

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

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

Present:
Gary Merrell, President
Barb Lewis, Vice President
Jeff Benton, Commissioner

1
RESOLUTION NO. 18-1390

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 13, 2018:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on December 13, 2018; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

2
PUBLIC COMMENT

3
ELECTED OFFICIAL COMMENT

4
RESOLUTION NO. 18-1391

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1214 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1214:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1214, memo transfers in batch numbers MTAPR1214 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Commissioners P1803651 -1	CSEA Indirect Cost	23711630-5380	\$ 3,200.78
Commissioners P1803651-2	CSEA Indirect Cost	23711630-5335	\$ 5,992.75

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
R1805941	PROFESSIONAL DEVELOPMENT ACADEMY	HIGH PERFORMANCE LEADERSHIP TRAINING	10011303 - 5305	8,970.00
R1805998	ANDRITZ SEPARATION INC	REPAIR TO D4LL CENTRIFUGE AT OECC	66211903 - 5428	28,249.00
R1806032	FIRE STATION OUTFITTERS	EMS STATION SUPPLIES	10011303-5260	11,360.00
R1806051	I-CON SYSTEMS INC	STAINLESS STEEL MIRRORS	10011105-5201	9,999.75

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

6
RESOLUTION NO. 18-1392

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE BOARD OF DIRECTORS OF DELAWARE, KNOX, MARION, MORROW JOINT SOLID WASTE MANAGEMENT DISTRICT AND THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO FOR IMPLEMENTATION OF COUNTY RECYCLING AND LITTER PREVENTION OFFICE (CRLPO) SERVICES:

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

**AGREEMENT FOR IMPLEMENTATION
Delaware County Recycling Litter Prevention Office 2019**

This agreement made the 17th day of December, 2018, executed in multiple copies, each copy to constitute an original, by and between the Board of Directors .of Delaware, Knox, Marion, Morrow Joint Solid Waste Management District (the "District" or "DKMM") with offices at 117 East High Street, Suite 257, Mount Vernon, Ohio 43050, and the Board of Commissioners of Delaware County, Ohio (the "Delaware Board"), with its principal office located at 101 North Sandusky Street, Delaware, Ohio 43015.

WITNESSETH:

WHEREAS, the District was formed in accordance with 3734.52 of the Ohio Revised Code (ORC) as a joint four-county solid waste management district.

WHEREAS, the amended solid waste management plan for the District was approved on February 12, 2013.

WHEREAS, ORC 3734.52 and the approved solid waste management plan, as amended, allows the District to enter into contracts with its member counties within the District for the purpose of providing assistance as outlined in the approved plan, as amended, for the District under the allowable funding guidelines of Section VIII and as detailed programs in Section V of the amended plan.

WHEREAS, Section V of the solid waste management plan for the District provides for assistance to the Counties to assist and encourage the establishment of recycling drop-off centers, source reduction activities, education and awareness in the residential/commercial sector, participation in the District's special collection programs, the District's promotion of electronics recycling, market development, and business/industrial education and awareness.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which is acknowledged herein, the parties hereby agree as follows:

1. Agreement

The District agrees to contract with the Board of County Commissioners the amount of funds as set forth \$76,486.00 for fulfillment of obligations listed in Exhibit #1. It is expected that \$1,000 must be used to advertise the special collection events. All monies shall be maintained in a separate fund.

The expenditure of all funds must be detailed on the annual program report forms and must outline what was spent on advertising the special collection events.

2. Term

The term of this agreement shall commence on January 1, 2019 and terminate on December 31, 2019.

3. Payments

The District shall disburse the contract amount of \$76,486.00, subject to availability, per Delaware County in four quarterly payments as described: 30% January 2019 (\$22,945.80); 25% April 2019 (\$19,121.50); 25% July 2019 (\$19,121.50); and 20% October 2019 (\$15,297.20).

4. Allowables

a. Administrative Allowance: an allowance of 5% of the awarded grant may be used for administrative support/oversight for the CRLPO.

b. Personnel: costs for the program manager and/or dedicated staff (minimum requirement is 36 hours/week). Extended leave beyond 12 weeks will not be paid, through this contract, unless approved by the District Board. Any CRLPO utilizing a family insurance plan instead of a single coverage plan will receive a stipend of \$3,000 to be used to help offset the additional health insurance cost. These funds will be included in the total contract amount for those counties that qualify

c. Contracts: costs for any outside services used by the CRLPO to help them meet the responsibilities outlined in Exhibit #1.

d. Advertising: costs incurred to provide public notice through local media, of special events, meetings and/or activities that are related to the program's responsibilities as outlined in Exhibit #1.

e. Equipment: items/materials purchased to enable the program to provide the services needed to meet their responsibilities as: educational/awareness presentation displays, safety items for litter clean-up activities, public area recycling collection containers and signage, etc.

f. Travel/Training: costs for mileage incurred to meet program obligations as: meetings, presentations, events, activities, etc. - including registration and attending costs for in- state conferences and training

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

specifically related to recycling, litter prevention, waste reduction and environmental education programs.

- g. Office Supplies: supplies and equipment used for services provided as: copies, postage, phone, computer, etc.
- h. Awards/Recognition: costs incurred for materials, items, services, etc. that allow the CRLPO to publicly reward/recognize an individual, group, business or institution for their outstanding environmental achievement/contribution to their community.
- i. Other: materials, items, services that are necessary for the program to meet their responsibilities, but are not identified in the above allowable categories as: memberships, subscriptions, etc.

5. Reporting

The CRLPO agrees to file a copy of their annual program status reports with the District on forms prescribed by the District (Exhibits #2 - #5). The President of the Board of County Commissioners shall sign the Program Status Report. Only reports filed according to this schedule will be reported to the District Board. The report is due on the following dates.

Dates Covered	Report Due
January 1 - December 31	January 31, 2020

6. Remittance and Carryover

The Board of County Commissioners agrees to reimburse the District for any and all funds not utilized for allowable activities at the end of each year. Remittance shall be accomplished by February 28, 2020. The District will allow a maximum carryover of ten percent (10%) of the total contract amount into the next program year. This money can be used to cover personnel and other expenses related to this contract for the beginning of the following year; to match grants as allowed by the grant program/administrator or for special projects throughout the year. This money does not accumulate from year to year and cannot exceed 10% of the contract amount at any time.

The carryover money must be documented on the half year and end of year reports that are submitted to the District. The District will remit any unused funds into the Reimbursement Account #952.1620.40909 for future use by any District program. If the described equipment or machinery set forth in Exhibit #3 is no longer in service for applicable programs, the equipment or machinery shall be turned over to the District for use elsewhere or, at the parties' mutual written agreement, shall be sold by sealed bid or auction and the sale money returned to the District for deposit in the Reimbursement Account #952.1620.40909 for future used by the District.

7. Termination

This agreement may be terminated by the District upon the occurrence of either of the following: A) notification from a Board of County Commissioners stating a wish to terminate the contract and return any and all funds awarded and unexpended, or B) improper use of District funds for items other than those listed in Section V of the District Plan and identified in Exhibit #1, or C) not fulfilling the duties identified in Exhibit #1 and the County Marketing Plan. Termination will occur immediately upon notification of the occurrence of the above listed events. Notification of termination will be sent by certified mail to the Board of County Commissioners. Future expenditures of District funds beyond the effective date of termination are prohibited. If this Agreement is terminated, then the District may, but is not required to, designate another agency within the District to provide CRLP services to the appropriate County. Additionally, this Agreement may be terminated upon mutual written consent of both parties.

8. Resolving Disputes

The parties agree that if any dispute or other issue arises between the District's staff and the staff of a CRLPO, that it shall first be attempted to be resolved by the District Director and the CRLPO's Program Manager. If they are unable to reach a mutually satisfactory resolution to the dispute, then this issue shall be referred to the Board of Directors for final resolution.

9. Entire Agreement

This agreement shall constitute the entire agreement between the parties, and any prior understanding or representations of any kind related to the subject matter of this Agreement preceding the date of this Agreement shall not be binding upon any party, except to the extent incorporated in this Agreement.

DKMM Solid Waste District Board of Directors

Delaware County Commissioners

**Exhibit #1
Responsibilities of County Recycling and Litter Prevention Offices**

The following are the responsibilities of the County Recycling and Litter Prevention Offices (CRLPO) as outlined in the current Solid Waste Management Plan (pages V-16 to V-20) and agreed upon in the 2019

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

Agreement for Implementation.

CRLPO will submit a 2019 budget and marketing plan no later than January 4, 2019. These documents will outline the intended programs and associated expenses along with a general timeline for implementation for the 2019 program year. A format will be provided by DKMM for the marketing plan.

Program Focus Areas for 2019

Contamination Reduction Focus will be placed on reducing the contamination found in the county recycling drop-off containers. An educational program(s) focused on "recycling right" should be developed and implemented this contract term. This should include at a minimum, adult education workshops on the basics of recycling and the development of a simply worded handout on where and what to recycle. Face to face multi-day survey/education effort must occur at a minimum of one site with the worst contamination. Volunteers and staff should be used to meet this criteria. Additional programs and ideas should be developed based on the specific county need(s).

Working with Largest City/Village Work with the largest city/village officials to provide education to residents on curbside programs. This can be done via water bill inserts and/or a direct mailing once a year. Regular contact should be made with municipal officials with an ultimate goal of encouraging more residents to participate in the curbside program and reducing contamination.

Permanent Electronics Recycling Initiate an ongoing permanent electronics recycling program (including televisions). The program should be available to residents at least one Saturday a quarter. This can be done by working with existing programs to extend hours by utilizing volunteers, non-profits etc.

Common Elements

- a) Provide annual program budget to the District at the beginning of the program year
- b) Develop an annual marketing plan that addresses how you will meet the following goals for each of the five audiences listed below (format provided by DKMM)
- c) Submit an up to date inventory of all DKMM purchased equipment. This should be an ongoing list as an excel spreadsheet that is updated annually
- d) Regularly maintain a website with at least the minimum requirements outlined on page V-19 of the Solid Waste Management Plan
- e) Be readily available and proactive in identifying opportunities to speak about recycling and waste management programs with a focus on adult audiences
- f) Meet quarterly with your Advisory Council/Board
- g) Provide articles and pictures for District newsletters, website and annual reports
- h) Regularly attend District-CRLPO meetings
- i) Be in attendance at special collection event(s)
- j) All marketing and educational material must state something similar to "Recycling and Litter Prevention Program funded by the DKMM Solid Waste District" or display the DKMM logo.

Residential Audience

Goal- to increase the amount and quality of participation in recycling programs offered in the District including curbside, drop-off, buy-back and other special recycling events.

- a. Annually conduct and update an Infrastructure Inventory (information on curbside and drop-off locations; composting locations, yard waste collection programs, hauler provided recycling programs, material recovery facilities, recycling centers and scrap yards).
- b. Annually update Residential Recycling Guide and make available on your website and in print
- c. Drop-off Inventory-once a year inventory all drop-off bins and take note of needed bin repairs, signs/stickers and other general site improvements needed and report to the District.
- d. Ensure our drop-off sites are clean and safe. Inspect and maintain each site on a regular basis through site hosts, volunteers, adopting groups and yourself. Illegally dumped items and litter should be taken care of within 24 hours.
- e. Assist with Special Collections and education. Educate residents on proper handling of hazardous waste and how to reduce the need for it throughout the year; work with fair boards to set event dates; disseminate event fliers and event details to free sources (fliers and PSA provided by the District); spend at least \$1,000 advertising events; get volunteers to assist the day of events; answer calls related to collection event, (may require special tire instructions); compile survey data as needed. Must be in attendance at event(s).
- f. Promote the use of drop-off and curbside recycling programs as well as outline what is recyclable in each program.
- g. Promote the use of our yard waste facilities as well as backyard composting (Don't Bag It).

Commercial Businesses and Institutions Audience

Goal- incorporate recycling into the operations of as many businesses and institutions, including schools, colleges, and universities as possible by working with Chamber of Commerce, downtown merchant

COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018

associations, Education Service Centers, etc. (school recycling that is lead by school and not students).

- a) Conduct waste audits at businesses, industries, schools and government institutions.
- b) Distribute and make available on your website "A Guide for Waste Disposal and Recycling for Business".
- c) Engage the assistance of businesses and institutions in reporting recycling and waste reduction activities and the amounts associated with the activities to the District on the Annual Survey.
- d) Assist businesses and institutions with implementing new or reworking current recycling programs so they are easily incorporated into daily operations.
- e) Ensure recycling at all county buildings.
- f) Work with vendors and fair board to develop and implement vendor and public recycling at county fair and other community fairs/festivals.
- g) Promote buying recycled and practice yourself by purchasing supplies made from recycled products when possible.

Communities and Elected Officials Audience

Goal- increase the number of communities that provide and actively promote recycling opportunities for residents.

- a) Annual Curbside Inventory of public education and promotion activities and methods that are utilized by each local government that offers curbside recycling programs.
- b) Work with a minimum of one community to determine the feasibility of implementing curbside recycling.
- c) Identify opportunities to help communities increase the quantity and quality of participation in curbside programs.
- d) Identify and implement activities which will allow local elected officials and other community leaders to become more engaged with public outreach designed to increase awareness of recycling opportunities in their communities.
- e) Provide recycling at community events (local festivals etc.) through the development of a clear stream recycling container loan program.

School Age Youth Audience

Goal 1- provide waste reduction, recycling, and waste management education to youth through schools and youth organizations

Goal 2- work with schools and organizations to create opportunities for youth to participate in practical waste reduction and recycling as part of their everyday routine. (School recycling that is student lead).

Industry Audience

Goal- provide information and technical assistance in response to specific needs and to engage industry in supporting public outreach programs giving the industries public recognition for their efforts and support.

- a) Engage the assistance of industry in reporting recycling and waste reduction activities and the amounts associated with the activities to the District on the Annual Survey
- b) Assist industry with implementing new or reworking current recycling programs so they are easily incorporated into daily operations.
- c) Conduct waste audits at businesses, industries, schools and government institutions.
- d) Distribute and make available the Business Waste Guide.

Exhibit #2 Report Cover Page

REPORT DUE: January 31, 2020 DATE OF REPORT: _____

ITEMS TO BE INCLUDED WITH THE REPORT

- A. Auditors Report dated 12-31-19.
- B. Detailed explanation of expenditures on the Financial Report provided.
- C. Itemized listing of purchase orders carried into 2020.
- E. Detailed explanation of activities .on the Activity Report provided.
- D. An up to date inventory list.
- E. Disposal of Equipment Form as provided (if applicable).

REVENUE

1.	Unexpended balance on 1-1-2019	\$ _____
2.	Total DKMM Funds received year to date	\$ _____
3.	Miscellaneous Reimbursements 2019 (workers comp. refunds etc.)	\$ _____
4.	Total DKMM Funds Available (add lines 1, 2, 3)	\$ _____

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

EXPENDITURES (totals from the Financial Report)

Salaries	\$ _____
Fringe Benefits	\$ _____
Contracts	\$ _____
Equipment	\$ _____
Supplies	\$ _____
Advertising (general)	\$ _____
Event Advertising (minimum \$1,000)	\$ _____
Awards	\$ _____
Travel	\$ _____
Other	\$ _____
Total DKMM Funds Available (line 4 above)	\$ _____
Total All Expenditures 2019	\$ _____
Total of Purchase Orders Carried into 2020	\$ _____
* Unencumbered Fund Balance	\$ _____

(Unencumbered fund balance = total funds-expenditures -purchase orders carried into 2020)

*If the unencumbered fund balance is more than 10% of the total contract amount, the difference must be paid to DKMM as outlined in the agreement.

I hereby certify that all expenditures listed, as funded by the Delaware, Knox, Marion, Morrow Solid Waste District, were expended in accordance with the guidelines of this Agreement.

Print Name _____
President, County Commissioners

Signature _____

Report prepared by _____

**Exhibit 3
Financial Report**

Financial Report											
					County _____						
					Report Period _____						
Date	Expense	Salary	Fringe	Contracts	Equipment	Supplies	Advertising (General)	Advertising (Special Events)	Awards	Travel	Other
	TOTAL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**Exhibit 4
Activities Report**

Instructions Report ALL activities that you have done as it relates to the DKMM contract. Give detail! Do NOT report "third grade program on recycling" instead report "School Name, third grade (1 class), paper making. Do NOT report "paid ad in paper" instead report "paid ad in the Newspaper Name on Styrofoam Collection"							
Activity	# of Participants (if applicable)	Audience Reached (mark all that apply)					
		Residential	Commercial	Industry	School Age	Government	Other

**Exhibit #5
Disposal of Equipment and Machinery Purchased with District Funds**

Item no longer needed: -----
 Original Purchase Date: -----
 Why are you disposing of the item? -----
 What is your recommended method for disposal? -----

COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018

Item no longer needed: -----
Original Purchase Date: -----
Why are you disposing of the item? -----
What is your recommended method for disposal? -----

Item no longer needed: -----
Original Purchase Date: -----
Why are you disposing of the item? -----
What is your recommended method for disposal? -----

Item no longer needed: -----
Original Purchase Date: -----
Why are you disposing of the item? -----
What is your recommended method for disposal? -----

You must attach an up to date inventory sheet with this attachment.

Program Manager: Date:
District Director: Date:

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

Orange Road TIF – Resolution only

7

RESOLUTION NO. 18-1393

A RESOLUTION DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; ESTABLISHING A REDEVELOPMENT TAX EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS.

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

WHEREAS, Ohio Revised Code Sections 5709.77 to 5709.80 (collectively, the “TIF Statutes”) authorize the legislative authority of a county, by resolution, to declare the improvement to parcels of real property located within the unincorporated territory of the county to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish a redevelopment tax equivalent fund for the deposit of the those service payments, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, this Board has determined to declare the improvements to certain parcels of real property, which parcels are further described in Section 1, to be a public purpose; and

WHEREAS, this Board desires to provide for the construction and/or installation of the public infrastructure improvements described in Section 2; and

WHEREAS, notice of this proposed Resolution has been delivered to the Boards of Education of the Olentangy Local School District and the Delaware Area Career Center in accordance with and within the time periods prescribed in Ohio Revised Code Sections 5709.78 and 5709.83;

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

Section 1. Parcels of Real Property. The parcels of real property subject to the exemption granted by this Resolution are identified and depicted in **EXHIBIT A** attached hereto (each, as currently or subsequently configured, individually, a “Parcel” and collectively, the “Parcels”).

Section 2. Public Infrastructure Improvements. This Board hereby designates the public infrastructure improvements described in **EXHIBIT B** attached hereto (the “Public Infrastructure Improvements”) and any other public infrastructure improvements hereafter designated by resolution as public infrastructure improvements made, to be made or in the process of being made by the County that directly benefit, or that once made will directly benefit, the Parcels.

Section 3. Authorization of Tax Exemption. This Board hereby finds and determines that 75% of the increase in assessed value of each Parcel subsequent to the effective date of this Resolution (which increase in assessed value is hereinafter referred to as the “Improvement” as defined in Ohio Revised Code Section 5709.77(D)) is hereby declared to be a public purpose and shall be exempt from taxation in accordance with Ohio Revised Code Section 5709.78(A) for a period commencing for each Parcel with the first tax year that begins after the effective date of this Resolution and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

duplicate of real and public utility property were it not for the exemption granted by this Resolution and ending on the earlier of (a) ten (10) years after such commencement or (b) the date on which the County can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 4 are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

Section 4. Service Payments. Pursuant to Ohio Revised Code Section 5709.79, the owner of each Parcel is hereby required to and shall make service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Delaware County, Ohio (the "*County Treasurer*") on or before the final dates for payment of real property taxes. The service payments in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3 of this Resolution, including any penalties and interest (collectively, the "*Service Payments*"). The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reductions required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "*Property Tax Rollback Payments*"), shall be allocated, distributed and deposited in accordance with Section 6 of this Resolution.

Section 5. TIF Fund. This Board hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.80, the Orange Road Tax Equivalent Fund (the "*TIF Fund*"). The TIF Fund shall be maintained in the custody of the County and shall receive all distributions to be made to the County pursuant to Section 6 of this Resolution. Those Service Payments and Property Tax Rollback Payments received by the County with respect to the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.80 shall be used solely for the purposes authorized in the TIF Statutes or this Resolution. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the County's General Fund, all in accordance with Ohio Revised Code Section 5709.80.

Section 6. Distributions. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments to the County for further deposit into the TIF Fund for (a) payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any securities of the County issued to pay or reimburse financing costs or costs of those Public Infrastructure Improvements and (b) any other lawful purpose.

All distributions required under this Section 6 are requested to be made at the same time and in the same manner as real property tax distributions.

Section 7. Further Authorizations. The County Commissioners, or any of them, the County Auditor, the County Prosecutor, the County Treasurer, the County Administrator, the Economic Development Director, the Clerk of this Board and other County officials, as appropriate, are each authorized and directed to make such arrangements as are necessary and proper for collection of the Service Payments and the Property Tax Rollback Payments and to prepare and sign all documents and instruments and to take any other actions as may be appropriate to implement this Resolution.

Section 8. Tax Incentive Review Council. The applicable Tax Incentive Review Council, with the membership of that Council to be constituted in accordance with Section 5709.85 of the Ohio Revised Code, shall, in accordance with Section 5709.85 of the Ohio Revised Code, review annually all exemptions from real property taxation granted by this Resolution and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

Section 9. Filings with Ohio Development Services Agency. Pursuant to Ohio Revised Code Section 5709.78(H), the Economic Development Director or designee is hereby directed to deliver a copy of this Resolution to the Director of the Ohio Development Services Agency within fifteen days after its effective date. Further, and on or before March 31 of each year that the tax exemption authorized by Section 3 remains in effect, the Economic Development Director or other authorized officer of the County is directed to prepare and submit to the Director of the Ohio Development Services Agency the status report required under Ohio Revised Code Section 5709.78(H).

Section 10. Open Meetings. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board or any of its committees, and that all deliberations of this Board 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 Ohio Revised Code Section 121.22.

Section 11. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

**EXHIBIT A
IDENTIFICATION AND MAP OF THE PARCELS**

COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018

The shaded area on the following map specifically identifies and depicts the Parcels and constitutes part of this EXHIBIT A. The Parcels include, without limitation, the tax parcels listed below (as they existed in the County Auditor’s records on October 8, 2018).

Parcel #	Parcel #	Owner	Address	Acreage	Market Value
1	31831203003000	T&R PROPERTIES INC	HIGHFIELD DRIVE, LEWIS CENTER 43035	9.12	\$593,200
2	31823001018000	L&P BROTER HEATH HOLDINGS LLC	NORTH CENTRAL DRIVE, LEWIS CENTER 43035	2.70	\$206,600
3	31831203001004	CONTINENTAL INVESTMENTS LTD	7920 HIGHFIELD DRIVE, LEWIS CENTER 43035	3.00	\$540,000
4	31831203001003	MGS PARTNERS LLC	E. ORANGE ROAD, LEWIS CENTER 43035	3.01	\$376,300
5	31831203001002	MGS PARTNERS LLC	E. ORANGE ROAD, LEWIS CENTER 43035	3.07	\$383,500
6	31832101002000	BROADLEY ROBERT E. GOTT MARY LOU	388 E. ORANGE ROAD, LEWIS CENTER 43035	4.72	\$179,900
7	31832101003000	MACDONALD K BRADEN CHERRIE L	350 E ORANGE ROAD, LEWIS CENTER 43035	3.35	\$313,500
8	31823404003000	7991 COLUMBUS PIKE LLC	COLUMBUS PIKE, LEWIS CENTER 43035	6.68	\$248,700
9	31823403008000	WATTANASARN DESIREE & FISCHER PANPILAS	US HIGHWAY 23, LEWIS CENTER 43035	3.31	\$100,000
10	31832102004000	SCHOEDINGER FINANCIAL SERVICES INC	US HIGHWAY 23, DELAWARE 43015	7.07	\$1,049,800
11	31824003002000	GATEHOUSE MEDIA OHIO HOLDINGS II INC	NORTH CENTRAL DRIVE, LEWIS CENTER 43035	1.20	\$96,900
12	31824003005000	GATEHOUSE MEDIA OHIO HOLDINGS II INC	NORTH CENTRAL DRIVE, LEWIS CENTER 43035	1.30	\$150,500



- | | | | |
|-----------------------|-----------------------|-----------------------|------------------------|
| 1: 318-312-03-003-000 | 4: 318-312-03-001-003 | 7: 318-321-01-003-000 | 10: 318-321-02-004-000 |
| 2: 318-230-01-018-000 | 5: 318-312-03-001-002 | 8: 318-234-04-003-000 | 11: 318-240-03-002-000 |
| 3: 318-312-03-001-004 | 6: 318-321-01-002-000 | 9: 318-234-03-008-000 | 12: 318-240-03-005-000 |

EXHIBIT B
PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements include the construction of an underpass with an at grade CSX/NS Railroads railroad bridge combined with lowering E. Orange Road, any and all transportation oriented infrastructure improvements and sanitary sewer infrastructure improvements on or near the Parcels that will directly benefit the Parcels, along with the general TIF area, and all related appurtenances (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code) and in each case, together with transportation improvements, including constructing, reconstructing, extending, opening, widening, grading, draining, curbing, paving, resurfacing, and traffic signage and signalization, bridges or tunnels, public utilities, including water, sanitary sewer, storm sewers, storm water improvements, burial and/or relocation of utility lines, gas, electric and communications service facilities (including fiber optics), street lighting, business signage restoration or improvements, landscaping, aesthetic improvements, sidewalks, bikeways, acquisition of interests in real property, erosion and sediment control measures, and acquisition of related equipment, each together with all other necessary appurtenances thereto, which improvements will benefit the Parcels.

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

OSU TIF – Resolution only

8

RESOLUTION NO. 18-1394

A RESOLUTION DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; ESTABLISHING A REDEVELOPMENT TAX EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; AND SPECIFYING THE PUBLIC

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, Ohio Revised Code Sections 5709.77 to 5709.80 (collectively, the “*TIF Statutes*”) authorize the legislative authority of a county, by resolution, to declare the improvement to parcels of real property located within the unincorporated territory of the county to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish a redevelopment tax equivalent fund for the deposit of the those service payments, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, this Board has determined to declare the improvements to certain parcels of real property, which parcels are further described in Section 1, to be a public purpose; and

WHEREAS, this Board desires to provide for the construction and/or installation of the public infrastructure improvements described in Section 2; and

WHEREAS, notice of this proposed Resolution has been delivered to the Boards of Education of the Olentangy Local School District and the Delaware Area Career Center in accordance with and within the time periods prescribed in Ohio Revised Code Sections 5709.78 and 5709.83;

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

Section 1. Parcels of Real Property. The parcels of real property subject to the exemption granted by this Resolution are identified and depicted in **EXHIBIT A** attached hereto (each, as currently or subsequently configured, individually, a “*Parcel*” and collectively, the “*Parcels*”).

Section 2. Public Infrastructure Improvements. This Board hereby designates the public infrastructure improvements described in **EXHIBIT B** attached hereto (the “*Public Infrastructure Improvements*”) and any other public infrastructure improvements hereafter designated by resolution as public infrastructure improvements made, to be made or in the process of being made by the County that directly benefit, or that once made will directly benefit, the Parcels.

Section 3. Authorization of Tax Exemption. This Board hereby finds and determines that 75% of the increase in assessed value of each Parcel subsequent to the effective date of this Resolution (which increase in assessed value is hereinafter referred to as the “*Improvement*” as defined in Ohio Revised Code Section 5709.77(D)) is hereby declared to be a public purpose and shall be exempt from taxation in accordance with Ohio Revised Code Section 5709.78(A) for a period commencing for each Parcel with the first tax year that begins after the effective date of this Resolution and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property were it not for the exemption granted by this Resolution and ending on the earlier of (a) ten (10) years after such commencement or (b) the date on which the County can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 4 are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

Section 4. Service Payments. Pursuant to Ohio Revised Code Section 5709.79, the owner of each Parcel is hereby required to and shall make service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Delaware County, Ohio (the “*County Treasurer*”) on or before the final dates for payment of real property taxes. The service payments in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3 of this Resolution, including any penalties and interest (collectively, the “*Service Payments*”). The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reductions required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “*Property Tax Rollback Payments*”), shall be allocated, distributed and deposited in accordance with Section 6 of this Resolution.

Section 5. TIF Fund. This Board hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.80, the OSU Medical/Home Road Tax Equivalent Fund (the “*TIF Fund*”). The TIF Fund shall be maintained in the custody of the County and shall receive all distributions to be made to the County pursuant to Section 6 of this Resolution. Those Service Payments and Property Tax Rollback Payments received by the County with respect to the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.80 shall be used solely for the purposes authorized in the TIF Statutes or this Resolution. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the County's General Fund, all in accordance with Ohio Revised Code Section 5709.80.

Section 6. Distributions. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments to the County for further deposit into the TIF Fund for (a)

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any securities of the County issued to pay or reimburse financing costs or costs of those Public Infrastructure Improvements and (b) any other lawful purpose.

All distributions required under this Section 6 are requested to be made at the same time and in the same manner as real property tax distributions.

Section 7. Further Authorizations. The County Commissioners, or any of them, the County Auditor, the County Prosecutor, the County Treasurer, the County Administrator, the Economic Development Director, the Clerk of this Board and other County officials, as appropriate, are each authorized and directed to make such arrangements as are necessary and proper for collection of the Service Payments and the Property Tax Rollback Payments and to prepare and sign all documents and instruments and to take any other actions as may be appropriate to implement this Resolution.

Section 8. Tax Incentive Review Council. The applicable Tax Incentive Review Council, with the membership of that Council to be constituted in accordance with Section 5709.85 of the Ohio Revised Code, shall, in accordance with Section 5709.85 of the Ohio Revised Code, review annually all exemptions from real property taxation granted by this Resolution and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

Section 9. Filings with Ohio Development Services Agency. Pursuant to Ohio Revised Code Section 5709.78(H), the Economic Development Director or designee is hereby directed to deliver a copy of this Resolution to the Director of the Ohio Development Services Agency within fifteen days after its effective date. Further, and on or before March 31 of each year that the tax exemption authorized by Section 3 remains in effect, the Economic Development Director or other authorized officer of the County is directed to prepare and submit to the Director of the Ohio Development Services Agency the status report required under Ohio Revised Code Section 5709.78(H).

Section 10. Open Meetings. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board or any of its committees, and that all deliberations of this Board 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 Ohio Revised Code Section 121.22.

Section 11. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

**EXHIBIT A
IDENTIFICATION AND MAP OF THE PARCELS**

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

The shaded area on the following map specifically identifies and depicts the Parcels and constitutes part of this EXHIBIT A. The Parcels include, without limitation, the tax parcels listed below (as they existed in the County Auditor's records on October 8, 2018).

Parcel #	Parcel #	Owner	Address	Acreage	Market Value
1	31921002009001	GOLF VILLAGE NORTH LLC	0, POWELL 43065	1.12	\$309,600
2	31921002008001	GOLF VILLAGE NORTH, LLC	7142 LIMERICK LN, POWELL 43065	1.13	\$219,100
3	31921002007001	GOLF VILLAGE NORTH, LLC	0	1.13	\$219,100
4	31921002006001	GOLF VILLAGE NORTH, LLC	0	1.21	\$234,100
5	31921002005001	GOLF VILLAGE NORTH, LLC	0	1.63	\$315,700
6	31921002004001	GOLF VILLAGE NORTH, LLC	0	1.81	\$350,400
7	31921002002001	R & KC ADVENTURES II LLC	7352 LIMERICK LN, POWELL 43065	1.84	\$600,000
8	31921002001001	GOLF VILLAGE NORTH, LLC	0	1.40	\$270,800
9	31921002014002	GOLF VILLAGE NORTH, LLC	0	4.58	\$663,600
10	31921002015002	GOLF VILLAGE NORTH, LLC	0	1.75	\$338,300
11	31921002010001	GOLF VILLAGE NORTH, LLC	3315 ROYAL BELFAST BLVD, POWELL 43065	8.62	\$2,378,300
12	31921002017001	GOLF VILLAGE NORTH, LLC	0	8.38	\$889,800
13	31924001019000	SCHIRTZINGER RANDOLPH A & REVA R	HOME RD POWELL OH 43065	4.87	\$316,800
14	31924001025000	MCCLURG, DANIEL	3296 HOME ROAD	0.71	\$151,200
15	31924001018000	SCHIRTZINGER RANDOLPH A & REVA R	3232 HOME RD, POWELL 43065	0.94	\$113,200
16	31924001010001	SCHIRTZINGER RANDOLPH A & REVA R	3208 HOME RD, POWELL 43065	0.83	\$156,600
17	31924001009000	SCHIRTZINGER RANDOLPH A & REVA R	3156 HOME RD, POWELL 43065	0.82	\$95,100
18	31924001010000	SCHIRTZINGER RANDOLPH A & REVA R	3174 HOME RD, POWELL 43065	9.99	\$650,100



**EXHIBIT B
PUBLIC INFRASTRUCTURE IMPROVEMENTS**

The Public Infrastructure Improvements include the construction of any and all transportation oriented infrastructure improvements and sanitary sewer infrastructure improvements on or near the Parcels that will directly benefit the Parcels, along with the general TIF area, and all related appurtenances (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code) and in each case, together with transportation improvements, including constructing, reconstructing, extending, opening, widening, grading, draining, curbing, paving, resurfacing, and traffic signage and signalization, bridges or tunnels, public utilities, including water, sanitary sewer, storm sewers, storm water improvements, burial and/or relocation of utility lines, gas, electric and communications service facilities (including fiber optics), street lighting, business signage restoration or improvements, landscaping, aesthetic improvements, sidewalks, bikeways, acquisition of interests in real property, erosion and sediment control measures, and acquisition of related equipment, each together with all other necessary appurtenances thereto, which improvements will benefit the Parcels.

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

Kerbler TIF – Resolution plus School Compensation Agreement (as an exhibit)

9

RESOLUTION NO. 18-1395

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

A RESOLUTION DECLARING THE IMPROVEMENT TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE AND EXEMPT FROM TAXATION; ESTABLISHING A REDEVELOPMENT TAX EQUIVALENT FUND AND PROVIDING FOR THE COLLECTION AND DEPOSIT OF SERVICE PAYMENTS INTO THAT FUND; AND SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS DIRECTLY BENEFITING THE PARCELS:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

WHEREAS, Ohio Revised Code Sections 5709.77 to 5709.80 (collectively, the “*TIF Statutes*”) authorize the legislative authority of a county, by resolution, to declare the improvement to parcels of real property located within the unincorporated territory of the county to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, establish a redevelopment tax equivalent fund for the deposit of the those service payments, and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, this Board has determined to declare the improvements to certain parcels of real property, which parcels are further described in Section 1, to be a public purpose; and

WHEREAS, this Board desires to provide for the construction and/or installation of the public infrastructure improvements described in Section 2; and

WHEREAS, notice of this proposed Resolution has been delivered to the Boards of Education of the Olentangy Local School District and the Delaware Area Career Center in accordance with and within the time periods prescribed in Ohio Revised Code Sections 5709.78 and 5709.83; and

WHEREAS, the Olentangy Local School District, pursuant to a resolution of the Board of Education of the Olentangy Local School District adopted on _____, 2018, has approved the TIF Exemption and waived the notice requirements of Ohio Revised Code Sections 5709.78, 5709.83 and 5715.27; and

WHEREAS, the Delaware County Career Center, pursuant to a resolution of the Board of Education of the Delaware Area Career Center adopted on _____, 2018, has acknowledged and consented to the TIF Exemption, and waived the notice requirements of Ohio Revised Code Sections 5709.78, 5709.83 and 5715.27;

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

Section 1. Parcels of Real Property. The parcels of real property subject to the exemption granted by this Resolution are identified and depicted in **EXHIBIT A** attached hereto (each, as currently or subsequently configured, individually, a “*Parcel*” and collectively, the “*Parcels*”).

Section 2. Public Infrastructure Improvements. This Board hereby designates the public infrastructure improvements described in **EXHIBIT B** attached hereto (the “*Public Infrastructure Improvements*”) and any other public infrastructure improvements hereafter designated by resolution as public infrastructure improvements made, to be made or in the process of being made by the County that directly benefit, or that once made will directly benefit, the Parcels, provided that all public infrastructure improvements are to be made within the jurisdictional boundary of the Olentangy Local School District.

Section 3. Authorization of Tax Exemption. This Board hereby finds and determines that 75% of the increase in assessed value of each Parcel subsequent to the effective date of this Resolution (which increase in assessed value is hereinafter referred to as the “*Improvement*” as defined in Ohio Revised Code Section 5709.77(D)) is hereby declared to be a public purpose and shall be exempt from taxation in accordance with Ohio Revised Code Section 5709.78(A) for a period commencing for each Parcel with the first tax year that begins after the effective date of this Resolution and in which an Improvement attributable to a new structure on that Parcel first appears on the tax list and duplicate of real and public utility property were it not for the exemption granted by this Resolution and ending on the earlier of (a) twenty (20) years after such commencement or (b) the date on which the County can no longer require service payments in lieu of taxes, all in accordance with the requirements of the TIF Statutes. The real property tax exemption granted pursuant to this Section and the payment obligation established pursuant to Section 4 are subject and subordinate to any real property tax exemption granted pursuant to Sections 3735.65 to 3735.70 or Sections 5709.61 to 5709.69 of the Ohio Revised Code.

Section 4. Service Payments. Pursuant to Ohio Revised Code Section 5709.79, the owner of each Parcel is hereby required to and shall make service payments in lieu of taxes with respect to the Improvement allocable thereto to the Treasurer of Delaware County, Ohio (the “*County Treasurer*”) on or before the final dates for payment of real property taxes. The service payments in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and collected against that Improvement if it were not exempt from taxation pursuant to Section 3 of this Resolution, including any penalties and interest (collectively, the “*Service Payments*”). The Service Payments, and any other payments with respect to each Improvement that are received by the County Treasurer in connection with the reductions required by Ohio Revised Code Sections 319.302, 321.24, 323.152 and 323.156, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the “*Property Tax Rollback Payments*”), shall be allocated, distributed and deposited in accordance with Section 6 of this Resolution.

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

Section 5. TIF Fund. This Board hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.80, the Slate Ridge II Tax Equivalent Fund (the "*TIF Fund*"). The TIF Fund shall be maintained in the custody of the County and shall receive all distributions to be made to the County pursuant to Section 6 of this Resolution. Those Service Payments and Property Tax Rollback Payments received by the County with respect to the Improvement of each Parcel and so deposited pursuant to Ohio Revised Code Section 5709.80 shall be used solely for the purposes authorized in the TIF Statutes or this Resolution. The TIF Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the TIF Fund shall be dissolved and any incidental surplus funds remaining therein transferred to the County's General Fund, all in accordance with Ohio Revised Code Section 5709.80.

Section 6. Distributions. Pursuant to the TIF Statutes, the County Treasurer is requested to distribute the Service Payments and Property Tax Rollback Payments to the County for further deposit into the TIF Fund for (a) payment of costs of the Public Infrastructure Improvements, including, without limitation, debt charges on any securities of the County issued to pay or reimburse financing costs or costs of those Public Infrastructure Improvements and (b) any other lawful purpose.

All distributions required under this Section 6 are requested to be made at the same time and in the same manner as real property tax distributions.

Section 7. Further Authorizations. The County Commissioners, or any of them, the County Auditor, the County Prosecutor, the County Treasurer, the County Administrator, the Economic Development Director, the Clerk of this Board and other County officials, as appropriate, are each authorized and directed to make such arrangements as are necessary and proper for collection of the Service Payments and the Property Tax Rollback Payments and to prepare and sign all documents and instruments and to take any other actions as may be appropriate to implement this Resolution.

Section 8. School Compensation Agreement. This Board of Commissioners further hereby approves the compensation agreement between the County and the Board of Education of the Olentangy Local School District and the Board of Education of the Delaware Area Career Center in the form attached hereto as **EXHIBIT C** (the "*School District Compensation Agreement*"), with any changes that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the County Administrator on behalf of the County, all of which shall be conclusively evidenced by the signing of the School District Compensation Agreement, and hereby authorizes the President of the Board of Commissioners, the County Administrator, and the County's Economic Development Director to execute the School District Compensation Agreement on behalf of the County.

Section 9. Non-Discriminatory Hiring Policy. In accordance with Ohio Revised Code Section 5709.832, this Board of Commissioners hereby determines that no employer located in the Parcels shall deny any individual employment based solely on race, religion, sex, disability, color, national origin or ancestry. The County shall include a non-discriminatory hiring policy covenant in any development agreement entered into between the County and any owner or developer of any Parcel.

Section 10. Tax Incentive Review Council. The applicable Tax Incentive Review Council, with the membership of that Council to be constituted in accordance with Section 5709.85 of the Ohio Revised Code, shall, in accordance with Section 5709.85 of the Ohio Revised Code, review annually all exemptions from real property taxation granted by this Resolution and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

Section 11. Filings with Ohio Development Services Agency. Pursuant to Ohio Revised Code Section 5709.78(H), the Economic Development Director or designee is hereby directed to deliver a copy of this Resolution to the Director of the Ohio Development Services Agency within fifteen days after its effective date. Further, and on or before March 31 of each year that the tax exemption authorized by Section 3 remains in effect, the Economic Development Director or other authorized officer of the County is directed to prepare and submit to the Director of the Ohio Development Services Agency the status report required under Ohio Revised Code Section 5709.78(H).

Section 12. Open Meetings. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board or any of its committees, and that all deliberations of this Board 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 Ohio Revised Code Section 121.22.

Section 13. Effective Date. This Resolution shall be in full force and effect immediately upon its adoption.

EXHIBIT A
IDENTIFICATION AND MAP OF THE PARCELS

The shaded area on the following map specifically identifies and depicts the Parcels and constitutes part of this **EXHIBIT A**. The Parcels include, without limitation, the tax parcels listed below (as they existed in the County Auditor's records on October 26, 2018).

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

Map #	Parcel #
1	318-220-04-026-000
2	318-230-01-001-000
3	318-220-04-029-000
4	318-213-15-013-000
5	318-213-15-013-001
6	318-210-03-023-000
7	318-240-02-001-000
8	318-230-01-001-005

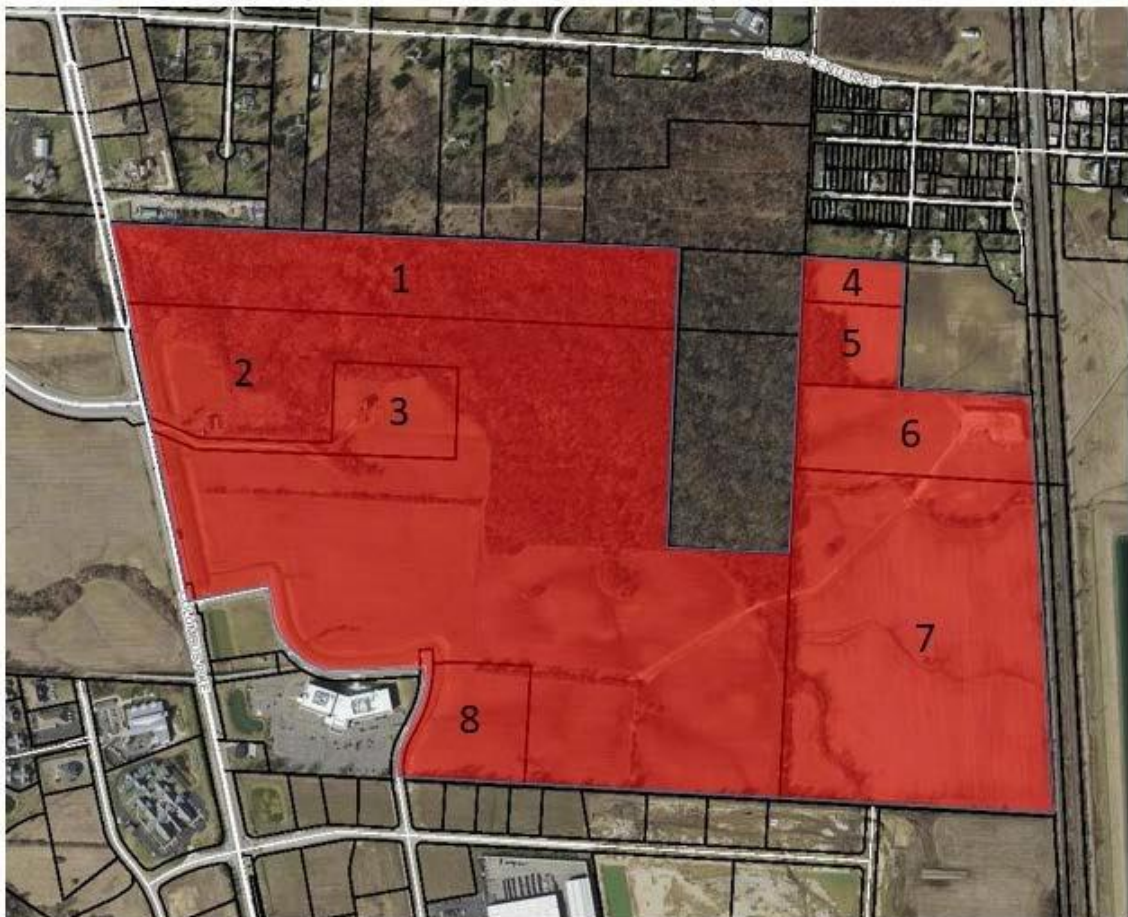


EXHIBIT B
PUBLIC INFRASTRUCTURE IMPROVEMENTS

The Public Infrastructure Improvements include the following: public infrastructure improvements to Home Road, Lewis Center Road, Graphics Way, Green Meadows Drive, and other County and Township transportation and sewer public improvements benefiting the TIF district as determined in the Delaware County Board of Commissioners' sole discretion.

The Public Infrastructure Improvements also include any and all transportation oriented infrastructure improvements and sanitary sewer infrastructure improvements on or near the Parcels that will directly benefit the Parcels, along with the general TIF area, and all related appurtenances (including, but not limited to, those costs listed in Section 133.15(B) of the Ohio Revised Code) and in each case, together with transportation improvements, including constructing, reconstructing, extending, opening, widening, grading, draining, curbing, paving, resurfacing, and traffic signage and signalization, bridges or tunnels, public utilities, including water, sanitary sewer, storm sewers, storm water improvements, burial and/or relocation of utility lines, gas, electric and communications service facilities (including fiber optics), street lighting, business signage restoration or improvements, landscaping, aesthetic improvements, sidewalks, bikeways, acquisition of interests in real property, erosion and sediment control measures, and acquisition of related equipment, each together with all other necessary appurtenances thereto, which improvements will benefit the Parcels.

Notwithstanding the above, any and all Public Infrastructure Improvements made with funds generated by this TIF shall be made solely within the jurisdictional boundary of the Olentangy Local School District.

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

**EXHIBIT C
SCHOOL DISTRICT COMPENSATION AGREEMENT**

SCHOOL COMPENSATION AGREEMENT

THIS SCHOOL COMPENSATION AGREEMENT (the "Agreement"), is made and entered into as of the 13th day of December, 2018, by and between the OLENTANGY LOCAL SCHOOL DISTRICT, Delaware and Franklin Counties, Ohio, a school district and political subdivision of the State of Ohio (the "School District"), the DELAWARE AREA CAREER CENTER, an Ohio joint vocational school district (the "JVSD"), DELAWARE COUNTY, Ohio, (the "County"), and their respective successors and assigns.

WITNESSETH:

WHEREAS, Sections 5709.77 et seq. of the Ohio Revised Code authorize counties to grant tax increment financing real property tax exemptions for improvements in unincorporated territories of the county declared to be for a public purpose, which exemptions exempt from taxation the increase in the true value of the parcel of property after the effective date of the resolution granting such exemption; and

WHEREAS, Section 5709.79 of the Ohio Revised Code further authorizes a county to require owners of improvements subject to a tax increment financing tax exemption to make an annual payment in lieu of taxes ("Statutory Service Payments"), which payment is approximately equivalent to the amount of real property tax which would be payable on the increase in the true value of the parcel of property but for the exemption from taxation; and

WHEREAS, Section 5709.80 of the Ohio Revised Code further requires a county receiving payments in lieu of taxes to create a redevelopment tax increment equivalent fund for deposit of the entire amount of such payments, to pay or finance the costs of public infrastructure improvements benefiting the parcels subject to the tax increment financing tax exemption and, if provided, to make payments to school districts impacted by exemption from taxation; and

WHEREAS, pursuant to separate letters, each dated October 26, 2018, the County notified the School District and the JVSD of its intent to adopt a Resolution, as hereinafter defined, which Resolution provides for the use of tax increment financing, and grants the exemption (referred to herein as the "TIF Exemption") on the Improvement (as defined in the Resolution), as authorized by Section 5709.77 et seq. of the Ohio Revised Code, for the parcels subject to the TIF Exemption (as set forth in Exhibit A attached hereto, and referred to herein as the "Parcels"), and to require the Developer and any subsequent owner of the Parcels (collectively, an "Owner") to make Statutory Service Payments, which Statutory Service Payments will be used to pay for or finance the construction of Public Infrastructure Improvements that benefit or serve the Parcels (the "Public Infrastructure Improvements") as described in Exhibit "B" to the Resolution, all of which shall be constructed within the boundaries of the School District, in order to induce the Developer to develop the Parcels; and

WHEREAS, the assessed value of the non-exempt portion of the Parcels prior to commencement of construction of the Public Infrastructure Improvements shall be determined by the Auditor of Delaware County, Ohio on or before December 31, 2018 (the "Historical Value"), which Historical Value shall not be altered during the term of the TIF Exemption; and

WHEREAS, the Board of Education (the "School Board") of the School District passed a resolution on December 13, 2018, (the "School District Resolution") approving the TIF Exemption on the condition that the parties hereto enter into this Agreement covering the Parcels; and

WHEREAS, the Board of Education (the "JVSD Board") of the JVSD passed a resolution on _____, 2018, (the "JVSD Resolution") approving the TIF Exemption on the condition that the parties hereto enter into this Agreement covering the Parcels; and

WHEREAS, the County has, pursuant to a resolution of the Board of Commissioners of the County adopted on December 17, 2018 (the "Resolution"), granted the TIF Exemption and authorized the execution of this Agreement with respect to the Project, as defined below; and

WHEREAS, Ohio Revised Code Sections 5709.78 and 5709.82 permit the Board of Commissioners of the County, the School Board, the JVSD Board, and the Developer to enter into this Agreement in order to compensate the School District and the JVSD for certain real property taxes re-directed to paying the cost of the Public Infrastructure Improvements;

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter described, the School District, the JVSD, and the County covenant, agree and bind themselves as follows:

1. Approval of the TIF Exemption; Compensation to School District and JVSD While TIF Exemption in Effect.

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

(a) As provided in the School District Resolution, the School District approves the TIF Exemption for seventy-five percent (75%) of the Improvement of the Parcels that shall exist for the duration of the TIF Exemption.

(b) The remaining twenty-five percent (25%) of the Improvement of the parcels shall not be subject to the TIF Exemption and shall be subject to ad valorem taxation based on the millage rates of the taxing authorities, the School District, and the JVSD for the applicable tax year.

(c) The School District and the JVSD agree that the only compensation, made in accordance with Section 5709.82 of the Ohio Revised Code that the School District and the JVSD will receive for lost revenues due to the TIF Exemption that is to be paid to the School District and the JVSD is set forth in this Agreement and that the School District shall not seek or be entitled to Statutory Service Payments or any other compensation from the County, unless otherwise mutually agreed to in writing signed by all parties. However, nothing in this Agreement shall be construed to pledge the full faith and credit of the County.

2. Notices. All notices, designations, certificates, requests or other communications under this Agreement shall be sufficiently given and shall be deemed given when (a) delivered by commercial carrier service, or (b) mailed by certified mail, postage prepaid, addressed to the following addresses:

School District:	Board of Education Olentangy Local School District 7840 Graphics Way Lewis Center, OH 43035
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JVSD:	Board of Education Delaware Area Career Center 1610 SR 521 Delaware, Ohio 43015
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Delaware County, Ohio:	Delaware County, Ohio 140 N. Sandusky Street Delaware, Ohio 43015 Attn: Treasurer
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with copies to:
Delaware County, Ohio
101 N. Sandusky Street
Delaware, Ohio 43015
Attn: County Administrator

3. Duration of Agreement; Amendment. This Agreement shall become effective on the date that it is executed and delivered and shall remain in effect for such period as any tax exemptions pursuant to Section 5709.77 *et seq.* of the Ohio Revised Code are in effect with respect to the Parcels, but in no event later than twenty (20) years from and after the date the TIF Exemption commences. This Agreement may be amended only by mutual agreement of the parties hereto. No amendment to this Agreement shall be effective unless it is contained in a written document approved through legal process and signed on behalf of all parties hereto by duly authorized representatives.

4. Waiver. No waiver by the School District, the JVSD, or the County of the performance of any terms or provision hereof shall constitute, or be construed as, a continuing waiver of performance of the same or any other term or provision hereof

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

6. Binding Nature. The County shall cause this Agreement or a similar instrument evidencing the TIF Exemption to be recorded in the Delaware County, Ohio real estate records. The provisions of this Agreement shall be covenants running with the land and shall be binding and enforceable by the parties against each.

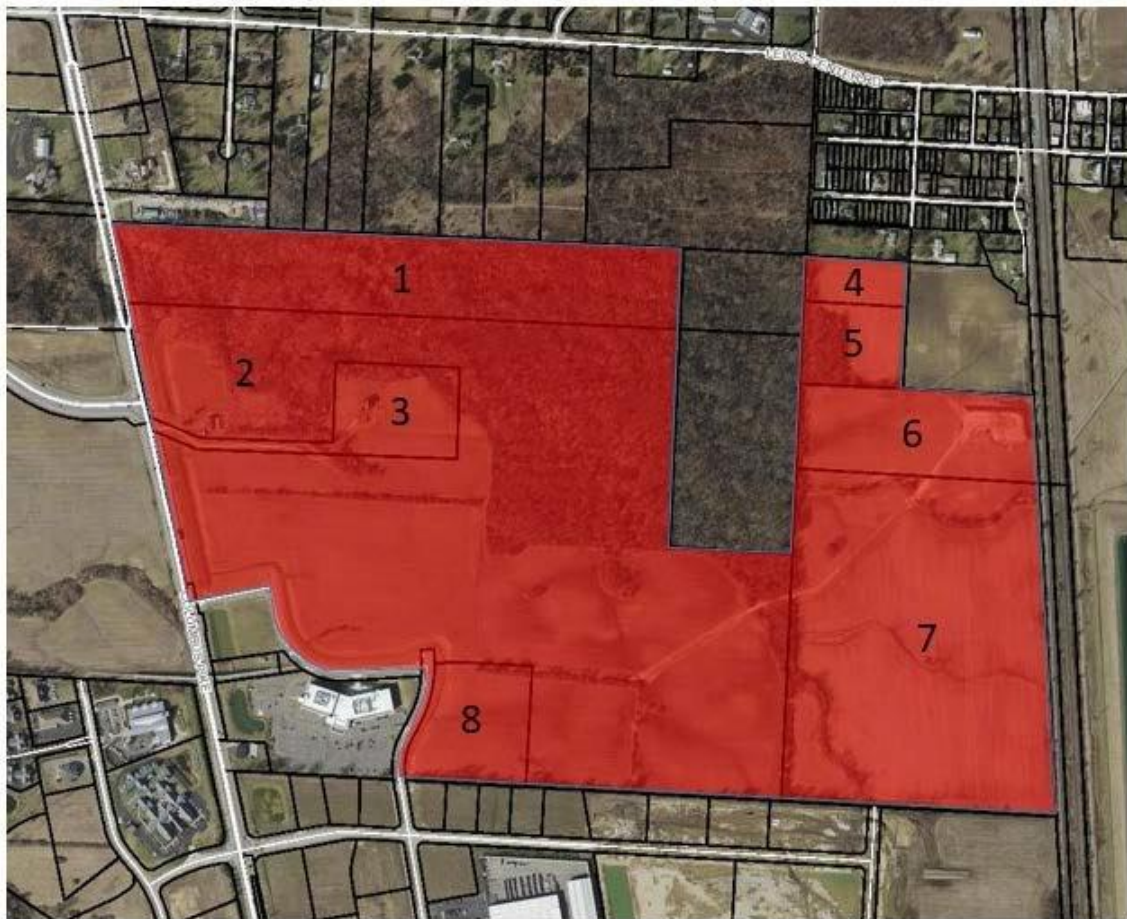
7. Severability. Should any portion of this Agreement be declared by the courts to be unconstitutional, invalid or otherwise unlawful, such decision shall not affect the entire agreement but only that part declared to be unconstitutional, invalid, or illegal and this Agreement shall be construed in all respects as if any invalid portions were omitted.

8. Counterparts; Captions. This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same Agreement. Captions have been provided herein for the convenience of the reader and shall not affect the construction of this Agreement.

COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018

EXHIBIT A
DESCRIPTION OF THE PARCELS

Map #	Parcel #
1	318-220-04-026-000
2	318-230-01-001-000
3	318-220-04-029-000
4	318-213-15-013-000
5	318-213-15-013-001
6	318-210-03-023-000
7	318-240-02-001-000
8	318-230-01-001-005



Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

Evans TIF – Resolution plus School Compensation Agreement plus Development Agreement (as exhibits)
10

RESOLUTION NO. 18-1396

DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY LOCATED IN ORANGE AND BERLIN TOWNSHIPS, DELAWARE COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENTS TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; ESTABLISHING A PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS; AND AUTHORIZING A COMPENSATION AGREEMENT WITH THE BOARD OF EDUCATION OF THE OLENTANGY LOCAL SCHOOL DISTRICT AND THE BOARD OF EDUCATION OF THE DELAWARE COUNTY CAREER CENTER:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, in accordance with Ohio Revised Code Sections 5709.77 through 5709.81, County of

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

Delaware, Ohio (the "County"), Evans Farm Land Development Company, LLC ("Evans Farm"), and Evans Farm NCA (the "Authority"), have negotiated and entered into a development agreement (the "Development Agreement") providing for, among other things, a tax increment financing program to facilitate the development of certain real property located within the territorial boundaries of the County (the "Project") and within Orange and Berlin Townships, Delaware County, Ohio (the "Township"); and

WHEREAS, a portion of the Project consisting of several separate parcels of real property (as depicted and described in Exhibit A attached hereto and incorporated herein by this reference), will be developed as commercial properties (the "Commercial TIF Site"); and

WHEREAS, the development of commercial properties in the County will benefit the County and its residents by creating economic opportunities, enlarging the property tax base, and stimulating collateral development in the County; and

WHEREAS, by providing public infrastructure improvements, as that term is defined in Ohio Revised Code Sections 5709.40(A)(8) and 5709.77(H) (as more fully described on Exhibit B attached hereto and incorporated herein by this reference, the "Public Infrastructure Improvements"), the County may facilitate the development of commercial properties for the benefit of the Commercial TIF Site, including, without limitation, by facilitating the financing, acquisition, and construction of the Public Infrastructure Improvements; and

WHEREAS, Ohio Revised Code Sections 5709.77, 5709.78, 5709.79 and 5709.80 provide for the use of County tax increment financing to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure Improvements incurred by Evans Farm, the County, Township, if any, a new community authority formed within the County and the Township and Berlin Township, Delaware County, Ohio, or any other public or private party in cooperation with the County, and (ii) payment of debt service (the "Debt Service") on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements; and

WHEREAS, Ohio Revised Code Sections 5709.77, 5709.78, 5709.79 and 5709.80 provide that this Board of Commissioners may, among other things, (a) declare the improvement to real property located in the County to be a public purpose, thereby exempting such improvement from real property taxation for a period of time, (b) specify public infrastructure improvements to be made to benefit the Commercial TIF Site, (c) require the owner or owners of those parcels to make service payments in lieu of taxes, and (d) establish a public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the County desires to grant a seventy-five percent (75%) exemption from real property taxation for a period of twenty (20) years (the "TIF Exemption") for each improvement to the Commercial TIF Site (as defined in Section 1 hereof, the "Improvement"); and

WHEREAS, the County has determined that it is necessary and appropriate and in the best interests of the County to require the owners of the parcels included in the Commercial TIF Site and their heirs, successors and assigns (collectively, with their heirs, successors and assigns, as owners of the Commercial TIF Site, the "Owners") to make service payments in lieu of taxes (as defined in Section 1 hereof, the "Service Payments") with respect to the Improvement pursuant to Ohio Revised Code Section 5709.74; and

WHEREAS, the Olentangy Local School District and the Delaware Area Career Center have each received notice of the TIF Exemption and the proposed text of this Resolution in advance of the date on which this Resolution is being adopted, in accordance with Ohio Revised Code Sections 5709.78 and 5709.83; and

WHEREAS, the Olentangy Local School District, pursuant to a resolution of the Board of Education of the Olentangy Local School District adopted on _____, 2018, has approved the TIF Exemption and waived the notice requirements of Ohio Revised Code Sections 5709.78, 5709.83 and 5715.27, but solely with respect to the Improvement; and

WHEREAS, the Delaware County Career Center, pursuant to a resolution of the Board of Education of the Delaware Area Career Center adopted on _____, 2018, has acknowledged and consented to the TIF Exemption, and waived the notice requirements of Ohio Revised Code Sections 5709.78, 5709.83 and 5715.27.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Delaware, Ohio that:

SECTION 1. Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.78(A), this Board of Commissioners hereby finds and determines that seventy-five percent (75%) of the increase in assessed value of each parcel (as it may be subdivided or combined in connection with the acquisition or development of a parcel) comprising the Commercial TIF Site (the "Exempted Property") subsequent to the effective date of this Resolution which increase in assessed value is hereinafter referred to as the "Improvement," as defined in Ohio Revised Code Section 5709.77(D) is declared to be a public purpose. Pursuant to and in accordance with Ohio Revised Code Section 5709.78(F), the Improvement with respect to each parcel shall be exempt from real property taxation (the "TIF Exemption") for a period commencing with the first day of the tax year in which there is a building or structure on the parcel exceeding Two-Hundred Thousand Dollars (\$200,000.00) in true value that appears on the tax list and duplicate of real and public utility property and ending for a parcel on the

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

twentieth (20th) anniversary of such date or the date the Public Infrastructure Improvements are paid in full, whichever occurs first. After the TIF Exemption becomes effective, such TIF Exemption shall apply with respect to any parcel when the Improvement to such parcel is made and an exemption therefor is claimed in the manner provided for hereinabove.

SECTION 2. Payment of Service Payments. As provided in Ohio Revised Code Section 5709.79, but only after the TIF Exemption is effective, the Owner of a parcel comprising Exempted Property shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the County Treasurer on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. If any reduction in the levies otherwise applicable to such parcel is made by the County budget commission under Ohio Revised Code Section 5705.31, the amount of the service payment in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late payments of service payments in lieu of taxes shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments"). The Service Payments shall be allocated and distributed in accordance with Section 3 hereof.

SECTION 3. Creation of TIF Fund; Application of Service Payments. This Board of Commissioners hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.80, a Public Improvement Tax Increment Equivalent Fund. The County may create one or more accounts or sub-accounts within such fund as appropriate to distinguish the Service Payments received with respect to the TIF Exemption established pursuant to this Resolution from any tax increment financing programs that may be established by the County in the future and as are necessary to account for payment of the costs of the Public Infrastructure Improvements, including any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. As used in this Resolution, "TIF Fund" shall refer to the specific fund or account that receives the Service Payments provided for in this Resolution. The TIF Fund shall be maintained in the custody of the County and shall receive all distributions of Service Payments required to be made to the County. Those Service Payments received by the County with respect to the Exempted Property, shall be used solely for the purposes authorized in Ohio Revised Code Sections 5709.77, 5709.78, 5709.79 and 5709.80. For purposes of this Resolution, "costs" of the Public Infrastructure Improvements payable from the TIF Fund shall also include the items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements. The TIF Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which time said TIF Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the County's General Fund, all in accordance with Ohio Revised Code Section 5709.80.

SECTION 4. Public Infrastructure Improvements. This Board of Commissioners hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as "public infrastructure improvements" (as such term is defined in Ohio Revised Code Sections 5709.40(A)(8) and 5709.77(H) made, to be made, or in the process of being made, and that, once made, will directly benefit the Commercial TIF Site, provided that such Public Infrastructure Improvements shall be constructed in accordance with the Development Agreement attached hereto as Exhibit C.

SECTION 5. Application for Real Property Tax Exemption and Remission. This Board of Commissioners further hereby authorizes and directs the President of the Board of Commissioners, the County Administrator, the County's Economic Development Director, or other appropriate officers of the County, to sign and execute all documents and make such arrangements as are necessary and proper for collection of said Service Payments from the Owners of real property located in the Commercial TIF Site, which are to be deposited into the TIF Fund.

SECTION 6. Authorization of the School Compensation Agreement. This Board of Commissioners further hereby approves the compensation agreement between the County and the Board of Education of the Olentangy Local School District and the Board of Education of the Delaware Area Career Center in the form attached hereto as Exhibit D (the "School District Compensation Agreement"), with any changes that are not inconsistent with this Resolution and not substantially adverse to the County and that are approved by the County Administrator on behalf of the County, all of which shall be conclusively evidenced by the signing of the School District Compensation Agreement, and hereby authorizes the President of the Board of Commissioners, the County Administrator, and the County's Economic Development Director to execute the School District Compensation Agreement on behalf of the County.

SECTION 7. Further Authorizations. This Board of Commissioners further hereby authorizes and directs the President of the Board of Commissioners, the County Administrator, the County's Economic Development Director, or other appropriate officers of the County, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the County, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

appropriate to implement this Resolution.

SECTION 8. Non-Discriminatory Hiring Policy. In accordance with Ohio Revised Code Section 5709.832, this Board of Commissioners hereby determines that no employer located in the Commercial TIF Site shall deny any individual employment based solely on race, religion, sex, disability, color, national origin or ancestry. The County shall include a non-discriminatory hiring policy covenant in any development agreement entered into between the County and any Owner or developer of any Exempted Property.

SECTION 9. Notices. This Board of Commissioners hereby finds and determines that notice of this proposed Resolution has been delivered to all affected school districts, including the Olentangy Local School District and the Delaware County Career Center, in accordance with Ohio Revised Code Sections 5709.78 and 5709.83, and hereby ratifies the giving of that notice.

This Board of Commissioners hereby acknowledges receipt of the resolution of the Board of Education of the Olentangy Local School District approving the TIF Exemption in advance of the date on which this Resolution is adopted and waives receipt of any certification by the Board of Education of the Olentangy Local School District of its resolution required under Ohio Revised Code Section 5709.78.

This Board of Commissioners hereby acknowledges receipt of the resolution of the Board of Education of the Delaware Area Career Center acknowledging the TIF Exemption in advance of the date on which this Resolution is adopted and waives receipt of any certification by the Board of Education of the Delaware County Career of its resolution required under Ohio Revised Code Section 5709.78.

Pursuant to Ohio Revised Code Section 5709.78(H), the County's Economic Development Director is hereby directed to deliver a copy of this Resolution to the Director of the Development Services Agency of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the County's Economic Development Director or other authorized officer of this County shall prepare and submit to the Director of the Development Services Agency of the State of Ohio the status report required under Ohio Revised Code Section 5709.73(I).

SECTION 10. Tax Incentive Review Council. The County hereby creates the County Tax Incentive Review Council with the membership of that Council constituted in accordance with Ohio Revised Code Section 5709.85. That Council shall, in accordance with Ohio Revised Code Section 5709.85, review annually all exemptions from taxation resulting from the declarations set forth in this Resolution and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 11. Open Meetings. This Board of Commissioners finds and determines that all formal actions of this Board of Commissioners and any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board of Commissioners, and that all deliberations of this Board of Commissioners 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 Ohio Revised Code Section 121.22.

EXHIBIT A
Legal Description of Commercial TIF Site

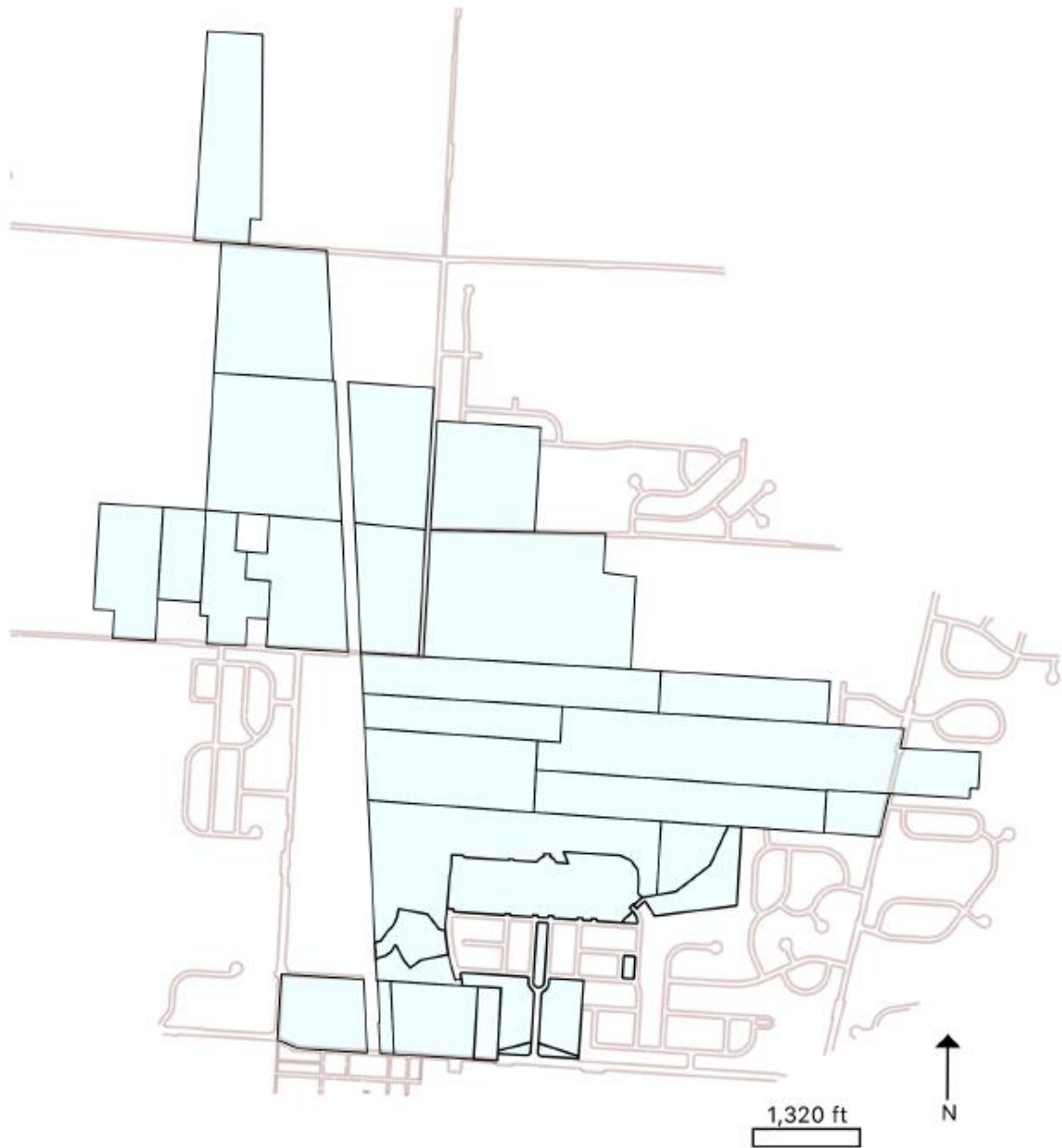
**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

The Commercial TIF Site consists of the parcel numbers described in the attached list identified in the records of the County Auditor of Delaware County, Ohio as of September 20, 2018:

Parcel Number	Acres	Owner	Location	Township
31812001006000	94	EVANS FARM DELAWARE LLC	4948 S OLD STATE RD	ORANGE
31821001002000	43.55	EVANS FARM DELAWARE LLC	SHANAHAN RD	ORANGE
31821001009000	42.225	EVANS FARM DELAWARE LLC	NORTH RD	ORANGE
31812001007000	9.55	EVANS FARM DELAWARE LLC	S OLD STATE RD	ORANGE
31821001001000	25	EVANS FARM DELAWARE LLC	S OLD STATE RD	ORANGE
31821001007000	43.47	EVANS FARM DELAWARE LLC	S OLD STATE RD	ORANGE
31821001015000	70.969	EVANS FARM DELAWARE LLC	LEWIS CENTER RD	ORANGE
31821302006000	21.7	EVANS FARM DELAWARE LLC	LEWIS CENTER RD	ORANGE
31821001004000	25.699	EVANS FARM DELAWARE LLC	NORTH RD	ORANGE
31821001016000	12.188	EVANS FARM DELAWARE LLC	LUDINGTON DR	ORANGE
31821301004000	21.75	EVANS FARM DELAWARE LLC	LEWIS CENTER RD	ORANGE
41834001053000	102.8	EVANS FARM DELAWARE LLC	4578 PIATT RD	BERLIN
41834001056000	40.111	EVANS FARM DELAWARE LLC	PIATT RD	BERLIN
31821301005000	3.419	EVANS FARM DELAWARE LLC	LEWIS CENTER RD	ORANGE
41833001006000	51.752	EVANS FARM DELAWARE LLC	1790 PEACHBLOW RD	BERLIN
41833001101001	14	EVANS FARM DELAWARE LLC	SHANAHAN RD	BERLIN
41833001104000	21.32	EVANS FARM DELAWARE LLC	SHANAHAN RD	BERLIN
41834001054000	37.55	EVANS FARM DELAWARE LLC	1479 SHANAHAN RD	BERLIN
41834001055000	29.97	EVANS FARM DELAWARE LLC	SHANAHAN RD	BERLIN
41834001057000	92.34	EVANS FARM DELAWARE LLC	HOLLENBACK RD	BERLIN
41833001010000	43.947	EVANS FARM DELAWARE LLC	PEACHBLOW RD	BERLIN
41833001098000	28	EVANS FARM DELAWARE LLC	SHANAHAN RD	BERLIN
31821029001000	9.01	EVANS FARM LAND DEVELOPMENT COMPANY LLC	PIATT RD	ORANGE
31821001015001	42.63	EVANS FARM LAND DEVELOPMENT COMPANY LLC	LEWIS CENTER RD	ORANGE
31821020001000	0.38	EVANS FARM LAND DEVELOPMENT COMPANY LLC	MAPLE DR	ORANGE
31821022001000	0.026	EVANS FARM LAND DEVELOPMENT COMPANY LLC	MAPLE DR	ORANGE
31821301002001	9.655	EVANS FARM LAND DEVELOPMENT COMPANY LLC	LEWIS CENTER RD	ORANGE
31821019019000	13.018	EVANS FARM LAND DEVELOPMENT COMPANY LLC	MAPLE DR	ORANGE
31821001019002	9.682	EVANS FARM LAND DEVELOPMENT COMPANY LLC	LEWIS CENTER RD	ORANGE
31821026001000	2.421	EVANS FARM LAND DEVELOPMENT COMPANY LLC	EVANS FARM DR	ORANGE
31821301003000	6	MCMILLIN JOHN R DUPUIS LINDA A	1791 LEWIS CENTER RD	ORANGE

The Commercial TIF Site is also described by reference to the attached map following the list of parcel numbers described above.

COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018



**EVANS FARM
 TIF AREA EXHIBIT**
 Delaware County, Ohio

September 20, 2018

EXHIBIT B
Public Infrastructure Improvements

The Public Infrastructure Improvements consist of those public infrastructure improvements described in the Development Agreement, subject to the terms thereof, including the list of projects identified in Exhibits B and D to the Development Agreement, including:

List of Public Infrastructure Improvements per Exhibit B to the Development Agreement:

- South Old State Road, Part 1 (South of Lewis Center Road); Widen to five lanes south from Lewis Center Road to Orange Road
- Lewis Center Road Widening, Part 2; Widen to five lanes from Home Road roundabout east to Old State Road. Widen to three lanes west of Home Road roundabout to CSX/NFS and add 1 slip lane to Home Road extension between Lewis Center Road and CSX/NFS railroad bridge.
- South Old State Road, Part 2 (North of Lewis Center Road); Widen to five lanes from Lewis Center Road to Hollenbeck Road, add traffic signal at Mariner’s Cove
- Shanahan Road Widening; US 23 and Shanahan Road; Widen Shanahan Road to three lanes from US 23 to Piatt Road, add traffic signal at north Road

List of Other County Public Infrastructure Improvements per Exhibit D to the Development Agreement:

- Big Walnut/1-71 Interchange

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

- Peachblow Pump Station, Gravity Sewer and Forcemain Improvements
- Lower Alum Creek Pump Station and Forcemain Improvements
- Shanahan Road vehicular bridge over the CSX/ NS RR corridor Orange Road grade separation/ bridge at the CSX/ NS RR (said project to initiate on or before January 1, 2025)
- Cheshire Road railroad grade separation
- Other County and Township transportation and sewer public improvements benefiting the TIF district as determined in the Delaware County Board of Commissioners' sole discretion, including, but not limited to, the following:
 - Improvements to Lackey Old State Road, South Old State Road, Cheshire Road, Peachblow Road, Piatt Road, North Road, Lewis Center Road, and Africa Road [other than those improvements identified in the Evans Farm TIS]; and
 - County and Township Bridge and Culvert Projects in Berlin and Orange Townships

The Exhibit D list of Other County Public Infrastructure Improvements provided above and in the Development Agreement contains projects that the County may, but is not required to, elect to fund with the excess TIF Service Payments assigned to the County. However, inclusion of a project in Exhibit D to the Development Agreement or herein neither obligates the County to construct or finance the project, nor evidence the County's intent to direct TIF funds or any other funds to these projects. Furthermore, this list is not all inclusive, and the County reserves the right to determine, in its sole discretion, to use the TIF funds for other projects not listed herein that benefit the TIF district as provided below.

The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including the items of "costs of permanent improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements and the Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.

All of the Public Infrastructure Improvements described above are hereby determined to be "public infrastructure improvements" (as defined in Ohio Revised Code Sections 5709.40(A)(8) and 5709.73(A)(6) and are intended to benefit the real property described in Exhibit A.

EXHIBIT C

Development Agreement

(Copy on File in the Commissioners' Office Economic Development Department
Until No Longer Of Administrative Value)

EXHIBIT D

School District Compensation Agreement

SCHOOL COMPENSATION AGREEMENT

THIS SCHOOL COMPENSATION AGREEMENT (the "Agreement"), is made and entered into as of the 13th day of December, 2018, by and between the OLENTANGY LOCAL SCHOOL DISTRICT, Delaware and Franklin Counties, Ohio, a school district and political subdivision of the State of Ohio (the "School District"), the DELAWARE AREA CAREER CENTER, an Ohio joint vocational school district (the "JVSD"), DELAWARE COUNTY, Ohio, (the "County"), and Evans Farm Development Company, LLC, an Ohio limited liability company (the "Developer"), and their respective successors and assigns.

WITNESSETH:

WHEREAS, Sections 5709.77 et seq. of the Ohio Revised Code authorize counties to grant tax increment financing real property tax exemptions for improvements in unincorporated territories of the county declared to be for a public purpose, which exemptions exempt from taxation the increase in the true value of the parcel of property after the effective date of the resolution granting such exemption; and

WHEREAS, Section 5709.79 of the Ohio Revised Code further authorizes a county to require owners of improvements subject to a tax increment financing tax exemption to make an annual payment in lieu of taxes ("Statutory Service Payments"), which payment is approximately equivalent to the amount of real property tax which would be payable on the increase in the true value of the parcel of property but for the exemption from taxation; and

WHEREAS, Section 5709.80 of the Ohio Revised Code further requires a county receiving payments in lieu of taxes to create a redevelopment tax increment equivalent fund for deposit of the entire amount of such payments, to pay or finance the costs of public infrastructure improvements benefiting the parcels subject to the tax increment financing tax exemption and, if provided, to make payments to school districts impacted by exemption from taxation; and

WHEREAS, pursuant to separate letters, each dated October 26, 2018, the County notified the School District and the JVSD of its intent to adopt a Resolution, as hereinafter defined, which Resolution provides for the

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

use of tax increment financing, and grants the exemption (referred to herein as the “TIF Exemption”) on the Improvement (as defined in the Resolution), as authorized by Section 5709.77 et seq. of the Ohio Revised Code, for the parcels subject to the TIF Exemption (as set forth in Exhibit A attached hereto, and referred to herein as the “Parcels”), and to require the Developer and any subsequent owner of the Parcels (collectively, an “Owner”) to make Statutory Service Payments, which Statutory Service Payments will be used to pay for or finance the construction of Public Infrastructure Improvements that benefit or serve the Parcels (the “Public Infrastructure Improvements”) as described in Exhibit “B” to the Resolution, in order to induce the Developer to develop the Parcels; and

WHEREAS, the assessed value of the non-exempt portion of the Parcels prior to commencement of construction of the Public Infrastructure Improvements shall be determined by the Auditor of Delaware County, Ohio on or before December 31, 2018 (the “Historical Value”), which Historical Value shall not be altered during the term of the TIF Exemption; and

WHEREAS, the Board of Education (the “School Board”) of the School District passed a resolution on December 13, 2018, (the “School District Resolution”) approving the TIF Exemption on the condition that the parties hereto enter into this Agreement covering the Parcels; and

WHEREAS, the Board of Education (the “JVSD Board”) of the JVSD passed a resolution on _____, 2018, (the “JVSD Resolution”) approving the TIF Exemption on the condition that the parties hereto enter into this Agreement covering the Parcels; and

WHEREAS, the County has, pursuant to a resolution of the Board of Commissioners of the County adopted on December 17, 2018 (the “Resolution”), granted the TIF Exemption and authorized the execution of this Agreement with respect to the Project, as defined below; and

WHEREAS, the County and the Developer have entered into a Development Agreement, with respect to the Parcels and the Public Infrastructure Improvements (the “Development Agreement”), which Development Agreement constitutes a contract or agreement with a developer with respect to the development of a project undertaken or to be undertaken and which was identified in the Development Agreement (the “Project”), and upon which Parcels such project is being, or will be, undertaken; and

WHEREAS, Ohio Revised Code Sections 5709.78 and 5709.82 permit the Board of Commissioners of the County, the School Board, the JVSD Board, and the Developer to enter into this Agreement in order to compensate the School District and the JVSD for certain real property taxes re-directed to paying the cost of the Public Infrastructure Improvements; and

WHEREAS, the Developer desires to encourage the School District, the JVSD and the County to cooperate in the construction of Public Infrastructure Improvements, and the County desires to make the Developer a party to this Agreement as a condition to the County’s implementation of the TIF Exemption, and the mechanism for compensating the School District and the JVSD which is described herein, will be undertaken with consistency;

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereinafter described, the School District, the JVSD, the County and the Developer covenant, agree and bind themselves as follows:

1. Approval of the TIF Exemption; Compensation to School District and JVSD While TIF Exemption in Effect.

(a) As provided in the School District Resolution, the School District approves the TIF Exemption for seventy-five percent (75%) of the Improvement of the Parcels that shall exist for the duration of the TIF Exemption.

(b) The remaining twenty-five percent (25%) of the Improvement of the parcels shall not be subject to the TIF Exemption and shall be subject to ad valorem taxation based on the millage rates of the taxing authorities, the School District, and the JVSD for the applicable tax year.

2. Donation of a School Site by the Developer to the School District. Pursuant to that certain Memorandum of Understanding by and between the Developer and the School District dated December 13, 2018 (the “MOU”), attached hereto as Exhibit B and incorporated herein, the Developer agrees to donate and transfer the Proposed School Site to the School District upon the terms and conditions set forth in the MOU.

3. Application of R.C. 5709.82. The School District and the JVSD agree that the only compensation, made in accordance with Section 5709.82 of the Ohio Revised Code, that the School District and the JVSD will receive for lost revenues due to the TIF Exemption that is to be paid to the School District and the JVSD is set forth in Section 1 of this Agreement and that the School District shall not seek or be entitled to Statutory Service Payments or any other compensation from the Developer, other than the donation of a School Site as set forth in Section 2 of this Agreement, or County, unless otherwise mutually agreed to in writing signed by all parties. However, nothing in this Agreement shall be construed to pledge the full faith and credit of the County.

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

4. Notices. All notices, designations, certificates, requests or other communications under this Agreement shall be sufficiently given and shall be deemed given when (a) delivered by commercial carrier service, or (b) mailed by certified mail, postage prepaid, addressed to the following addresses:

School District:	Board of Education Olentangy Local School District 7840 Graphics Way Lewis Center, OH 43035
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JVSD:	Board of Education Delaware Area Career Center 1610 SR 521 Delaware, Ohio 43015
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Delaware County, Ohio:	Delaware County, Ohio 140 N. Sandusky Street Delaware, Ohio 43015 Attn: Treasurer
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with copies to:
Delaware County, Ohio
101 N. Sandusky Street
Delaware, Ohio 43015
Attn: County Administrator

Developer:	Evans Farm Land Development Company, LLC 1550 Lewis Center Road, Suite B Lewis Center, Ohio 43035 Attn: Daniel W. Griffin, Manager
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with a copy to:
Frost Brown Todd LLC
One Columbus Center, Suite 2300
10 West Broad Street
Columbus, OH 43215
Attn: Emmett M. Kelly

5. Duration of Agreement; Amendment. This Agreement shall become effective on the date that it is executed and delivered and shall remain in effect for such period as any tax exemptions pursuant to Section 5709.77 *et seq.* of the Ohio Revised Code are in effect with respect to the Parcels, but in no event not later than twenty (20) years from and after the date the TIF Exemption commences. This Agreement may be amended only by mutual agreement of the parties hereto. No amendment to this Agreement shall be effective unless it is contained in a written document approved through legal process and signed on behalf of all parties hereto by duly authorized representatives.

6. Waiver. No waiver by the School District, the JVSD, the County, or the Developer of the performance of any terms or provision hereof shall constitute, or be construed as, a continuing waiver of performance of the same or any other term or provision hereof

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

8. Binding Nature. The County shall cause this Agreement or a similar instrument evidencing the TIF Exemption to be recorded in the Delaware County, Ohio real estate records, and the Developer and each subsequent Owner shall cause each fee simple instrument of transfer (excluding, by way of example without limitation, leases, mortgages, easements or other similar encumbrances unless such instrument so indicates such obligation) in the Parcels to be subject to this Agreement. This Agreement shall inure to the benefit of and shall be binding upon the Developer and other Owners. The provisions of this Agreement shall be covenants running with the land and shall be binding and enforceable by the parties against each or any combination of the County, the School Board, the JVSD Board, the Developer or any other Owners only for the period that they own or owned any portion of the Parcels.

9. Severability. Should any portion of this Agreement be declared by the courts to be unconstitutional, invalid or otherwise unlawful, such decision shall not affect the entire agreement but only that part declared to be unconstitutional, invalid, or illegal and this Agreement shall be construed in all respects as if any invalid portions were omitted.

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

10. Counterparts; Captions. This Agreement may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same Agreement. Captions have been provided herein for the convenience of the reader and shall not affect the construction of this Agreement.

**EXHIBIT A
DESCRIPTION OF THE PARCELS**

The Commercial TIF Site consists of the parcel numbers described in the attached list identified in the records of the County Auditor of Delaware County, Ohio as of September 20, 2018:

Parcel Number	Acres	Owner	Location	Township
31812001006000	94	EVANS FARM DELAWARE LLC	4948 S OLD STATE RD	ORANGE
31821001002000	43.55	EVANS FARM DELAWARE LLC	SHANAHAN RD	ORANGE
31821001009000	42.225	EVANS FARM DELAWARE LLC	NORTH RD	ORANGE
31812001007000	9.55	EVANS FARM DELAWARE LLC	S OLD STATE RD	ORANGE
31821001001000	25	EVANS FARM DELAWARE LLC	S OLD STATE RD	ORANGE
31821001007000	43.47	EVANS FARM DELAWARE LLC	S OLD STATE RD	ORANGE
31821001015000	70.969	EVANS FARM DELAWARE LLC	LEWIS CENTER RD	ORANGE
31821302006000	21.7	EVANS FARM DELAWARE LLC	LEWIS CENTER RD	ORANGE
31821001004000	25.699	EVANS FARM DELAWARE LLC	NORTH RD	ORANGE
31821001016000	12.188	EVANS FARM DELAWARE LLC	LUDINGTON DR	ORANGE
31821301004000	21.75	EVANS FARM DELAWARE LLC	LEWIS CENTER RD	ORANGE
41834001053000	102.8	EVANS FARM DELAWARE LLC	4578 PIATT RD	BERLIN
41834001056000	40.111	EVANS FARM DELAWARE LLC	PIATT RD	BERLIN
31821301005000	3.419	EVANS FARM DELAWARE LLC	LEWIS CENTER RD	ORANGE
41833001006000	51.752	EVANS FARM DELAWARE LLC	1790 PEACHBLOW RD	BERLIN
41833001101001	14	EVANS FARM DELAWARE LLC	SHANAHAN RD	BERLIN
41833001104000	21.32	EVANS FARM DELAWARE LLC	SHANAHAN RD	BERLIN
41834001054000	37.55	EVANS FARM DELAWARE LLC	1479 SHANAHAN RD	BERLIN
41834001055000	29.97	EVANS FARM DELAWARE LLC	SHANAHAN RD	BERLIN
41834001057000	92.34	EVANS FARM DELAWARE LLC	HOLLENBACK RD	BERLIN
41833001010000	43.947	EVANS FARM DELAWARE LLC	PEACHBLOW RD	BERLIN
41833001098000	28	EVANS FARM DELAWARE LLC	SHANAHAN RD	BERLIN
31821029001000	9.01	EVANS FARM LAND DEVELOPMENT COMPANY LLC	PIATT RD	ORANGE
31821001015001	42.63	EVANS FARM LAND DEVELOPMENT COMPANY LLC	LEWIS CENTER RD	ORANGE
31821020001000	0.38	EVANS FARM LAND DEVELOPMENT COMPANY LLC	MAPLE DR	ORANGE
31821022001000	0.026	EVANS FARM LAND DEVELOPMENT COMPANY LLC	MAPLE DR	ORANGE
31821301002001	9.655	EVANS FARM LAND DEVELOPMENT COMPANY LLC	LEWIS CENTER RD	ORANGE
31821019019000	13.018	EVANS FARM LAND DEVELOPMENT COMPANY LLC	MAPLE DR	ORANGE
31821001019002	9.882	EVANS FARM LAND DEVELOPMENT COMPANY LLC	LEWIS CENTER RD	ORANGE
31821026001000	2.421	EVANS FARM LAND DEVELOPMENT COMPANY LLC	EVANS FARM DR	ORANGE
31821301003000	6	MCMILLIN JOHN R DUPUIS LINDA A	1791 LEWIS CENTER RD	ORANGE

Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

**11
RESOLUTION NO. 18-1397**

IN THE MATTER OF AMENDING THE CHILD PLACEMENT SERVICES CONTRACT BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY BOARD OF COMMISSIONERS, AND YOUNG STAR ACADEMY:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

Whereas, Delaware County contracts with Child Care Placement providers in accordance with state and federal regulations; and

Whereas, the Director of Job & Family Services recommends approval of the following contract amendment with Young Star Academy (d/b/a Mohican Young Star Academy);

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

Now, Therefore, Be It Resolved that the Delaware County Board of Commissioners approves the following contract amendment for a Child Care Placement provider with Young Star Academy (d/b/a Mohican Young Star Academy):

**First Amendment
To
Contract for the Provision of Child Placement
And Related Services
Between
Delaware County
and
Young Star Academy (d/b/a Mohican Young Star Academy)**

This First Amendment of the Contract For The Provision of Child Placement And Related Services is entered into this 17th day of December, 2018 by and between the Delaware County, Ohio Board of County Commissioners (hereinafter “Board”), whose address is 101 North Sandusky Street, Delaware, Ohio 43015, the Delaware County, Ohio Department of Job and Family Services, a Title IV-E Agency, (hereinafter “Agency”) whose address is 140 North Sandusky Street, 2nd Floor, Delaware, Ohio 43015, and Young Star Academy, d/b/a Mohican Young Star Academy (as successor in interest to Tri-State Youth Authority, d/b/a Mohican Youth Academy)(“Provider”) whose address 1012 ODNR Mohican 51, Perrysville, Ohio 44864 (hereinafter collectively the “Parties).

WHEREAS, the Parties entered into the Contract for the Provision of Child Placement and Related Services on March 8, 2018.

WHEREAS, the parties agree to the addition of certain provisions to the Contract (collectively, “Provisions”).

NOW THEREFORE, the Parties agree as follows:

1. Change in Name of Provider

Young Star Academy, d/b/a Mohican Young Star Academy (“Young Star”) is the successor in interest to Tri-State Youth Authority, d/b/a Mohican Youth Academy (“Tri-State”) through sale, and the Contract between the Parties was formally assigned from Tri-State to Young Star pursuant to the attached Assignment and Consent to Assignment of Services Agreement (“Assignment Agreement”).

The Provider under the Contract shall now be known as Young Star Academy, d/b/a Mohican Young Star Academy.

2. Contract Maximum

The maximum amount payable pursuant to this Contract shall be increased to two-hundred ninety-four thousand dollars and no cents (\$294,000).

3. Term of Agreement

The contract service period shall be extended to June 30, 2019.

4. Signatures

Any person executing this First Amendment in a representative capacity hereby warrants that he/she has authority to sign this First Amendment or has been duly authorized by his/her principal to execute this First Amendment on such principal’s behalf.

5. Conflicts

In the event of a conflict between the terms of the Contract and this First Amendment, the terms of the First Amendment shall prevail.

6. Terms of Agreement Unchanged

All terms and conditions of the Contract not changed by this First Amendment remain the same, unchanged, and in full force and effect, including the business address of Provider.

Vote on Motion Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

**12
RESOLUTION NO. 18-1398**

IN THE MATTER OF APPROVING A TRANSFER OF FUNDS FOR DOG AND KENNEL:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

Transfer of Funds

From	To	
10011102-5801	20411305-4601	35,000.00
Commissioners General/Misc. Cash Transfers	Dog and Kennel/Interfund Revenues	

Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

13

RESOLUTION NO. 18-1399

IN THE MATTER OF ESTABLISHING AND AMENDING CHARGES FOR THE DELAWARE COUNTY REGIONAL SEWER DISTRICT IN CONFORMITY WITH PROVISIONS OF SECTION 6117.02 OF THE OHIO REVISED CODE:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following:

WHEREAS, pursuant to section 6117.02 of the Revised Code, the Delaware County Board of Commissioners (the "Board") shall fix reasonable rates and fees for the use, or availability of use, and connection to the Delaware County Sewer District (the "District") sanitary sewer facilities; and

WHEREAS, the Board may change the rates from time to time as it considers advisable and, accordingly, has previously made changes in Resolution Nos. 94-336, 16-1312, and 17-1384; and

WHEREAS, the Board established the District to include the entire unincorporated area of Delaware County, Ohio and such additional territory within the boundaries of incorporated municipalities, when so authorized by the legislative authority of said municipality and when so accepted by resolution of this Board; and

WHEREAS, the District has previously created capacity fee surcharge sub-districts to pay for regional capital improvement projects, and the surcharge fee was in addition to the capacity fee established in accordance with Resolution No. 94-336; and

WHEREAS, the District has prepared a comprehensive system-wide Master Plan to identify the operation, maintenance, and capital needs of the District for existing infrastructure as well as new infrastructure for a ten-year planning period; and

WHEREAS, the District has prepared a financial model as part of the Master Plan to determine the revenue needs to support the recommendations of the Master Plan and the District's primary sources of revenue include connection fees and service rates; and

WHEREAS, household sewage treatment systems can cause a public health nuisance under the conditions defined in section 3718.011 of the Revised Code; and

WHEREAS, the Board wishes to encourage owners of household sewage treatment systems to connect to the centralized sanitary sewerage system when available; and

WHEREAS, the Delaware County Sanitary Engineer recommends a change to the capacity fee charges and surcharges and the collection of said capacity fees;

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

Section 1: The Board hereby establishes the capacity fee for the District in the amount of \$6,900 for one (1) residential equivalent which shall be effective immediately upon adoption. The capacity fee shall be increased in subsequent years to \$7,500 on January 1, 2019 and \$8,100 on January 1, 2020.

Section 2: Notwithstanding Section 1 of this Resolution, the Board hereby establishes the District capacity fee for an existing residence served by a household sewage treatment system in the amount of \$3,450 for one (1) residential equivalent plus any applicable surcharge which shall be effective immediately upon adoption. The capacity fee for an existing residence served by a household sewage treatment system shall be increased in subsequent years to \$3,750 on January 1, 2019 and \$4,050 on January 1, 2020 plus any applicable surcharge.

Section 3: The Board hereby establishes a sub-district surcharge for the Lower Scioto Service Area in the amount of \$2,500 per residential equivalent.

Section 4: The Board shall decrease other sub-district capacity fee surcharges incrementally as outlined below:

Surcharge Area	Surcharge Amount / Effective Date		
	Current	1/1/2019	1/1/2020
Cheshire Pump Station	\$1,200.00	\$500.00	\$0.00

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

Cheshire Elementary	\$1,450.00	\$650.00	\$0.00
Maxtown Pump Station	\$1,000.00	\$500.00	\$0.00
North Orange	\$0.00	\$0.00	\$0.00
Liberty Park Pump Station sub-district	\$500.00	\$250.00	\$0.00
Perry Taggart	\$2,000.00	\$1,000.00	\$0.00
Liberty Sawmill	\$650.00	\$300.00	\$0.00
Seldom Seen Acres	\$0.00	\$0.00	\$0.00

Section 5: The additional surcharge amount of \$1,350 established by Resolution No. 16-612 on properties within the “Owner’s Choice” area shall remain in full force and effect.

Section 6: Payment of one hundred percent (100%) of the capacity (tap) fees shall be made prior to connection to the sewer system and construction of the tap. This replaces Resolution No. 94-336 where fifty percent (50%) of the capacity (tap) fee was required to be deposited prior to platting.

Section 7: The District shall update the financial model on a routine basis, and the Board may consider an amendment to these fee changes upon receipt of the updated financial model.

Section 8: Notwithstanding any other provision of this Resolution, the properties within the Scioto Reserve and Northstar developments and which are part of the original development or an amendment to said development and properties identified in Resolution No. 16-612 as owned or controlled by the Developer shall pay the capacity fees and surcharges, if any, established by the agreements governing sewer service for those developments. All properties connected to sewer which were not part of the original development or amendment, or specifically exempted by written agreement, shall pay the Sewer District Tap Fee and any applicable surcharges established in Sections 1, 2, 3, and 4 of this Resolution.

Section 9: Notwithstanding any other provision of this Resolution, the Capacity Charges associated with the Powell Assessment Project shall remain at \$2,400 per residential equivalent.

Section 10: Notwithstanding any other provision of this Resolution, all capacity fees in the Evans Farm New Community Authority (NCA) are hereby established at \$8,100. This fee is established to provide consistency for the development because part of the Evans Farm NCA is in the Perry Taggart surcharge area, and part of the NCA is in an area with no surcharge.

Section 11: Notwithstanding any other provision of this Resolution, the properties within the Tartan Fields development shall pay the capacity fees and surcharges, if any, established by the agreements governing sewer service for those developments. The District Tap Fee for Tartan Fields is hereby established to be \$8,100. The District Tap Fee for Tartan Fields for an existing residence served by a household sewage treatment systems is hereby established to be \$4,050.

Section 12: This Resolution supersedes all previous resolutions inconsistent herewith, which are hereby repealed, and shall be effective immediately upon adoption.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

15
ADMINISTRATOR REPORTS

Mike Frommer, County Administrator
-No reports.

16
COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Lewis
-Spoke at the Shawnee Hills Chamber of Commerce Annual Meeting.
-Attended the Family & Children First Council meeting last week.

Commissioner Benton
-There will be a DKMM Meeting tomorrow.
-Attended Judge Krueger’s retirement reception on Friday.
-Attended the MORPC meeting on Thursday. It was announced that Knox County will be joining MORPC.
-Attended the Legislative Update on Friday afternoon.
-Commissioner Gary Lee from Union County is retiring this year.
-Marshall Court is now officially closed.

Commissioner Merrell
-Marshall Court is the driveway that is located between the Courthouse and the Hayes Building. The closure is good for safety.
-Attended the NorthLake breakfast.
-David Stadge asked for a work session to discuss the 23 Corridor Study. Clerk Walraven will be getting dates

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

together.

17

RESOLUTION NO. 18-1400

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF SALE OF PROPERTY AT COMPETITIVE BIDDING:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)–(7) of the Revised Code; and

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

Section 1. The Board hereby adjourns into executive session for consideration of sale of property at competitive bidding.

Vote on Motion	Mr. Merrell	Aye	Mrs. Lewis	Aye	Mr. Benton	Aye
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17 continued

RESOLUTION NO. 18-1401

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mrs. Lewis, seconded by Mr. Benton to adjourn out of Executive Session.

Vote on Motion	Mrs. Lewis	Aye	Mr. Merrell	Aye	Mr. Benton	Aye
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*Mr. Merrell did not return for the afternoon session.

9:58 AM RECESS UNTIL 1:30 PM/RECONVENE AT 1:30 PM

18

RESOLUTION NO. 18-1402

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following:

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)–(7) of the Revised Code; and

Section 1. The Board hereby adjourns into executive session for consideration of appointment of a public employee or public official.

Vote on Motion	Mr. Benton	Aye	Mr. Merrell	Absent	Mrs. Lewis	Aye
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18 continued

RESOLUTION NO. 18-1403

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Benton, seconded by Mrs. Lewis to adjourn out of Executive Session.

Vote on Motion	Mr. Merrell	Absent	Mr. Benton	Aye	Mrs. Lewis	Aye
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There being no further business, the meeting adjourned.

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 17, 2018**

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners