

**URBANA CITY COUNCIL  
REGULAR SESSION MEETING**

**August 17, 2021, at 6:00 p.m.**

**(To be held in the Training Room on the 3<sup>rd</sup> Floor of the Municipal Building)**

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**Please listen to meeting from your computer, tablet or smartphone. As the State of Emergency has been lifted by Governor Dewine, the Zoom media is available as a method to hear the meetings only. Council participation, and Citizen Comments, will only be in person.**

<https://zoom.us/j/2412774424?pwd=TzBqdXRid1ZQNFZrU1I3UDgvY1J0QT09>

Meeting ID: 241 277 4424

Passcode: 43078

Dial by Phone: 1-646-558-8656

**PLEASE MUTE YOUR PHONES**

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**Call to Order**

**Roll Call**

**Pledge of Allegiance**

**Approval of Minutes**

Urbana City Council Regular Session Meeting Minutes of August 3, 2021, in addition to Urbana City Council Special Meeting Minutes of August 10, 2021.

**Communications**

1. Electronic Waste Day Flyer, Saturday, September 11, 2021, 9:00 a.m. – 12:00 p.m.  
(See attached)
2. Scrap Tire Disposal Day Flyer, Saturday, September 11, 2021, 9:00 a.m. – 12:00 p.m.  
(See attached)

**Board of Control**

1. The Board of Control recommends Council authorize a purchase order to Urbana Township for \$90,000.00 to purchase Brush 1 and Tanker 1. This purchase will result in all vehicles utilized by the Urbana Fire Division to be solely owned by the City of

Urbana. This expense will be charged to Police & Fire Tax Levy – Capital Improvement Fund and is not in the 2021 budget (see attached). **VOTE: 3-0**

\*\*\*Footnote – Purchase Orders \$2,501 - \$50,000 for June 2021 and July 2021 (see attached)\*\*\*

### **Citizen Comments (In Person Only)**

### **Ordinances and Resolutions**

#### **First Reading**

##### **Resolution No. 2614-21**

A Resolution enacted by the City of Urbana, Champaign County, Ohio, to authorize the Director of Administration to make application to the Logan, union, Champaign Regional Planning Commission under the Surface Transportation Block Grant Program and/or the Ohio Department of Transportation under the Highway Safety Improvement Program for the Urbana Bike Trail Crossing Safety Improvements, and declaring an emergency. (May be passed on first reading)

##### **Resolution No. 2615-21**

A Resolution enacted by the City of Urbana, Champaign County, Ohio, to authorize the Director of Administration to make application to the Ohio Department of Development under the Water and Wastewater Infrastructure Grant Program, and declaring an emergency. (May be passed on first reading)

##### **Resolution No. 2616-21**

Resolution of the City of Urbana Council adopting an Economic Development Agreement by and Between the City of Urbana as the Municipal Corporation, Sutphen Realty Urbana LLC as the property owner and the Sutphen Corporation as the Enterprise and Lessee. (May be passed on first reading)

#### **Second Reading**

#### **Third Reading**

##### **Ordinance No. 4546-21**

An Ordinance to adopt and approve an amended Street Boundary List for the Urbana Downtown Revitalization District that includes street addresses within Monument Square.

### **Committee Reports**

### **Miscellaneous Business**

### **Adjourn**

**URBANA CITY COUNCIL  
PUBLIC HEARING  
TUESDAY, AUGUST 3, 2021**

President Hess brought the Public Hearing to order at 6:00 p.m. He stated that the Public Hearing was to allow citizens to comment in regards to Ordinance No. 4546-21, amending the street boundary list for the Urbana Downtown Revitalization District to include addresses within Monument Square which were inadvertently omitted from the street boundary list that was approved by Urbana city Council on April 21, 2020. He turned the floor over to Mr. Crabill.

Mr. Crabill discussed the fact that an application was sent back by the Division of Liquor Control, due to the fact that it didn't have the addresses in Monument Square. Additionally, by amending the Street boundary list, the application will be resubmitted including the addresses of 1-42 even and odd. He also added that this would allow the Division of Liquor Control to update their records, and the third reading would be at the next scheduled Council Meeting. He also the notice for this Public Hearing was published in the Urbana Daily Citizen on July 17, 2021.

Joe George also spoke about his living in Urbana for a little over a year and how it is a great place to live. He stated he has a concern to keep the City of Urbana just as it is. He added that he came from Pickaway County, and their City Council and that County were completely blindsided, due the non-existing ordinances. Mr. Thackery asked if he had any issues with the Urbana Downtown Revitalization District including the addresses within Monument Square. Mr. George advised that he has no issues with that.

**URBANA CITY COUNCIL  
REGULAR SESSION MEETING  
TUESDAY, AUGUST 3, 2021**

President Hess called the City of Urbana Regular Session Meeting to order at 6:07 p.m.

City staff attending: Mayor Bill Bean, Director of Administration Kerry Brugger, Director of Finance Chris Boettcher, Director of Law Mark Feinstein, Airport Manager Elton Cultice, Fire Chief Dean Ortlieb and Community Development Manager Doug Crabill.

**PESIDENT PRO TEM CALLED ROLL:** Mr. Fields, present; Mr. Hoffman, present; Mr. Paul, present; Mr. Scott, present; Mr. Thackery, present; Mrs. Collier, present; and Mr. Ebert, present.

## **MINUTES**

Urbana City Council Regular Session Meeting Minutes of July 20, 2021.

Mr. Thackery moved to put the minutes on the floor for discussion and possible passage. Mr. Paul seconded.

Voice vote on approval: all ayes; nays, none

Minutes passed 7-0.

## **AIRPORT UPDATE – Elton Cultice, Airport Manager**

Mr. Cultice spoke about the airport and the 10-year plan of the same. He stated that activity would begin tomorrow or Thursday. He added that it would be approximately 8-10 years for the runway extension. He added that the FAA would pay 90% of the project, but the key is finding the money. He advised that the City Airport receives an “x” amount of dollars every year and he also felt that the project could be complete in less than 8 years. He stated that the project is being worked on. He spoke about the terminal and mentioned that ideas regarding the same are circulating. He spoke of the plane, Travel Air 6000, that was completely torn apart and rebuilt here at our airport, and won the “Lindy” award at the AirVenture OshKosh 2021. This award is the Grand Champion of the world, and it came out of Urbana. He also spoke of activities upcoming on August 11<sup>th</sup>, rides for veterans, poker run, etc. Also, on 9/10-9/11 the Hot Air Balloon Festival, and on 10/2, the annual fundraiser Fish Fry. He also spoke of the recent pilot mishap. He stated that both the pilot and passenger survived the crash, but hasn’t heard anything further. He added that the plane would probably never fly again.

## **COMMUNICATIONS**

1. Oak Dale Cemetery Board Meeting Minutes of Friday, May 21, 2021.
2. Public Safety Committee Meeting Minutes of July 15, 2021.
3. 2020 Landfill Disposal Annual Report.

Mr. Paul asked about the Oak Dale Cemetery Superintendent’s Office. Mr. Brugger said that there was discussion of having an Interpretation Center, a place to do genealogy research, the history of the cemetery, etc. Also, renovating the building to keep it in good condition was discussed. He added that nothing would be happening soon.

Mr. Brugger spoke about the 2020 Landfill Disposal Annual Report and advised he attended the Solid Waste District Meeting on July 21, 2021, and that he summarized the report for Council.

He said that throughout the country, 25-40% of recyclables are contaminated and that they were working on trying to put a plan together to educate people on how to not contaminate their recyclables. He added that in September, there will be an opportunity for the citizens of Urbana to do a clean up of electronic waste, tires, etc.

Mr. Scott moved to put the communications on the floor for discussion and possible passage. Mr. Ebert seconded.

Voice vote on approval: all ayes; nays, none.

Communications passed 7-0

## **ADMINISTRATIVE REPORTS - BOARD OF CONTROL**

**None**

## **CITIZEN COMMENTS**

Ann Houte – 891 Amherst Dr. – spoke about being wakened up in the middle of the night, continuously, due to a loose man-hole on Ames and Amherst. She wanted to address the reasons why the delay to fix this issue.

Mr. Brugger advised that he would look into it.

## **ORDINANCES AND RESOLUTIONS**

### **First Reading**

None

### **Second Reading**

#### **Ordinance No. 4546-21**

An Ordinance to adopt and approve an amended Street Boundary List for the Urbana Downtown Revitalization District that includes street addresses within Monument Square.

Mr. Crabill said that this Ordinance is in regard to the Downtown Revitalization District, and referencing the D5 and D5L licenses, that were approved last June. Applications went forwarded and were rejected and returned by the State for there were no addresses listed. He further advised that there would be a public hearing at the next Council Meeting.

President Hess declared this Ordinance to have had its second reading.

### **Third Reading**

None

### **COMMITTEE REPORTS**

Mr. Thackery stated there would be an Economic Development and Zoning Committee Meeting on 8/16/21.

Mr. Thackery moved to remove the “Nuisances” from the Economic Development and Zoning Committee. Mr. Paul seconded.

President Hess called for a roll call for passage regarding the need to have a Nuisances included in the Economic Development and Zoning Committee: Mr. Hoffman, no; Mr. Paul, No; Mr. Scott, no; Mr. Thackery, no; Mrs. Collier, no; Mr. Ebert, yes; and Mr. Fields, yes.

Motion failed 5-2

### **MISCELLANEOUS BUSINESS/WORK SESSION**

Mr. Paul gave his thanks to the Police Department for an issue of consistent noise complaint on Maple Tree Lane, and they handled it immediately. He also spoke of the motorcycles driving through the round-a-bout, and it being very loud, and wondered if there was anything that could be done. He stated that he has received a lot of feedback on this issue and that it was disruptive.

Mrs. Collier stated that she and Mrs. Boettcher had discussed the American Rescue Plan funding and where the funding should be applied, and wanted to schedule a Work Session to discuss it. Mrs. Boettcher advised that the 2.2 million dollars that was to be disbursed to the City has now been reduced to 1.1 million. Mr. Brugger added that the City continues to receive emails regarding infrastructure plans, but doesn’t feel the need to have any meeting regarding the funding until the City has clear guidance and a clear funding amount.

Mr. Scott spoke of new cones on Scioto Street. Mr. Brugger advised that the paving should begin next week from Locust out to the split for Scioto Street. Mr. Scott stated that he reached out to Civista Bank to see if they would do something about the sidewalk issue there. He was told that they would reach out to the supervisors.

Mr. Ebert thanked Council for excusing his absence during his vacation. He thanked everyone who participated in the North Pointe festivities and added that this would be a huge foundation for the City. He also spoke about being approached about North Main Street activity. He stated that the curbs and gutters on Scioto Street look great. He also spoke about some pot holes in the Grimes Circle area.

Mr. Crabill stated that on September 11, 2021, at the Fair Grounds, there will be an Electrical Waste day, from 9:00 a.m. to 12:00 p.m. Additionally, the health District will hold a Scrap Tire Recycling day on the same day. He also stated that referencing the North Main Street activity, as discussed in the Economic Development and Zoning meeting, they would be reaching out to the same consultant that did the South Main Street Project, next week.

Fire Chief Ortlieb said that they have been working with the Champaign County Fair Board over the last 2 weeks, and every building and food trucks have been inspected for the upcoming fair. He also spoke about residents over the age of 60 or anyone who has a medical conditioning needing a fan to get through the summer to let them know.

Mrs. Boettcher stated that 130 invoices went out the residents on Washington Avenue, Crescent Drive and Scioto Street. The invoices total approximately \$299,000, and the due date is September 3, 2021.

Mr. Brugger spoke about the pump failure at the pool. He said it was the main circulating pump. He added the parts were coming, and should be rebuilt tomorrow for a re-open on Friday. He also advised that the pool's last open day would be Sunday, August 15, 2021. He also spoke about the Winter Road Salt Bid. The City bid for 800 tons and got that for \$62.99/ton. He added that the City was saving a little money there.

President Hess stated that the water meters were being installed and it was a smooth installation. He added that this was a good thing for the City. He asked about the water problems on Scioto Street. Mr. Brugger advised there was a service line problem and he also spoke about the water line break on North Main by Skelly's.

Mayor Bean said that he attended the basketball camp at the university and welcomed all of the parents and kids. He added that it was amazing and the camp was very well run. He added that he is hoping they will take over the university.

Mr. Thackery said that Coffee with Council will begin on 8/14/21 at 9:00 a.m. in the Fire Department.

Mr. Fields moved to adjourn. Mr. Paul seconded.

Motion passed 7-0

**ADJOURNED AT 7:09 p.m.**

**NEXT SCHEDULED MEETING**

August 17, 2021, at 6:00 p.m.

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Council Clerk

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Council President



**URBANA CITY COUNCIL  
SPECIAL SESSION MEETING  
TUESDAY, AUGUST 10, 2021**

President Hess called the City of Urbana Regular Session Meeting to order at 6:00 p.m.

City staff attending: Mayor Bill Bean and Director of Law Mark Feinstein.

**PRESIDENT PRO TEM CALLED ROLL:** Mr. Fields, present; Mr. Hoffman, present; Mr. Paul, present; Mr. Scott, present; Mr. Thackery, absent; Mrs. Collier, present; and Mr. Ebert, absent.

**MINUTES**

None

**COMMUNICATIONS**

None

**ADMINISTRATIVE REPORTS - BOARD OF CONTROL**

None

**CITIZEN COMMENTS**

None

**ORDINANCES AND RESOLUTIONS**

**First Reading**

**Ordinance No. 4550-21**

An Ordinance authorizing the Director of Administration to accept the material terms of the OneOhio Subdivision Settlement Pursuant to the OneOhio Memorandum of Understanding and consistent with the terms of the July 21, 2021 National Opioid Settlement and to sign the OneOhio Subdivision Participation Form, and declaring an emergency. (Suspension of the Rules Requested)

Mr. Feinstein began by thanking everyone for attending the Special Meeting and that 5 of the 7 members of Council says a lot. He stated that in Resolution 2574-20, council approved to accept

the Memorandum of Understanding for Settlement. He added that the settlement has successfully been negotiated and that this Ordinance in addition to the OneOhio Subdivision Participation Form must be submitted to the Claims Administration this Friday. He also stated that municipalities from all across the state are having emergency meetings to get this accomplished.

Mr. Paul asked how it was arrived to the 70% or the 100%. Mr. Feinstein added that he was assuming that the Attorney General was guessing it was one or the other. Mr. Paul also asked if the money would have to be put into programs. Mr. Feinstein stated yes. He further added that from 2008 to 2020, there have been 80 opioid related deaths and that there have been 3 or 4 in 2021, that are still being investigated. Mr. Fields asked if this was one lump sum and Mr. Feinstein stated yes. Mr. Hoffman said that he doesn't see how the City could not utilize all the funds. Mr. Feinstein said that there was a wide latitude on how you can use the resources. Mayor Bean stated that the money that is going to Champaign County may trickle down to the Health Department.

Mr. Paul moved to suspend the three-reading rule. Mr. Scott seconded.

President Hess called for a roll call for passage of the suspension of the three-reading rule: Mr. Hoffman, yes; Mr. Paul, yes; Mr. Scott, yes; Mrs. Collins, yes; and Mr. Fields, yes.

Motion passed 5-0

Mr. Fields moved to put this Ordinance on the floor for further discussion and possible passage. Mr. Paul seconded.

President Hess called for a roll call for passage: Mr. Paul, yes; Mr. Scott, yes; Mrs. Collier, yes; Mr. Fields, yes; and Mr. Hoffman, yes.

Ordinance passed 5-0

### **Second Reading**

None

### **Third Reading**

None

### **COMMITTEE REPORTS**

None

**MISCELLANEOUS BUSINESS/WORK SESSION**

None

Mr. Fields moved to adjourn. Mr. Scott seconded.

Motion passed 5-0

**ADJOURNED AT 6:23 p.m.**

**NEXT SCHEDULED MEETING**

August 17, 2021, at 6:00 p.m.

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Council Clerk

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Council President

# ELECTRONIC WASTE DAY

## SATURDAY, SEPTEMBER 11, 2021

### 9:00 AM - 12:00 PM - (RAIN OR SHINE)

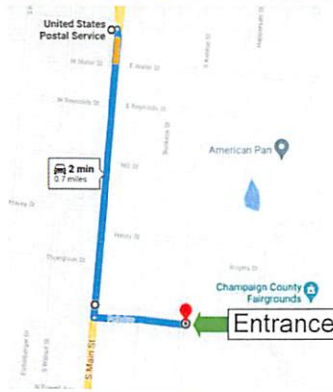
## Champaign County Fairgrounds

Enter event through Park Avenue gate

### Directions:

Take South Main Street to Park Avenue to Park Avenue Gate

**NO EARLY DROP-OFFS!**



**North Central Ohio  
Solid Waste District**  
1-800-553-6763  
Ext. 20

Visit Our Website at  
[www.ncowaste.org](http://www.ncowaste.org)

### NO CHARGE FOR THE FOLLOWING ELECTRONIC ITEMS ACCEPTED FROM HOUSEHOLDS, BUSINESSES, INDUSTRIES, SCHOOLS AND GOVERNMENT

- |                                       |                                 |  |                        |                               |
|---------------------------------------|---------------------------------|--|------------------------|-------------------------------|
| • Computers                           | • All Types of Cell Phones      |  | • Printers             | • All Phone Equipment         |
| • Any and All Types of Cable and Wire | • Keyboards and Mice            |  | • Fax Machines         | • Floppy Disks                |
| • Cameras                             | • CD and DVD Media              |  | • Copiers              | • Microwaves                  |
| • Servers                             | • Battery Backup Systems        |  | • All Stereo Equipment | • Sweepers                    |
| • VCRs Players                        | • Flat Screen Computer Monitors |  | • Video Games          | • Other Household Electronics |
| • DVD Players                         | • Scanners                      |  | • Video Game Systems   |                               |

If a business, industry, school or government office has a large quantity of e-waste, contact Accurate IT to schedule a pick up date/time. Phone 1-888-811-2487.

### TELEVISION RECYCLING

- \$20 each for each CRT monitor
- \$20 each for 30" or smaller flat panel TVs (LED, LCD, Plasma)
- \$30 each for 32" or smaller flat panel TVs (LED, LCD, Plasma)
- \$50 each for All other TVs.

**CASH OR CHECK ONLY**

This includes rear projection, DLP and console.

**ABSOLUTELY NO TIRES, HOUSEHOLD HAZARDOUS WASTE, LIGHT BULBS OR ALKALINE BATTERIES WILL BE ACCEPTED AT THIS EVENT!**

This program is sponsored by the North Central Ohio Solid Waste District, Accurate IT, and a partnership with the Champaign County Fair Board, Champaign County Chamber of Commerce, City of Urbana, and the Champaign County Commissioners.



Accurate IT guarantees that all of your electronic equipment will be recycled in the most environmentally responsible fashion, following all local, state and federal EPA regulations in addition to the R2 standard.

***Scrap Tire Disposal Day***  
***Saturday, September 11, 2021***  
***9:00 AM - 12:00 PM***

**Champaign County Fairgrounds**  
**ENTER from PARK AVENUE**

**GUIDELINES**

- Cost—\$1.00 EACH TIRE
- Champaign County residents only
- AL TIRES ACCEPTED—NO RIMS
- Up to 10 tires per person (call if over 10)
- 937-484-1606



The Scrap Tire Day is provided by the Champaign County Health District in partnership with the City of Urbana, Villages of North Lewisburg, St. Paris, and Mechanicsburg. Funded by the Ohio Environmental Protection Agency in an effort to reduce mosquito populations.

**For information, contact:**

Andy Russell, RS, Director of Environmental Health  
Champaign Health District  
937-484-1606  
Website: [www.champaignhd.com](http://www.champaignhd.com)

Always dispose of scrap tires properly & legally.

For information on scrap tire regulations/hauling in Ohio,  
please visit the OEPA scrap tire webpage at:

<https://www.epa.ohio.gov/dmwm/Home/Scrap-Tires>



**VOLUNTEERS  
WELCOME**



**Public Health**  
Prevent. Promote. Protect.

**City of Urbana Purchase of  
Urbana Township Fire Vehicles**

**July 27, 2021**

**Objective:** Purchase the remaining Urbana Township Fire vehicles and integrate them into our current fleet. This will allow the City to better manage its fleet, and provides more flexibility in responses to all service area within our fire district.

**Overview/Background:**

In keeping with the latest Fire/EMS agreement with Urbana Township, we are working to eliminate the Township owning vehicles as part of our service to them. Earlier this year, they sold their engine, but their remaining vehicles would be a benefit for the City to add them to our fleet, and they are as follows:

- Brush 1: 2004 Ford F-550 Super Duty 4x4 with 9,531 miles
  - This unit responds to all grass, brush and field fires, as well as any small fire if off-road, or areas with very limited access.
  - This unit carries approximately 400 gallons of water for the initial response, and once its supply is depleted, a tanker or engine is used to supply water for extended use.
- Tanker 1: 2010 Pierce/International with 9,507 miles, and 1199 hours on the engine.
  - Engine has a 1250 GPM pump capacity and carries 2100 gallons of water.
  - Unit responds primarily to calls in rural areas, where water sources are limited.

**Requested Action:**

The Director of Administration requests the Board of Control to authorize him to negotiate a purchase from Urbana Township at a cost not to exceed \$90,000.00 for both vehicles. Funds for this purchase will be charged to the Fire Capital Fund #402.

  
\_\_\_\_\_  
Kerry Brugger – Director of Administration

  
\_\_\_\_\_  
Date

BB 7/28/21  
CB 7/28/21

JUNE 2021  
PURCHASE ORDERS \$2,501-\$50,000

PURCHASE ORDER # :	VENDOR :	PURCHASE ORDER AMOUNT :	DEPARTMENT :	EXPLANATION :	BOC APPROVAL DATE & VOTE:
28374	KLEEM INC	\$ 2,504.32	STREET	SAFETY SIGNS	BOC= 6.2.2021 (2)
28376	MD MILLER CONCRETE	\$ 48,325.00	PARKS	CONCRETE FLOOR & FOUNDATIONS/EXTERIOR CONCRETE APRON, SIDEWALK & BOLLARDS	BOC= 6.2.2021 (2)
28384	WHITES SERVICE CENTER	\$ 4,456.10	FIRE	REPAIRS/PARTS/SERVICE FOR MEDIC 2	BOC= 6.9.2021 (3)
28389	HI-VAC CORPORATION	\$ 3,947.90	SEWER	MISC PARTS FOR VACTOR TRUCK	BOC= 6.9.2021 (3)
28391	JANA CHAMP	\$ 2,786.00	CEMETERY	2021 SPRING/FALL PERPETUAL CARE	BOC= 6.9.2021 (3)
28392	WAGNER PAVING	\$ 6,522.00	WATER	ASPHALT 2 WATER DIGS- 600 BLOCK SCIOTO ST TO 11' DEPTH	BOC= 6.9.2021 (3)
28393	HENRY P THOMPSON CO	\$ 41,650.00	WRF	REMOV/REPL SULZER END SUCTION SINGLE STAGE PUMP	BOC= 6.9.2021 (3)
28394	EVANS ELECTRIC	\$ 23,900.00	PARK AND POLICE	INSTALL ELECTRIC IN NEW PARK BLDG	BOC= 6.9.2021 (3)
28398	OH AUDITOR OF STATE	\$ 28,597.50	VARIOUS	FY2020 AUDITOR FEE	BOC= 6.16.2021 (3)
28410	THE POHL GROUP LLC	\$ 5,083.00	POLICE	SURVIVE ACTIVE SHOOTER RESPONSE TRAINING & EQUIPMENT	BOC= 6.23.2021 (3)
28411	INTEGRITY DOOR SALES	\$ 4,667.00	FIRE	BAY 3 OVERHEAD DOOR REPLACEMENT	BOC= 6.23.2021 (3)
28422	A & B ASPHALT CORP	\$ 49,806.25	STREET/ENGINEERING	PAVEMENT REPAIR - S. LANE OF SCIOTO ST DURING ODOT PAVING	BOC= 6.30.2021 (3)
28423	SUPERIOR PAINTING	\$ 4,500.00	NON-DEPT	PREP & PAINT UNDERSIDE OF SOFFIT & OVERHANG AREAS ON ALL 4 SIDES OF DEPOT (644 MIAMI ST)	BOC= 6.30.2021 (3)
28424	SUPERIOR PAINTING	\$ 3,900.00	ADMIN	MATERIAL/LABOR FOR PREP, PRIME & PAINT MUNICIPAL BLDG.	BOC= 6.30.2021 (3)
28425	FETZ PLUMBING & HEATING	\$ 10,490.00	PARK	FURNISH & INSTALL PLUMBING, FIXTURES & EQUIPMENT AT NEW PARK BLDG	BOC= 6.30.2021 (3)
28426	JEREMY'S TREE SERVICE	\$ 4,000.00	CEMETERY	REMOVE 4 TREES AND REMOVE 7 STUMPS	BOC= 6.30.2021 (3)
28443	MCGUIRE FARM & EXCAVATING	\$ 2,626.00	ENGINEERING (NEIGHBORHOOD CG&S)	SIDEWALK FOR : 348 WASHINGTON AVE	BOC= 6.30.2021 (3)
28444	MCGUIRE FARM & EXCAVATING	\$ 6,047.00	ENGINEERING (NEIGHBORHOOD CG&S)	CURB & GUTTER- URBANA SCHOOL BOARD OF EDU	BOC= 6.30.2021 (3)

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Chris Boettcher  
Secretary

JULY 2021  
PURCHASE ORDERS \$2,501-\$50,000

PURCHASE ORDER #:	VENDOR :	PURCHASE ORDER AMOUNT :	DEPARTMENT :	EXPLANATION :	BOC APPROVAL DATE & VOTE:
28486	BEST EQUIPMENT	\$ 2,892.26	SEWER	REPAIR PUSH/PULL CAMERA & REPAIR MAIN CRAWLER CAMERA	BOC 7.14.21 (3)
28487	DARANY ASSOCIATES	\$ 2,690.00	POLICE	LICENSE -ENTRY LEVEL POLICE OFFICER EXAM, TEST BOOKLETS & PRINTING	BOC 7.14.21 (3)
28497	HI-VAC CORP	\$ 2,568.00	SEWER	NEW GRAPHIC DISPLAY, CORDSET, MOUNT & ENCODER FOR VAC TRUCK	BOC 7.23.21 (3)
28498	KIZER ELECTRIC CO	\$ 16,690.00	WRF	ELECTRIC FOR SEPTAGE STATION	BOC 7.23.21 (3)
28499	RAWDON MYERS	\$ 4,000.00	WRF	ELECTRONIC VALVE ACTUATORS POSITION SENSOR	BOC 7.23.21 (3)
28500	SOFTWARE SOLUTIONS	\$ 21,258.00	VARIOUS	SOFTWARE SUPPORT 8/1/21 - 7/31/22	BOC 7.23.21 (3)
28501	DUSTIN HURST	\$ 5,808.00	ADMIN	ZONING/COMPLIANCE CONSULTING 8.1.21 - 12.31.2021	BOC 7.23.21 (3)
28511	SNYDER'S HEATING & COOLING	\$ 2,785.00	PUBLIC WORKS	INSTALL DAMPERS& CONTROL EQUIPMENT HVAC	BOC 7.28.21 (3)
28512	SUPERIOR PAINTING	\$ 16,230.00	CAPT IMPROVEMENT	PREP & PAINTING OF: 44 DECORATIVE ST. LIGHTS, 4 TEARDROP LIGHTS, POLE/LIGHT @ MAIN & COURT/MARKET	BOC 7.28.21 (3)

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Chris Boettcher  
Secretary



## Resolution No. 2614-21

*A RESOLUTION ENACTED BY THE CITY OF URBANA, CHAMPAIGN COUNTY, OHIO, TO AUTHORIZE THE DIRECTOR OF ADMINISTRATION TO MAKE APPLICATION TO THE LOGAN, UNION, CHAMPAIGN REGIONAL PLANNING COMMISSION UNDER THE SURFACE TRANSPORTATION BLOCK GRANT PROGRAM AND/OR THE OHIO DEPARTMENT OF TRANSPORTATION UNDER THE HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR THE URBANA BIKE TRAIL CROSSING SAFETY IMPROVEMENTS, AND DECLARING AN EMERGENCY.*

WHEREAS, the City of Urbana previously obtained grant funded planning assistance in 2019 through the Ohio Department of Transportation to complete an abbreviated safety study to develop and consider potential safety improvements for two existing bike trail crossings of the Simon Kenton Trail at Miami Street and North Main Street; and

WHEREAS, based on the recommendations provided by this abbreviated safety study, this study effort was anticipated to be utilized to pursue funding through various grant programs offered by the Ohio Department of Transportation; and

WHEREAS, this abbreviated safety study recommended long term countermeasures to improve the existing bike trail crossing on North Main Street such as moving this crossing northward from its existing location, permanently closing and removing the section of Laurel Oak Street between North Main Street and Fyffe Street, and installing rectangular rapid flashing beacons; and

WHEREAS, the abbreviated safety study recommended short term countermeasures to improve the existing bike trail crossing on Miami Street by installing rectangular rapid flashing beacons, signage, and striping; and

WHEREAS, the Logan, Union, Champaign Regional Planning Commission (LUC) is designated as one of five Regional Transportation Planning Organizations (RTPO) in Ohio; and

WHEREAS, for the first time, the Ohio Department of Transportation has allocated grant dollars in the amount of \$196,000.00 in FY2022 and \$196,000 in FY2023 or \$392,000 in total to LUC through the Surface Transportation Block Grant (STBG); and

WHEREAS, eligible projects are required to align with the goals and objectives of LUC's Regional Transportation Plan, including transportation safety; network connectivity, reliability, and efficiency; multimodal access; economic vitality; and stewardship; and

WHEREAS, the City of Urbana desires to proceed with the Urbana Bike Trail Crossing Safety Improvements if the necessary grant funding can be secured for this project or subsets of this project; and

WHEREAS, the City of Urbana is an eligible Local Public Agency (LPA) who can apply for federal project funding through the Ohio Department of Transportation (ODOT) and the Logan, Union, Champaign Regional Planning Commission (LUC); and

WHEREAS, the Urbana Bike Trail Crossing Safety Improvements meets the criteria to be eligible for funding through LUC's Surface Transportation Block Grant (STBG) program and through the ODOT's Highway Safety Improvement Program (HSIP); and

WHEREAS, the Surface Transportation Block Grant (STBG) and Highway Safety Improvement Program (HSIP) can provide grant funding for this project which is estimated to have a construction cost of at least \$460,600.00.

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

**SECTION ONE:** The Director of Administration is hereby empowered on behalf of the City of Urbana to prepare and execute applications for grant funding through the Surface Transportation Block Grant (STBG) and/or the Highway Safety Improvement Program (HSIP) for the stated project and to submit same to Logan, Union, Champaign Regional Planning Commission and/or the State of Ohio, Department of Transportation.

**SECTION TWO:** If the City of Urbana is awarded funds from either of these grant programs or both of these grant programs for this project, the LPA agrees to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation and for all costs associated with engineering and design, environmental studies and documentation, right-of-way plans, and right-of-way acquisition, and environmental remediation, if necessary. This local portion shall be funded using Permissive Tax Funds or Capital Improvement Funds.

**SECTION THREE:** The City of Urbana further commits to budgeting for and appropriating the required local match dollars required for the project.

**SECTION FOUR:** Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

**SECTION FIVE:** If the application is approved for the necessary grant funding through either the Surface Transportation Block Grant (STBG) and/or the Highway Safety Improvement Program (HSIP), the Director of Administration of said LPA is hereby empowered on behalf of the LPA to enter into an agreement with the Director of the Ohio Department of Transportation that is necessary to complete the above described project.

**SECTION SIX:** This resolution is hereby declared to be an emergency measure to take effect and be in force immediately upon passage to protect and promote public safety by promoting the timely submission of an application for the Surface Transportation Block Grant (STBG) by the August 30, 2021 deadline.

Passed: \_\_\_\_\_


\_\_\_\_\_  
Council President

Attest: \_\_\_\_\_

Council Clerk

This Resolution approved by me this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

Department requesting: Community Development		Personnel: D. Crabill	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: August 17, 2021	Second reading date:	Third/Final reading date:	

Anticipated effective date if approved: August 17, 2021

Figure 6 - Bike Trail Crossing Location #1 (Miami Street) Short Term Countermeasures

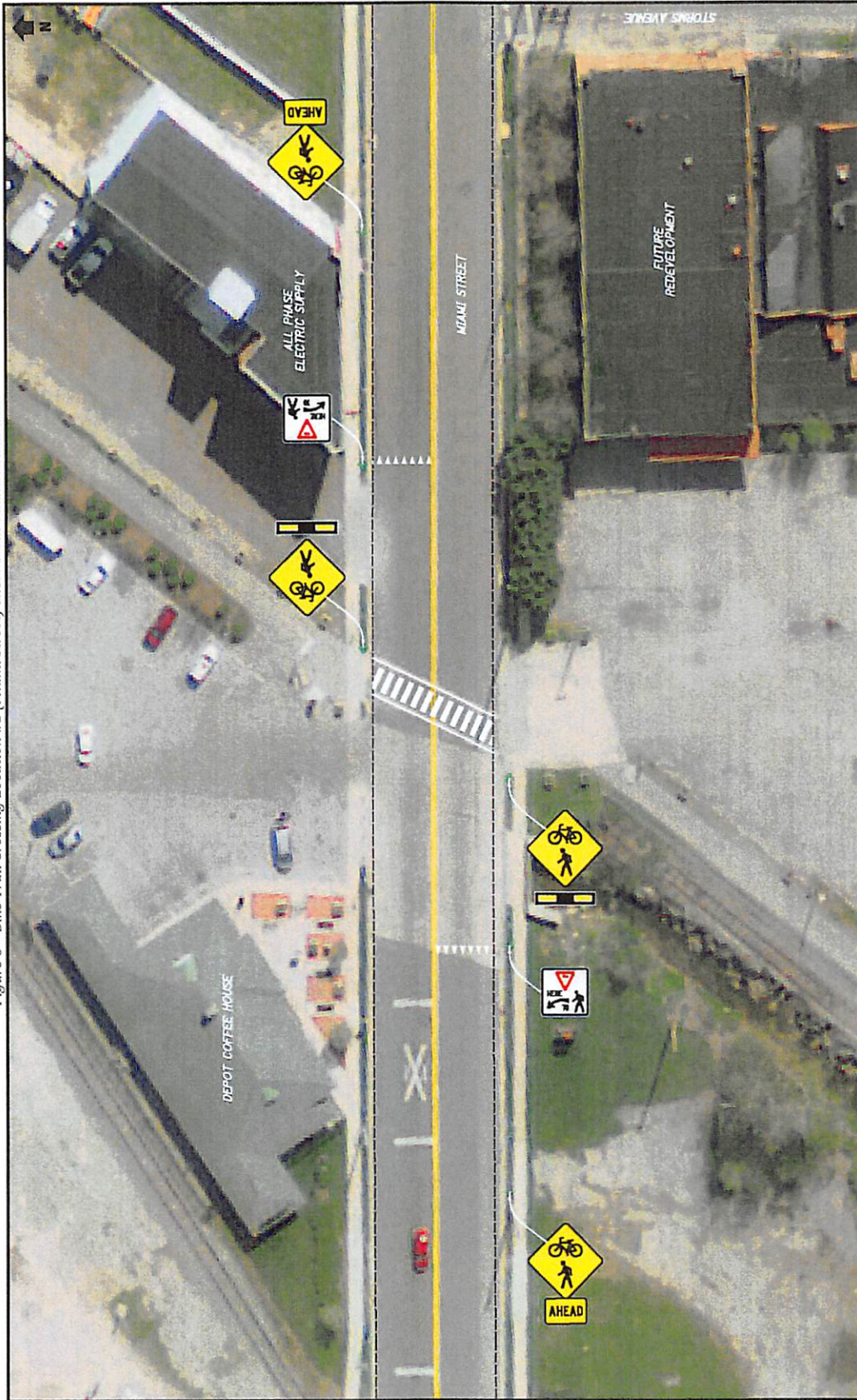
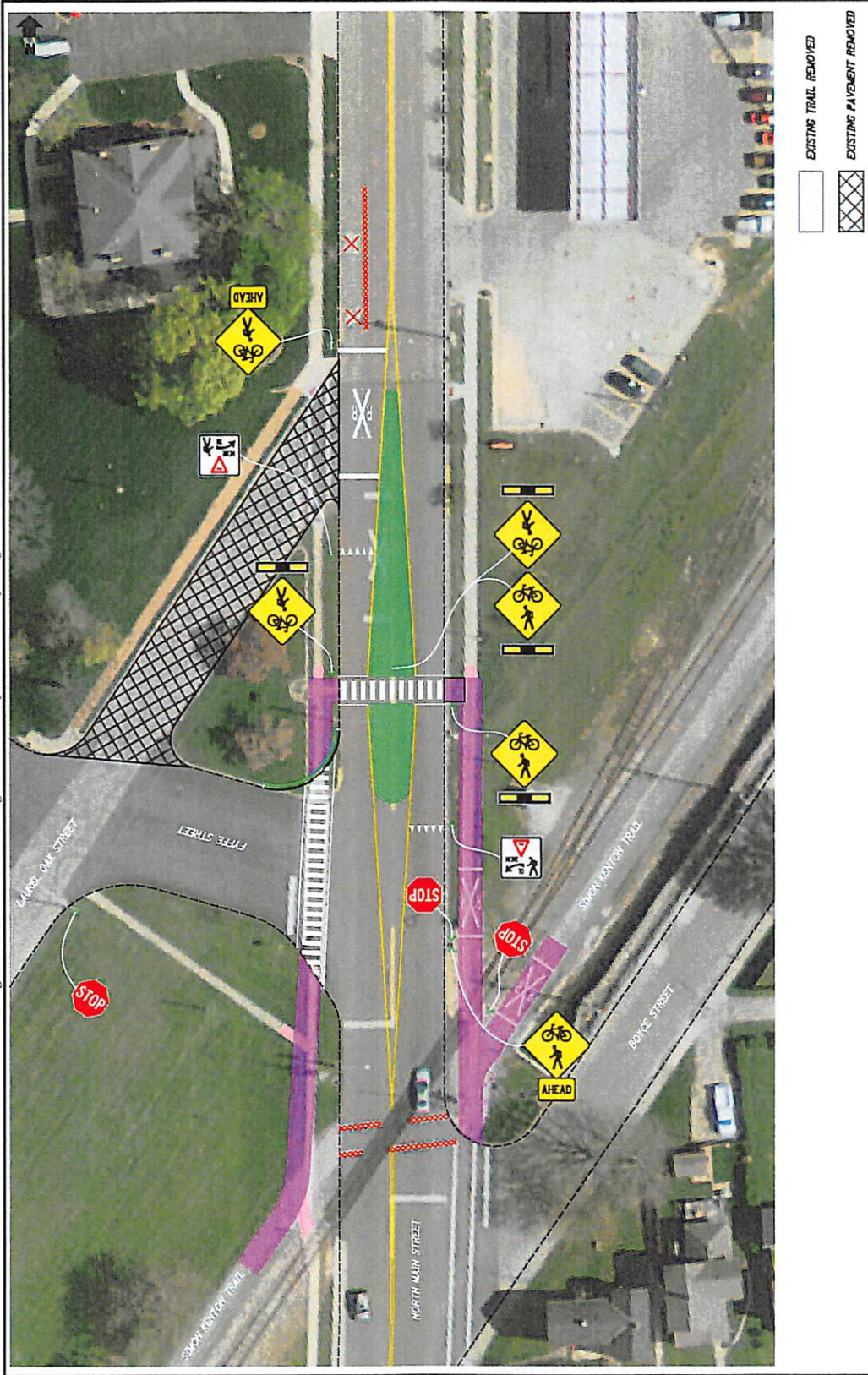


Figure 9 – Bike Trail Crossing Location #2 (N. Main Street) Long Term Countermeasures



## Resolution No. 2615-21

*A RESOLUTION ENACTED BY THE CITY OF URBANA, CHAMPAIGN COUNTY, OHIO, TO AUTHORIZE THE DIRECTOR OF ADMINISTRATION TO MAKE APPLICATION TO THE OHIO DEPARTMENT OF DEVELOPMENT UNDER THE WATER AND WASTEWATER INFRASTRUCTURE GRANT PROGRAM, AND DECLARING AN EMERGENCY.*

WHEREAS, in June of 2021, the Ohio General Assembly passed House Bill 168 to create and fund the Water and Wastewater Infrastructure Grant Program to provide nearly \$250,000,000.00 to help Ohio communities make necessary investments in water and wastewater infrastructure; and

WHEREAS, this grant program is being administered by the Ohio Department of Development in partnership with the Ohio Environmental Protection Agency to improve access to clean drinking water and wastewater infrastructure within the State of Ohio; and

WHEREAS, municipal corporations such as the City of Urbana with the authority to own and operate public water and sewer systems are eligible to apply for this grant program; and

WHEREAS, this grant program can provide up to \$5,000,000.00 per individual drinking water or sewer construction project and a community can apply for grant funding for multiple projects; and

WHEREAS, a prioritized list of projects is required to be submitted to the Champaign County Engineer by Friday, August 20, 2021 in anticipation of applications being accepted by the Ohio Department of Development as early as late August of 2021; and

WHEREAS, the City of Urbana has identified a necessary project or projects to upgrade the existing water booster station on East Water Street, construct a new water booster station in or near Melvin Miller Park, install a new water main to connect the city's existing water system on Dellinger Road to the planned water booster station in or near Melvin Miller Park, and install new and/or replacement water mains within portions of the city north of Dellinger Road; and

WHEREAS, the City of Urbana desires to pursue grant funding through the State of Ohio's Water and Wastewater Infrastructure Grant Program for these projects as either separate projects or a combination thereof.

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

**SECTION ONE:** The Director of Administration is hereby empowered on behalf of the City of Urbana to prepare and execute an application or applications for grant funding through the State of Ohio's Water and Wastewater Infrastructure Grant Program for the separate or combined projects outlined within this resolution above.

**SECTION TWO:** The City of Urbana further commits to budgeting for and appropriating for any required local match dollars required for the project or projects.

**SECTION THREE:** If awarded grant funding through this program, the City of Urbana hereby agrees to follow all program requirements as required.

**SECTION FOUR:** If a grant funding application or applications are approved for the necessary grant funding through this grant program, the Director of Administration is hereby empowered on behalf of the City of Urbana to enter into an agreement with the Director of the Ohio Department of Development that is necessary to complete the above described project or projects.

**SECTION FIVE:** This resolution is hereby declared to be an emergency measure to take effect and be in force immediately upon passage to protect and promote public safety by promoting the timely

submission of an application or applications to the State of Ohio's Water and Wastewater Infrastructure Program by the pending deadline.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Council President

Attest: \_\_\_\_\_  
Council Clerk

This Resolution approved by me this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

Department requesting: Community Development		Personnel: D. Crabill	Director of Law review
Expenditure? <b>Y (N)</b>	Emergency? <b>(Y) N</b>	Public Hearing? <b>Y (N)</b>	
Readings required: <b>(1) 2 3</b>		If yes, dates advertised:	
First reading date: August 17, 2021	Second reading date:	Third/Final reading date:	

Anticipated effective date if approved: August 17, 2021

## RESOLUTION 2616-21

### **RESOLUTION OF THE CITY OF URBANA COUNCIL ADOPTING AN ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF URBANA AS THE MUNICIPAL CORPORATION, SUTPHEN REALTY URBANA LLC AS THE PROPERTY OWNER AND THE SUTPHEN CORPORATION AS THE ENTERPRISE AND LESSEE**

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 an 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, Sutphen Realty Urbana LLC and The Sutphen Corporation, have 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 an Community Reinvestment Area Agreement with Sutphen Realty Urbana LLC, 6450 Eiterman Rd. Dublin, Ohio 43016 an Ohio Corporation and the property owner, and The Sutphen Corporation, 6450 Eiterman Rd. Dublin, Ohio 43016 the enterprise and lessee, for a tax exemption for 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, 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 adopted on April 13, 2021, approved the tax exemption of 90% for a period of 15 years, as set forth in the CRA agreement among The Sutphen Corporation and Sutphen Realty Urbana LLC 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; and

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

WHEREAS, The Sutphen Corporation and Sutphen Realty Urbana LLC, have 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.

WHEREAS, in order to further incentivize The Sutphen Corporation and Sutphen Realty Urbana LLC 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, Sutphen Realty Urbana LLC, as the property owner, and The Sutphen Corporation, as the enterprise and lessee, 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:		Personnel:	Director of Law Review  
Expenditure? <input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N	Emergency? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Public Hearing? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, dates advertised:	
Readings required: <u>1</u> <del>2</del> <del>3</del>			
First reading date: 08/17/2021	Second reading date: NA	Third/Final reading date: NA	

Anticipated effective date if approved: 09/01/2021

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

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 Realty Urbana LLC, 6450 Eiterman Rd. Dublin, Ohio 43016 ("Sutphen Realty Urbana LLC") an Ohio corporation and the property owner, and The Sutphen Corporation, with its principal place of business at 6450 Eiterman Rd. Dublin, Ohio 43016 ("The Sutphen Corporation"), a corporation that leases from Sutphen Realty Urbana LLC,

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 Realty Urbana LLC desires to construct a 160,000± square foot manufacturing/warehouse facility to be leased by The Sutphen Corporation (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 Realty Urbana LLC and The Sutphen Corporation with incentives available for the development of the PROJECT in the Community Reinvestment Area; and

WHEREAS, Sutphen Realty Urbana LLC and The Sutphen Corporation submitted a proposed agreement application to the City of Urbana and The 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 Realty Urbana LLC and The Sutphen Corporation and has recommended approval to the Urbana City Council on the basis that The 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 Realty Urbana LLC and The 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 Realty Urbana LLC 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 Realty Urbana LLC and The Sutphen Corporation of \$11,000,000, plus or minus 10% for new construction and inventory 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 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 located 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 December 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 Realty Urbana LLC and The 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. The Sutphen Corporation will maintain a membership in the Champaign Economic Partnership/Manufacturer's Council and work in partnership with local schools' districts and other educational institutions (Ohio Hi Point Career Center and Clark State Community College) to provide career exploration to students.
  - b. Sutphen Realty Urbana LLC and The 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 Realty Urbana LLC 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 Realty Urbana LLC must file the appropriate tax forms with the County Auditor to effect and maintain the exemptions covered in the agreement.

5. Sutphen Realty Urbana LLC 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 Realty Urbana LLC 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 Realty Urbana LLC or The 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 Realty Urbana LLC or The 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 Realty Urbana LLC or The Sutphen Corporation hereby certifies that at the time this agreement is executed, Sutphen Realty Urbana LLC or The 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 Realty Urbana LLC or The 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 Realty Urbana LLC or The 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 Realty Urbana LLC or The 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. The 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,

The 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 Realty Urbana LLC or The 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 Realty Urbana LLC and The 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 Realty Urbana LLC and The Sutphen Corporation has knowingly made a false statement to the State or local political subdivision to obtain the Community Reinvestment Area incentives, Sutphen Realty Urbana LLC and The 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 a 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 @-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 15<sup>th</sup> 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, 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 15<sup>th</sup> 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 with 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 operation 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 lacing in consideration of 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 operation 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 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 operation" 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 costs 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 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 THE SUTPHEN CORPORATION  
CEO

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOR SUTPHEN REALTY URBANA LLC  
CEO

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved as to form:  
City of Urbana Law Director