Each	62	\$250.00	\$15,500.00	\$150.00	\$9,300.00	\$250.00	\$15,500.00
16	653	Topsoil Furnished and Placed	C.Y.	63	\$64.85	\$4,085.55	\$184.00	\$11,592.00	\$65.00	\$4,095.00
17	659	Seeding and Mulching Class 1	S.Y.	1,381	\$3.49	\$4,819.69	\$1.75	\$2,416.75	\$3.50	\$4,833.50
18	103.05	Contract Bond	Lump	1	\$7,128.00	\$7,128.00	\$2,900.00	\$2,900.00	\$2,750.00	\$2,750.00
Base Bid Total:						\$250,239.74		\$264,907.60		\$267,871.00

B0C #2

B.o.C #2

Scioto Street Curb & Gutter Project
Funding Detail

Fund#	Fund Name	Amount
401	Capital Improvement	\$33,226.99
605	Water	\$15,500.00
625	Stormwater - Capital Improvement	\$5,040.00
TBD	Neighborhood Curb, Gutter, & Sidewalk	\$196,472.75
	Total (per bid)	\$250,239.74
	plus 15% contingency	\$37,535.96
		<u>\$287,775.70</u>

RESOLUTION NO. 2411-21

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION OF THE CITY OF URBANA, TO PREPARE AND SUBMIT FINAL APPLICATION TO PARTICIPATE IN THE FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT IMPROVEMENT PROGRAM (AIP) AND TO EXECUTE CONTRACTS AS REQUIRED. (Suspension of Rules requested)

WHEREAS, the Federal Aviation Administration provides grants to public agencies for public use airports in the form of the Airport Improvement Program (AIP); and

WHEREAS, the City of Urbana has developed a long-range plan for the continued improvement of the city owned general aviation airport, Grimes Field; and

WHEREAS, grant funds are available through the FAA Airport Improvement Program for 90% of eligible project costs contained in the long-range plan for Grimes Field; and

WHEREAS, additional grant funds are available through the FAA's distribution from the "American Rescue Plan Act" (ARPA) for the remaining 10% of eligible project costs contained in the 2021 project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Urbana:

Section 1: That the Director of Administration, is hereby authorized to apply to the FAA for FY2021 FAA AIP funds (AIP-2021) to complete the scope of work required to rehabilitate the east and west side T-hangar taxi-lanes, to the south terminal area. The estimated cost of the project is \$47,700.00, with the FAA AIP covering 90% of the cost (\$42,930.00) and the remaining 10% balance (\$4,770.00) being covered by the FAA's distribution from the "American Rescue Plan Act" (ARPA).

Section 2: That the Director of Administration, is further authorized to contract for any engineering and consulting services for the above-named project as may be necessary for the application and administration of above noted grant program.

Section 3: That the Director of Administration and City of Urbana, Ohio shall agree to abide by the terms and conditions of accepting Airport Improvement Program Grants (and subsequent updates). These terms and conditions may be unilaterally amended by the FAA, by notification in writing, and such amendment will only apply to grants accepted after notification.

Section 4: That it is found and determined that all formal actions of this City Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this City Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.


Council President

Passed: _____

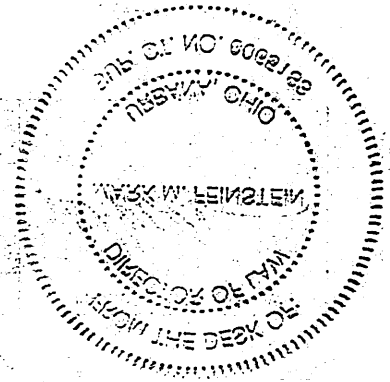
Attest: _____
Council Clerk

This Resolution approved by me this ____ day of _____, 2021.

Mayor

Department requesting: Administration/Airport		Personnel: Kerry Brugger	Director of Law Review 
Expenditure? Y [N]	Emergency? Y [N]	Public Hearing? Y [N]	
Readings required: [1] 2 3		If yes, dates advertised:	
First reading date: 4/20/21	Second reading date: N/A	Third/Final reading date: N/A	

Anticipated effective date if approved: _4/20/2021_



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RESOLUTION NO. 2449-21

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION OF THE CITY OF URBANA TO PARTICIPATE IN THE OHIO DEPARTMENT OF TRANSPORTATION'S (ODOT) WINTER ROAD SALT CONTRACTS (018-22) AWARDED IN 2021, AND DECLARING IT AN EMERGENCY. (Rule Suspension Requested)

WHEREAS, it is the responsibility of the City of Urbana to maintain and operate the roadways within the City's corporation limits for the safety of the community; and

WHEREAS, Section 5513.01 (B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Conservancy Districts, Township Park Districts, Park Districts created under Chapter 1545 of the Revised Code, Port Authorities, Regional Transit Authorities, Regional Airport Authorities, Regional Water and Sewer Districts, County Transit Boards, State Universities or Colleges to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, material, supplies or other articles.; and

WHEREAS, the City of Urbana (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for 800 tons of Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 30, 2021. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it resolved by the COUNCIL OF THE CITY OF URBANA, OHIO that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

Section One:

That the director of Administration is hereby authorized to participate in the Ohio Department of Transportation's Annual Road Salt Bid (018-22) in accordance with Ohio Revised Code 5513.01(B) and agrees to all of the terms and conditions in its participation of the ODOT winter road salt contracts.

Section Two:

That the Director of Administration may sign all necessary documents related thereto and to be bound by all terms and conditions as the Director of Transportation prescribes.

Section Three:

That the Director of Administration is hereby authorized to agree in the name of the City of Urbana to directly pay vendors, under each contract of the Ohio Department of Transportation in which the City of Urbana participates, for items it receives pursuant to the contract.

Section Four:

That it is found and determined that all formal actions of this City Council concerning and relating to the passage of this resolution were adopted in an open meeting of this City Council in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section Five:

That this resolution shall be declared an emergency to protect public safety and take effect immediately after passage to ensure timely participation in the Ohio Department of Transportation's Annual Winter Road Salt Bid (018-22).


President of City Council

Attest: _____

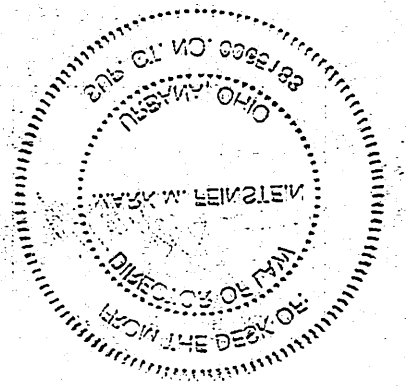
Date: _____

This resolution approved by me this _____ day of _____, 2021.

Mayor

Department requesting: Administration / Street		Personnel: Kerry Brugger	
Expenditure? Y N	Emergency? [Y] N	Public Hearing? Y [N] If yes, dates advertised:	
Readings required: [1] 2 3			
First reading date: 4/20/21	Second reading date: NA	Third/Final reading date: NA	

Anticipated effective date if approved: __4/20/21__



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RESOLUTION 2606-21

RESOLUTION OF THE CITY OF URBANA COUNCIL ADOPTING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF URBANA AS THE MUNICIPAL CORPORATION AND SUTPHEN CORPORATION AS THE ENTERPRISE.

WHEREAS, the City of Urbana, by Ordinance 4348 adopted February 22, 2011, designated the areas at Edgewood Ave. and St. Rt. 55 containing parcels K48-25-11-01-32-007-00, K48-25-11-01-32-014-00, K48-25-00-01-05-001-00, and K48-25-11-01-32-013-00 Community Reinvestment Area No.1 pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, effective May 13, 2011, the Director of Development of the State of Ohio determined that the aforementioned areas designated in said Ordinance No. 4348 contains the characteristics set forth in Section 3735.66 of the Ohio Revised Code and certified said areas as a Community Reinvestment Area under said Chapter 3735; and

WHEREAS, the City of Urbana has encouraged the development and acquisition of real property located in the areas designated as a Community Reinvestment Area; and

WHEREAS, the Sutphen Corporation, has applied for a Community Reinvestment Area Agreement; and

WHEREAS, notice has been provided to the appropriate school districts of the proposed Agreement for comment; and

WHEREAS, the City of Urbana as the municipal corporation will enter into a Community Reinvestment Area Agreement with the Sutphen Corporation 6450 Eiterman Rd. Dublin, OH 43016, an Ohio Corporation and the property owner for a tax exemption of 90% (ninety percent) of the real property tax for a term of 15 (fifteen) years for a project including the construction of a 160,000± square foot manufacturing/warehouse facility and the creation and preservation of employment opportunities with an estimated investment of \$11,000,000; and

WHEREAS, the Sutphen Corporation will create 20 (twenty) – 25 (twenty-five) full time permanent job opportunities and transfer 120 (one hundred twenty) full time permanent job opportunities to Urbana, OH as a result of this Community Reinvestment Area Agreement. Creating an additional \$1,200,000 in payroll and retaining \$9,000,000; and

WHEREAS, Urbana City School Board by Resolution 0421.02 adopted April 13, 2021, approved the tax exemption of 90% for a period of 15 years, as set forth in the CRA agreement among Sutphen Corporation and the City of Urbana; and

WHEREAS, pursuant to Ohio Revised Code 5709.82, the School District is entitled to receive a portion of the municipal income tax generated from new employees at the site for each year the Project is subject to exemption and the payroll of new employees exceeds \$1,000,000.00; and

WHEREAS, the Urbana School District intends to preserve its right to compensation under Ohio Revised Code 5709.82; and

WHEREAS, the Sutphen Corporation, has applied for said Community Reinvestment Area Agreement and said Agreement is required to be adopted by resolution approved by the Council of the City of Urbana; and

WHEREAS, in order to further incentivize the Sutphen Corporation to expand in Urbana, the City desires to provide the Enterprise with a non-refundable and non-carryforward credit business income tax incentive pursuant to Chapter 171.085 of the Codified Ordinances of the City of Urbana for new job creation within the City equal to Years 1-3 based on 35% of the withholding tax remitted for the applicable tax year, Years 4-6 based on 20% of the withholding tax remitted for the applicable tax year, Years 7-9 based on 10% of the withholding tax remitted for the applicable tax year; and

WHEREAS, in order to improve the economic welfare of Urbana's citizens, the business income tax incentive may increase to 40% during Years 1-3, 25% during Years 4-6, and 15% during Years 7-9 if 50% or more of the employees in a respective calendar year are residents of the City of Urbana; and

WHEREAS, the Council of the City of Urbana is required to approve any income tax incentive that is granted pursuant to Chapter 171.085 of the Codified Ordinances of the City of Urbana; and

WHEREAS, the Community Reinvestment Area Agreement and the provisions of the separate Business Income Tax Incentive have been combined to form an Economic Development Agreement between the City and the Enterprise.

NOW, THEREFORE, BE IT HEREBY RESOLVED, BY THE COUNCIL OF THE CITY OF URBANA, OHIO:

SECTION ONE: That this Economic Development Agreement, which includes the Community Reinvestment Area Agreement provisions, between the City of Urbana, as municipal corporation, the Sutphen Corporation as the Enterprise is hereby adopted by the Council of the City of Urbana.

SECTION TWO: That this Council finds that the said Community Reinvestment Area Agreement mentioned in Section One herein and above shall include a job creation and retention provision. The same to be achieved by December 2024.

SECTION THREE: That the non-refundable and non-carryforward credit business income tax incentive for the Enterprise pursuant to Chapter 171.085 of the Codified Ordinances of the City of Urbana for new job creation within the City equal to Years 1-3 based on 35% of the withholding tax remitted for the applicable tax year, Years 4-6 based on 20% of the withholding tax remitted for the applicable tax year, Years 7-9 based on 10% of the withholding tax remitted for the applicable tax year is hereby approved and included as a provision of the Economic Development Agreement between the City and the Enterprise.

SECTION FOUR: That an enhanced business income tax incentive provision is hereby approved and included within the Economic Development Agreement between the City and the

Enterprise and this provision shall allow an additional credit as follows if 50% or more of the employees of the Enterprise at the new facility are residents of the City in a respective calendar year: 40% during Years 1-3, 25% during Years 4-6, and 15% during Years 7-9.

SECTION FIVE: That the City’s Director of Administration, for and in the name of the City, is authorized to enter into said Economic Development Agreement between the City and the Sutphen Corporation.

SECTION SIX: That the City’s Director of Administration, for and in the name of the City, is further authorized to enter into the separate Community Reinvestment Area Revenue Sharing Agreement between the City of Urbana and the Urbana City Board of Education.

SECTION SEVEN: The Director of Finance and the Director of Law, and any other City officials, as appropriate, are each authorized and directed to prepare and sign any other documents, instruments, amendments or certificates and to take such actions as are necessary or appropriate to consummate and implement the transactions described in or contemplated by this Resolution in executing the Agreement.

SECTION EIGHT: That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION NINE: That this resolution shall become effective at the earliest time provided by law.


Council President, City of Urbana

Passed: _____

Attest: _____

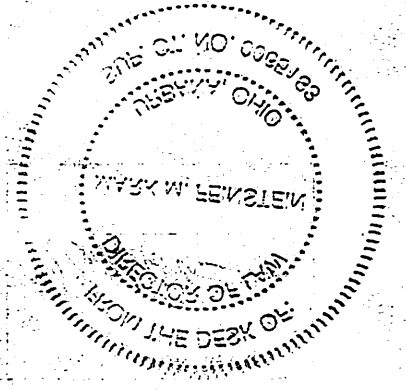
This Resolution approved by me this _____ day of _____, 2021.

Mayor, City of Urbana

Department requesting: Administration		Personnel:	Director of Law Review  _____ MARK V. FENSTER
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? Y N If yes, dates advertised:	
Readings required: (1) 2 3			
First reading date: 4/20/2021	Second reading date:	Third/Final reading date:	

Anticipated effective date if approved: 4/21/2021





UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C.

MEMORANDUM FOR THE DIRECTOR

DATE: MAY 10, 1954

TO: DIRECTOR

FROM: SAC, [illegible]

SUBJECT: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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April 1, 2021

Urbana City Council
Attn.: President Marty Hess
205 S. Main St.
Urbana, OH 43078

RE: Sutphen Corporation 6450 Eiterman Rd. Dublin, OH 43016
CRA (Community Reinvestment Area) – Real Property Tax Exemption of 90% for 15 Years

Dear Council President Hess,

The Champaign Economic Partnership/City of Urbana is working with the Sutphen Corporation on a CRA agreement for a new 160,000±SF new facility to be located Edgewood/St. Rt. 55 (parcels K48-25-11-01-32-007-00, K48-25-11-01-32-013-00, K48-25-11-01-32-014-00, K48-25-00-01-05-001-00) Urbana, OH. The agreement would allow a real property tax exemption from the real property taxes resulting from real property improvements. The new facility will allow for the growth of the Sutphen Corporation by consolidating several facilities, adding new technology and efficiency of their operation. The new construction costs are estimated to be \$11,000,000 at the time of application.

Sutphen Corporation is a private entity owned by the Sutphen family that will retain ownership of the property. Sutphen Corporation was founded in 1890 by C.H. Sutphen and is the oldest continuously owned and operated fire apparatus manufacturer in the U.S. The company has manufacturing plants in Dublin, Amlin, Hilliard, Springfield OH and Lake Ariel, PA. In 2018 Sutphen Corporation established a new Service, Parts and Refurbishment Center at 49 N. Ludlow Rd., Urbana.

Sutphen Corporation has nearly 500 FT permanent jobs in their various facilities due to continued growth. The currently lease all their facilities except one.

Urbana, OH is competing with Pennsylvania for this consolidation project which includes three facilities, 1701 W. County Line Rd., 1653 W. County Line Rd, and 49 N. Ludlow Rd Urbana, OH. The company will be purchasing the above-mentioned parcels to accommodate their current and future growth needs. The current annual real estate taxes for these three parcels are approximately \$893.96. A variety of local, regional and state partners have worked diligently to assist this company to meet their needs and choose to grow in Urbana.

The CRA Agreement will be with the Sutphen Corporation as the property owner with a job creation of an additional 20 full time permanent employees as a result of this consolidation, expansion and construction. Total increased annual payroll expected is \$1,200,000 and retention of 160 full time employees with a retained payroll of \$9,000,000.



The Sutphen Corporation received approval from Urbana City Schools and Ohio Hi Point Boards for a real property tax exemption of 90% for 15 years from the real property taxes resulting from real property improvements.

Ohio Revised Code 5709.83 requires at least a forty-five (45) business day notice to be given to your school district prior to Urbana City Council taking formal action on the aforementioned CRA application.

The proposed real property tax exemption shall exempt 90% of the real property tax increase results from real property improvement. Formal action by the City of Urbana Council on this application is scheduled on April 6, 2021.

Enclosed, please find a copy of the application. If you have any questions, comments or concerns, please do not hesitate to contact CRA Manager, Marcia Bailey at (937) 653-7200 or marcia@cepohio.com.

Thank you for your cooperation in this matter. As always, the Champaign Economic Partnership looks forward to continued support and growth in our community.

Sincerely,

Marcia Bailey

Marcia Bailey
Economic Development Director
3 Monument Square
Urbana, OH 43078

Subject Document(s)
CRA application
CRA agreement

**ECONOMIC DEVELOPMENT AGREEMENT
(COMMUNITY REINVESTMENT AREA AGREEMENT & BUSINESS INCOME TAX
INCENTIVE AGREEMENT) BY AND BETWEEN THE
CITY OF URBANA AND THE SUTPHEN CORPORATION**

This agreement is made and entered into by and between the City of Urbana, Ohio, an Ohio municipal corporation, with its main offices located at 205 S. Main St. Urbana, Ohio 43078 ("City of Urbana"), Sutphen Corporation 6450 Eiterman Rd. Dublin, OH 43016 ("Sutphen Corporation") an Ohio corporation and the property owner.

WHEREAS, City of Urbana has encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area; and

WHEREAS, Sutphen Corporation desires to construct a 160,000± square foot manufacturing/warehousing facility (hereinafter referred to as the "PROJECT") within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the City of Urbana Council, by Resolution 4348 adopted Feb. 22, 2011, designated the area as a "Community Reinvestment Area"(Urbana CRA – Area 1) pursuant to Chapter 3735 of the Ohio Revised Code ("ORC"); and

WHEREAS, the Ohio Department of Development determined that the area contained the characteristics set forth in ORC 3735.66 and confirmed said area as a Community Reinvestment Area under ORC Chapter 3735; and

WHEREAS, the City of Urbana, having the appropriate authority for the stated type of project, desires to provide Sutphen Corporation with incentives available for the development of the PROJECT in the Community Reinvestment Area; and

WHEREAS, Sutphen Corporation submitted a proposed agreement application to the City of Urbana and Sutphen Corporation has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the CRA Housing Officer of City of Urbana has investigated the application of Sutphen Corporation and has recommended approval to the Urbana City Council on the basis that Sutphen Corporation is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Community Reinvestment Area and improve the economic climate of the City of Urbana; and

WHEREAS, the project site as proposed by Sutphen Corporation is located in the Urbana City School District and the Ohio Hi Point Career Center and the Board of Education of the Urbana City School District and Ohio Hi Point Career Center have been notified in accordance with ORC Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to ORC 3735.67(A) and in conformance with the format required under ORC 3735.671(B), the parties desire to set forth their agreement with respect to these matters;

NOW, THEREFORE, in consideration of the mutual covenants made, the parties agree as follows:

1. Sutphen Corporation shall construct a new 160,000± square feet manufacturing/warehouse facility located at Edgewood Ave/St. Rt. 55 CRA Area 1, parcel K48-25-11-01-32-007-00, K48-25-11-01-32-014-00, K48-25-00-01-05-001-00, and K48-25-11-01-32-013-00.

The project will involve a total investment by Sutphen Corporation of \$11,000,000, plus or minus 10% for new construction and machinery and equipment at Edgewood Ave./St. Rt. 55 CRA Area 1, parcels K48-25-11-01-32-007-00, K48-25-11-01-32-014-00, K48-25-00-01-05-001-00, and K48-25-11-01-32-013-00 Urbana, OH. The project will begin Fall 2021 and all construction and installation will be completed by Fall 2022. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

2. Sutphen Corporation shall retain 120 existing full-time permanent jobs currently at 1701 W. County Line Rd., 1653 W. County Line Rd. and 49 N. Ludlow Rd. Urbana, OH facilities with this consolidation, and create 20-25 new full-time permanent job opportunities by Fall 2024.

The following is the breakdown of the estimated annual payroll for this project:

120 existing full-time jobs - \$9,500,000
20-25 new full-time job opportunities - \$1,500,000
Total - \$11,000,000

3. Sutphen Corporation shall provide to the Tax Incentive Review Council any information reasonably required by the council to evaluate compliance with the agreement, including returns filed pursuant to ORC 5711.02 if requested by the council.
 - a. Sutphen Corporation will maintain a membership in the Champaign Economic Partnership/Manufacturer's Council and work in partnership with local school districts and other educational institutions (Ohio Hi Point Career Center and Clark State Community College) to provide career exploration to students.
 - b. Sutphen Corporation shall support the Champaign Economic Partnership (economic development agency for Champaign County) as a partnership investor.

4. The City of Urbana hereby grants Sutphen Corporation a tax exemption for real property improvements made to the PROJECT site pursuant to ORC 3735.67 in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
Year 1-15	90%

Each identified project improvement will receive a (15) year exemption period. The exemption commences the first year for which the Real Property exemption would first be taxable were that property not exempted from taxation. No exemption shall commence after October 2021 nor extend beyond October 2036.

Sutphen Corporation must file the appropriate tax forms with the County Auditor to effect and maintain the exemptions covered in the agreement.

5. Sutphen Corporation shall pay such real and tangible personal property taxes as are not exempted under this agreement and are charged against such property and shall file all tax reports and returns as required by law. If Sutphen Corporation fails to pay such taxes or file such returns and reports, all incentives granted under this agreement shall be rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.
6. The City of Urbana shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including execution of all documentation and providing any necessary certificates required in connection with such exemptions.
7. If for any reason the Community Reinvestment Area designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or City of Urbana revokes the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Sutphen Corporation materially fails to fulfill its obligations under this agreement and the City of Urbana terminates or modifies the exemptions from taxation granted under this agreement.
8. If Sutphen Corporation fails to fulfill its obligations under this agreement, or if City of Urbana determines that the certification as delinquent taxes required by this agreement is fraudulent, the City of Urbana may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement under the following formula:
 - Years 1 and 2, the reimbursement level will be 100%
 - Years 3 and 4, the reimbursement level will be 75%
 - Years 5 and 6, the reimbursement level will be 50%
 - Years 7 and 8, the reimbursement level will be 25%
9. Sutphen Corporation hereby certifies that at the time this agreement is executed, Sutphen Corporation does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Sutphen Corporation is liable under ORC Chapters 5733, 5735, 5739, 5741, 5743, 5747, or 5753. Delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the ORC governing payment of those taxes.
10. Sutphen Corporation affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
11. Sutphen Corporation and City of Urbana acknowledge that this agreement must be approved by formal action of the Urbana City Council as legislative authority of the City as a condition for the agreement to take effect upon approval.
12. Sutphen Corporation has developed a policy to ensure recipients of Community Reinvestment Area tax benefits practice non-discrimination in hiring in its operations. By executing this agreement, Sutphen Corporation. is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

13. Exemptions from taxation granted under this agreement shall be revoked if it is determined that Sutphen Corporation, any successor property owner, or any related member (as defined in ORC 3735.671) has violated the prohibition against entering into this agreement under ORC 3735.671(E) or ORC 5709.62 or ORC 5709.63 prior to the time prescribed by that division or either of those sections.

14. Sutphen Corporation affirmatively covenant that they have made no false statements to the State or local political subdivisions in the process of obtaining approval of the Community Reinvestment Area incentives. If any representative of Sutphen Corporation has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, Sutphen Corporation shall immediately return all benefits received under the Community Reinvestment Area Agreement pursuant to ORC 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13(D)(1), which is punishable by a fine of up to \$1,000 and/or a term of imprisonment of up to six months.

15. In consideration of the Sutphen Corporation implementing the Project and creating the new jobs within the City of Urbana, based on the terms and conditions provided hereafter, the Sutphen Corporation is eligible to receive a non-refundable and non-carryforward credit business income tax incentive as follows:

Years 1-3 (Year 1 Commencing 2022): 35% of the employee withholding tax remitted for the applicable tax year.

Years 4-6 (Year 4 Commencing 2025): 20% of the employee withholding tax remitted for the applicable tax year.

Years 7-9 (Year 7 Commencing 2028): 10% of the employee withholding tax remitted for the applicable tax year.

Furthermore, the Sutphen Corporation shall be eligible for an enhanced non-refundable and non-carryforward credit business income tax incentive if one-half of the payroll taxes paid by the Sutphen Corporation on the new jobs to the City originate from jobs provided to residents of the City of Urbana, Ohio as follows:

Years 1-3 (Year 1 Commencing 2022): 40% of the employee withholding tax remitted for the applicable tax year.

Years 4-6 (Year 4 Commencing 2025): 25% of the employee withholding tax remitted for the applicable tax year.

Years 7-9 (Year 7 Commencing 2028): 15% of the employee withholding tax remitted for the applicable tax year.

Taxes paid on wages of the new jobs shall be evidenced by W-2 forms indicating that Urbana income taxes were withheld and paid.

The Sutphen Corporation must apply for the Business Income Tax Credit Incentive each year using the form attached, and as may be amended from time to time by the City, no later than August 15th of each year during the term. In order for the City to confirm that the Sutphen Corporation has met the criteria to claim the Business Income Tax Credit Incentive for the corresponding year, the Sutphen Corporation shall submit all tax filings through the City of Urbana's Income Tax Office. Following processing and reconciliation by the City that the Sutphen Corporation has met the criteria to claim the Business Income Tax Credit Incentive for the corresponding year, the City shall authorize the non-refundable and non-carryforward credit.

Failure by the Sutphen Corporation to file all tax returns through the City of Urbana Income Tax Office as required above, not later than December 31st of each year during the term, shall be deemed a material breach of this portion of the agreement and such shall nullify any obligation of the City to authorize and pay a non-refundable and non-carryforward Business Income Tax Credit Incentive to the Sutphen Corporation for that year in which it failed to file returns through the City of Urbana Income Tax Office, and the Sutphen Corporation hereby forfeits all of its right and interest in receiving a non-refundable Business Income Tax Credit Incentive for that year, and it shall make no claim(s) against the City resulting from such forfeiture and failure to file returns as required hereunder.

The City will not initiate the Business Income Tax Credit Incentive application process; it is incumbent on the Sutphen Corporation to apply for the Business Income Tax Credit Incentive during each year of the term. Failure by the Sutphen Corporation to timely apply for Business Income Tax Credit Incentive by August 15th of each year during the term shall result in forfeiture by the corporation for any Business Income Tax Credit Incentive that may be, or may have been, eligible to receive by the City under the terms and conditions of this portion of the agreement.

16. The Sutphen Corporation and the City agree that the Business Income Tax Credit Incentive is offered and provided as an inducement for the Sutphen Corporation to create business operations in Urbana and create and maintain jobs within the City and remit payroll taxes to the City, for the duration of a nine-year term with the first year of the term commencing in 2022. If the Sutphen Corporation relocates its operations to a location outside the Urbana corporation limits or ceases operations in Urbana during the term, the parties acknowledge and agree that the portion of this agreement that is applicable to the Business Income Tax Credit Incentive is lacking in consideration and the Sutphen Corporation is in default in performance of the terms and conditions of this Agreement. Therefore, if the Sutphen Corporation relocates outside the Urbana corporation limits or ceases operations in Urbana prior to the end of the term, and if the City has granted and provided one or more non-refundable and non-carryforward Business Income Tax Credit Incentives to the Sutphen Corporation for one, any or all prior years of the term, then the Sutphen Corporation shall make restitution and reimbursement to the City in an amount equal to the combined three most recent Business Income Tax Credit Incentives (including Enhanced Business Income Tax Credit Incentives) provided to the Sutphen Corporation, or the total of such credits provided if less than three non-refundable credits have been provided to the Sutphen Corporation by the City (the "Reimbursement"). The Reimbursement is due and shall be paid to the City (to the attention of the Director of Finance) in full immediately upon default. "Ceasing operations" is defined herein as the Sutphen Corporation no longer using the services of its employees, contractors, agents or volunteers in Urbana to transact corporation business for which it seeks to be compensated in one form or another. An empty building with no staff except security, cleaning and grounds maintenance staff or services (or less than that) shall in addition to the prior statement, meet the definition of "ceasing operations" as defined herein.

17. The Sutphen Corporation shall establish and maintain, during the term of the Business Income Tax Credit Incentive and for at least four (4) years from the termination of the term herein, such reports and records required to account for the new jobs and all relevant supporting documentation that would be required in an audit for these purposes. The parties further agree that records required with respect to any questioned costs, audit disallowances, litigation or dispute between the City and the Sutphen Corporation shall be maintained for the time needed for the resolution of said question, and that in the event of early termination of this agreement, or if for any reason the City shall require a review of the records related to the project, the Sutphen Corporation shall, at its own cost and expense, segregate all such records related to the Project from its other records of operation. The Sutphen Corporation agrees to pay the costs of a one-time audit to determine the accuracy of creating and maintaining jobs, if such an audit is requested by the City during the term of this agreement.

18. Tax Disclosure Form. Contemporaneously with the signing of this Agreement, the Sutphen Corporation shall sign and submit the attached Tax Information Disclosure Authorization to the City. Failure by the Sutphen Corporation to execute the Tax Information Disclosure Authorization shall result in any and all Business Income Tax Credit Incentives earned, owed, or owing to the Sutphen Corporation, to be forfeited.

19. This agreement is not transferable or assignable without the express, written approval of the City of Urbana.

On behalf of the parties, authorized representatives of all parties have executed this agreement on the dates listed below.

 FOR CITY OF URBANA
 Kerry Brugger, Director of Administration

 Date

 FOR SUTPHEN CORPORATION.
 CEO

 Date

 Approved as to form:
 City of Urbana Law Director

Attachment 1

**CITY OF URBANA, OHIO
APPLICATION FOR BUSINESS INCOME TAX CREDIT INCENTIVE**

1. Name of Business: _____
2. Address in Urbana: _____
3. Mailing address if different from above:

4. Incentive or Enhanced Incentive Based on Year of Agreement: ____%
Year of Agreement: 1 2 3 4 5 6 7 8 9
5. Term of Agreement: From January 1, 2022 to December 31, 2030
6. You Are Applying for Tax Accrual Year 20__
7. Tax ID: _____
8. Number of Employees as of December 31, 20__ : _____
Increase over prior year: _____ Decrease over prior year: _____
9. Actual Amount of Wage Withholding Taxes paid to Urbana for the year identified in number 6 above was \$_____.
10. Per the Agreement, Business' Income Tax Credit Incentive is estimated to be \$_____.

I hereby certify that the information provided above is true and accurate pursuant to the generally acceptable accounting and financial practices of our Business.

Signature of Applicant: _____

Title: _____

Print Name: _____

Date: _____

Phone Number and Email for Signatory Above: _____

Please return to Ms. Chris Boettcher, Director of Finance, 225 South Main Street, Urbana, OH 43078 or email to chris.boettcher@ci.urbana.oh.us. She can be reached by phone by calling (937) 652-4310.

TAX INFORMATION DISCLOSURE AUTHORIZATION

The Sutphen Corporation irrevocably authorizes the disclosure to the Director of Finance of the City of Urbana, Ohio or any agent of the Director of Finance the amounts of taxes paid or the outstanding liabilities owed, for taxes imposed under Chapter 171 of the Codified Ordinances of the City of Urbana, for purposes of determining the eligibility to receive an annual Business Income Tax Credit Incentive from the City, and the amount thereof, under the terms and conditions of the Economic Development Agreement entered into on _____ by the Sutphen Corporation and the City of Urbana, Ohio.

This Authorization shall be in effect for the term of the Agreement.

The Sutphen Corporation expressly waives notice of the disclosure(s) to the Director of Finance or by any agent designated by the Director of Finance. The Sutphen Corporation expressly waives the confidentiality provisions of the Ohio law which would otherwise prohibit disclosure and agrees to hold the Director of Finance or his/her agents harmless with respect to the limited disclosure authorized herein.

This authorization is to be liberally interpreted and construed. Any ambiguity shall be resolved in favor of the Director of Finance of the City of Urbana, Ohio, or the authorized agents thereof.

This authorization is binding on any and all Company heirs, beneficiaries, survivors, assigns, executors, administrators, successors, receivers, trustees, or other fiduciaries.

A photocopy of this Authorization is as valid as the original. The person signing below verifies that he/she is a Company representative authorized to bind the Sutphen Corporation to this Authorization.

Sutphen Corporation

By: _____

Its: _____

Print Name: _____

Date: _____

COMMUNITY REINVESTMENT AREA REVENUE SHARING AGREEMENT

This agreement is between the City of Urbana, an Ohio municipal corporation, 205 S. Main St. Urbana, OH 43078; the Urbana City School Board of Education, an Ohio school district, 711 Wood St. Urbana, OH, and Sutphen Corporation, with principal place of business at 6450 Eiterman Rd. Dublin, OH 43016 (Sutphen Corporation). This agreement specifies the manner and procedure to be used pursuant Ohio Revised Code (ORC) Section 5709.82 for tax revenue sharing on new municipal income tax revenues relating to Sutphen Corporation's Community Reinvestment Area project.

Whereas, the Urbana City Council approved real property tax exemption for a CRA project involving Sutphen Corporation, and authorized negotiation of income tax revenue sharing related to the project after the City provided notice of the project to the school board via Resolution 0321.02; and

Whereas, the City of Urbana and Urbana City Schools pursuant to ORC section 5709.82 elect to enter into a Revenue Sharing Agreement concerning the benefits relating to the aforementioned project

Now, Therefore, the City of Urbana, Urbana City School District, and Sutphen Corporation, agree as follows:

Section 1. Definitions. As used in this agreement, the following words have the meanings set forth below:

"Annual Payment Amount" means the amount paid directly by the City of Urbana to the Urbana City School District under Section 2 of this agreement.

"Exemption Year" means any calendar year in which the Project would be taxable but for the municipal authorization and finalization of a Community Reinvestment Area Agreement Ohio Revised Code Sections 3735.67 (B) & (D).

"New Employee" shall include all employees who are first employed at the project site and who have not been subject to the City of Urbana municipal income tax within the previous two years on income derived from employment from Sutphen Corporation prior to being employed at the project site. "New employee" does not include any person hired to replace a person who is not a new employee."

"Base Employment" shall be the number of employees located at the project site immediately prior to the finalization of the Community Reinvestment Area Agreement.

"Base Payroll" shall be the annualized salary of all employees located at the project site immediately prior to the finalization of the Community Reinvestment Area Agreement.

Section 2. Amount of Municipal Payments. During each exemption year in which Sutphen Corporation receives a real property tax exemption pursuant the Community

Reinvestment Area Agreement executed by the City of Urbana and Sutphen Corporation, the City shall pay the annual payment amount to the Urbana City School District. The annual payment amount is to equal 50% of the total annual municipal income tax revenues received by the City of Urbana from its levy on the wages, salaries, commissions, and other compensation of "new employees" located at the Sutphen Corporation project site as a result of the aforementioned Community Reinvestment Area Agreement. During any exemption year in which the payroll attributed to "new employees" does not equal or exceed \$1,000,000.00 (one million dollars), the City of Urbana is not required to make a compensation payment to the school district.

The base employment of Sutphen Corporation at the project site is 0 positions. Of this number, 0 positions were subject to the municipal income tax of the City of Urbana prior to the execution of the Community Reinvestment Area Agreement.

The base payroll relating to all Sutphen Corporation employees located at the Community Reinvestment Area project site is \$0.

Section 3. Timing of the Payments. The City of Urbana shall provide the Urbana City School District the required annual payment amount by March 31 of the following calendar year. The payment will include an itemization of the municipal income tax collections attributed to "new employees" employed as a result of the Community Reinvestment Area Agreement.

Section 4. Annual Payment Amount Calculation Procedure. Sutphen Corporation has a base payroll within the City of Urbana prior to the Community Reinvestment Area Agreement of \$0.00. Sutphen Corporation shall provide, no later than February 15 annually, a report documenting the number of employees and the total annual payroll for the preceding exemption year for the Community Reinvestment Area project site.

Sutphen Corporation shall provide a base detail report of annual payroll including Urbana City income tax withholdings.

The finance director of the City of Urbana shall, within 30 days of receipt, confirm the amount reported by Sutphen Corporation as an accurate representation of the annual payroll information submitted to the City of Urbana for income tax purposes. If the information is not consistent, the finance director shall notify Sutphen Corporation, Urbana City School Board of Education and the Community Reinvestment Area Manager of the discrepancy. Within 30 days, Sutphen Corporation shall reconcile and/or correct the discrepancy.

Section 5. Infrastructure Offset. The City of Urbana shall be entitled to an offset of up to 35% of the municipal income tax revenues generated from "new employees".

This offset will be available to the City of Urbana in each exemption year in which income tax revenue sharing pertaining to the project is required and the City of Urbana has incurred infrastructure costs and/or debt service on public infrastructure directly supporting the development of the project. The offset will be applied in the following manner: once the net income tax generated from "new employees" is calculated, 35% or the total amount of infrastructure costs incurred during the prior calendar year, whichever is less, is to be subtracted prior to allocation and distribution. The City of Urbana finance director shall provide the Urbana City School District documentation of the infrastructure costs and a determination of the direct relationship between the infrastructure and the project.

The City of Urbana will notify the Urbana City School District of any new infrastructure costs based on this project within 30 days of request for infrastructure improvements.

Section 6. Maximum Income Tax Revenue Sharing Compensation. The intent of this agreement is to lessen the impact of the real tax exemptions granted under the Community Reinvestment Area Program on the Urbana City School District. The agreement is intended to provide partial compensation for real property tax revenues foregone by the Urbana City School District. Should the allocation of the income tax generated from the "new employee" calculation exceed the amount of real property tax revenue the Urbana City School District would have received from the project had the new investment not received an exemption, then the sharing formula is to be modified and the Urbana City School District will receive no more than the amount of property tax revenues the project investment would have generated according to the Champaign County Auditor.

Section 7. Amendments. This agreement may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.

Section 8. Entire Agreement. This agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind and nature between the parties with respect to the subject matter of this agreement.

Section 9. Notices. All payments, certificates, reports and notices which are required to or may be given pursuant to the provisions of this agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

Municipality: City of Urbana, OH
205 S. Main St.
PO Box 747
Urbana, OH 43078

Board of Education: Urbana City School District
711 Wood St.
Urbana, OH 43078

Business: Sutphen Corporation Inc.
6450 Eiterman Rd.
Dublin, OH 43016

Any party may change its contact or address for receiving notices and reports by giving written notice of such change to the other parties.

Section 10. Severability of Provisions. The invalidity of any provision of this agreement shall not affect the other provisions of this agreement, and this agreement shall be construed in all respects as if any invalid portions were omitted.

On behalf of the parties, authorized representatives of all parties have executed this agreement on the dates listed below.

City of Urbana	Date
Director of Administration	

Urbana City Schools	Date
Treasurer	

Sutphen Corporation	Date
CEO	

**BOARD OF EDUCATION
OF THE URBANA CITY SCHOOL DISTRICT
CHAMPAIGN COUNTY, OHIO**

The Board of Education (the "Board") of the Urbana City School District, Champaign County, Ohio (the "District") met in special session on April 13, 2021 at 500A Washington Avenue, Urbana, Ohio, 43078.

Ms. Paul introduced the following resolution and moved its passage:

**RESOLUTION NO. 0421.02
AMENDING A RESOLUTION TO APPROVE
A COMMUNITY REINVESTMENT AREA
AGREEMENT AND EXEMPTION TO BE
APPROVED BY THE CITY OF URBANA,
OHIO.**

WHEREAS, to encourage economic development and the construction of new housing and repair of existing facilities or structures, the Council ("City Council") of the City of Urbana, Ohio (the "City") has established the Urbana CRA – Area 1 (the "CRA"), which CRA includes certain real property within the City;

WHEREAS, the City previously provided to the District an application for a CRA real property tax exemption, together with a notice regarding the City's intention to approve a CRA real property tax exemption, both of which identified the real property to be subject to the exemption by Champaign County permanent parcel numbers K48-25-11-01-32-008-00, K48-15-11-01-32-014-00, and K48-15-00-01-05-001-00; and

WHEREAS, on March 23, 2021, this Board adopted a resolution approving, subject to certain conditions, a CRA agreement and related exemption, compensation to be provided to the District in respect of foregone real property tax revenue due to the exemption, and certain related matters (the "Original Resolution"); and

WHEREAS, the City has informed the District that the Champaign County permanent parcel numbers previously provided to the District and approved by the Board in the Original Resolution were incorrect and incomplete, and that the correct Champaign County permanent parcel numbers for the "Project Site" referred to in the Original Resolution are: K48-25-11-01-32-013-00, K48-25-11-01-32-007-00, K48-25-11-01-32-014-00, and K48-25-00-01-05-001-00; and

WHEREAS, the Board has determined to approve an amendment to the Champaign County permanent parcel numbers listed in the Original Resolution and to the definition of the term "Project Site" as set forth in the Original Resolution in order to provide the necessary conditional approvals with respect to the correct real property;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE URBANA CITY SCHOOL DISTRICT, CHAMPAIGN COUNTY, STATE OF OHIO THAT:

Section 1. The Original Resolution is hereby amended to change the definition of the "Project Site" from the Champaign County permanent parcel numbers listed in the Original Resolution and in Exhibit A attached to the Original Resolution to the following Champaign County permanent parcel numbers: K48-25-11-01-32-013-00, K48-25-11-01-32-007-00, K48-25-11-01-32-014-00, and K48-25-00-01-05-001-00. The Original Resolution is further amended such that the terms and provisions of the Original Resolution shall apply to the real property currently identified by the Champaign County permanent parcel numbers listed above. Except as expressly amended by this Resolution, all of the terms and provisions of the Original Resolution shall remain unmodified, and all terms and provisions of the Original Resolution, as modified by this Resolution, shall remain in full force and effect.

Section 2. This Board authorizes the Treasurer to certify and deliver a true and complete copy of this Resolution, together with its attachments, to the City Council as soon as practicable after the passage of this Resolution.

Section 3. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

Mr. Arter seconded the motion, and after discussion, a roll call vote was taken with the following results:


Voting Aye: Mr. Engle, Ms. Finch, Ms. Paul, Mr. Thomas, Mr. Arter

Voting Nay: _____

Abstaining: _____

Passed April 13, 2021

I hereby certify that this is a true and complete copy of the Resolution adopted by a majority of a quorum of the membership of the Urbana City School District Board of Education at its meeting held on April 13, 2021 as was recorded by me in the official proceedings of said Board.

 (signature)
Amanda Hildebrand, Treasurer

RESOLUTION 2607-21

A RESOLUTION TO AUTHORIZE THE MAYOR OR DESIGNEE TO APPLY TO THE CHAMPAIGN COUNTY COMMISSIONERS UNDER THE PROGRAM YEAR 2021 COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") COMMUNITY DEVELOPMENT PROGRAM AND TO FURTHER AUTHORIZE THE MAYOR OR DESIGNEE TO PURSUE OTHER ECONOMIC DEVELOPMENT AND PUBLIC INFRASTRUCTURE-RELATED CDBG PROGRAMS, and DECLARING AN EMERGENCY.

WHEREAS, the Ohio Development Services Agency administers the CDBG program in Ohio for the United States Department of Housing and Urban Development; and

WHEREAS, the City of Urbana, Ohio is eligible for funding through the CDBG Community Development Allocation Program by applying directly through the Champaign County Commissioners; and

WHEREAS, Champaign County is also eligible to apply on behalf of the City of Urbana for two separate competitive programs under the CBDG Community Development Program, including Neighborhood Revitalization and Critical Infrastructure; and

WHEREAS, the City of Urbana and/or Champaign County may also apply directly to the Ohio Development Services Agency, Office of Community Development, for the Economic Development and Public Infrastructure Programs; the Target of Opportunity Program, including the Downtown Program; and the Residential Public Infrastructure Program; and,

WHEREAS, these programs are necessary for the preservation of public health, safety and welfare of Urbana residents by funding projects within the city including revitalization to prevent blight as well as addressing infrastructure,

NOW, THEREFORE, BE IT RESOLVED BY THE URBANA CITY COUNCIL:

SECTION ONE:

The Mayor or his designee is hereby authorized to apply to the Champaign County Commissioners for funding under the PY 2021 CDBG Community Development Allocation Program for a project or projects within the city.

SECTION TWO:

The Mayor or his designee is hereby authorized to apply to the Champaign County Commissioners for the PY 2021 CDBG competitive set-aside programs of Neighborhood Revitalization and/or Critical Infrastructure for a project or projects within the city.

SECTION THREE:

The Mayor or his designee is hereby authorized to sign the necessary documents and make necessary assurances in the application documents.

SECTION FOUR:

The Mayor or his designee is hereby authorized to sign any documents related to or required for administration or construction of said programs and projects.

SECTION FIVE:

The Mayor or his designee is hereby authorized to pursue funding opportunities for the Economic Development and Public Infrastructure Programs; the Target of Opportunity Program, including the Downtown Program; and the Residential Public Infrastructure Program.

SECTION SIX:

All actions of Council related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and O.R.C. 121.22.

SECTION SEVEN:

Council declares an emergency. To protect public health, safety and welfare needs of City residents, this legislation shall take effect immediately after passage which will ensure timely submission of the grant application.


Council President

Passed: _____

Attest: _____

This Resolution approved by me this _____ day of _____, 2021.

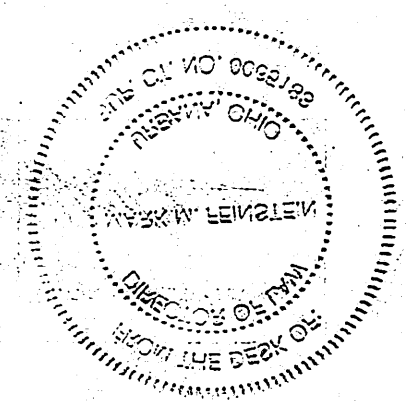
Mayor

Department requesting:	Community Development	Personnel: Doug Crabill	<i>Director of Law review</i> 
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? Y (N)	
Readings required:	(1) 2 3	Dates advertised: NA	
First reading date:	Second reading date(s):	Third/final reading date:	
4-20-2021	NA	NA	

Anticipated effective date if approved: 4-20-2021



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ORDINANCE NO. 4541-21

AN ORDINANCE TO AUTHORIZE THE DIRECTOR OF FINANCE TO ESTABLISH THE "NEIGHBORHOOD CURB, GUTTER, AND SIDEWALK FUND", TO TRANSFER \$260,000 FROM THE SUPPLEMENTAL INVESTMENT FUND TO THE NEW FUND, AND ORDAINING FUNDS DIRECTED TO THE ACCOUNT BE USED ONLY FOR THE PURPOSE OF REPAIR/REPLACEMENT OF CURBS, GUTTERS, AND SIDEWALKS ALONG STREETS OF THE CITY OF URBANA, CHAMPAIGN COUNTY, OHIO. (Sponsored by: Dwight Paul)

WHEREAS, the current balance in the Supplemental Investment Fund is \$416,473.99 and the Director of Finance is required to maintain a balance of \$150,000, and

WHEREAS, the City is desirous of providing funds to specifically address the current disrepair of street curbs and gutters throughout the City, and

WHEREAS, it is in the City's interests to establish this fund, which will pay the cost to repair/replace the curbs, gutters, and sidewalks up front, with property owners being assessed for those costs and repaying the City over time through the yearly property assessments on the property tax bill.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF URBANA, OHIO:

SECTION 1. The Urbana City Council hereby authorizes the Director of Finance to establish the "Neighborhood Curb, Gutter, and Sidewalk Fund", in accordance with the policies of the Auditor of State, and ordains that funds directed to the account shall be used only for the purpose of repair/replacement of street curbs, gutters, and sidewalks in the City of Urbana.

SECTION 2. The Urbana City Council hereby authorizes the Director of Finance to transfer \$260,000.00 (two hundred sixty thousand dollars) from the Supplemental Investment Fund to the Neighborhood Curb, Gutter, and Sidewalk Fund.

SECTION 3. The newly established fund shall not be used for operational costs or routine services, but rather only for repair/replacement of curbs, gutters, and sidewalks as recommended by the City Engineer, and determined necessary and appropriate by the Director of Administration.

SECTION 4. The Director of Finance shall physically control the Fund. All disbursements shall be made in compliance with City purchasing regulations as established by the Board of Control.

SECTION 5. That it is found and determined that all formal actions of this City Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this City Council and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.


Council President

Passed: _____

Attest: _____

This Resolution approved by me this ____ day of _____, 2021

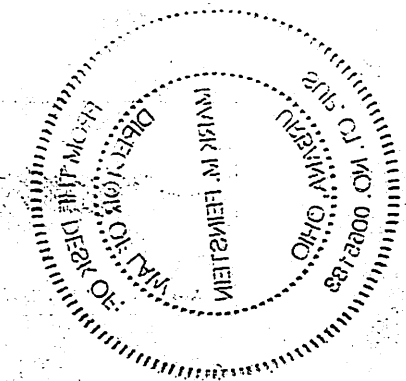
Mayor, City of Urbana

Department requesting: Finance		Personnel: C. Boettcher	Director of Law review 
Expenditure? Y (N)	Emergency? Y (N)	Public Hearing? Y (N)	
Readings required: 1 2 (3)		If yes, dates advertised:	
First reading date: 04/20/21	Second reading date: 05/04/21	Third/Final reading date: 05/18/21	

Anticipated effective date if approved: 06/01/21



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