

**COUNCIL MEETING  
AGENDA  
September 21, 2015  
8:00 PM  
BLUFFTON TOWN HALL**

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**MINUTES**    September 8, 2015

**BILLS**

**ORDINANCE NO. 15-15**                      **2<sup>ND</sup> READING**

AN ORDINANCE TO VACATE AN ALLEY AS REQUESTED BY CHRIS AND RHONDA WENGER AND MICHAEL AND AMY MARCUM.

**ORDINANCE NO. 16-15**                      **2<sup>ND</sup> READING**

AN ORDINANCE TO PROVIDE FOR A PROCEDURE BY WHICH THE VILLAGE OF BLUFFTON CONSIDERS AND PROCESSES APPLICATIONS FOR THE VACATION OF ANY STREET OR ALLEY.

**ORDINANCE NO. 17-15**                      **1<sup>ST</sup> READING**                                      **EMERGENCY**

AN ORDINANCE APPROVING PRELIMINARY CONSENT LEGISLATION BETWEEN THE VILLAGE OF BLUFFTON, OHIO AND THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE S.R.103 CORRIDOR STUDY AND DECLARING AN EMERGENCY.

**RESOLUTION NO. 09-15**                      **2<sup>ND</sup> READING**                                      **EMERGENCY**

A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.

**RESOLUTION NO. 10-15**                      **1<sup>ST</sup> READING**                                      **EMERGENCY**

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF BLUFFTON, OHIO TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH DIAMOND MANUFACTURING OF BLUFFTON AND BTMS INVESTMENTS, LLC AND DECLARING AN EMERGENCY.

**RESOLUTION NO. 11-15**                      **1<sup>ST</sup> READING**                                      **EMERGENCY**

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR AND DECLARING AN EMERGENCY.

**ADMINISTRATOR'S REPORT**

**SAFETY**

**COMMITTEE REPORTS/MEETING SCHEDULING**

**SHANNON CEMETERY**

**MEETING DATES**

September 21, 2015	Safety Committee	7:30 PM
September 21, 2015	Council	8:00 PM
September 29, 2015	Airport Advisory Commission (at airport)	12:30 PM
October 5, 2015	Council	8:00 PM

Council President Steiner presiding. Messrs: Johnson, Sehlhorst, Talavinia, and Warren present. Mayor Augsburger absent.

Mr. Warren moved, seconded by Mr. Talavinia to approve the minutes of the regular council meeting held on August 17, 2015. Roll Call: Yes (5) Messrs: Warren, Talavinia, Johnson, Sehlhorst, and Steiner. No (0). Mr. Burrell abstained, motion approved.

Mr. Warren moved, seconded by Mr. Sehlhorst to approve the bills as presented. Total non-payroll of \$340,703.46 and payroll of \$40,372.30. Roll Call: Yes (6) Messrs: Warren, Sehlhorst, Burrell, Johnson, Steiner, and Talavinia. No (0), motion approved.

The Fiscal Officer announced the following meeting:

September 10, 2015	Recreation Committee	9:00 AM
September 16, 2015	Finance	Noon
September 16, 2015	Tree Commission	7:30 PM
September 21, 2015	Safety Services	7:30 PM
September 21, 2015	Council	8:00 PM

Mr. Sehlhorst moved, seconded by Mr. Burrell to approve the first reading of Ordinance No. 15-15: AN ORDINANCE TO VACATE AN ALLEY AS REQUESTED BY CHRIS AND RHONDA WENGER AND MICHAEL AND AMY MARCU. Roll Call: Yes (6) Messrs: Sehlhorst, Burrell, Johnson, Steiner, Talavinia, and Warren. No (0), motion approved.

Mr. Warren moved, seconded by Mr. Sehlhorst to approve the first reading of Ordinance No. 16-15: AN ORDINANCE TO PROVIDE FOR A PROCEDURE BY WHICH THE VILLAGE OF BLUFFTON CONSIDERS AND PROCESSES APPLICATIONS FOR THE VACATION OF ANY STREET OR ALLEY. Roll Call: Yes (6) Messrs: Warren, Sehlhorst, Burrell, Johnson, Steiner, and Talavinia. No (0), motion approved.

Mr. Warren moved, seconded by Mr. Talavinia to approve the first reading of Resolution No. 09-15: A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED. Roll Call: Yes (6) Messrs: Warren, Talavinia, Burrell, Johnson, Sehlhorst, and Steiner. No (0), motion approved.

Mr. Johnson moved, seconded by Mr. Sehlhorst to accept the resignation of Kristi Lora, income tax administrator, effective September 3, 2015. Roll Call: Yes (6) Messrs: Johnson, Sehlhorst, Burrell, Steiner, Talavinia, and Warren. No (0), motion approved.

Mr. Warren moved, seconded by Mr. Johnson to enter into executive session for the discussion of personnel-performance and compensation, Council only. Roll Call: Yes (6) Messrs: Warren, Johnson, Burrell, Sehlhorst, Steiner, and Talavinia. No (0), motion approved.

Mr. Johnson moved to exit from executive session.

Mr. Johnson moved to adjourn.

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MAYOR

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FISCAL OFFICER

**Meeting: Bike and Pedestrian Pathway Board**  
**Date/Time: Thursday, September 3, 2015, 12:30 pm**  
**Location: Town Hall**

**Members Present:** Dick Ramseyer, Fred Steiner, Laura Voth, Jim Harder, John Rich, Mitch Kingsley, Dima Snyder

**Members Absent:** Greg Denecker, John Rich

**Village Liaison Present:** Jamie Mehaffie, Joe Sehlhorst

**Guests:** Mayor Judy Augsburg; Dave Steiner, President Village Council & Jesse Blackburn, Asst. Village Administrator

After adjournment of the 12 noon meeting between the Village Alleys and Streets Commission (Joe Sehlhorst & Roger Warren) and the Pathway board, the Pathway Board commenced with the normal monthly meeting.

**MINUTES:**

Dima Snyder made a motion to approve the minutes of the August 6, 2015 meeting with Jim Harder offering a second. Motion passed.

**BUSINESS:**

**Next Steps**

Discussed steps needed in order to get replacement of the Bentley Road Bridge. Other discussion was to complete a land survey to clarify the actual Bentley Road right of way. Contacting property owners would take place after the survey results are in.

Question to consider—when taking the bike path through Motter Park, will we use existing trails or plan to pave a new trail. Discussion will be needed.

**Fund Raising for Bentley Road Section**

It was suggested that when potential donors see the Augsburg Road Path completed they will be better able to see the vision for pathway additions. Creating the vision will pave the way for individual solicitation. It was noted that the “Dare to Dream” event highlights the long range plan for the Bluffton Bike Path.

**Update – Augsburg Road Pathway Project**

Dick reported that right-of-way paperwork for two property owners is still out, waiting for approval from their Boards.

Jamie reported that ODOT needs to get a permit from Fish and Wildlife to operate in wetlands before the window opens for removing trees between October and March. ODOT has allowed 90-120 days for construction, but expects it to take closer to 45 days due to some of the clearing and grubbing done in advance. ODOT is still working with a 2016 schedule. The sandpiper survey is still to be completed.

**Name for Augsburg Road Pathway**

Discussion held. The Bluffton Lions Club is giving the full 20% project match. Suggestions offered: Lions Way West, Lions Way Augsburg. Or perhaps a name to reference the total group of Lions Way pathways such as "Lions Way Trail System" which would call for a name for each section such as "Augsburger Pathway".

**Trail Head Park Dedication**

A date has been set for September 16, 2015 at 4 pm.

**Next regular meeting will be Thursday, October 1, 2015 at 12 noon in the President's room, Marbeck Center, Bluffton University.**

Respectfully submitted,  
Laura Voth



**Village of Bluffton  
Bills to be paid  
9/21/2015**

**PAYROLL:**

Village		\$ 39,565.52
Fire & Rescue		\$ 3,472.18
<b>TOTAL PAYROLL</b>		<b>\$ 43,037.70</b>

**NON-PAYROLL:**

Alloway	Lab Analysis	\$ 402.50
Bailey's	Uniforms	\$ 311.00
Bluffton Flying Service	Management Fee	\$ 5,000.00
Bluffton Stone	Road Maintenance Supplies	\$ 272.81
Brite	Cruiser Laptops (3)	\$ 6,459.75
Grainger	Mercury & Lamp Recycling Kits	\$ 297.10
Great Lakes Billing	EMS Run Collection Fees	\$ 823.33
Hackenberg, Beutler, Rasmussen	Legal Services- Hancock Co	\$ 200.00
Moore Medical	Airways, Tube Holders	\$ 186.32
NWOHio Security	Alarm Monitoring	\$ 39.95
Ohio Calibration Lab	Radar Certification	\$ 87.00
Village of Ottawa	Water Usage	\$ 38,239.02
Sam's Club	Concessions	\$ 3.59
Shell	Gasoline	\$ 1,545.65
SmartBill	Water Notice Insert	\$ 168.75
Utility Sales Agency	Water Line Parts, Water Meters	\$ 7,901.25
Verizon	Cell Phone- Service Dept	\$ 51.41
Dominion	Natural Gas	\$ 214.26

**Total Non-Payroll \$ 62,203.69**

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Mayor/ Council President

X: Then and Now Approved by Council

A: Addition to list

**Preliminary Participatory Legislation**

**Ordinance #** \_\_\_\_\_

**County/Route/Section: ALL/HAN-SR 103 Corridor Study**

The following is an \_\_\_\_\_ ordinance enacted by the \_\_\_\_\_ Village of \_\_\_\_\_ Bluffton \_\_\_\_\_, Allen and Hancock Counties, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**SECTION I - Project Description**

WHEREAS, the LPA has identified the need for the described project:

This project proposes to do a study in the Village of Bluffton:

- SR 103 corridor study from the NS Railroad in the Village of Bluffton to the IR-75 interchange.

WHEREAS, the described project is within the Village corporation limits.

NOW THEREFORE, be it ordained by the \_\_\_\_\_ Village of Bluffton \_\_\_\_\_ of \_\_\_\_\_ Allen and Hancock Counties \_\_\_\_\_, Ohio.

**SECTION II - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

**SECTION III - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA hereby agrees to pay for the entire cost of the study less the amount of Federal Highway funds passed through the Ohio Department of Transportation (ODOT) and allocated to this project by the Metropolitan Planning Organization (MPO).

**SECTION VI - Authority to Sign**

The Mayor of said Village of Bluffton is hereby empowered on behalf of the Village of Bluffton to enter into agreements with the Director of Transportation necessary to complete the above described project.

Passed: \_\_\_\_\_, 20\_\_\_\_.  
(Date)

Attested: \_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Mayor)

Attested: \_\_\_\_\_

\_\_\_\_\_  
(President of Council)

This ordinance is hereby declared to be an emergency measure to expedite the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**RESOLUTION NO. 09-15**

**A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED AND DECLARING AN EMERGENCY.**

**WHEREAS**, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

**WHEREAS**, the Village of Bluffton, OH is planning to make capital improvements in the form of the West Elm Street Waterline Replacement Project, and

**WHEREAS**, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BLUFFTON, OHIO:**

**Section 1:** The Village Administrator is hereby authorized to apply to the OPWC for funds as described above.

**Section 2:** The Village Administrator is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

**Section 3:** That an emergency exists in the daily operation of the Village whereby failure to act will be detrimental to the public health, welfare and safety of the inhabitants thereof, and for further reason that the application for funding must include this legislation.

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

Passed and Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the governing board of the Village of Bluffton, Ohio by the following vote:

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_

Attest:

\_\_\_\_\_  
FISCAL OFFICER

\_\_\_\_\_  
MAYOR

Approved as to Form:

\_\_\_\_\_  
VILLAGE SOLICITOR

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

**CERTIFICATION**

The undersigned hereby certifies that the within is a true and correct copy of Resolution No. 09-15, passed by the Bluffton Village Council on the 21<sup>st</sup> day of September 2015.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
FISCAL OFFICER

## RESOLUTION NO. 10-15

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR OF THE VILLAGE OF BLUFFTON, OHIO, TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH DIAMOND MANUFACTURING OF BLUFFTON AND BTMS INVESTMENTS, LLC AND DECLARING THIS ACT AN EMERGENCY.

WHEREAS, the Ohio Enterprise Zone Act ("The Act"), under Ohio Revised Code Section 5709.61 through 5709.66, has authorized counties, with the consent and agreement of affected municipalities and townships therein, to designate areas as Enterprise Zones and to execute agreements with certain enterprises for the purpose of establishing, expanding, renovating, or occupying facilities and hiring new employees and preserving jobs within said zones in exchange for specified local tax incentives granted by the County; and

WHEREAS, the Council of the Village of Bluffton ("the Council") upon due consideration implemented said ACT and designated an enterprise zone within the boundaries of the Village of Bluffton ("the Municipality") to promote the economic welfare of said municipality in Ordinance No. 26-94 adopted on September 20, 1994; and

WHEREAS, effective October 11, 1994, the area designated in said Ordinance No. 570-94 contains the characteristics set forth in Section 5709.61 (A) of the Ohio Revised Code and certified said area (#281) as an Enterprise Zone under said Chapter 5709; and

WHEREAS, the Municipality is desirous of providing Diamond Manufacturing of Bluffton ("the Company") and BTMS Investments, LLC ("the Property Owner") with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, the Company has submitted an application (herein attached as Attachment A) to the County pursuant to Section 5709.62 (B) of the Ohio Revised Code (hereinafter referred to as "Application"); and

WHEREAS, the Economic Development Group of the County has investigated the application of the Company, and has recommended approval of the same to the Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and thereby improve the economic climate of the Municipality; and

WHEREAS, the Company and the Enterprise Zone Negotiating Team of the County have submitted a proposed Enterprise Zone Agreement (herein attached as Attachment B) to the Municipality pursuant to Chapter 5709 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Bluffton, State of Ohio, a two-thirds majority of all members elected thereto concurring, that:

SECTION I. The Mayor is hereby authorized to enter into the attached Enterprise Zone Agreement with Diamond Manufacturing of Bluffton, with its offices located on 505 East Jefferson Street, Bluffton, Ohio 45817 and BTMS Investments, LLC, with its offices located on 9660 Mayberry Road, Bluffton, Ohio 45817 to grant the Property Owner a real property tax

exemption for an addition to Company's existing manufacturing facility to enlarge and enhance its fabrication and welding business as set forth in said Enterprise Zone Agreement.

SECTION II. This Enterprise Zone Agreement must receive approval by the Board of Commissioners of Allen County and be forwarded to the Ohio Departments of Taxation and Development and the County Auditor within fifteen (15) days of approval to be finalized.

SECTION III. It is hereby declared to be an emergency measure in the interest of public peace, health, and safety to enter into this enterprise zone agreement. This Resolution shall take effect immediately upon its passage and approval by the Council.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
Mayor

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Clerk

Approved as to form:

\_\_\_\_\_  
Law Director

## OHIO ENTERPRISE ZONE AGREEMENT

This agreement made and entered into by and between the Village of Bluffton, Ohio, a Village, with its main offices located at 100 E. Elm Street, Bluffton, Ohio 45817 (hereinafter referred to as "VILLAGE"), Allen County, Ohio, a County, with its main offices located at 301 N. Main Street, Lima, Ohio 45802 (hereinafter referred to as "COUNTY"), Diamond Manufacturing of Bluffton, an Ohio Corporation with its main offices located at 505 East Jefferson Street, Bluffton, Ohio 45817, (hereinafter referred to as "ENTERPRISE"), and BTMS Investments, LLC, with its main offices located at 9660 Mayberry Road, Bluffton, Ohio 45817 (hereinafter referred to as "PROPERTY OWNER")

WITNESSETH;

WHEREAS, VILLAGE and COUNTY have encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, ENTERPRISE is desirous of the construction of a 50,000 sf (fifty thousand square foot) addition to its existing facility to permit expansion of its product lines (hereinafter referred to as the "PROJECT") within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Council of Bluffton, Ohio by Ordinance No. 26-94 adopted September 20, 1994, designated the area as an "Enterprise Zone" pursuant Chapter 5709 of the Ohio Revised Code; and

WHEREAS, the Board of Allen County, Ohio by Resolution No. 570-94 adopted September 27, 1994, designated the area as an "Enterprise Zone" pursuant Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective October 11, 1994, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Ordinance and Resolution Nos. contains the characteristics set forth in R.C. 5709.61(A) and certified said area as an Enterprise Zone under said Chapter 5709; and

WHEREAS, the VILLAGE and COUNTY having the appropriate authority for the stated type of project is desirous of providing ENTERPRISE and PROPERTY OWNER with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, ENTERPRISE has submitted a proposed agreement application (herein attached as Exhibit A) to Allen Economic Development Group (hereinafter referred to as "APPLICATION"); and



WHEREAS, ENTERPRISE has remitted the required state application fee of \$750.00 made payable to the Ohio Department of Development with the application to be forwarded with the final agreement; and

WHEREAS, Economic Development Group for the County has investigated the application of ENTERPRISE and has recommended the same to the Village Council and Board of Commissioners of Bluffton and Allen County on the basis that ENTERPRISE is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of VILLAGE and COUNTY; and

WHEREAS, the project site as proposed by ENTERPRISE is located in the Bluffton Exempted School District and the Apollo Career Center Joint Vocational School and the Board of Education of both districts have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION; and

WHEREAS, pursuant to R.C. 5709.63(A) and in conformance with the format required under R.C. 5709.631, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. ENTERPRISE shall construct a new fifty thousand square foot addition at 505 East Jefferson Street, Bluffton, Ohio, to expand and enhance fabrication and welding business. Said addition shall be constructed on parcel number A02-28-0112-08-002.003 as the same is known and designed on the Auditor's revised list of lots in Bluffton, Ohio.

The PROJECT will involve a total investment by ENTERPRISE between \$1,000,000 (one million dollars) and \$2,500,000 (two million, five hundred thousand dollars) at the 505 East Jefferson Street, Bluffton, Ohio site.

The PROJECT will begin October 1, 2015 and all acquisition, construction and installation will be completed by December 31, 2015. Any changes to the beginning and completion dates must be agreed to by formal resolution and an amended agreement.

The total investment of this EXPANSION project is greater than 10% of the market value of the facility assets already owned at the site prior to such expenditures as evidenced in Exhibit A.

2. ENTERPRISE shall create within a time period not exceeding 36 months after the commencement of construction of the aforesaid facility, the equivalent of 21 new full-time permanent job opportunities.

ENTERPRISE'S schedule for hiring is as follows: create 5 new full-time permanent jobs in year one (construction); 10 new full-time permanent jobs in year two; 6 new full-time permanent jobs in year three. The job creation period begins November 15, 2015 and all jobs will be in place by October 15, 2018.

ENTERPRISE currently has 85 full-time permanent employees at the project site. In total, ENTERPRISE has 85 full-time permanent employees in the State of Ohio.

This increase in the number of employees will result in approximately \$663,936 (Six hundred sixty-three thousand, nine hundred and thirty six dollars) of additional annual payroll for ENTERPRISE. The following is an itemization by the type of new jobs created: full-time permanent \$663,936.

3. ENTERPRISE and PROPERTY OWNER shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the enterprise's compliance with the agreement, including returns filed pursuant to section 5711.02 and 5727.08 of the Ohio Revised Code if requested by the council.
4. VILLAGE and COUNTY hereby grant PROPERTY OWNER a tax exemption for real property improvements made to the PROJECT site pursuant to Section 5709.63 of the Ohio Revised Code and shall be in the following amounts:

<u>Year of Tax Exemption</u>	<u>Tax Exemption Amount</u>
YR 1	60%
YR 2	60%
YR 3	60%
YR 4	60%

YR 5	60%
YR 6	60%
YR 7	60%
YR 8	60%
YR 9	60%
YR 10	60%

Each identified project improvement will receive a ten-year exemption period. The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after December 31, 2015 nor extend beyond December 31, 2026.

5. ENTERPRISE shall pay an annual fee equal to five hundred dollars.

The fee shall be made payable to the Treasurer of Allen County once per year for each year the agreement is in effect on the anniversary date of the agreement and in the form of a check. The fee is to be paid to the Allen County Administrator and made out to the Treasurer of Allen County. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 5709.68 of the Revised Code and by the tax incentive review council created under Section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section.

6. ENTERPRISE and PROPERTY OWNER 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 ENTERPRISE and/or PROPERTY OWNER fail to pay such taxes or file such returns and reports, all incentives granted under this agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and thereafter.

7. ENTERPRISE and PROPERTY OWNER shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

8. If for any reason the Enterprise Zone designation expires, the Director of the Ohio Department of Development revokes certification of the zone, or VILLAGE and COUNTY revoke the designation of the zone, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless ENTERPRISE and PROPERTY OWNER materially fail to fulfill its obligations under this agreement and VILLAGE and COUNTY terminate or modify the exemptions from taxation granted under this agreement.

9. If ENTERPRISE and PROPERTY OWNER materially fails to fulfill their obligations under this agreement, other than with respect to the number of employee positions estimated to be created or retained under this agreement, or if VILLAGE and/or COUNTY determines that the certification as to delinquent taxes required by this agreement is fraudulent, VILLAGE and/or COUNTY 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.
10. ENTERPRISE and PROPERTY OWNER hereby certify that at the time this agreement is executed, ENTERPRISE and PROPERTY OWNER do 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 ENTERPRISE and/or PROPERTY OWNER is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, ENTERPRISE and /or PROPERTY OWNER currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against ENTERPRISE and/or PROPERTY OWNER. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.
11. ENTERPRISE and PROPERTY OWNER affirmatively covenant that they do 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.
12. ENTERPRISE, PROPERTY OWNER, VILLAGE and COUNTY acknowledge that this agreement must be approved by formal action of the legislative authority of VILLAGE and COUNTY as a condition for the agreement to take effect. This agreement takes effect upon such approval.
13. VILLAGE and COUNTY have developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this agreement, ENTERPRISE 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.
14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that ENTERPRISE and/or PROPERTY OWNER, any successor enterprise,

or any related member (as those terms are defined in Section 5709.61 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under Division (E) of Section 3735.671 or Section 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

15. In any three-year period during which this agreement is in effect, if the actual number of employee positions created or retained by ENTERPRISE is not equal to or greater than seventy-five per cent of the number of employee positions estimated to be created or retained under this agreement during that three-year period, ENTERPRISE and/or PROPERTY OWNER shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the VILLAGE and COUNTY may terminate or modify the exemptions from taxation granted under this agreement.
16. ENTERPRISE and PROPERTY OWNER affirmatively covenant that they have made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of ENTERPRISE and/or PROPERTY OWNER have knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, ENTERPRISE and/or PROPERTY OWNER shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 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 Section 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 not more than \$1,000 and/or a term of imprisonment of not more than six months.
17. This agreement is not transferrable or assignable without the express, written approval of VILLAGE and COUNTY.

IN WITNESS WHEREOF, the Village of Bluffton, Ohio, by Judy Augsburger, its Mayor and pursuant to Ordinance No. \_\_\_\_\_, has caused this instrument to be executed this 21 day of September, 2015, and Allen County, Ohio, by Greg Sneary, its Board President and pursuant to Resolution No. \_\_\_\_\_ has caused this instrument to be executed this 24 day of September, 2015, and Diamond Manufacturing of Bluffton, by Thomas Langhals, President, has caused this instrument to be executed on this 24 day of September, 2015 and BTMS Investments, LLC, by Thomas Langhals, its Trustee, has caused this instrument to be executed on this 24 day of September, 2015.

VILLAGE OF BLUFFTON

By  
Mayor

ALLEN COUNTY

President

DIAMOND MANUFACTURING OF BLUFFTON

By  
President

BTMS INVESTMENTS, LLC

By  
President

Approved as to form:

\_\_\_\_\_  
Law Director

\_\_\_\_\_  
County Prosecutor

**NOTE:**

A copy of this agreement must be forwarded to the Ohio Departments of Taxation and Development within fifteen (15) days of approval to be finalized.

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY  
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX  
LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

The Governing Board of **VILLAGE OF BLUFFTON**, Allen County, Ohio, met in \_\_\_\_\_  
session on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the office of  
\_\_\_\_\_ with the following members present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mr. /Ms. \_\_\_\_\_ moved the adoption of the following Resolution:

*RESOLVED*, by the Governing Board of **VILLAGE OF BLUFFTON**, Allen County, Ohio, in  
accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal  
year commencing January 1<sup>st</sup>, \_\_\_\_\_; and

*WHERE AS*, the Budget Commission of Allen County, Ohio, has certified its action thereon to this  
Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this  
Board, and what part thereof is without, and what part within, the ten mill limitation; therefore, be it

*RESOLVED*, By the Governing Board of **VILLAGE OF BLUFFTON**, Allen County, Ohio, that  
the amounts and rates, as determined by the Budget Commission in its certification, be and the same are  
hereby accepted' and be it further

*RESOLVED*, That there be and is hereby levied on the tax duplicate of said Village the rate of  
each tax necessary to be levied within and without the ten mill limitation as follows:



<b>SCHEDULE A</b> <b>VILLAGE OF BLUFFTON</b> SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY THE BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES				
FUND	Amount to be Derived from Levies Outside the 10 Mill Limitation	Amount Approved by Budget Commission Inside 10 Mill Limitation	County Auditor's Estimate of Tax Rate to be Levied	
			Inside 10 mill limit	Outside 10 mill limit
	Column II	Column IV	V	VI
GENERAL FUND		\$ 193,146	2.5	
TOTALS		\$ 193,146	2.5	

<b>SCHEDULE B</b> LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES		
FUND	Maximum Rate Authorized to be Levied	County Auditor's Estimate of Yield of Levy
GENERAL FUND		
Total General Fund Outside 10 Mill Limitations	0	\$ -
TOTALS	0	\$ -

and be it further

RESOLVED, That the Clerk of said Board certify a copy of this Resolution to the County Auditor of said County.

\_\_\_\_\_ seconded the Resolution and the roll being called upon

its adoption the vote resulted as follows:

_____	YES	NO
_____	YES	NO
_____	YES	NO



\_\_\_\_\_

YES

NO

\_\_\_\_\_

YES

NO

\_\_\_\_\_

YES

NO

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Clerk of the Village Council,

Village of Bluffton  
Allen County, Ohio

2015

# CERTIFICATE OF COPY

ORIGINAL ON FILE

---

The State of Ohio, Allen County, ss.

I, \_\_\_\_\_, Clerk of the Council of the **Village of Bluffton**, within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original: Resolution \_\_\_\_\_, now on file that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Clerk of Council

(A copy of this Resolution must be certified to the County Auditor before the first day of October each year, or at such later date as may be approved by the Board of Tax Appeals)

Filed \_\_\_\_\_, 20\_\_

Rhonda Eddy-Stienecker  
Allen County Auditor

By \_\_\_\_\_  
Deputy

**To: Mayor Augsburger  
Council Members**

**College and Main Intersection**

The Lima Allen County Regional Planning Commission conducted a traffic count study at the College Avenue and Main Street intersection. They collected data on September 2<sup>nd</sup>, September 3<sup>rd</sup>, and September 10<sup>th</sup>. They collected data on traffic counts, pedestrian counts, and bicyclist counts. I understand that this information has been forwarded to ODOT for their review. Furthermore, the new "Yield Here to Pedestrians" signs have been installed by the Service Department. Additionally, Chief Skilliter conducted a safety program at the Bluffton Elementary School to the First, Second and Third Grade students on Thursday, September 17<sup>th</sup> concerning crosswalk safety.

**Legislation**

Ordinance No. 17-15 is preliminary legislation concerning the SR 103 Corridor Study that the Village will be working with ODOT to complete. A copy of the letter from ODOT concerning the project is attached to this report.

Resolution No. 10-15 is legislation to authorize the Mayor to enter into an Enterprise Zone Agreement with Diamond Manufacturing of Bluffton and BTMS Investments, LLC which is being recommended by the Allen Economic Development Group. Jeff Sprague, President and CEO of the Allen Economic Development Group, will be in attendance at Monday evening's Council meeting to provide any additional information on the agreement and answer any questions that Council may have.

Resolution No. 11-15 is required by the County Auditor and the State of Ohio to certify the amounts and rates as determined by the Budget Commission.

**TRS**

Utility Service Group has advised that they are scheduling to begin the TRS installation project within the last two weeks of October. We are working through the details of scheduling a preconstruction meeting for the project either the last week of September or the first week of October.

**Pool**

The Village has received three comparable quotes for resurfacing the swimming pool. O.P Aquatics submitted an all-inclusive quote totaling \$58,906.00. Patterson Pools submitted a quote of \$65,365. Martin Painting and Coating submitted a quote of \$44,594 that does not include the cost of the paint (their opinion was that the Village could purchase the paint ourselves at a lower price). After some research, we estimate the cost of the paint to be approximately \$14,000. Copies of the quotes are attached to this report.

**Augsburger Culvert**

As I type this report, the Allen County Engineer's Office is preparing to open Augsburger Road following the completion of the culvert replacement project. I stopped at Bluffton Paving this morning to advise them that, whenever they are able to work it into their schedule, the road is ready for paving. I also asked for an updated estimate for the paving project that includes resurfacing out to Tom Fett Road. As part of a 2007 annexation agreement with Richland Township, the Village is responsible for the maintenance of the roadway on Augsburger out to Tom Fett Road.



# OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 1 • 1885 NORTH MCCULLOUGH ST. • LIMA, OHIO 45801 • (419) 222-9055  
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • KIRK SLUSHER, P.E., DISTRICT DEPUTY DIRECTOR

September 2, 2015

The Honorable Judy Augsburger  
Mayor, Village of Bluffton  
154 N. Main Street  
Bluffton, OH 45817

Re: ALL/HAN SR 103 Corridor Study; PID 95588  
Preliminary Participatory Legislation

Dear Mayor Augsburger:

Enclosed are two sets of preliminary legislation for the project referenced above. The consultant for this study is scheduled to be hired early next year. The enclosed legislation verifies the Village's consent to proceed with the project and commitment to pay for the project costs as noted below.

The project is a corridor study of SR 103 from the NS Railroad in the Village of Bluffton to the IR 75 interchange.

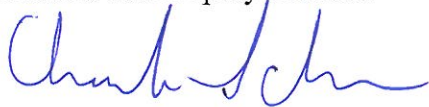
The Transportation Coordinating Committee (TCC) of the Lima-Allen County Regional Planning Commission which is designated as the Metropolitan Planning Organization, has approved the use of \$50,000 for this study. The use of Toll Revenue Credits (TRC) have been approved to this study. Therefore, no funds will be needed from the Village of Bluffton unless the costs are over \$50,000. The Village of Bluffton will be responsible for all costs over \$50,000.

Please ask your village council to enact this legislation and return it to me **by October 16, 2015**. All places on the legislation that require your attention have been shaded grey. Remember to place the Village's seal on both sets of legislation. If the village does not have a seal, include a letter stating this. Please return **both original signed sets of legislation** to me for further processing. You will receive one completed original set of the legislation when it has been approved by the Director of Transportation.

Should you have any questions, you can contact me by email at [Charles.Schreck@dot.ohio.gov](mailto:Charles.Schreck@dot.ohio.gov) or by phone at (419) 999-6856.

Respectfully,

Kirk M. Slusher, P.E.  
District One Deputy Director



Charles G. Schreck, P.E.  
Transportation Engineer

KMS:CGS:cgs

Enclosure

- c: Project file, w/enclosures
- Rod Maas, District Planning Engineer
- Lori Brinkman, District LPA Coordinator and District Consultant Contract Manager
- Eric Scheckelhoff, District Design Engineer
- Matthew Rosebrock, ODOT Planning and Engineering
- Charles Schreck



**Village of Bluffton POOL PAINT & REPAIR PROJECT**

September 1, 2015

Jesse Blackburn  
Village of Bluffton  
154 N Main St  
Bluffton, Ohio 45817

RE: Pool Paint Project

Dear Jesse,

We are pleased to submit our proposal to provide labor, repair, and paint for the pool. Below is the scope of work for then Bluffton Pool.

**Scope of Work:**

**Blast, Prime, and Paint Swimming Pool**

- Sand Blast Swimming Pool Floor (9000 sq ft.) to include transition walls in deep end of swimming pool. All paint to be removed.
- TSP.
- Rinse clean.
- Prime using Gunzite from Kelly Tech.
- Paint 1 coat using Zeron heavy duty epoxy color White.
- Paint 1 coat using Zeron heavy duty epoxy black lane lines.
- When painting a swimming pool, weather plays a major role. Temperatures need to remain above 50 degrees at all times and floor dry from any moisture for the first 3 days after the last coat of paint is applied. Days 4 to 7 only require the pool not to have any standing water. After 7 days of curing the filling can begin. Well water is not an option when filling the swimming pool.
- We use the highest quality epoxy paint and can provide the manufacture specs to compare apples to apples. If competitive quoting requires a different product other than quoted, please call and let us know, we will be happy to re-quote.

**Repair cracked concrete**

- Grind crack located deep end wall slope closest to deck and slide.
- Repair all small cracks (no more than 20 linear ft. total).
- Inject epoxy seal as needed.

**Clean and reseal all floor joints as needed**

- Clean all floor joints as needed.
- Reseal using Permaseal.



**Page 2 continues from Bluffton scope of work**

**Comments**

- All quotes are non-prevailing wage.
- Because of the dynamics of quoted work, once sand blasting is complete and the concrete floor is completely exposed, additional concrete work may be required on and above 'said' quote,

**Client requirements**

- Access to pool for work related equipment.
- Parking for (2) trucks and (1) trailer.
- Electric and Water.
- Phone numbers of all personnel involved with work.
- All paper work required by the State of Ohio

**Price to complete this work as described above is \$58,906.00**  
**Proposal valid for 60 days from date of proposal.**  
**Payment of \$6000 due upon initial order agreement to secure materials.**  
**Balance Due Net 30.**

**Additional work above scope**

Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over the estimate.

\_\_\_\_\_  
**Client**

\_\_\_\_\_  
**OP Aquatics Representative**

**Most Sincerely,**

**Mandy Fosco**  
**OP Aquatics**  
**614-322-0940**



# PATTERSON POOLS <sup>INC</sup>

1685 Westbelt Drive Columbus, Ohio 43228 614-876-2628 [www.pattersonpools.com](http://www.pattersonpools.com)

*THE NATION'S FINEST STAINLESS STEEL SWIMMING POOLS AND EQUIPMENT*

September 18, 2015

Village of Bluffton  
154 N. Main Street  
Bluffton, OH 45817  
Attn: Jesse Blackburn

Re: Pool Repairs

Dear Jesse,

In response to our site visit, I offer the following:

Overall, the pool is in good condition. There are a few areas of spalling concrete on the pool floor, most notably in the shallow end of the pool at the expansion joints. The expansion joints are in good condition except for the one in the shallow end and one section in the race course by the deep end. The perimeter caulk joint appears to be intact and in good condition. The wall targets are peeling and need to be replaced. The pool floor needs to be re-painted. The pool walls and gutter are in great condition and will only require routine cleaning. The gutter grating is peeling and has lost most of its non skid coating. This should be recoated or replaced. I have attached a few photos showing the items addressed above.

Per your request, we propose to complete the following items:

- Cover and protect areas that are not to be abrasive blasted and painted.
- Remove caulking from perimeter and expansion joints.
- Abrasive blast pool floor to remove existing coatings and to provide a profile for proper adhesion of new paint.
- Abrasive blast wall targets to remove existing coatings and to provide a profile for proper adhesion of new paint.
- Cleanup of sand and blast debris from pool.
- Repair spalled concrete areas exposed during sand blasting.
- Pressure wash concrete floor.
- Install caulking in perimeter and expansion joints.
- Apply two coats of Ramuc Hi-Build Epoxy pool paint to pool bottom.
- Apply two coats of Ramuc Hi-Build Epoxy black pool paint to lane lines.
- Apply two coats of black primer to wall targets.
- Cleanup of all painting materials. Dispose of in owner provided dumpster.

Total for above: \$ 65,365

Owners allowance for any additional repair work discovered during repair process.

Total add allowance: \$ 2,500



## PATTERSON POOLS, LLC

Above pricing is based on 2015 construction using non prevailing wage rate and non taxable status. We appreciate the opportunity to submit this proposal and look forward to continuing our relationship with the Village of Bluffton. Please contact me with any questions or concerns you may have.

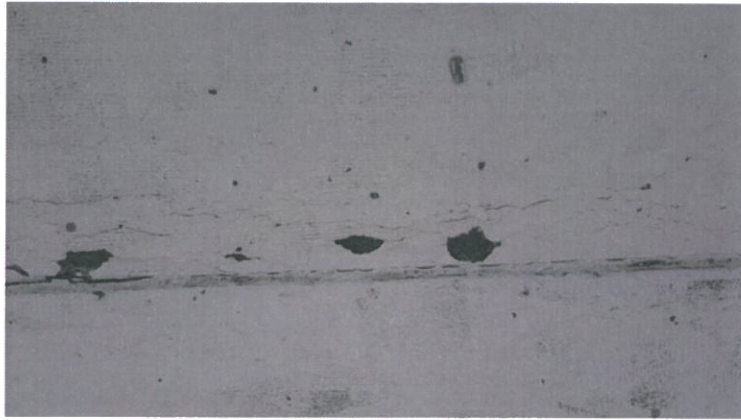
Sincerely,

THE PATTERSON COMPANIES

A handwritten signature in blue ink, appearing to read "Tim Patterson". The signature is fluid and cursive, with a large initial "T" and "P".

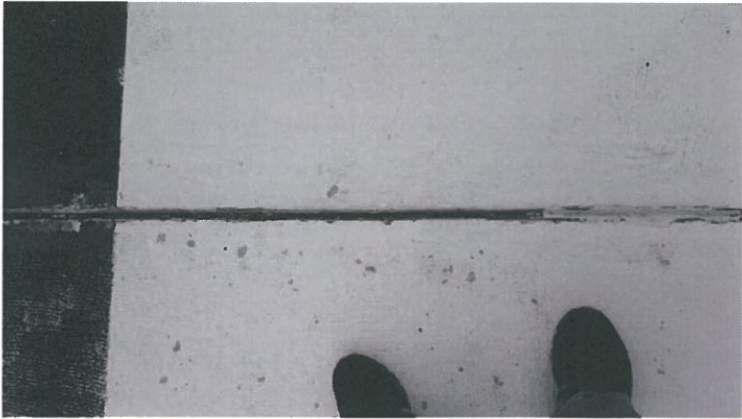
Tim Patterson

**PATTERSON POOLS, LLC**

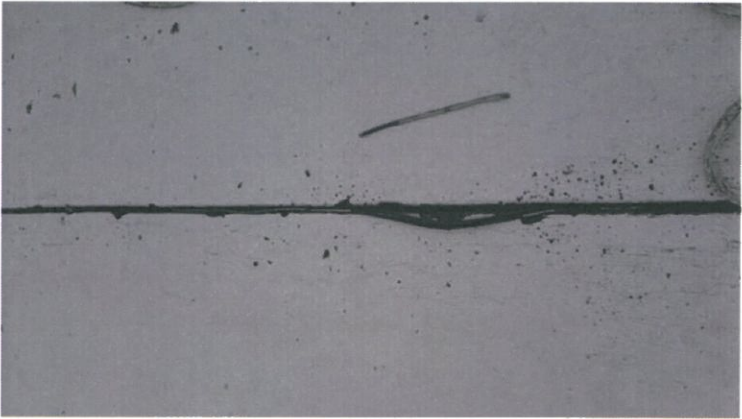


Spalled concrete at shallow end

**PATTERSON POOLS, LLC**



Pool expansion joint by deep end.



Pool expansion joint at shallow end



Peeling wall targets.

September 18, 2015

Mr. Jesse Blackburn  
Village of Bluffton  
154 North Main Street  
P.O. Box 63  
Bluffton, Ohio 45817-0063  
(419)358-2066 Ext. 102  
E-Mail-BlackburnJ@Bluffton-Ohio-Com

**SUBJECT: Swimming Pool**

Dear Mr. Blackburn,

We are pleased to submit our proposal to provide the labor materials, tools, and equipment to prepare and paint the above subject as discussed.

Areas of work are: Floor surfaces of swimming pool.

*The scope of work includes:*

1. Mobilize labor and equipment to the jobsite to perform the work.
2. Conduct an on-site safety inspection to review safety, hazards, emergency plans, and scope of work.
3. Install the appropriate signage and caution tape to designate the work area.
4. Cover and protect items during the painting process. These items will be covered with polyethylene, drop cloths and masking tape. Filter media will be installed in the drain to prevent sand, paint chips and etc. from entering into the pump system.
5. **Removal and re-placement of existing caulking** at perimeter and expansion joints.
6. **Abrasive blasting pool bottom surfaces** to a SPC 6 commercial blast grade to remove the existing coatings.
7. **Abrasive blasting wall targets** to remove the existing coatings and to provide a profile for proper adhesion of the coating.
8. **Repairing** of concrete if needed.
9. After the above procedures has been completed removal of abrasive blasting debris.
10. **Pressure washing** pool with a 4000 psi pressure washer to remove dust, dirt and etc. to provide a clean paintable surface.
11. Apply **two full coats** of Ramuc Hi- Build Epoxy Pool Paint. Material offers a hard, tough durable finish. Color to be determined. (Materials supplied by others).
12. **Laying out** lane lines to the proper dimensions then apply **two (2) full** coats of Ramuc Hi-Build Epoxy Pool Paint. Color to be black. (Materials supplied by others).
13. **Laying out** the wall targets to the proper dimensions then apply **two (2) full** coats of PPG DP9OLF Primer/Finish. Color to be Black. (Material supplied by others).
14. Clean up the painting activities then demobilize from the project upon completion.

The cost to complete this work as described above is..... \$44,594.00

September 18, 2015  
Mr. Jesse Blackburn  
Page 2

- Notes
1. Martin Painting understands all paint materials will be supplied by others.
  2. Martin Painting has included in the above cost all equipment to perform the work.
  3. Martin Painting requesting pool to be drained prior to starting.
  4. Allowance of \$1,000.00 is included in the base bid for concrete repairs. This allowance may not be needed or just a partial amount of it.

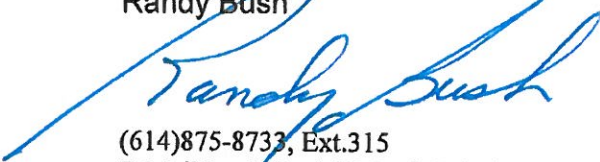
Enclosed are copies of our workers compensation and insurance certificates for your review.

Thank you for this opportunity to be of service. We look forward to working with you on this project. Please call me if you have any questions or need further information.

Sincerely,

**Martin Painting & Coating Company**

Randy Bush



(614)875-8733, Ext.315

E-Mail [RandyBush@MartinPainting.Com](mailto:RandyBush@MartinPainting.Com)