

**COMMISSIONERS JOURNAL NO. 41 - DELAWARE COUNTY
MINUTES FROM SPECIAL MEETING HELD DECEMBER 28, 2000**

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

Present: James Ward, Deborah Martin (late), Donald Wuertz

9:15 AM – Executive Session for Personnel Matters and Land Acquisition

RESOLUTION NO. 00-1058

IN THE MATTER OF APPROVING TRANSFER OF FUNDS, APPROPRIATIONS, AND SUPPLEMENTAL APPROPRIATIONS:

It was moved Mr. Ward, seconded by Mr. Wuertz to approve as follows:

SUPPLEMENTAL APPROPRIATIONS

FUND NUMBER:	FUND NAME:	AMOUNT:
052-0074-020	CDBG – CHIP94(Recaptured Funds)	\$ 1,100.00
052-0079-020	CDBG/CHIP Housing 99 - Srvs & Chrgs	\$ 23,600.00
052-0097-020	CDBG/FY97 - Srvs & Chrgs	\$ 12,031.00
052-0098-020	CDBG/FY98 - Srvs & Chrgs	\$ 65,000.00
052-2000-020	CDBG/FY2000 – Srvs & Chrgs	\$ (11,000.00)
052-0099-020	CDBG/CHIP FY96 – Srvs & Chrgs	\$ 23,800.00
077-7710-030	Lodging Fees – Grants	\$ (7,835.34)
081-8110-040	Roadway Development	\$ 265,948.77

TRANSFER OF APPROPRIATION

FROM:	TO:	AMOUNT:
001-0120-035 Gen Fund/Comm – Contingency	001-0240-020 Gen Fund/Pub Def - Srvs & Chrgs	\$ 25,000.00
Vote on Motion	Mr. Ward Aye Mrs. Martin Absent Mr. Wuertz	Aye

RESOLUTION NO. 00-1059

IN THE MATTER OF AUTHORIZING EXECUTION OF AN AMENDMENT OF AN ENTERPRISE ZONE AGREEMENT WITH SUBMITORDER.COM, INC., AND RELATIONAL FUNDING CORPORATION:

It was move by Mr. Ward, seconded by Mr. Wuertz to authorize the following:

WHEREAS, Orange Township and Delaware County have encouraged the development of real estate and the investment in personal property within a certain area of the township via the establishment of an Enterprise Zone Area; and

WHEREAS, the Delaware County Board of Commissioners, Orange Township, and SubmitOrder.com, Inc. did enter into an Enterprise Zone Agreement dated February 22, 2000, in conjunction with a PROJECT to be undertaken within an existing 71,500 square foot building in Orange Township located at 7991 Columbus Pike, Lewis Center, Ohio; and

WHEREAS, pursuant to said Enterprise Zone Agreement, SubmitOrder.com, Inc. was to receive certain tax incentives as the presumed tenant and investor in personal property and creator of new full time equivalent job opportunities and retainer of existing full time equivalent jobs at the PROJECT site; and

WHEREAS, it is now understood by all parties of the original Enterprise Zone Agreement for the referenced PROJECT that the amount of investment in personal property equipment shall be greater than originally estimated under said Enterprise Zone Agreement dated February 22, 2000, and that SubmitOrder.com, Inc. shall enter into a leasing agreement with Relational Funding Corporation (RFC) in order to finance this additional investment in personal property equipment.

**COMMISSIONERS JOURNAL NO. 41 - DELAWARE COUNTY
MINUTES FROM SPECIAL MEETING HELD DECEMBER 28, 2000**

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio that the Enterprise Zone Agreement for the SubmitOrder.com PROJECT, originally dated February 22, 2000, is hereby amended to include the following consideration:

1. The investment amount in equipment at the PROJECT site that shall be eligible for exemption under said Enterprise Zone agreement dated February 22, 2000 shall be increased from \$2,900,000 (Two Million Nine Hundred Thousand Dollars) to \$4,000,000 (Four Million Dollars), plus or minus ten percent.
2. SubmitOrder.com shall lease from RFC a minimum of \$2,600,000 (Two Million Six Hundred Thousand Dollars) of the \$4,000,000 (Four Million Dollars) of the personal property equipment to be purchased as part of this PROJECT. SubmitOrder.com, Inc. shall be the owner of any personal property equipment not leased from RFC. RFC shall be responsible for the taxes owed on the property it leases to SubmitOrder.com. Any reimbursements to RFC by SubmitOrder.com for taxes paid shall be subject to a separate agreement between SubmitOrder.com and RFC.
3. SubmitOrder.com and RFC shall be eligible to receive a 45% exemption for this investment consistent with each entity's ownership position relative to said personal property equipment. The personal property equipment owned by RFC and leased to SubmitOrder.com shall be eligible for said exemption as long as said equipment remains at the project site and is in use by SubmitOrder.com. and the original term of the exemption has not expired. Should said equipment be removed from the premises, the exemption on this property shall immediately cease.
4. SubmitOrder.com, Inc. may acquire said equipment at the end of the lease term for its then appraised fair market value, or extend the term of the lease, or return the equipment to RFC, subject always to the terms of the leases. However, the total level of investment in personal property attained at the project site shall meet or exceed the commitment levels established in the Enterprise Zone agreement, and as amended, throughout the term of said Enterprise Zone agreement.
5. SubmitOrder.com, Inc. shall be responsible for attaining this increased level of investment in personal property equipment and shall be responsible for all other commitments stated in the Enterprise Zone Agreement unless specifically stated otherwise in this agreement.
6. SubmitOrder.com shall remain responsible for creating and retaining the stated number of full-time equivalent job opportunities and level of new payroll established in the Enterprise Zone Agreement.
7. The investment amount in furniture and fixtures eligible for exemption under said Enterprise Zone agreement dated February 22, 2000 shall be increased from \$750,000 (Seven Hundred and Fifty Thousand Dollars) to \$1,000,000 (One Million Dollars), plus or minus ten percent.
8. SubmitOrder.com, Inc. shall be responsible for attaining this increased level of investment in personal property furniture and fixtures and SubmitOrder.com, Inc. shall be responsible for all other commitments stated in the Enterprise Zone Agreement unless specifically stated otherwise in this agreement.
9. If SubmitOrder.com, Inc. fails to fulfill its obligations under this agreement, Delaware County and Orange Township may terminate or modify the exemptions from taxation granted under this agreement, and may require SubmitOrder.com to repay the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement.
10. Annually, at the request of the Delaware County Economic Development Department, SubmitOrder.com, Inc. and RFC shall provide joint reporting detailing the amount of investment made in personal property equipment at the PROJECT site, the amount of said personal property equipment leased from RFC, and the amount of said equipment owned by SubmitOrder.com. Such information shall also be required to be provided to the Delaware County Auditors office upon request.
11. Orange Township and Delaware County shall provide the personal property tax exemption called for under the Agreement for the referenced PROJECT in recognition of this amendment and the terms and conditions established therein.
12. The Delaware County Director of Economic Development is directed to formally notify the Olentangy Local School District and the Delaware Joint Vocational School of this action.
13. The Delaware County Auditor, the Ohio Department of Development, and the Ohio Department of Taxation shall be advised in writing of this amendment.

Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Absent
RESOLUTION NO. 00-1060

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS
AND LAND ACQUISITION AT 9:20 AM:**

COMMISSIONERS JOURNAL NO. 41 - DELAWARE COUNTY
MINUTES FROM SPECIAL MEETING HELD DECEMBER 28, 2000

It was moved by Mr. Ward, seconded by Mr. Wuertz to adjourn into Executive Session.

Vote on Motion Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 00-1061

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 11:40 AM:

It was moved by Mr. Ward seconded by Mr. Wuertz to adjourn out of Executive Session:

Vote on Motion Mr. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

There being no further business, the meeting adjourned.

Deborah Martin

James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners