

**COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 16, 2006**

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: Glenn A. Evans, Kristopher W. Jordan, James D. Ward

PUBLIC COMMENT

PRESENTATION ON THE 2006 OHIO CHAUTAUQUA EVENT

RESOLUTION NO. 06-341

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 13, 2006 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held March 13, 2006 as contained in the county's official electronic recordings of the proceedings.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 06-342

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR315:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR315, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Commissioners	Indirect Costs	22411605-5380	\$ 400,000.00
George Parker	Design Senior Center	43111424-5410	\$ 562,500.00
Sungard Bi Tech Inc.	Software Support	40411413-5301	\$ 7,000.00
Delaware Municipal Court	Jury Fees Reimbursement	10029203-5360	\$ 50,000.00
Quandel Group	Construction Management	43111424-5410	\$ 400,000.00
Bank of NY Trust Co	Principal/Jail	50111117-5725	\$ 405,000.00
Bank of NY Trust Co	Interest/Jail	50111117-5720	\$ 149,758.76
Bank of NY Trust Co	Principal/Perry Taggart	50111117-5725	\$ 560,000.00
Bank of NY Trust Co	Interest/Perry Taggart	50111117-5720	\$ 148,051.26
Bank of NY Trust Co	Interest/Radios	50111117-5720	\$ 296,000.00
Bank of NY Trust Co	Principal/Radios	50111117-5725	\$ 1,120,000.00
Bank of NY Trust Co	Interest/Services Bldg.	50111117-5720	\$ 692,781.26
Bank of NY Trust Co	Principal/Services Bldg	50111117-5725	\$ 535,000.00
Delaware County Bank	Interest/Tartan Fields	50111117-5720	\$ 21,247.50
Delaware County Bank	Principal/Tartan Fields	50111117-5725	\$ 100,000.00
JP Morgan Institutional Trust SVS	Interest/CFOA	50111117-5720	\$ 621,111.56
JP Morgan Institutional Trust SVS	Principal/CFOA	50111117-5725	\$ 290,000.00
JP Morgan Institutional Trust SVS	Principal/1997 Refunded	50111117-5725	\$ 20,000.00
JP Morgan Institutional Trust SVS	Interest/1997 Refunded	50111117-5720	\$ 164,960.00
Huntington Bank	Interest/1997 Not Refunded	50111117-5720	\$ 31,460.00
Huntington Bank	Principal/1995 Not Refunded	50111117-5725	\$ 235,000.00
Bank of NY Trust Co	Interest/1999 Alum Creek	50111117-5720	\$ 2,131,066.26
Bank of NY Trust Co	Principal/1999 Alum Creek	50111117-5725	\$ 2,175,000.00
Bank of NY Trust Co	Interest/1995 Sewer Refunding	50111117-5720	\$ 108,412.50
Bank of NY Trust Co	Principal/1995 Sewer Refunding	50111117-5725	\$ 1,150,000.00
Increase			
Columbia Gas of OH	Utilities	22411602-5350	\$ 4,500.00
La Petite Academy/E. Walnut	Day Care	22411610-5348	\$ 30,000.00
Vouchers			
Noahs Ark Learning Center	Day Care	22411610-5348	\$ 5,164.88
State of OH Treasurer	State Audit	10011102-5301	\$ 6,433.16
Hartford Croton Fair	Grant	10011102-5601	\$ 7,000.00
Trucco Construction Co., Inc.	Perry Taggart Sewer Project	65511918-5415	\$ 1,130,292.05
AEP	Monthly Service	65211905-533833802	\$ 38,516.32
AEP	Monthly Service	65211919-533833802	\$ 10,724.51
AEP	Monthly Service/WWTP	66011913-5338	\$ 5,390.09
Today's Learning Child	Day Care	22411610-5348	\$ 6,984.79

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Kindercare Learning	Day Care	22411610-5348	\$ 12,630.68
J.G. Contracting	Milestone Pay Through 12/31	41111421-5410	\$ 151,665.00
City of Delaware	3 rd Quarter EMS Runs	10011303-5345	\$ 121,673.68
Jess Howard	Electrical Jail	40411414-5410	\$ 14,976.09
Bruner	Plumbing	40411414-5410	\$ 5,591.00
Williamson	Drywall	40411414-5410	\$ 15,973.34

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 06-343

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the following:

Judieth Deese has resigned her position as an Income Maintenance Worker III with the Department of Job and Family Services; effective date March 13, 2006.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 06-344

A RESOLUTION AUTHORIZING THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT PROGRAM TO ASSIST WITH THE CONSTRUCTION OF PUBLIC ROADWAY / INFRASTRUCTURE IMPROVEMENTS ON KINTNER PARKWAY; IMPROVEMENTS TO THE U.S. ROUTE 36 / STATE ROUTE 37 AND KINTNER PARKWAY INTERSECTION AT THE ENTRANCE TO THE SUNBURY INDUSTRIAL PARK; IMPROVEMENTS ALONG US-36 / SR-37 FROM KINTNER PARKWAY TO MILLER DRIVE; ALL ASSOCIATED WITH THE PROPOSED AMERICAN SHOWA, INC. EXPANSION PROJECT IN THE VILLAGE OF SUNBURY:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following:

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of addressing local needs; and

WHEREAS, the Delaware County Board of Commissioners desires to participate in the program to receive financial assistance for American Showa, Inc. under the Ohio Small Cities Community Development Block Grant Economic Development Program; and

WHEREAS, the Delaware County Board of Commissioners has the authority to apply for financial assistance and to administer the amounts received from the State of Ohio, Department of Development, through its Small Cities Community Development Block Grant Economic Development Program; and

WHEREAS, the President of the Delaware County Board of Commissioners must direct and authorize the Director of the Delaware County Department of Economic Development to act in connection with the application and to provide such additional information as may be required.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the President of the Board of County Commissioners authorizes the Director of the Delaware County Department of Economic Development as the official representative of Delaware County to submit an application to participate in the State of Ohio, Department of Development, Small Cities Community Development Block Grant Community Development Program, and provide all information and documentation required in said Application for submission.

Section 2. That the Delaware County Board of Commissioners hereby approves filing an application for up to \$450,000 in financial assistance under the Ohio Small Cities Community Development Block Grant Community development Program.

Section 3. That the Delaware County Board of Commissioners hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances.

Section 4. That the Delaware County Board of Commissioners hereby commits itself to provide the local share funding as described in the application.

Section 5. This resolution shall supersede and replace Resolution 05-489, which is hereby repealed, and shall take effect and be in force immediately after its passage.

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Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 06-345

A RESOLUTION AUTHORIZING THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO FILE AN APPLICATION TO THE STATE OF OHIO, TO PARTICIPATE IN THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FORMULA PROGRAM TO ASSIST WITH THE CONSTRUCTION OF PUBLIC ROADWAY / INFRASTRUCTURE IMPROVEMENTS ON KINTNER PARKWAY; IMPROVEMENTS TO THE U.S. ROUTE 36 / STATE ROUTE 37 AND KINTNER PARKWAY INTERSECTION AT THE ENTRANCE TO THE SUNBURY INDUSTRIAL PARK; IMPROVEMENTS ALONG US-36 / SR-37 FROM KINTNER PARKWAY TO MILLER DRIVE; ALL ASSOCIATED WITH THE PROPOSED AMERICAN SHOWA, INC. EXPANSION PROJECT IN THE VILLAGE OF SUNBURY:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the following:

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments for the purpose of addressing local needs; and

WHEREAS, the Delaware County Board of Commissioners desires to participate in the program to receive financial assistance for American Showa, Inc. under the Ohio Small Cities Community Development Block Grant Formula Program; and

WHEREAS, the Delaware County Board of Commissioners has the authority to apply for financial assistance and to administer the amounts received from the State of Ohio, Department of Development, through its Small Cities Community Development Block Grant Formula Program; and

WHEREAS, the President of the Delaware County Board of Commissioners must direct and authorize the Director of the Delaware County Department of Economic Development to act in connection with the application and to provide such additional information as may be required.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the President of the Board of County Commissioners authorizes the Director of the Delaware County Department of Economic Development as the official representative of Delaware County to submit an application to participate in the State of Ohio, Department of Development, Small Cities Community Development Block Grant Formula Program for 2006, and provide all information and documentation required in said Application for submission.

Section 2. That the Delaware County Board of Commissioners hereby approves filing an application for up to \$75,000 in financial assistance under the Ohio Small Cities Community Development Block Grant Formula Program to assist in the construction of certain public improvements consisting of: PUBLIC ROADWAY / INFRASTRUCTURE IMPROVEMENTS ON KINTNER PARKWAY; IMPROVEMENTS TO THE U.S. ROUTE 36 / STATE ROUTE 37 AND KINTNER PARKWAY INTERSECTION AT THE ENTRANCE TO THE SUNBURY INDUSTRIAL PARK; IMPROVEMENTS ALONG US-36 / SR-37 FROM KINTNER PARKWAY TO MILLER DRIVE; ALL ASSOCIATED WITH THE PROPOSED AMERICAN SHOWA, INC. EXPANSION PROJECT IN THE VILLAGE OF SUNBURY.

Section 3. That the Delaware County Board of Commissioners hereby understands and agrees that participation in the program will require compliance with program guidelines and assurances.

Section 4. That the Delaware County Board of Commissioners hereby commits itself to provide the local share funding as described in the application.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 06-346

A RESOLUTION AUTHORIZING THE USE OF THE DELAWARE COUNTY ECONOMIC AND COMMUNITY DEVELOPMENT FUNDS TO ASSIST THE VILLAGE OF SUNBURY WITH THE CONSTRUCTION OF PUBLIC ROADWAY / INFRASTRUCTURE IMPROVEMENTS ON KINTNER PARKWAY; IMPROVEMENTS TO THE U.S. ROUTE 36 / STATE ROUTE 37 AND KINTNER PARKWAY INTERSECTION AT THE ENTRANCE TO THE SUNBURY INDUSTRIAL PARK; IMPROVEMENTS ALONG US-36 / SR-37 TO MILLER DRIVE; AND FOR ACCESS IMPROVEMENT ALL ASSOCIATED WITH THE PROPOSED AMERICAN SHOWA, INC. EXPANSION PROJECT:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following:

WHEREAS, the economic activity within the Sunbury Industrial Park is recognized as a major element of the County's economic base; and

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WHEREAS, American Showa, Inc. desires to undertake an expansion project in the Sunbury Industrial Park at 707 W. Cherry Street, in the Village of Sunbury, that is estimated to result in \$2,206,000 in new real property improvements, \$12,681,000 in new personal property investment, for a total estimated investment of \$14,887,000 and the creation of 48 new full-time equivalent job opportunities; and

WHEREAS, assistance is required for the construction of public roadway intersection infrastructure improvements along Kintner Parkway from Stelzer Court to US-36 / SR-37; improvements to the U.S. Route 36 / State Route 37 and Kintner Parkway Intersection at the entrance to the Sunbury Industrial Park; improvements to US-36 / SR-37 from Kintner Parkway to Miller Drive including improved access to the American Showa facility via an additional turning lane(s) all to support the proposed American Showa, Inc. economic development expansion project, and without said assistance the proposed project would not be constructed; and

WHEREAS, Delaware County has established an Economic and Community Development Fund, capitalized through repayment from various economic development projects, in order to assist such projects.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the Delaware County Board of Commissioners authorizes the use of the Delaware County Economic and Community Development Fund in a total amount up to and not to exceed \$175,000, to assist the American Showa's economic development expansion project and the Village of Sunbury with the cost of constructing public roadway intersection infrastructure improvements along Kintner Parkway from Stelzer Court to US-36 / SR-37; improvements to the U.S. Route 36 / State Route 37 and Kintner Parkway Intersection at the entrance to the Sunbury Industrial Park; improvements to US-36 / SR-37 from Kintner Parkway to Miller Drive including improved access to the American Showa facility via an additional turning lane(s) in support of said American Showa, Inc. Expansion project in the Village of Sunbury.

Section 2. It is anticipated that said funds used for constructing said public roadway intersection infrastructure improvements, shall be provided to the Village of Sunbury in the form of a grant.

Section 3. Use of these funds is conditioned on American Showa, Inc. agreeing to construct their proposed expansion project in the Sunbury Industrial Park, in the Village of Sunbury, and create a minimum of 48 new full-time permanent jobs as part of the proposed expansion project, with a minimum of 51% of these new jobs to be filled by qualifying LMI individuals, and agreeing to follow all applicable CDBG rules and regulations during the project time period, including environmental review clearance, proper procurement procedures and payment of Federal Prevailing Wage Rates, as appropriate.

Section 4. Use of these funds is conditioned on the Village of Sunbury agreeing to follow all applicable CDBG rules and regulations during the construction of the proposed roadway intersection infrastructure improvements, including environmental review clearance, proper procurement procedures and payment of Federal Prevailing Wage Rates, as appropriate.

Section 5. This resolution shall supersede and replace Resolution 05-729, which is hereby repealed, and shall take effect and be in force immediately after its passage.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 06-347

A RESOLUTION AUTHORIZING THE USE OF THE DELAWARE COUNTY REVOLVING LOAN FUND (RLF) FOR ECONOMIC DEVELOPMENT PURPOSES TO ASSIST THE VILLAGE OF SUNBURY WITH THE CONSTRUCTION OF PUBLIC ROADWAY / INFRASTRUCTURE IMPROVEMENTS ON KINTNER PARKWAY; IMPROVEMENTS TO THE U.S. ROUTE 36 / STATE ROUTE 37 AND KINTNER PARKWAY INTERSECTION AT THE ENTRANCE TO THE SUNBURY INDUSTRIAL PARK; IMPROVEMENTS ALONG US-36 / SR-37 TO MILLER DRIVE; AND FOR ACCESS IMPROVEMENT ALL ASSOCIATED WITH THE PROPOSED AMERICAN SHOWA, INC. EXPANSION PROJECT IN THE VILLAGE OF SUNBURY:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the following:

WHEREAS, the Ohio Department of Development provides financial assistance to Delaware County under the Community Development Block Grant (CDBG) Program, and Delaware County has a Revolving Loan Fund, which is capitalized with Community Development Block Grant (CDBG) funds, with use of these funds having a National Objective of assisting eligible low-moderate income households; and

WHEREAS, American Showa, Inc. desires to undertake an expansion project in the Sunbury Industrial Park at 707 W. Cherry Street, in the Village of Sunbury, that is estimated to result in \$2,206,000 in new real property improvements, \$12,681,000 in new personal property investment, for a total estimated investment of \$14,887,000 and the creation of 48 new full-time equivalent job opportunities; of which a minimum of 51% must be provided to qualifying low-moderate income (LMI) individuals; and

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WHEREAS, assistance is required for the construction of public roadway infrastructure improvements along Kintner Parkway from Stelzer Court to US-36 / SR-37; improvements to the U.S. Route 36 / State Route 37 and Kintner Parkway Intersection at the entrance to the Sunbury Industrial Park; improvements to US-36 / SR-37 from Kintner Parkway to Miller Drive including improved access to the American Showa facility via an additional turning lane(s) all to support the proposed American Showa, Inc. economic development expansion project, and without said assistance the proposed project would not be constructed; and

WHEREAS, such assistance for public infrastructure in support of an economic development project creating significant numbers of new LMI jobs is considered a National Objective under the CDBG Program; and

WHEREAS, authorization to utilize the Delaware County RLF for similar improvements was previously approved by the Delaware County Board of Commissioners via Resolutions 03-1370, and 05-430.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the Delaware County Board of Commissioners authorizes the use of the Delaware County Revolving Loan Fund, through grant funds, in a total amount up to and not to exceed \$250,000, to assist the American Showa's economic development expansion project and the Village of Sunbury with the cost of constructing public roadway intersection infrastructure improvements along Kintner Parkway from Stelzer Court to US-36 / SR-37; improvements to the U.S. Route 36 / State Route 37 and Kintner Parkway Intersection at the entrance to the Sunbury Industrial Park; improvements to US-36 / SR-37 from Kintner Parkway to Miller Drive including improved access to the American Showa facility via an additional turning lane(s) in support of said American Showa, Inc. Expansion project in the Village of Sunbury.

Section 2. It is anticipated that said RLF funds used for constructing said public roadway intersection infrastructure improvements, shall be provided to the Village of Sunbury in the form of a grant, subject to the financial and environmental approval of this RLF Grant request by the Ohio Department of Development. While said RLF funds are provided as a grant, up to \$100,000 of these funds may be reimbursed to the County through a Tax Increment Financing (TIF) Area to be established by the Village of Sunbury. Said reimbursement shall be made if there are remaining funds generated from the TIF after annual debt service is paid by the Village on anticipated notes to be issued by the Village up to an amount of \$250,000 to support the public infrastructure improvements associated with the American Showa, Inc. Expansion Project.

Section 3. Use of these funds is conditioned on American Showa, Inc. agreeing to construct their proposed expansion project in the Sunbury Industrial Park, in the Village of Sunbury, and create a minimum of 48 new full-time permanent jobs as part of the proposed expansion project, with a minimum of 51% of these new jobs to be filled by qualifying LMI individuals, and agreeing to follow all applicable CDBG rules and regulations during the project time period, including environmental review clearance, proper procurement procedures and payment of Federal Prevailing Wage Rates, as appropriate.

Section 4. Use of these funds is conditioned on the Village of Sunbury agreeing to follow all applicable CDBG rules and regulations during the construction of the proposed roadway intersection infrastructure improvements, including environmental review clearance, proper procurement procedures and payment of Federal Prevailing Wage Rates, as appropriate.

Section 5. This resolution shall supersede and replace Resolutions 03-1370 and 05-430, which are both hereby repealed, and shall take effect and be in force immediately after its passage.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 06-348

IN THE MATTER OF AUTHORIZING THE EXECUTION OF AN ENTERPRISE ZONE SCHOOL COMPENSATION AGREEMENT WITH THE BIG WALNUT LOCAL SCHOOL DISTRICT, DELAWARE COUNTY, AND AMERICAN SHOWA, INC.:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following:

Whereas, the Ohio Enterprise Zone Program, pursuant to ORC Sections 5709.61 through 5709.69 authorizes municipalities and counties to grant real and/or personal property tax exemptions on eligible new investments; and

WHEREAS, the Village Council of Sunbury, Delaware County, Ohio, by Resolution Number 91-04, adopted on September 4, 1991, and Resolution Number 91-846, adopted by the Board of County Commissioners for Delaware County on November 18, 1991, designated the area as an Enterprise Zone pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective the 27th day of November, 1991, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution Number 91-846 contains the characteristics set forth in Section 5709.61(A)(2) of the Ohio Revised Code and certified said area an Enterprise Zone under said

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Chapter 5709; and

WHEREAS, the Village Council of Sunbury, Delaware County, Ohio, by Resolution Number 93-013, adopted on September 1, 1993, and Resolution Number 93-769, adopted by the Board of County Commissioners for Delaware County on October 25, 1993, expanded and re-certified the area as an Enterprise Zone pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective the 13th day of December, 1993, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Resolution Number 93-769 contains the characteristics set forth in Section 5709.61(A) (2) of the Ohio Revised Code and re-certified said area an Enterprise Zone under said Chapter 5709; and

WHEREAS, the County and the Village have determined that American Showa, Inc. satisfies the statutory criteria set forth in Section 5709.63 (D) of the Ohio Revised Code; and

WHEREAS, the County having the appropriate authority for the stated type of project desires to provide American Showa, Inc. with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, American Showa, Inc. has submitted a proposed agreement application to the County pursuant to 5709.63 of the Ohio Revised Code, said application hereinafter referred to as "APPLICATION"; and

WHEREAS, the Tax Incentive Negotiating Committee for the Delaware County / Village of Sunbury Enterprise Zone has investigated the APPLICATION of American Showa, Inc. and has recommended the same to the Village Council of Sunbury and the Delaware County Board of Commissioners on the basis that American Showa, Inc. is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of Delaware County; and

WHEREAS, the PROJECT site as proposed by American Showa, Inc. is located in the Big Walnut Local School District and the Boards of Education of the Big Walnut Local School District and Delaware Area Career Center School District have been notified in accordance with Section 5709.83 and have been given a copy of the APPLICATION; and

Whereas, the Village of Sunbury Council within Resolution Number 06-__ adopted on March __, 2006, has acted pursuant to ORC Section 5709.62 to grant a tax exemption to American Showa, Inc. by authorizing entering into an Enterprise Zone Agreement; and

Whereas, the Board of County Commissioners of Delaware County, within Resolution Number 06-__ adopted on March __, 2006, has acted pursuant to ORC Section 5709.62 to grant a tax exemption to American Showa, Inc. by authorizing entering into an Enterprise Zone Agreement; and

Whereas, Item 5 of the Enterprise Zone Agreement relating to the aforementioned project requires compensation to the Big Walnut School District for the sole benefit of educational initiatives.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio, as follows:

- Section 1. American Showa, Inc. shall make payments to the Big Walnut School District in accordance with the terms and conditions set forth in Section 5 of the Enterprise Zone Agreement and subject to the terms and conditions of a separate Compensation Agreement between American Showa, Inc., Big Walnut Local School District, the Village of Sunbury, and the Delaware County Board of Commissioners for the referenced project. These payments shall be made upon receipt of an invoice from the Delaware County Economic Development Department.
- Section 2. That the Board of Commissioners of Delaware County hereby authorizes the execution of an agreement by the Village of Sunbury, the Board of Commissioners of Delaware County, American Showa, Inc., and the Big Walnut School District to implement the Enterprise Zone Tax Exemption School Compensation arrangement for the American Showa, Inc. Expansion Project. Cash payments made by American Showa, Inc., to the Big Walnut School District shall be used for educational initiatives for the sole benefit of the Big Walnut School District.
- Section 3. The Big Walnut School District agrees to administer all moneys paid by American Showa, Inc.
- Section 4. This Agreement is enforceable only with an active Enterprise Zone Agreement and may be amended or modified by the parties, only in writing, signed by all parties to the agreement or by applicable law changes.
- Section 5. This Agreement sets forth the entire agreement and understanding between the parties as to the subject matter contained herein and merges and supersedes all prior discussions, agreements, and undertakings of every kind between the parties with respect to the subject matter of this agreement.

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Section 6. All payments, certificates, reports, and notices which are required to or may be given pursuant to the provisions of this Agreement shall be sent by regular mail, postage prepaid, and shall be deemed to have been given or delivered when so mailed to the following addresses:

Steve Mazzi, Interim Superintendent
Big Walnut Local School District
70 Walnut Street. P.O. Box 218
Galena, Ohio 43021

Kate O. Annis, Accounting Manager
American Showa, Inc.
707 West Cherry Street
Sunbury, Ohio 43074

Michael O'Brien
Village Administrator
Village of Sunbury
9 East Granville Street
Sunbury, Ohio 43074

Timothy Michael Boland, Director
Delaware County Economic Development
101 N. Sandusky Street
Delaware, Ohio 43015

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

Section 7. The invalidity of any provision of this Agreement shall not affect the other provisions of this Agreement, and this Agreement shall be construed in all respects as if any invalid portions were omitted.

Section 8. The Clerk of the Board of County Commissioners is directed to submit a certified copy of this Resolution to the Director of the Ohio Department of Development and the Director of the Ohio Department of Taxation.

Section 9. That this Resolution shall take effect and be in force immediately after its passage.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 06-349

A RESOLUTION AUTHORIZING EXECUTION OF AN ENTERPRISE ZONE AGREEMENT WITH AMERICAN SHOWA, INC. FOR THE AMERICAN SHOWA EXPANSION PROJECT:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following:

WHEREAS, the Delaware County Commissioners, with the consent of the Village Council of the Village of Sunbury, have designated an area in the Village of Sunbury as an Enterprise Zone, pursuant to the Ohio Enterprise Zone Act, which is contained in the Ohio Revised Code Sections 5709.61 through 5709.66, inclusive, and have encouraged the development of real property and investment in personal property therein; and

WHEREAS, the purpose of the Delaware County Enterprise Zone in the Village of Sunbury is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Zone; and

WHEREAS, the duly appointed Delaware County / Village of Sunbury Enterprise Zone Tax Incentive Negotiating Committee has reviewed and recommends approval of a proposed Enterprise Zone application submitted by an enterprise which desires to expand within said Enterprise Zone, and has determined that the Enterprise meets the Enterprise Zone Guidelines adopted by the Delaware County Board of Commissioners by Resolution Number 93-317 on May 17, 1993; and

WHEREAS, the Village Council of the Village of Sunbury has agreed to review such applications, to approve applications which meet the guidelines, and to forward all approved proposals to the Delaware County Board of Commissioners for final approval; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Delaware, State of Ohio as follows:

SECTION 1. That the Enterprise Zone Application submitted by American Showa, Inc. on April 1, 2005, as

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subsequently modified by the Agreement noted in SECTION 2 below is hereby approved.

SECTION 2. That the Board of County Commissioners hereby authorizes the execution of an agreement by the Village of Sunbury and the Board of Commissioners of Delaware County to implement the Enterprise Zone Tax Exemption Program for the American Showa, Inc. Expansion Project.

SECTION 3. The Clerk of the Board of Commissioners is directed to submit a certified copy of this Resolution to the Director of the Ohio Department of Development and the Director of the Ohio Department of Taxation.

SECTION 4. That this Resolution shall take effect and be in force immediately after its passage.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 06-350

A RESOLUTION AUTHORIZING UPDATING THE DELAWARE COUNTY ECONOMIC DEVELOPMENT ENTERPRISE ZONE AND COMMUNITY REINVESTMENT PROGRAM GUIDELINES:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the following:

WHEREAS, the Delaware County Commissioners have, from time to time, have designated areas within the County as Enterprise Zones, pursuant to the Ohio Enterprise Zone Act, which is contained in the Ohio Revised Code Sections 5709.61 through 5709.66, inclusive, and have designated areas within the County as Community Reinvestment Area's (CRA's), pursuant to Ohio Revised Code 3735, inclusive and have encouraged the development of real property and investment in personal property therein; and

WHEREAS, the purpose of the Delaware County Enterprise Zone and CRA Program is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Zones and Areas; and

WHEREAS, the Board of County Commissioners adopted the Enterprise Zone Program Guidelines by Resolution Number 93-317 on May 17, 1993 to assist in implementing said Enterprise Zones; and

WHEREAS, it has been determined that with the recent creation of CRA's and Enterprise Zone in Berlin Township and Liberty Township, and to maintain the Guidelines as a viable tool for assisting the implementation of the Enterprise Zone and Community Reinvestment Area's, the existing program Guidelines need to be updated;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, County of Delaware, State of Ohio as follows:

SECTION 1. That the Enterprise Zone and CRA Program Guidelines shall be updated as presented below.

SECTION 2. That this Resolution shall take effect and be in force immediately after its passage.

1. Introduction

A. In an effort to initiate aggregate expansion of Delaware County's economic base the Delaware County Board of County Commissioners (the Board) has designated Six (6) Enterprise Zone areas and three (3) Community Reinvestment Areas (CRA's) pursuant to Ohio Revised Code Sections (O.R.C) 5709.63 and 3735.65, as follows:

- City of Delaware Enterprise Zone
- Orange Township Enterprise Zone
- Berlin Township Enterprise Zone
- Liberty Township Enterprise Zone (Pending)
- Village of Sunbury Enterprise Zone
- Westerville Enterprise Zone
- Berlin Township CRA A-1
- Berlin Township CRA B-2

B. Enterprise Zones and CRA's are areas within which special tax incentives may be offered by agreement to businesses that agree to invest in capital improvements and to create and/or retain jobs. Tax incentives may be considered provided program guidelines are met, a substantial investment is made and jobs are either created or retained. All final tax abatement agreements must be approved by the Board of Commissioners prior to granting of the incentives to an enterprise and prior to the associated development project commencing. Proposed incentive agreements shall first be submitted to the designated Tax Incentive Negotiating Committee (TINC), and then be submitted to the Board of Delaware County Commissions for final

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approval. Approved incentive agreements shall be submitted to the Ohio Department of Development and the Ohio Department of Taxation within 15 days of said approval.

- C. New or existing businesses entering into a final incentive Agreement with Delaware County shall provide a schedule for job creation and/or retention and a schedule for capital expenditures. Should the actual expenditures and/or capital investment(s) for a development project approved for Delaware County tax incentives be less than the level committed to by the enterprise or should the actual jobs created and/or retained be less than the level committed to by the enterprise as part of the incentive agreement, the continuation of the abatement must be re-evaluated. The Delaware County Tax Incentive Review Council (TIRC) shall provide an annual written report to the Delaware County Board of Commissioners on the status of each incentive agreement, which may, depending on the circumstances, accept, reject, or modify the report or any part thereof.

2. Purpose

- A. The purpose of the Delaware County Enterprise Zone & Community Reinvestment Area program is to provide the community with an effective tool for managing and guiding economic development by:
1. Enhancing the tax base by encouraging and sustaining long term investment in the community.
 2. Enhancing the quality of life.
 3. Preserving existing and attracting new business investments within Delaware County.

3. Map and Location

Only those areas designated by both the legislative authority of the eligible township or municipality and the Board of Delaware County Commissioners shall be considered as eligible incentive areas. Such areas must be designated in conjunction with the Board.

See Appendix A for maps of designated Enterprise Zones and CRA's.

4. Eligible Businesses

- A. Only those eligible businesses that are "qualified by financial responsibility and business experience to create and/or preserve employment opportunities in established Delaware County Enterprise Zones and/or CRA's and to improve the economic climate of the community" may apply for the tax incentives available (Section 5709.63 (A) and 3735.65-70 of the O.R.C.)

B. Example of Eligible Businesses

Manufacturing (EZ & CRA eligible)
 Research and Development (EZ & CRA eligible)
 Warehouse & Distribution (EZ & CRA eligible)
 Service & Retail (CRA eligible)
 Office (CRA eligible – EZ eligible on case-by-case basis)
 Housing (may be eligible under the CRA Program)

- C. Neither tax on land nor the tax on any existing building or structure shall be eligible for abatement.

5. Minimum Assistance

In order to minimize the loss of potential new tax revenues, the minimum abatement necessary to induce the potential investment will be offered to the existing or new business applying for a tax incentive.

6. No Retroactivity

The tax incentive will only be offered when absolutely necessary to bring about the project investment. **No incentives shall be made available after an investment in building, equipment, or inventory for the proposed project has already occurred. In order to qualify to receive the tax incentive, the investment must take place subsequent to approval by the approving authority.** Any business interested in receiving tax incentives must show that the incentive requested is essential to cause the investment and, if not for available tax incentive, the investment will not be made.

Requirements

7. Degree of Investment Required and Impact on Jobs

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- A. Abatement may be granted to firms that meet both the abatement criteria set forth hereunder and that also make a positive impact on the development of the community. Only businesses that agree to make a substantial investment in either real property and/or personal property and that demonstrate a substantial commitment to the community may be eligible to receive the benefits available under the Enterprise Zone and CRA program.
- B. In Enterprise Zones, current inventory levels at an existing facility are not eligible for a personal property tax exemption. In addition, existing inventory transferred within the boundaries of the existing Enterprise Zone as a result of an expansion project is not eligible for an exemption, unless already exempted prior to said expansion project and the exemption is being continued only for the existing term and as provided for in the Ohio Revised Code. In the instance of an expansion, the value of inventory in excess of the amount or value of inventory required to be listed in the personal property tax return of the enterprise in the return for the tax year in which the agreement is entered into may be considered for tax incentives. Inventory transferred to a new site may be eligible for a personal property tax exemption if the transfer is the result of the enterprise expanding to a new location or the establishment of a new facility that does not negatively affect the tax revenue stream of the prior taxing jurisdiction.
- C. The amount of investment required to qualify as a substantial investment shall depend upon the facts and circumstances of each applying business, within the guidelines provided herein. In addition, any business applying for the incentives available, in addition to the other requirements herein, must agree by contract that their project will have a substantial positive impact on job opportunities and upon the area upon which the business is to be located.
- D. State law permits Enterprise Zone abatements of new real and personal property taxes of up to 60% for a period of up to ten (10) years, or an average of 50% over the term of the agreement, on improvements to real estate and new investments in plant and equipment when located within a township. All such enterprise zone agreements will be negotiated on a case-by-case basis. Incentives may be based on the general incentive ranges set forth in item F below. The maximum exemption levels set forth in the State law may only be exceeded with formal approval of the affected Boards of Education. In CRA's, the exemption permitted on new real property improvements can be up to 100% for up to 15 years.
- E. State law permits Enterprise Zone abatements of new real and personal property taxes of up to 75% for a period of up to ten (10) years, or an average of 60% over the term of the agreement, on improvements to real estate and new investments in equipment and inventory when located within a municipality. All such enterprise zone agreements will be negotiated on a case-by-case basis. Incentives may be based on the general incentive ranges set forth in item F below. The maximum exemption levels set forth in the State law may only be exceeded with formal approval of the affected Boards of Education. In CRA's, the exemption permitted on new real property improvements can be up to 100% for up to 15 years.
- F. As a general guideline for negotiations, Enterprise Zone and/or CRA incentives may be considered for a project when it meets or exceeds the following thresholds for total investment in real property improvements and personal property fixtures, equipment and/or inventory, and/or job and payroll creation/retention:

Criteria

Number of New Abatement or Retained Jobs	Minimum Investment in New Plant and/or Equipment	Minimum Annual Payroll	Potential Level of Exemption Term	
200+	\$30,000,000+	\$5,000,000+	60%	Negotiable
100 - 200	\$20,000,000	\$2,500,000	55%	Negotiable
50 - 99	\$10,000,000	\$1,250,000	50%	Negotiable
10 - 49	\$ 1,000,000	\$ 250,000	45%	Negotiable

Term and/or rates of incentives may be less than or exceed the guideline levels noted above based on the Tax Incentive Negotiating Committees determination of the potential community impact of a project under consideration.

- G. In addition to the proceeding guidelines, businesses requesting Enterprise Zone incentives desiring to reinvest in the community must conform to the Ohio State mandated guidelines contained in Section 5709.61 O.R.C.
- H. From time to time, the Board of County Commissioners may accept locally established Enterprise Zone and/or CRA guidelines from eligible townships, cities, or villages that may be more restrictive than the Delaware County Enterprise Zone & CRA guidelines contained herein.

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8. Location Within Delaware County Enterprise Zones and CRA's

Only businesses already located or proposed to be located within the boundaries of Delaware County's Enterprise Zones or CRA's designated by the Board may apply for tax incentives.

9. Other Requirements

In addition to the guidelines set forth herein, any business applying must comply with all local building, zoning and other development rules regulations and ordinances, and with all applicable local, county and state regulations pertaining to the Enterprise Zone and/or CRA program. All relocation projects in Delaware County requesting tax incentives shall be subject to the restrictions within the Ohio Enterprise Zone and CRA Program. Applicants must submit all information required by the County or the State of Ohio during the consideration of any request for incentive assistance.

10. School District Notification

Notice must be made in accordance with formal notification requirements as set forth in the Ohio Revised Code.

11. Good Corporate Citizens

Any business receiving tax incentives through the Delaware County Enterprise Zone is expected to maintain itself as a good corporate citizen and may be required to become a member of the local Chamber of Commerce and/or other civic or social organizations that enhance the quality of life of the community. During the negotiation process, other requirements may also be included as evidence of good corporate citizenship, including donation of goods and services to local schools and public entities, and donation of cash for school related activities.

12. Principals Only

Negotiations for tax incentives shall be conducted between the designated negotiating committee and the applicant. The applicant shall be the business owner, power of attorney of the owner, or other designee of the owner as authorized in writing to the satisfaction of the Negotiating Committee. The written authorization must authorize the appointee to bind the business owner(s) to the terms and conditions resulting from the negotiations with the Committee. The Negotiating Committee reserves the right to require an officer/employee of the business applying for incentive assistance to negotiate with the TINC.

13. Promotion

General information about Delaware County's Incentive Areas shall be widely distributed and the incentives available shall be promoted along with Ohio's and Delaware County's economic development resources.

14. Tax Incentive Review Council

- A. Pursuant to state law, a Tax Incentive Review Council shall be created to annually monitor compliance with the terms and conditions of any agreement approved by the Delaware County Board of County Commissioners. The Delaware County Tax Incentive Review Council shall review all agreements annually to determine whether participating businesses have complied with their terms and conditions. Based upon such review, the Tax Incentive Review Council shall make a report regarding each agreement.
- B. The Tax Incentive Review Council will then forward its report to the Delaware County Board of Commissioners, to the Chief executive officer of the affected township, city, or village, and the local school board.
- C. The Delaware County Board of Commissioners as a party to the agreement may take any action available to obtain compliance with the agreement.
- D. The Tax Incentive Review Council must be composed of the following members of whom at least two members are residents of the affected township, city or village:

Tax Incentive Review Council

- 1 The County Auditor or his/her designee
- 2 Members appointed by each of the City, Township or Village
Chief Executive Officers
- 1 Representative from each of the affected local School Board
- 1 Representative from the Delaware Career Center (JVS) when applicable

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3 Members appointed by the County Commissioners

15. Negotiating Agreements

The Board of Delaware County Commissioners, the legislative authority of each affected township or municipality, and local Board of Education shall mutually negotiate incentive agreements.

The Board of County Commissioners will be the lead agency with the initial application being filed at the Commissioners Office. The County Enterprise Zone manager will notify the affected township, municipality, and local School Board. The affected political subdivision will each appoint one representative to the Tax Incentive Negotiating Committee (TINC). Therefore, the three-member Negotiating Committee will consist of a representative from the County, the affected School District, and either the township or municipality within the incentive area.

All final tax abatement agreements must be approved by the Board prior to granting of tax incentives to an enterprise.

16. Administrative Fee

- A. A fee of \$750.00 will be assessed by the county at the time of the submission of any application for incentives to cover the state incentive application fees.
- B. The administrative fee is non-refundable.
- C. All fees shall be paid before the Board enters into a final Enterprise Agreement.

17. Application Procedures

- A. All information must be on State of Ohio prescribed form and any locally developed forms.
- B. Applications will be available from the Office of Delaware County Commissioners, Department of Economic Development.
- C. All applications must be completed and returned together with the administrative fee to the Delaware County Commissioners, Attn: Economic Development Director, 101 N. Sandusky Street, Delaware, Ohio, 43015. Two signed copies of the application will be required.

18. Continuing Obligation

During the term of any approved agreement, the business involved must continue to cooperate with County, City, School, Township, and/or Municipal officials by providing any reasonable information requested to ensure compliance with the terms of the tax incentive agreement.

19. Deadline

Pursuant to state law, the deadline for executing Enterprise Zone tax incentives agreement shall be October 15, 2009, or as extended by State Law. Any agreements negotiated prior to that time providing tax incentives for a period extending beyond the deadline shall remain in full force and effective until the end of the term of termination. There is no sunset provision associated with the CRA program.

20. No Duplication of Public Benefits

No business may use any combination of Enterprise Zone and Community Reinvestment Area benefits for the same investment or improvement; however, both programs can be used in combination for different investments within the same project.

21. Project Checklist (All or some of these items may be requested by the TINC):

- A. Initial Project Meeting – Business and DCED – Copy of Program Guidelines to Business.
- B. Application submitted by Business.
- C. Relocation Waiver application submitted by Business (if applicable).
- D. Financial Statements submitted by Business (last 3 years, and projections).
- E. Certificate of Good Standing from Ohio Secretary of State submitted by Business for each participating party in proposed agreement.
- F. Project files established by DCED.
- G. Draft Incentive Agreement prepared by DCED.
- H. Draft Security & Pledge Agreement prepared by DCED (if applicable).
- I. Draft School Compensation Agreement prepared by DCED.
- J. Send Drafts to legal staffs and local community officials for review.

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- K. Tax Incentive Negotiating Committee (TINC) Meeting (County, Local Community, Schools District).
- L. Minutes of TINC meeting prepared and issued by DCED.
- M. Notification to affected Community (minimum of 30 days prior to any legislative action if applicable) – DCED policy is to hand deliver.
- N. Notification to affected School District and Delaware Area Career Center (JVS) (minimum of 14 days prior to any legislative action) – DCED policy is to hand deliver.
- O. ODOT site visit to Business (if applicable).
- P. ODOT issues relocation waiver (if applicable).
- Q. Final Legal Staff approval of proposed Agreements.
- R. Local Government (Twp. Board or Municipal Council) takes action on tax incentive request (resolution).
- S. County Commissioners take action on tax incentive request (resolution).
- T. Official Tax Incentive package mailing to ODOT & ODOTax, and appropriate other entities – no more than 15 days after action by County Commissioners.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 06-351

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE TREASURER OFFICE:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following:

Supplemental Appropriation	Amount
10014101-5120 Treasurer/PERS	\$ 695.28
10014101-5131 Treasurer/Medicare	\$ 73.59
10014101-5102 Treasurer/Workers Comp	\$ 91.35
10014101-5001 Treasurer/Compensation	\$ 5,075.00
24414102-5120 Delinquent Tax Treasurer/PERS	\$ 695.28
24414102-5131 Delinquent Tax Treasurer/Medicare	\$ 73.59
24414102-5102 Delinquent Tax Treasurer/Workers Comp	\$ 91.35
24414102-5001 Delinquent Tax/Compensation	\$ 5,075.00

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 06-352

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL AND FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 10:08AM.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 06-353

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Evans, seconded by Mr. Jordan to adjourn out of Executive Session at 11:45AM.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

There being no further business, the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

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James D. Ward

Letha George, Clerk to the Commissioners