

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD DECEMBER 15, 2005

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

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

PUBLIC COMMENT

1. Commissioner Ward comments on how the holidays are too “Politically Correct” and people should still use the word Christmas. It is a religious Holiday; do not take away the meaning. His comments are echoed by Commissioners Evans and Jordon.

2. Commissioner Jordan wants to make people and township aware of the Adult Book Store that is planned for Orange Township. It should be a “wake-up-call” for solid zoning codes and enforcement laws.

Commissioners Evans and Ward;  
Restrain and restrict before the businesses are here not after.

(For a complete record refer to the Official CD minutes).

RESOLUTION NO. 05-1637

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 8, 2005 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held December 8, 2005 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 05-1638

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR129, 1214 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1214:

It was moved by Mr. Evans, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR129, 1214, memo transfers in batch numbers MTAPR1214 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO’s</b>			
Mathews Kennedy Ford Lincoln	New Truck/Dog Warden	20411305-5450	\$ 15,000.00
Tyevco Inc.	CHIP 04-Home Repairs	23011713-5365	\$ 7,430.91
Bruce Builders	Home Repairs	23011713-5365	\$ 8,000.00
Marion Industrial Electrical Supply	Repair & Return Motor	65211905-5328	\$ 8,225.00
Ohio Hospital	Adolescent Psychiatry	22511607-5342	\$ 5,080.00
<b>Increases</b>			
Kindercare Sawbury	Day Care	22411610-5348	\$ 3,000.00
Childrens First Inc.	Day Care	22411610-5348	\$ 1,500.00
Arleen Sunkle	Day Care	22411610-5348	\$ 4,900.00
Nancy Lucas	Day Care	22411610-5348	\$ 3,100.00
Carolyn Chute	Day Care	22411610-5348	\$ 4,500.00
Karen Bumpus	Day Care	22411610-5348	\$ 4,000.00
Childrens World Charring	Day Care	22411610-5348	\$ 3,000.00
Delaware Cab	CL Residential Travel	22511607-5355	\$ 1,500.00
Kindercare Neverland	Day Care	22411610-5348	\$ 3,000.00
LaPetite Summitview	Day Care	22411610-5348	\$ 2,200.00
Delaware Area Career Center	Day Care	22411610-5348	\$ 2,100.00
Gotco Exclusive Carpet Care	Cleaning for all Co. Offices	10011105-5325	\$ 7,755.25
BP Products	Fuel/Gasoline for Co. Offices	10011106-5228	\$ 5,500.00
Countryside Construction	Snow Removal	10011105-5328	\$ 6,500.00
BP Products	Fuel for County Vehicles	10011106-5228	\$ 19,000.00
<b>Decreases</b>			
YMCA North Branch	Day Care	22411610-5348	\$ 8,000.00
AEP	Monthly Service	10011105-5338	\$ 10,000.00
<b>Vouchers</b>			
Tyevco	CHIP Home Repairs	23011713-5365	\$ 8,000.00
URS Corporation	Tunneling Cons/Perry Taggart	65511918-5415	\$ 23,589.38

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Kindercare Neverland	Day Care	22411610-5348	\$	13,131.86
Boys Village Inc.	Residential Treatment	22511607-5342	\$	52,123.69
Liberty Community Center	Day Care	22411610-5348	\$	17,091.61
Todays Learning Child	Day Care	22411610-5348	\$	8,322.40
JG Contracting Co.	Milestone Tower Construction	41111421-5410	\$	393,925.00
JG Contracting Co.	Milestone Pymt for Nov-05	41111421-5410	\$	56,671.00
US Filter Davis	Bioxide Chemicals	65211919-5290	\$	7,000.00
KoKomo Academy	Residential Treatment	22511608-5342	\$	11,904.00
GOTCO Exclusive Carpet Care	Carpet Cleaning/County	10011105-5325	\$	8,072.67
Nikolas Savko & Sons	Olentangy Crossing/Project	40811422-5420	\$	458,122.18
Jess Howard	Olentangy Crossing/ Project/Signal	40811422-5420	\$	75,629.50
Double Z Construction	Olentangy Crossing Assessment #1	44211423-5420	\$	155,073.73
Resource OH	Flooring/Jail	40411414-5410	\$	28,851.64
Bruner Corporation	Plumbing/Jail	40411414-5410	\$	113,043.01
Jess Howard	Electrical Work/Jail	40411414-5410	\$	75,950.40
Ben Bro Enterprises	Rental Sandusky Street	10011105-5335	\$	14,625.00
<b>Memo Transfer Voucher</b>				
<b>From</b>	<b>To</b>			
Comm. (Drainage Improvement) 40311409-5301	Soil & Water 72190901-4230	Ditch Petition Costs	\$	9,695.09
Code Compliance 10011301-5370	Human Resources 10011108-5370	Unemployment	\$	8,398.00
CSEA 23711630-5380	Commissioners 10011101-4233	Indirect Costs	\$	5,227.34
CSEA 23711630-5335	Commissioners 10011101-4233	Dec 05 Rent	\$	7,417.02

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

RESOLUTION NO. 05 -1639

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Shelly Douce attend a Team Building Seminar in Columbus, Ohio January 25, 2005, at the cost of \$179.00.

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

RESOLUTION NO. 05-1640

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONERS, JEFFREY MCNEALEY, ESQ REQUESTING ANNEXATION OF 161.21 ACRES OF LAND IN BERLIN TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. Evans, seconded by Mr. Ward to acknowledge that on December 8, 2005, the Clerk to the Board of Commissioners received an annexation petition request to annex 161.21 acres from Berlin Township to the City of Delaware.

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

RESOLUTION NO. 05-1641

IN THE MATTER OF AMENDING RESOLUTION FOR SUPPLEMENTAL APPROPRIATIONS FOR THE SHERIFF’S OFFICE AS PRESENTED:

It was moved by Mr. Ward, seconded by Mr. Evans to amend Supplemental Appropriations as presented to reflect the following:

Supplemental Appropriation			Amount	
10031303-5345	Sheriff Jail/Safety & Security			82,000.00
10031303-5001	Sheriff Jail/Compensation			2,000.00

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

RESOLUTION NO. 05-1642

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IN THE MATTER OF APPROVING, AS AMENDED, TRANSFER OF APPROPRIATIONS AND  
SUPPLEMENTAL APPROPRIATIONS FOR THE SHERIFF’S OFFICE:

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

Supplemental Appropriation		Amount
10031303-5342	Sheriff Jail/Medical & Health	18,010.00
10031303-5345	Sheriff Jail/Safety & Security	82,000.00
10031303-5001	Sheriff Jail/Compensation	2,000.00
Transfer of Appropriation		
FROM	TO	
10031303-5120 Sheriff Jail/PERS	10031303-5001 Sheriff Jail/Compensation	6,500.00
10031304-5001 Sheriff Conveyance/Compensation	10031303-5001 Sheriff Jail/Compensation	32,000.00
10031304-5101 Sheriff Conveyance/Benefits	10031303-5001 Sheriff Jail/Compensation	4,000.00
10031304-5102 Sheriff Conveyance/Workers Comp	10031303-5222 Sheriff Jail/Janitorial Supplies	1,500.00
10031304-5120 Sheriff Conveyance/PERS	10031303-5338 Sheriff Jail/Utilities	18,500.00
10031304-5101 Sheriff Conveyance/Benefits	10031303-5243 Sheriff Jail/Drugs & Pharmaceuticals	4,500.00
10031304-5101 Sheriff Conveyance/Benefits	10031303-5328 Sheriff Jail/Maintenance & Repair	2,600.00
10031301-5001 Sheriff/Deputies	10031303-5294 Sheriff Jail/Food Supplies	6,000.00
10031301-5120 Sheriff Deputies/PERS	10031303-5294 Sheriff Jail/Food Supplies	20,000.00
10031301-5101 Sheriff Deputies/Benefits	10031303-5342 Sheriff/Medical & Health	30,000.00
10031301-5102 Sheriff Deputies/Workers Comp	10031303-5342 Sheriff Jail/Medical & Health	2,500.00
10031301-5131 Sheriff Deputies/Medicare	10031303-5342 Sheriff Jail/Medical & Health	5,500.00
10031307-5004 Sheriff/Pay to Stay/Overtime	10031303-5342 Sheriff Jail/Medical & Health	1,000.00
10031307-5120 Sheriff Pay to Stay/PERS	10031303-5342 Sheriff Jail/Medical & Health	1,200.00
10031305-5001 Sheriff Court Security/Compensation	10031303-5342 Sheriff Jail/Medical & Health	4,000.00
10031317-5001 Sheriff Contract Deputies/Compensation	10031303-5342 Sheriff Jail/Medical & Health	1,000.00
10031317-5004 Sheriff Contract Deputies/Overtime	10031303-5342 Sheriff Jail/Medical & Health	2,000.00

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10031317-5101	10031303-5342	2,500.00
Sheriff Contract Deputies/Benefits	Sheriff Jail/Medical & Health	
10031317-5120	10031303-5342	3,500.00
Sheriff Contract Deputies/PERS	Sheriff Jail/Medical & Health	
<b>Transfer of Appropriation</b>		
<b>From</b>	<b>To</b>	
10031301-5238	10031301-5325	2,000.00
Sheriff Deputies/Safety & Security	Sheriff Deputies/Maintenance Contracts	
10031301-5250	10031301-5325	3,500.00
Sheriff Deputies/Minor Tools	Sheriff Deputies/Maintenance Contracts	
10031301-5260	10031301-5325	2,700.00
Sheriff Deputies/Inventoried Tools	Sheriff Deputies/Maintenance Contracts	
10031301-5298	10031301-5325	300.00
Sheriff Deputies/Materials & Supplies	Sheriff Deputies/Maintenance Contracts	
Vote on Motion	Mr. Jordan      Aye      Mr. Evans      Aye      Mr. Ward	Aye

RESOLUTION NO. 05-1643

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR VETERANS SERVICES:

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

<b>Transfer of Appropriation</b>		Amount
<b>From</b>	<b>To</b>	
10062601-5350	10062601-5294	\$1,500.00
Veterans Services/Human Services	Veterans Services/Food Supplies	
Vote on Motion	Mr. Ward      Aye      Mr. Jordan      Aye      Mr. Evans	Aye

RESOLUTION NO. 05-1644

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATION FOR THE BOARD OF ELECTIONS:

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

<b>Transfer of Appropriation</b>		Amount
<b>From</b>	<b>To</b>	
10016101-5101	10016101-5001	\$3,000.00
Board of Elections/Hospital	Board of Elections/Compensation	
Vote on Motion	Mr. Evans      Aye      Mr. Jordan      Aye      Mr. Ward	Aye

RESOLUTION NO. 05-1645

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE DATA CENTER FUND:

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

<b>Transfer of Appropriation</b>		Amount
<b>From</b>	<b>To</b>	
20315101-5320	20315101-5260	\$7,050.00
Data Center/Data Processing Services	Data Center Inventoried/Inventoried Tools &Equipment	
20315101-5450	20315101-5260	
Data Center/Capital Outlays & Equip	Data Center/Inventoried Tools & Equipment	\$7,250.00

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

RESOLUTION NO. 05-1646

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Rhonda Griffith will be required to take 80 hours of leave without pay for the pay period of 0501026.

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

RESOLUTION NO. 05-1647

IN THE MATTER OF APPROVING AN APPLICATION FOR NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMIT RENEWALS FOR THE HOOVER WOODS WASTE WATER  
TREATMENT PLANT:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the application for National Pollutant  
Discharge Elimination System (NPDES) permit renewals for the Hoover Woods Waste Water Treatment Plant.

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

RESOLUTION NO. 05-1648

IN THE MATTER OF CERTIFYING TO THE COUNTY AUDITOR SANITARY SEWER CAPACITY  
CHARGES:

It was moved by Mr. Ward, seconded by Mr. Evans to certify the Sanitary Sewer Capacity Charges as follows:

8453 Maple Leaf Court

In the amount of \$5,900.00 with \$2,218.40 finance charge (pro-rated over a 10 year period) making total of  
\$8,118.40 for placement on tax duplicate. Bi-annual payment being \$405.92

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

RESOLUTION NO. 05-1649

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Mark Howard, a Mechanical Inspector with Code Compliance, is requesting a revision to his Leave With Out  
Pay to January 3, 2006. (Previous end date was December 16, 2005.)

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

RESOLUTION NO. 05-1650

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DEPARTMENT OF JOB AND  
FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS  
CHRIS ENGLAND AND ENCHANTED CARE LEARNING:

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

BASIC RATES

Full-time Week for Licensed Center and Type A Providers: 25 to 60 hours  
Hourly: Paid after 60 hours

Part-time Week for Center and Type A Providers: 8 hours to 24.9 hours  
Hourly Paid for .1 hour to 7.9 hours

Full-time Week for Certified Type B Home Providers: 25 hours to 50 hours  
Hourly: Paid after 50 hours

Part-time Week for Home Providers: 8 hours to 24.9 hours

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Hourly Paid for .1 hour to 7.9 hours

Child Care Provider		Full	Part Time	Hourly
Enchanted Care Learning Center 7376 Gooding Blvd. Delaware, Ohio 43015	Infant	\$169.90	\$134.21	\$ 8.76
	Toddler	\$149.42	\$108.70	\$ 6.39
	Preschool	\$133.89	\$ 94.80	\$ 5.84

Child Care Provider	Infants	Toddlers	Preschool	School
Chris England 110 W. Blagrove Street Richwood, Ohio 43344	\$99.06 Full	\$93.39 Full	\$89.09 Full	\$78.72 Full
	\$64.62 Part	\$61.97 Part	\$57.71 Part	\$53.12 Part
	\$ 3.82 Hourly	\$ 3.66 Hourly	\$ 3.47 Hourly	\$ 2.53 Hourly

(A Copy of each of these contacts is available in the Commissioners’ Office until no longer of Administrative Value).

**Further Be It Resolved,** that the Commissioners approve the following Purchase Order Request:

Chris England	22411610-5348	\$2,000.00
Enchanted Care Learning Ctr.	22411610-5348	\$3,000.00

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

**RESOLUTION NO. 05-1651**

**IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND FOX RUN HOSPITAL CHILD PLACEMENT SERVICES:**

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

Child Placement Service	Per diem cost and per diem reimbursement for the following categories
Fox Run Hospital 67670 Traco Dr. St. Clairsville, Ohio 43950	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare G. Other costs - (any other cost the Agency has agreed to participate in)

(A Copy of each of these contacts is available in the Commissioners’ Office until no longer of Administrative Value).

**Further Be It Resolved,** that the Commissioners approve the following Purchase Order Request:

Fox Run Hospital	22511608-5342	\$13,963.00
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Vote on Motion            Mr. Evans            Aye            Mr. Jordan            Aye            Mr. Ward            Aye

**RESOLUTION NO. 05 -1652**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE ONE STOP OPEN HOUSES :**

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure Of Public Funds For Proper “Public Purpose”, and

WHEREAS, The October 20, 2003, State Auditor’s ruling on payment of Expenditures Of Public Funds For Proper “Public Purpose” states that for persons who are employees or non-employees of the County, the Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities.

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WHEREAS, the Delaware County Department of Job and Family Services has responsibility for workforce development activities; and

WHEREAS, the month of September has been declared Workforce Development Month; and

WHEREAS, Delaware County has been awarded State funds for the purpose of recognizing workforce development activities in Delaware County; and

WHEREAS, open houses have been organized for September 13 and 14 for each center to invite the public into the centers to experience services of the One Stop as well as a targeted job fair; and

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

Section 1. That the Delaware County Board of Commissioners hereby authorizes the use of Department of Job and Family Services funds in an amount not to exceed \$367.17 (initially approved in the amount of \$332.00 resolution 05-1237, September 12, 2005), to assist in funding the purchase of coffee, meals, refreshments and other amenities for One Stop open houses on September 13 and 14, 2005.

Further Be It Resolved, that the Commissioners approve a Purchases Order Request to Brian Lewer in the amount of \$41.01

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

**RESOLUTION NO. 05 -1653**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE NATIONAL ADOPTION AWARENESS MONTH BREAKFAST:**

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure Of Public Funds For Proper “Public Purpose”, and

WHEREAS, The October 20, 2003, State Auditor’s ruling on payment of Expenditures Of Public Funds For Proper “Public Purpose” states that for persons who are employees or non-employees of the County, the Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities.

WHEREAS, the Delaware County Department of Job and Family Services has children in care in need of adoptive homes; and

WHEREAS, the month of November has been declared National Adoption Awareness Month; and

WHEREAS, Delaware County has been awarded State funds for the purpose of assisting with adoption activities in Delaware County; and

WHEREAS, a breakfast has been organized for the purpose of providing adoption information and adoptive recruitment for November 14, 2005; and

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

Section 1. That the Delaware County Board of Commissioners hereby authorizes the use of Department of Job and Family Services funds in an amount not to exceed \$250 to assist in funding the purchase of coffee, meals, refreshments and other amenities for The Adoption Awareness Breakfast.

Further Be It Resolved, that the Commissioners approve a Purchases Order Request to Buehlers in the amount of \$154.00

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

**RESOLUTION NO. 05-1654**

**IN THE MATTER OF APPROVING TRANSFER OF FUNDS FOR THE DEPARTMENT OF JOB AND FAMILY SERVICES :**

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

Transfer of Funds		Amount
From	To	
22311611-5801	22411603-4601	\$30,000.00
Workforce Investment/Transfers	JFS Workforce/Interfund Transfer	
22511607-5801	22411604-4601	\$219,420.42
Children Services/Transfers	JFS Child Protection/Interfund Transfer	
Vote on Motion	Mr. Jordan      Aye      Mr. Evans      Aye      Mr. Ward      Aye	

RESOLUTION NO. 05-1655

IN THE MATTER OF AMENDING A RESOLUTION AND AGREEMENT AUTHORIZING THE USE OF DELAWARE COUNTY REVOLVING LOAN FUNDS (RLF) FOR THE COOP RESTAURANT ECONOMIC DEVELOPMENT PROJECT:

It was moved by Mr. Ward, seconded by Mr. Evans to amend a resolution and agreement:

WHEREAS, Delaware County has established a REVOLVING LOAN FUND (RLF) capitalized with the payback from Community Development Block Grant (CDBG) loans to local businesses; and

WHEREAS, the Delaware County RLF is intended to facilitate the implementation of job-creating projects where a defined financing gap exists; and

WHEREAS, the Delaware County Commissioners, via Resolution 04-1437 adopted on November 22, 2004, did authorize RLF participation, and the execution of a loan agreement, note, direct guaranty agreement, and security agreement for The Coop Restaurant Economic Development Project (hereafter referred to as the “Project”); and

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

- SECTION I.

That the Delaware County Board of Commissioners hereby approves amending Resolution 04-1437, the grant agreement, and RLF legally binding documents pertaining to this project, by authorizing a loan amendment agreement, as stated below.
- SECTION II.

The Delaware County Economic Development Director shall forward a copy of this Resolution and the revised project amendment agreement to the Office of Housing and Community Partnership, Ohio Department of Development upon execution. This amendment is conditioned on concurrence of the Ohio Department of Development, Office of Housing and Community Partnership.
- SECTION III.

Unless otherwise provided herein, the terms of any and all agreements between and among Denise E. Dunlap, Carol Arthur, The Coop, LLC, and the Delaware County Board of Commissioners remain in full force and effect.
- SECTION IV.

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

Delaware County Revolving Loan Fund  
Loan Amendment Agreement

WHEREAS, Delaware County has established a REVOLVING LOAN FUND (RLF) capitalized with the payback from Community Development Block Grant (CDBG) loans to local businesses; and

WHEREAS, the Delaware County RLF is intended to facilitate the implementation of job-creating projects where a defined financing gap exists; and

WHEREAS, the Delaware County Commissioners, via Resolution 04-1437 adopted on November 22, 2004, did authorize RLF participation, and the execution of a loan agreement, note, direct guaranty agreement, and security agreement for The Coop Restaurant Economic Development Project (hereafter referred to as the “Project”); and

WHEREAS, The Coop LLC, comprised of Denise E. Dunlap, Managing Member, and Carol Arthur, is the owner of the Project to be located at 5 & 7 N. Sandusky Street, in Delaware, Ohio, (hereafter referred to as the “Project Site”) has requested an amendment of the grant agreement and legally binding documents in order to restructure the Economic Development Loan for this Project.



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

**SECTION I.** That the Delaware County Board of Commissioners hereby approves amending Resolution 04-1437, the grant agreement, and RLF legally binding documents pertaining to this project, to allow The Coop LLC to pay only the interest on its loan from August 1, 2005 – December 1, 2005, a total amount of \$1,722.55 due on or before December 5, 2005. The Coop LLC shall pay only the interest on this loan for the January 1, 2006 payment in the amount of \$344.51 on or before this date, and only the interest for the February 1, 2006 payment in the amount of \$344.51 on or before this date. Beginning with the March 1, 2006 payment, the Coop LLC shall resume principal and interest payments, plus repayment of the amount of principal unpaid from August 1, 2005 – February 1, 2006, in the amount of \$1,851.22 paid each month starting March 1, 2006 until January 1, 2012, with payments due on the 1<sup>st</sup> day of each month; with the term and total repayment amount of principal and interest for said loan remaining unchanged.

**SECTION II.** All personal guarantees, including those of Denise E. Dunlap and Carol Arthur, shall remain in effect and continue unchanged for the remainder of the term of this RLF loan.

**SECTION III.** The Coop LLC acknowledges that building changes they made to the exterior of the Project Site, as part of this Project, were not consistent with the Secretary of the Interiors’ Standards for Rehabilitation and the National Historic Preservation Act of 1966, as amended, and further acknowledge that compliance with these Standards and this Act, as amended, is a condition for receiving this RLF loan, and non-compliance with these Standards and this Act has created a state of default regarding this RLF loan, and The Coop LLC agrees to correct and modify the exterior to be in compliance with these Standards and this Act, as amended, with compliance to be determined by the Ohio Historic Preservation Office (“OHPO”). The Coop LLC shall submit drawings adequately illustrating the changes to be made to the exterior doors to OHPO for approval, and all related exterior door modifications and removal of additional corrugated metal from the exterior of the Project Site consistent with these approved drawings must be installed and completed by January 20, 2006. The Coop LLC shall paint the existing canopy and corrugated metal band above said canopy as approved by OHPO. The Coop LLC agrees to establish an escrow account with Delaware County Bank & Trust Company in the amount of \$3,850 to be used to make any and all remaining corrections and modifications to the exterior of the Project Site. Said initial escrow amount may be reduced at the discretion of Delaware County, dependent on progress and completion of required exterior building modifications. This account shall be established no later than December 15, 2005. In addition, by January 20, 2006, The Coop LLC shall submit to Delaware County a written acknowledgement signed by The Coop LLC and the owner of the building located at the Project Site, stating that the building exterior shall be painted as stated above no later than June 1, 2006.

**SECTION IV.** All commitments, including job creation, shall remain as stated in the grant agreement and legally binding documents for this project. In addition, the first sentence in Section VII of the Loan Agreement shall be amended by omitting the words “use its best efforts to”.

**SECTION V.** This Agreement is conditioned on final approval of a Resolution by the Delaware County Board of Commissioners. The Delaware County Economic Development Director shall forward a copy of this Resolution and the revised project amendment agreement to the Office of Housing and Community Partnership, Ohio Department of Development upon execution. This amendment is conditioned on concurrence of the Ohio Department of Development, Office of Housing and Community Partnership.

**SECTION VI.** Unless otherwise provided herein, the terms of any and all agreements between and among Denise E. Dunlap, Carol Arthur, The Coop, LLC, and the Delaware County Board of Commissioners remain in full force and effect.

WARNING – BY SIGNING THIS PAPER YOU GIVE UP THE RIGHT TO NOTICE AND COURT TRIAL. IF YOU DO NOT PAY ON TIME A COURT JUDGMENT MAY BE TAKEN AGAINST YOU WITHOUT YOUR PRIOR KNOWLEDGE AND THE POWERS OF A COURT CAN BE USED TO COLLECT FROM YOU REGARDLESS OF ANY CLAIMS YOU MAY HAVE AGAINST THE CREDITOR WHETHER FOR RETURNED GOODS, FAULTY GOODS, FAILURE ON HIS PART TO COMPLY WITH THE AGREEMENT, OR ANY OTHER CAUSE. (Sec. 2323.13, O.R.C.)

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

**RESOLUTION NO. 05-1656**

**IN THE MATTER OF AMENDING AN ENTERPRISE ZONE AGREEMENT WITH ACI INDUSTRIES, LTD. L.P., A DELAWARE LIMITED PARTNERSHIP, ACI INDUSTRIES, LTD., AN OHIO LIMITED PARTNERSHIP, J&J SALES, LTD., AN OHIO LIMITED PARTNERSHIP (FORMERLY J&J SALES, LLC, AN OHIO LIMITED LIABILITY COMPANY), ACI INDUSTRIES REALTY, LLC (FORMERLY SIGNSTRUT REALTY, LLC), AN OHIO LIMITED LIABILITY COMPANY, ACI INDUSTRIES COMPOSITE MATERIALS, LLC (FORMERLY SIGNSTRUT COMPOSITE MATERIALS, LLC), AN OHIO LIMITED**

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LIABILITY COMPANY, ACI INDUSTRIES, LIMITED (FORMERLY SIGNSTRUT, LTD.), AN OHIO LIMITED PARTNERSHIP, AND ACI INDUSTRIES LED TECHNOLOGIES, LLC (FORMERLY SIGNSTRUT LED TECHNOLOGIES, LLC), AN OHIO LIMITED LIABILITY COMPANY AND ALL OTHER AFFILIATED ENTITIES (INDIVIDUALLY AND COLLECTIVELY REFERRED TO AS “THE SIGNSTRUT GROUP”), AND TRANSFER OF SAID AGREEMENT TO SIGNSTRUT, LTD., AN INDIANA CORPORATION:

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

WHEREAS, the City of Delaware (“City”) and Delaware County (“County”) have encouraged the development of real estate and investment in personal property within a certain area of the City of Delaware via the establishment of an Enterprise Zone Area; and

WHEREAS, the Delaware County Board of Commissioners, the City of Delaware, and Signstrut, Ltd., Signstrut Composite Materials, LLC, Signstrut LED Technologies, LLC, ACI Industries, Ltd., ACI Industries, Ltd. L.P., J&J Sales, LLC, Signstrut Realty, LLC, and all other entities controlled by the entities mentioned referred to as the **New Signstrut Entities and / or the Signstrut Group**, did enter into an Enterprise Zone Agreement (EZ Agreement) dated August 2, 1999, and subsequently amended (Amendment Agreement #1) on August 21, 2000, in conjunction with an economic development project (the PROJECT) to be undertaken at 970 Pittsburgh Drive, Delaware, Ohio, (the PROJECT site); and

WHEREAS, pursuant to said Enterprise Zone Agreement, Signstrut, Ltd., Signstrut Composite Materials, LLC, Signstrut LED Technologies, LLC, ACI Industries, Ltd., ACI Industries, Ltd. L.P., J&J Sales, LLC, Signstrut Realty, LLC, and all other entities controlled by the entities mentioned referred to as the **New Signstrut Entities and / or the Signstrut Group** were to receive certain tax incentives as the investor in new real property improvements and new tangible personal property consisting of new machinery and equipment and new inventory, and as the retainer of existing jobs and the creator of new full-time job opportunities and payroll at the PROJECT site; and

WHEREAS, in April 2004, an investment group led by **Hammond, Kennedy, Whitney & Company Inc.**, an Indiana private equity firm, purchased certain assets of **The Signstrut Group**, which resulted in the creation of **Signstrut, Ltd.**, an Indiana Corporation (hereafter referred to as “**Signstrut, Ltd.**”); and in January 2005, **Signstrut, Ltd.** purchased the assets of **Milwaukee Sign Company, L.L.C.**, a Wisconsin limited liability company, **Milwaukee Sign Services, L.L.C.**, a Wisconsin limited liability company, and **Able PCU Industries, L.L.C.**, a Wisconsin limited liability company and adopted the trade name **Signstrut Milwaukee**; and

WHEREAS, the City of Delaware Tax Incentive Negotiating Committee did meet on November 30, 2005, and recommended, that the tax exemptions on real property improvements and personal property investments associated with said Enterprise Zone Agreement be transferred to Signstrut, Ltd.; and

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

- SECTION I. That the Delaware County Board of Commissioners hereby authorize entering into an agreement to amend the Enterprise Zone agreement between the County, the City of Delaware, and The Signstrut Group, to transfer real property and personal property tax exemptions per said agreement to Signstrut, Ltd.
- SECTION II. This Amendment Agreement is attached to this resolution and is stated below:
- SECTION III. That this resolution shall take effect and be in force immediately after its passage.
- SECTION IV: Upon passage of this resolution, a copy shall be forwarded to the Delaware City School District, Delaware Area Career Center, Ohio Department of Taxation and the Ohio Department of Development.

AMENDMENT OF AN ENTERPRISE ZONE AGREEMENT WITH ACI INDUSTRIES, LTD. L.P., A DELAWARE LIMITED PARTNERSHIP, ACI INDUSTRIES, LTD., AN OHIO LIMITED PARTNERSHIP, J&J SALES, LTD., AN OHIO LIMITED PARTNERSHIP (FORMERLY J&J SALES, LLC, AN OHIO LIMITED LIABILITY COMPANY), ACI INDUSTRIES REALTY, LLC (FORMERLY SIGNSTRUT REALTY, LLC), AN OHIO LIMITED LIABILITY COMPANY, ACI INDUSTRIES COMPOSITE MATERIALS, LLC (FORMERLY SIGNSTRUT COMPOSITE MATERIALS, LLC), AN OHIO LIMITED LIABILITY COMPANY, ACI INDUSTRIES, LIMITED (FORMERLY SIGNSTRUT, LTD.), AN OHIO LIMITED PARTNERSHIP, AND ACI INDUSTRIES LED TECHNOLOGIES, LLC (FORMERLY SIGNSTRUT LED TECHNOLOGIES, LLC), AN OHIO LIMITED LIABILITY COMPANY AND ALL OTHER AFFILIATED ENTITIES (INDIVIDUALLY AND COLLECTIVELY REFERRED TO AS “THE SIGNSTRUT GROUP”), AND TRANSFER OF SAID AGREEMENT TO SIGNSTRUT, LTD., AN INDIANA CORPORATION.

WHEREAS, the City of Delaware (“City”) and Delaware County (“County”) have encouraged the development of real estate and investment in personal property within a certain area of the City of Delaware via the establishment of

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an Enterprise Zone Area; and

WHEREAS, the Delaware County Board of Commissioners, the City of Delaware, and Signstrut, Ltd., Signstrut Composite Materials, LLC, Signstrut LED Technologies, LLC, ACI Industries, Ltd., ACI Industries, Ltd. L.P., J&J Sales, LLC, Signstrut Realty, LLC, and all other entities controlled by the entities mentioned referred to as the **New Signstrut Entities and / or the Signstrut Group**, did enter into an Enterprise Zone Agreement (EZ Agreement) dated August 2, 1999, and subsequently amended (Amendment Agreement #1) on August 21, 2000, in conjunction with an economic development project (the PROJECT) to be undertaken at 970 Pittsburgh Drive, Delaware, Ohio, (the PROJECT site); and

WHEREAS, pursuant to said Enterprise Zone Agreement, Signstrut, Ltd., Signstrut Composite Materials, LLC, Signstrut LED Technologies, LLC, ACI Industries, Ltd., ACI Industries, Ltd. L.P., J&J Sales, LLC, Signstrut Realty, LLC, and all other entities controlled by the entities mentioned referred to as the **New Signstrut Entities and / or the Signstrut Group** were to receive certain tax incentives as the investor in new real property improvements and new tangible personal property consisting of new machinery and equipment and new inventory, and as the retainer of existing jobs and the creator of new full-time job opportunities and payroll at the PROJECT site; and

WHEREAS, in April 2004, an investment group led by **Hammond, Kennedy, Whitney & Company Inc.**, an Indiana private equity firm, purchased certain assets of **The Signstrut Group**, which resulted in the creation of **Signstrut, Ltd.**, an Indiana Corporation (hereafter referred to as "**Signstrut, Ltd.**"); and in January 2005, **Signstrut, Ltd.** purchased the assets of **Milwaukee Sign Company, L.L.C.**, a Wisconsin limited liability company, **Milwaukee Sign Services, L.L.C.**, a Wisconsin limited liability company, and **Able PCU Industries, L.L.C.**, a Wisconsin limited liability company and adopted the trade name **Signstrut Milwaukee**; and

NOW THEREFORE, the **Board of Commissioners, County of Delaware**, State of Ohio, the **City of Delaware**, Delaware County, State of Ohio, **Signstrut Ltd.**, and the **New Signstrut Entities** and **The Signstrut Group** hereby agree that the Enterprise Zone dated August 2, 1999, and as subsequently amended on August 21, 2000, is hereby modified to include the following consideration:

1. Effective as of the date of the passage of Resolution 05-\_\_ by the City of Delaware, and passage of Resolution 05-\_\_ by the Delaware County Board of Commissioners, the tax exemptions granted to **New Signstrut Entities** and **The Signstrut Group** for investment in new real property improvements and investment in new personal property, as established in the EZ Agreement and Amendment #1, for the PROJECT located at the PROJECT site, shall be transferred to **Signstrut, Ltd.**, effective the date of this agreement. This transfer of exemption benefits is conditioned on **Signstrut Ltd.** maintaining certain base levels indicators consisting of jobs, annual payroll, investment in real property improvements and investment in personal property at the PROJECT site. Only the real property improvements and personal property currently receiving tax exemptions under the EZ Agreement, and Amendment #1, shall continue to receive tax exemptions, conditioned on **Signstrut Ltd.** fulfilling the obligations and duties established under this amendment agreement (Amendment Agreement #2). The total number of years of exemptions granted under the EZ Agreement and Amendment #1 shall be reduced from ten (10) years to nine (9) years. The number of years of exemptions remaining shall be considered the remaining term of said exemptions under the EZ Agreement and Amendment #1. Said exemptions shall remain in place for the duration of the remaining term, as determined by the Delaware County Auditors Office, and at the level of exemptions as established in the original EZ Agreement and Amendment #1. However, in no instance shall exemptions granted on new personal property under the EZ Agreement and Amendment #1 shall continue beyond December 31, 2008. No new exemptions are granted under Amendment Agreement #2.
2. **Signstrut Ltd.** shall receive the tax exemptions granted in the original EZ Agreement as determined in Sections 5 and 6 of said Agreement for the remaining term of said Agreement. However, exemptions shall only be granted if the level of investment in new real property improvements and new personal property associated with this Agreement is maintained at or above a value of \$2,500,000; and if the level of retained jobs associated with this Agreement is maintained at or above 105 jobs, and if the level of new jobs created is maintained at or above 35 jobs, and the total number of jobs for **Signstrut Ltd.** remains at or above 140 jobs; and if the total annual payroll is maintained at or above a level of \$3,955,000. No exemptions shall be granted for any year in which the base level indicators are not achieved. If the total level of employment for **Signstrut Ltd.** falls below 105 jobs, this Agreement shall be automatically terminated.
3. All exemptions previously granted to the **New Signstrut Entities** and **The Signstrut Group** shall cease with the effective date of this Amendment Agreement #2. The **New Signstrut Entities** and **The Signstrut Group**, its successors and assigns, will thereafter be responsible for payment of all applicable taxes on and after this date. The Parties to the Enterprise Zone Agreement dated August 2, 1999, and as subsequently amended, release the **New Signstrut Entities** and **The Signstrut Group** from any rights, duties and obligations they may have pursuant to said Agreement and from any obligation to repay any tax exemptions or other benefits received during the term of said Agreement.
4. As a result of Amendment Agreement #2, **Signstrut Ltd.** shall assume all duties, obligations, and commitments associated with the PROJECT, the EZ Agreement, and Amendment Agreement #1, existing as

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of January 1, 2005, and continuing until the end of the term of the EZ Agreement and Amendment Agreement #1, as applicable. **Signstrut Ltd.** is hereby released from any and all obligations to repay any tax exemptions during the term of said Agreement prior to January 1, 2005. **Signstrut Ltd.** will thereafter be responsible for payment of all applicable taxes on and after this date that are not exempted under the EZ Agreement and Amendment Agreement #1. Section 11 of the EZ Agreement is hereby amended to delete all references to “DTE 23” and replace such references with “DTE 24”.

5. On the effective date of this Agreement, **ACI Industries Realty, LLC** shall repay the outstanding balance of **Signstrut Realty, LLC’s** Delaware County Economic Development with Delaware County loan, consisting of County Revolving Loan Funds and Community Development Block Grant (CDBG) Economic Development Funds and having a loan date of November 1, 1999, in full to Delaware County. The payoff amount of this loan through December 31, 2005 is \$479,362.80.
6. Signstrut Ltd. agrees to pay all outstanding school compensation payments in the amount of \$8,000 due for 2004 per the existing Enterprise Zone Compensation Agreement, dated August 2, 1999, associated with the EZ Agreement and Amendment Agreement #1. As a result of Section 3 above, there shall be four (4) remaining school compensation payments associated with this EZ Agreement. These remaining school compensation payments mandated in the Enterprise Zone Compensation Agreement shall each be in the amount of \$8,000 per year, and shall be due by December 31 of each remaining year in the term of the EZ Agreement as follows:

<u>Due Date</u>	<u>Payment Amount</u>	<u>Program Year</u>
12/31/05	\$8,000	2005
12/31/06	\$8,000	2006
12/31/07	\$8,000	2007
12/31/08	\$8,000	2008

7. The Delaware County Director of Economic Development shall formally notify the Delaware County Auditor, the Ohio Department of Development, the Ohio Department of Taxation, the Delaware City School District and the Delaware Joint Vocational School (Delaware Area Career Center) of this action.

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

**RESOLUTION NO. 05-1657**

**IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE PUBLIC DEFENDER:**

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

<b>Transfer of Appropriation</b>		Amount
<b>From</b>	<b>To</b>	
10011202-5301	10011202-5260	\$2,500.00
Public Defender/Professional Services	Public Defender/Inventoried Tools & Equip	

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

**RESOLUTION NO. 05-1658**

**IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS:**

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

<b>Supplemental Appropriation</b>		Amount
10011102-5601	Commissioners General/Grant	\$15,000.00

**Further Be It Resolved,** that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$15,000.00 to the Delaware County Fair.

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

**RESOLUTION NO. 05-1659**

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

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 10:43AM.

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

RESOLUTION NO. 05-1660

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn out of Executive Session at 11:30AM.

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

There being no further business the meeting adjourned.

\_\_\_\_\_  
Glenn A. Evans

\_\_\_\_\_  
Kristopher W. Jordan

\_\_\_\_\_  
James D. Ward

\_\_\_\_\_  
Letha George, Clerk to the Commissioners