# BENITA LLC
# PLANNED MIXED USE DEVELOPMENT TEXT
# DELAWARE, OHIO

1. DESCRIPTION OF DEVELOPMENT

Benita LLC is proposing to redevelop the former Liberty United Methodist Church located at 1701 Columbus Pike and a former single-family home located at 1961 Columbus Pike between Hull Drive and Stratford Drive. Child day care and a small office are contemplated on the sites, although no specific uses have been guaranteed at this time. This zoning text reflects, Benita LLC intention to redevelop the sites with a mix of office and limited retail and service business of some kind.

2. GENERAL DEVELOPMENT STANDARDS

a. **Purpose and Intent.** It is the intent of this development to provide a mixed use development with compatible and common architectural design, streetscape, signage, and lighting amenities to be compatible throughout the entire development and to be compatible with and provide for appropriate transition to the adjacent existing residential developments. Prototypical design that is not consistent with this purpose and intent will not be accepted during the required Development Plan review process.

b. **Conformance with Codified Ordinances and City Policy.** Unless noted otherwise within this Development Text, all development will be constructed and provided in conformance with the then current Codified Ordinances and City Policy in effect at the time of Development Plan application.

c. **Limitations.** Nothing in this text shall prohibit additional restrictions or requirements consistent with this Development Text and the requirements of the Zoning Code and accepted City Policies from being placed on the approval of any Development Plan.

d. **Minor Modifications.** Once a Development Plan has been approved by City Council, any subsequent minor modification to that plan shall only be permitted by resubmission and approval by the Director of Planning and Community Development of a revised Development Plan. Minor modification for the purposes of this text shall mean any modification of the approved Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any modification that is not considered a major modification by this Zoning Text or by determination of the Director of Planning & Community Development.

(2) Any minor increase of 10% or less in the non-residential building area.

(3) Minor change in the approved location of land uses.

(4) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

(5) Minor structural alterations that do not alter the overall design intent of the building.

e. **Major Modifications.** Once a Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this text shall mean any modification of the approved Development Plan, as determined by the Director of Planning & Community Development, that results in:

(1) Any increase in the non-residential building area not considered a minor modification.

(2) Any change in the approved location of land uses not considered a minor modification.

(3) Substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

3. DEVELOPMENT STANDARDS

a. **Uses.** The following uses shall be considered permitted or limited uses as represented in the chart below by P or L, respectively, and as defined by the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

(1) **Permitted Uses.** Permitted uses are permitted by-right and shall meet all development standards specified within this text and the Zoning Code, as applicable.

(2) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this text as determined by Final Development Plan approval.

(3) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as limited uses the processes and limitations shall apply regardless of accessory use status.

| **Land Use Category** | **Benita LLC Uses** |
|---|---|
| **(a) Office and Professional Services** | |
| (1) Offices – administrative, business and professional | P |
| (2) Financial institutions, banks, not including pay day lending or other businesses offering similar services | P |
| (3) Medical and dental offices, health and allied services | P |
| **(b) Retail and Services** | |
| (1) Retail and service establishments in completely enclosed buildings with a minimum gross floor area of less than 100,000 square feet. | P |
| (2) Restaurant – table service | P |
| (3) Restaurant – counter service | P |
| (4) Veterinary office (no outside run or outside kennel) | L |
| (5) Veterinary hospital (no outside run or outside kennel) | L |
| **(c) Automotive and Transportation** | |
| (1) Stand-Alone ATM facility | L |
| (2) Drive-thru facility associated with any principal permitted, limited, or conditionally permitted use | L |
| **(d) Community Facilities** | |
| (1) Schools, trade, business or cultural arts | P |
| (2) Place of Worship | P |
| (3) Public cultural institutions and art galleries | P |
| (4) Day care center, child/adult | L |

| Land Use Category | Benita LLC Uses |
|---|---|
| (5) Public safety & service facility | P |
| (6) Public/Private parks & playgrounds | P |
| **(b) Recreation and Entertainment** | |
| (1) Indoor recreation and amusement (such as indoor theater, bowling alley, arcade, billboard parlor, assembly hall and party center) | L |
| (2) Health club | P |

b. **Standards for All Uses.** Any use listed shall meet the following additional standards:

(1) Any use proposed to operate from 10pm to 7am except ATM facilities shall be subject to all requirements and processes of a Conditional Use Permit as defined by the Zoning Code.

(2) Regardless of the hours of operation, no delivery, loading, trash removal, or similar operations are permitted between the hours of 10:00pm and 7:00am.

c. **Specific Standards for Limited Uses.** Any use listed as a limited use shall meet all requirements of the Zoning Code, unless otherwise exempted or modified in this Section which shall take precedence in all cases, as determined through the Final Development Plan approval process. If any of the requirements set forth in this text or the then current Zoning Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code prior to the use being permitted.

A. **Any Use Proposed to Operate from 10pm to 7am Except ATM Facilities.** Such use shall be subject to all requirements and processes of a Conditional Use Permit as defined by the Zoning Code.

B. **Veterinary Office (with no outside run or outside kennel) and Veterinary Hospital (with no outside run or outside kennel).** Such uses shall meet all requirements of the then current Zoning Code and be limited to household pets prohibiting on-site services to livestock, goats, equine, and other non-domesticated animals. Animal crematoriums or other such accessory or principal uses shall be prohibited on the subject properties.

C. **Stand-Alone ATM Facility.** Such use shall not be located along any public right-of-way and limited to areas interior to the overall development provided the location does not place the drive-thru adjacent to a residentially zoned or used property. The use shall be located in a manner that does not unreasonably disrupt traffic, pedestrian circulation, or otherwise negatively

impact residentially zoned or used property. The building housing the ATM shall be designed and landscaped in a manner consistent with overall design and to minimize its presence.

D. **Drive-Thru Facility Associated with any Principal Permitted, Limited, or Conditionally Permitted Use.** Such use shall meet all requirements of the then current Zoning Code and be located to the side or rear (opposite the public right-of-way) of the principal building provided the location does not place the drive-thru adjacent to a residentially zoned or used property. Any canopy or weather cover associated with this use shall be designed in a manner that is substantially similar with the overall development, the principal building, and shall not include exposed metal support columns.

E. **Day Care Center, child/adult.** Such uses shall have any associated outdoor play or recreation areas located to the side or rear (opposite the public right-of-way) of the principal building provided the location does not place the outdoor area adjacent to a residentially zoned or used property. If the only feasible location is adjacent to a residentially zoned or used property, the outdoor area must be set back a minimum of 25 feet from the property line, be fenced and landscaped to provide sufficient buffering of the noise, light, and other potential impacts to the adjacent residential property as determined on the Final Development Plan.

F. **Indoor Recreation and Amusement (such as indoor theater, bowling alley, arcade, billboard parlor, assembly hall and party center).** Such use shall not include principal for profit, non-charitable, skill based gaming and bingo halls oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games. Traditional video arcade type gaming restaurant/party center arrangements, such as, but not limited to, Dave & Buster's, Magic Mountain, and Chuck E. Cheese are permitted.

d. **Lot Standards.** The following standards shall apply for lot standards and coverage.

| **Lot Standards** | **Benita LLC** |
|---|---|
| (a) Minimum lot area | 1 acre |
| (b) Minimum lot width and frontage* | 150 ft. |
| (c) Maximum building coverage | 40% |
| (d) Maximum lot coverage | 70% |

*Lot frontage requirement may be met by providing the minimum frontage along cross access easements connecting to public streets.

e. **Building Setback Standards.** The following standards shall apply for minimum building setbacks. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

| **Minimum Building Setbacks** | **Benita LLC** |
|---|---|
| (a) Front Setback from US 23 | 40 ft. |
| (b) Side Setback from Hull Drive and Stratford Drive | 20 ft. |
| (c) Side setback | 10 ft. |
| (d) Rear setback (see (e) below in addition) | 20 ft. |
| (e) Setback from lot line shared with residentially used or zoned property | 40 ft |

f. **Parking Setbacks.** The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle.

| **Minimum Parking Setbacks** | **Benita LLC** |
|---|---|
| (1) Setback from US 23 | 15 ft. |
| (2) Setback from Hull Drive and Stratford Drive | 15 ft. |
| (3) Setback from any private access drive or street except Hull Drive | 10 ft. |
| (4) Setback from interior property lines | As approved on the Final Development Plan |

g. **Maximum Building Height.** The maximum height of any building or structure shall be 35 feet as measured from finished floor elevation to the highest point of the roof, not including spires, steples, chimneys, and other similar architectural additions that are uninhabitable.

h. **Building Design.** All buildings regardless of use shall meet the following building design requirements. To create a cohesive and unified design throughout the entire development, each building shall be consistent in overall design, color, material, and architectural pattern and include similar and/or repeating a pattern of design elements such as cupolas, wind vanes, dormers, detailed and well defined cornices on flat roof structures, columns, awnings, or other elements as determined through the Final Development Plan review process.

(1) General Design Requirements.

A. The architectural design of all commercial/retail buildings shall be traditional in nature and shall establish proper transitional relationships with adjacent developments. Quality architecture shall be utilized with a consistent look and feel. All structures shall be designed to be architecturally compatible with each other by employing similar roof pitches, architectural details and be constructed of compatible exterior building materials. Exterior materials shall be primarily masonry incorporating brick and/or stone with accent materials listed below. All buildings and portions thereof shall retain traditional building massing. Buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts. The scale of the building(s) shall be aided through the use of different materials and architectural elements to help reduce the perception of the building mass.

B. Required architectural features shall include large transparent storefronts and window systems, roof elements such as dormers, cupolas, roof spires, and hip and gable roofs to emphasize and reduce the building scale at the building storefront.

C. Buildings shall be oriented toward US 23 whenever possible.

(2) Exterior Design Elements.

A. Predominant exterior building materials shall be of high quality. The permissible building materials shall include the following or shall be a comparable material as approved by the City of Delaware:
   i. Brick
   ii. Wood/Engineered Wood (Hardiplank)
   iii. Stone/Synthetic Stone
   iv. Stucco/Synthetic Stucco (commonly known as “EIFS”) as accent bands or decorative elements only
   v. Design Brick (integrally colored concrete units)/Quick-brik of appropriate size and quality for the elevation for which it is being applied
   vi. Dimensional Asphalt Shingles
   vii. Prefinished Metal Standing Seam Roof Systems
   viii. Slate/Synthetic Slate

B. Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials. Tilt-up or pre-cast concrete wall panels may be used on elevations not visible to the general public and the exposed exterior surface is textured, patterned or detailed to be complimentary to the building design.

C. Unless fully screened by mounding or landscaping or as otherwise approved as part of the Final Development Plan, buildings shall generally have a similar degree of exterior finishes on all sides and compositions of similar building materials shall be used on all building elevations visible to the public. Other than for necessary service and loading areas that do not face a pubic right-of-way and are not visible to the public, blank facades shall not be permitted.

D. Façade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited.

E. Building trim may feature brighter colors than façade colors, but exposed neon tubing or LED type lighting are prohibited.

F. All exterior service doors and overhead doors other than entry/exits shall be made of a heavy gauge metal painted to blend in with the exterior brick masonry.

(3) Building Massing and Articulation

A. Unless fully screened by mounding or landscaping or as otherwise approved as part of the Final Development Plan, building facades shall include a repeating pattern that shall include no less than three of the following elements: color change, texture change, material module change, or expression of architectural or structural bay through a change in plane no less than twelve (12) inches in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

B. Each exterior elevation shall be predominately composed of brick masonry or stone. Brick masonry units shall be sized from standard modular to king size. Utility “design brick” brick (4” high nominal units, 3 5/8” high x 15 5/8” long, that are colored at the time of fabrication) shall be permitted on the front, rear and sides of buildings. Either 4” high (3 5/8”) or 8” high nominal units (7 5/8” high) may be used on elevations not visible to the general public. Jack arches and/header details shall be utilized above storefronts and window openings. Belt lines (horizontal accent bands) shall be used to break up larger masonry walls which can be recessed or pulled from the main wall plane. Soldier courses may be used above door and window openings or as part of a belt line (horizontal accent band). Detail bricks shall be of an accent color that is complimentary to the field brick on the building. Other exterior elevation elements shall include roof fascias and detailed parapet cornices. The

same palette of exterior finishes and color shall be used on all sides of a building, unless otherwise detailed in this zoning text.

C. Unless fully screened by mounding or landscaping as described in this zoning text below or as otherwise approved as part of the Final Development Plan, walls shall have no more than 20 feet of continuous wall length devoid of windows, on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.

D. Roof lines shall provide variations in height and profile to reduce the mass and scale of a structure and to add visual interest. Roof lines shall be residential in character to preserve proper transition to adjacent residential uses while appropriately addressing existing road frontages.

E. All building facades facing a public right-of-way shall employ a minimum of forty percent (40%) fenestration and architectural articulation/details or other architectural elements as described in this text to reduce building scale, add visual interest and create pedestrian visibility and transparency.

F. Walls that meet the following criteria shall be exempt from the requirements of subsection Building Massing and Articulation above:

   i. The wall faces an area devoted solely to loading and delivery and the wall is completely screened from view from all public rights-of-way, parking areas and abutting residential uses or residentially zoned properties. Screening shall be accomplished through the use of mounding, landscaping, and minimal privacy fencing where necessary.

(4) Roofs.

A. The following types of roofs are permitted:
   i. Pitched roofs with gabled or hipped ends
   ii. Glass roofs are acceptable in portions of a structure
   iii. Mansard roofs

B. Roof materials shall be asphalt shingles, cedar shakes or man made cedar shake looking, slate or synthetic slate, prefinished standing seam metal or a comparable material as approved by the City of Delaware. Asphalt shingles shall have an “architectural” or “dimensional” appearance and performance.

C. The minimum pitch for a sloped roof shall be 6:12.

D. Gutters shall be metal-type and shall be painted to match fascias. Downspouts shall be installed in a manner comparable to and consistent with the buildings and architecture. Scuppers shall be used at the rear of the building if desired. Through wall scuppers may be permitted where parapet walls are used. Scupper boxes and downspouts at the rear of the building shall be painted to blend in with exterior building color or shall be manufactured with a pre-finished metal of a color which compliments the finished material to which it is affixed. Overflow drains may be an open scupper through a masonry parapet in a manner comparable to and consistent with the buildings and architecture. An open scupper shall be detailed to minimize its appearance on the building elevation.

(5) Screening.

A. Rooftop equipment, antennas, and similar protrusions shall be installed in compliance with all applicable provisions of the Zoning Code. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop mechanical equipment from public view. Where flat roofs are used, all roof mounted equipment shall be completely screened through the use of parapet walls, or other architectural building elements compatible with the building design. All screening elements shall be consistent with the style of architecture of the center. Individual screening units may be used where other means are impractical. Satellite dishes shall be consistent with applicable federal law and all applicable provisions of the Zoning Code and shall be screened when visible to the public view.

B. All exterior mechanical equipment and appurtenances not located on a roof, including, but not limited to, transformers, air conditioning units not located on rooftops, wall or sprinkler pumps, storage tanks shall be located in designated service areas and where not otherwise prohibited shall be suitably screened by means of fences, walls, opaque landscaping, or other appropriate screening as approved as part of the Final Development Plan so as not to be visible from any street or adjacent lot. Electrical wireways, meters, gas meter sets, telephone enclosures and other building services/utility devices shall be painted to match the wall finish to which they are attached.

C. Loading docks, trash collection, outdoor storage and similar facilities and functions, as provided for by code, shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from the public. Screen wall materials shall be the same as the building materials and consistent in design. Dumpster enclosures shall be fully enclosed (no roof) with a lockable gate.

i. **Parking.**

(1) The amount of parking provided is permitted to be below the minimum requirements of the Zoning Code and shared parking is strongly encouraged where such locations are logical.

(2) The number of parking spaces provided shall not exceed 10% of the minimum requirements prescribed by the Zoning Code.

(3) Where necessary for connectivity and access management throughout the development and to adjacent properties, cross access easements shall be provided.

(4) No overnight parking shall be allowed, except by approval of a Conditional Use Permit as described above in this zoning text

j. **Landscaping and Screening.** All landscaping shall meet the requirements of the Zoning Code and the Gateways & Corridors Plan, including but not limited to the provision of street and front yard trees, unless modified herein.

(1) Low, undulating earth mounds measuring 2 to 3 feet in height shall be provided along the US 23 frontage.

(2) Along the eastern property line shared with residentially used or zoned properties, the existing tree line shall be preserved and supplemented with a landscaping easement no less than 15 feet in width, together with a landscaped mound having minimum height of 3 feet and planted with a double, staggered row of an appropriate mix of evergreen trees spaced 15 feet on center and not including arborvitae or similar species or white pines. At the time of installation, such trees shall be a minimum of 8-10 feet in height and where planted in existing open areas must provide a minimum 70% year round opacity.

(3) Parking lots will be landscaped in a manner that minimizes the direct views of parking spaces and/or lots encourages safe vehicular movement, at a minimum, as depicted on the approved Preliminary Development Plan. Each landscaped island within the parking lot shall be planted with two trees.

(4) Wherever possible along building frontages with a pedestrian walkway a mix of year-round and seasonal foundation plantings shall be provided as well as tree wells or planters of other similar plantings included in the pedestrian walkway.

(5) Ground mounted equipment shall be screened from view using plant materials, and/or opaque decorative fencing or mounding providing 100% year round opacity.

k. **Pedestrian Connectivity.** A pedestrian connectivity plan will be provided with the Preliminary Development Plan. A multi-use path is not planned along the east side of US 23. In lieu of providing a sidewalk or multi-use path along US 23, the Applicant shall provide any east-west connection(s) deemed necessary on the approved Preliminary Development Plan and shall make a cash contribution in lieu of a sidewalk along US 23 in an amount equal to that which sidewalks would have cost as certified by the City Engineer. This contribution shall be used to complete missing segments and gaps of the multi-use path on the west side of US 23, which will aid in pedestrians being able to fully utilize this path and potentially access the subject property via signalized intersections to which the path connects.

l. **Lighting.**

(1) Building, site, and accent lighting shall be provided in accordance with the current Zoning Code.

(2) All lighting fixtures, except those located in loading or service areas and not visible by the general public, shall be decorative fixtures that are appropriate and consistent with the overall design of the development.

(3) Standard shoe-box type fixtures and standard wall packs may only be used in loading or service areas that are not visible by the general public.

(4) No lighting fixture shall be mounted higher than 28 feet in height. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility.

(5) To the extent practical without jeopardizing security, lighting will be minimized along any property line shared with a residentially used or zoned property, including not meeting any required minimum lighting specifications of the Zoning Code and including minimal light pole heights even if this results in more overall light poles needing to be utilized Light poles within 20 feet of a residentially used or zoned property shall have a maximum height of 12 ft.

(6) All non-security site and building lighting will be turned off one hour following close of business in accordance with tenant's operational requirements.

m. **Signs.** A comprehensive sign plan shall be provided and approved in conformance Section 1165.16(c) and the Final Development Plan. All signs shall be in conformance with the approved comprehensive sign plan. The comprehensive sign plan shall meet the following requirements. Unless noted below, all signs shall meet the current Zoning Code.

(1) **All Signs.** All signs shall be designed and located in a manner that is appropriate and consistent with the Gateways & Corridors Plan. Unless noted otherwise, externally illuminated and reverse channel letter signs are preferred. For the purposes of this text, a reverse channel letter sign is generally a type of sign that utilizes an opaque aluminum letter which is stud mounted away from the wall or mounting surface. The illumination creates a soft glow or "halo" behind the letter. Changeable copy and changeable face signs are prohibited. Businesses located within a business shall not be permitted any free-standing signs, be limited to one non-illuminated wall sign not exceeding 2 square feet in area located in a sign band, and no building shall have more than 2 such signs.

(2) **Free-Standing Signs.** Free-standing signs shall be of the highest quality and design and serve as part of overall entry and landscape feature to the development. Only one free-standing sign is permitted per lot regardless of the number of frontages and shall be placed on one of the following monument bases consisting of limestone or cultured stone as approved by the City of Delaware and consistent with the Gateway and Corridor Plan.




(3) **Wall Signs.** Wall signs shall be integrated into the overall design of the building on which the sign is attached in an area established as part of the building design approval for the purpose of mounting a wall sign. Only one wall sign is permitted per primary tenant. No signs shall be permitted facing a residential district or use. No part of a wall sign shall project above the roof line, eve line, or other similar plane as these signs are then considered roof signs and are prohibited.

(4) **Other Signs.** A temporary marketing/for sale or lease sign plan shall be provided as part of the comprehensive sign plan for the development. All other signs shall meet the current Zoning Code.

ORDINANCE NO. 09-08

AN ORDINANCE APPROVING A REZONING TO ADD A PLANNED MIXED USE (PMU) OVERLAY TO PROPERTY LOCATED AT 1701 AND 1961 COLUMBUS PIKE (US 23) ON THE EAST SIDE OF US 23, NORTH OF STRATFORD DRIVE AND SOUTH OF HULL DRIVE CONSISTING OF 9.428± ACRES AND ZONED A-1 (AGRICULTURAL DISTRICT). (BENITA)

WHEREAS, the Planning Commission at its meeting of February 4, 2009 recommended approval of a Rezoning to add a Planned Mixed Use (PMU) Overlay to property located at 1701 and 1961 Columbus Pike (US 23) on the east side of US 23, north of Stratford Drive and south of Hull Drive consisting of 9.428± acres and zoned A-1 (Agricultural District), (PC 09-04), and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Rezoning to add a Planned Mixed Use (PMU) Overlay to property located at 1701 and 1961 Columbus Pike (US 23) on the east side of US 23, north of Stratford Drive and south of Hull Drive consisting of 9.428± acres and zoned A-1 (Agricultural District),, be the same and is hereby confirmed, approved, and accepted with the following conditions that:

1. Any change of use of any existing structure or property shall require conformance to all provisions of the Development Text except Building Setback Standards, Parking Setbacks and Building Design. Such exception shall not be granted for any addition, exterior modification, enlargement, or exterior alteration of the building or site.
2. The wooded area and stream corridor generally located at the common property line for these properties shall not be disturbed.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

VOTE ON RULE SUSPENSION: YEAS 7 NAYS 0 ABSTAIN 0

PASSED: March 9, 2009 YEAS 7 NAYS 0 ABSTAIN 0

ATTEST: Christine Shaw
CITY CLERK

Kenneth Lewis
MAYOR