

**COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 27, 2006**

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

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

9:30 AM Public Hearing To Discuss The Possible Issuance By The County Of Franklin, Ohio Of Its Hospital Facilities Revenue Bonds For The Purpose Of Refinancing All Or A Portion Of Certain Hospital Facilities Bonds Issued By The County Of Delaware, Ohio For The Benefit Of Grady Memorial Hospital, At 561 West Central Avenue, City Of Delaware, County Of Delaware, Ohio

PUBLIC COMMENT

RESOLUTION NO. 06-248

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 23, 2006 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held February 23, 2006 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 06-249

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR224 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR223:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve payment of warrants in batch numbers CMAPR224, memo transfers in batch numbers MTAPR223 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Henry P. Thompson Co Inc.	3 Phase Pump Peachblow	65211905-5450	\$ 9,697.50
Henry P. Thompson Co Inc.	4OHP 3 Phase Pump	65211919-5450	\$ 9,697.50
Kardex Systems Inc.	Shelving/Jail	40411414-5410	\$ 6,830.00
Synergy Mechanical Contractors	Annual Service Agreement Preventative Maintenance	10011105-5325	\$ 7,670.00
Increases			
Kenny Huston	Jail	40411414-5410	\$ 5,056.17
Vouchers			
Quality Control Inspection Inc.	Various Locations	65111904-5301	\$ 9,014.63
Henry P. Thompson	RAS Pumps for Scioto Reserve	66011913-5260	\$ 8,269.00
US Filter Davis	Bioxide Chemicals	65211919-5290	\$ 14,022.75
US Postal Service - Hasler	Postal Service/Del County	10011105-5331	\$ 20,000.00

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

RESOLUTION NO. 06 -250

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Larry Hager and Anne Tallent attend an Ohio Council on Welfare Fraud Training in Columbus, Ohio March 27-29, 2006, at the cost of \$390.00.

The EMS Department is requesting that Todd Barstow attend a Damage Assessment Training Class in Columbus, Ohio March 6, 2006, at no cost.

The Administrative Services Department is requesting that Lori Detter and Christine Shaw attend a County Archivists and Records Managers Association Meeting in Columbus, Ohio April 7, 2006, at no cost.

Juvenile Court is requesting that Patty Cram attend a Producing Successful Teens Seminar in Sunbury, Ohio April 12, 2006, at the cost of \$30.00.

Juvenile Court is requesting that Judge Kenneth Spicer attend a National Juvenile Justice Conference in Denver, Colorado March 26-29, 2006, at the cost of \$981.61.

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The Commissioners Office is requesting that Letha George attend a GFOA Governmental Accounting Seminar in Roots Town, Ohio March 15-16, 2006, at the cost of \$398.90.

The Engineer's Office is requesting that Michelle Strohl attend a PASS Conference in Columbus, Ohio March 30, 2006, at the cost of \$14.00.

The Engineer's Office is requesting that Jessica Piatt attend a 2006 Technical Conference in San Antonio, Texas March 19-22, 2006 at the cost of \$2,772.00.

The Engineer's Office is requesting that John Link, Bob Sears, Jerry Ungashick, John Russell and Joel Presthus attend a Chip Seal and Asphalt Conference in Hillsboro, Ohio April 17, May 25, and June 8, 2006 at the cost of \$643.00

The Commissioners' Office is requesting that Letha George and Jennifer Walraven attend a Regional Clerk's Meeting in Willard, Ohio March 31, 2006 at no cost.

The EMS Department is requesting that Lt. Mike Schuiling attend a Weapons of Mass Destruction Emergency Medical Services Training in Anniston, AL April 3-7, 2006 at no cost.

The EMS Department is requesting that Lt. Mary Reames attend a Weapons of Mass Destruction Emergency Medical Services Training in Anniston, AL June 12-16, 2006 at no cost.

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

RESOLUTION NO. 06-251

SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION, WITHIN THE RUDER #86 AND TOOT #98 WATERSHEDS, FILED BY JEFF STEEN AND OTHERS:

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

WHEREAS, on this 27th day of February, 2006, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by Jeff Steen and others, petitioners, to:

1. Generally improve the drainage, both surface and subsurface, to a good and sufficient outlet, by replacing, repairing or altering the existing improvements as required and or creating new surface and subsurface drainage mains or laterals as requested by this petition.
2. Commencing in Delaware County, Liberty Township within the Ruder #86 and Toot #98 Watersheds and generally following, but not limited to the course and termini of the existing improvements.

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer's cost from the bond in accordance with Section 6131.09 of the Revised Code;

THEREFORE, BE IT RESOLVED, BY THE Board of County Commissioners, that **Monday May 1, 2006, at 10:00AM** On Clarkshaw Rd. between 2970 and 2980 Clarkshaw Rd. Delaware, Oh 43015, be and the same is hereby fixed as the time and place for the view thereon, and

BE IT FURTHER RESOLVED, That **Monday July 31, 2006, at 7:30 PM** at the Delaware County Rutherford B. Hayes Service Building Room G-35, 140 North Sandusky Street Delaware, Ohio be and the same is hereby fixed as the time and place for the first hearing on the petition, and

BE IT FURTHER RESOLVED, that notice of said view and hearing be given, as required by law.

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

RESOLUTION NO. 06-252

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR ADULT COURT SERVICES:

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

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Supplemental Appropriation		Amount
10022202-5001	Adult Court Services/Compensation	4,734.50
10022202-5120	Adult Court Services/PERS	648.63
10022202-5131	Adult Court Services/Medicare	68.65
10022202-5102	Adult Court Services/Workers Comp	85.22
25622303-5001	Intensive Supervision/Compensation	1,424.38
25622303-5120	Intensive Supervision/PERS	195.14
25622303-5131	Intensive Supervision/Medicare	20.65
25622303-5102	Intensive Supervision/Workers Comp	25.64
Vote on Motion	Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye	

RESOLUTION NO. 06-253

IN THE MATTER OF APPROVING PLAT FOR WEDGEWOOD PARK SECTION 2, PHASE D:

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

Wedgewood Park Section 2, Phase D

Situated In The State Of Ohio, County Of Delaware, Township Of Liberty, In Farm Lot 6 And Farm Lot 7, Quarter Township 3, Township 3 North, Range 19 West, United States Military Lands, And Containing 33.651 acres Of Land, More Or Less: Being 3.520 Acres Of An Original 37.835 Acre Tract Of Land Conveyed To Virginia Homes Ltd., By Deed Of Record In Official Record 214, Page 1036 And 30.131 Acres Of An Original 100.432 Acre Tract Of Land Conveyed To Virginia Homes , Ltd., By Deed Of Record In Official Record 46, Page 2480. Of Said 33.651 Acres, More Or Less, Are Within Said Farm Lot 6 And 26.388 Acres, More Or Less, Are Within Said Farm Lot 7, All References Being To The Recorder's Office, Delaware County, Ohio. Cost \$129.00.

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

RESOLUTION NO. 06-254

IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR WEDGEWOOD PARK SECTION 2, PHASE D:

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

Wedgewood Park Section 2, Phase D

The construction of the above referenced project was started without bonding, thereby not allowing the developer to file the plat. They are now at a point where they would like to file the plat. The Engineer has, therefore, estimated the remaining construction costs to be **\$108,581** and a Letter of Credit in that amount is available to cover the bonding of this project.

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

RESOLUTION NO. 06 -255

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

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

Permit #	Applicant	Location	Type of Work
U06026	American Electric Power	The Preserve at Seldom Seen	Push bore
U06028	Columbia Gas	Lakeview Drive	Install gas main
U06029	Sprint	Overbrook Lane	Place buried cable

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

RESOLUTION NO. 06 -256

IN THE MATTER OF ESTABLISHING AN AGENCY FUND TO ACCOUNT FOR THE COLLECTION AND REFUND OF CASH BONDS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PHASE II STORM WATER REGULATIONS:

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

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Agency Fund

As part of our regulation of the National Pollutant Discharge Elimination System Phase II Storm Water Regulations which this office is performing in accordance with the Storm Water Management District formed under Ohio Revised Code 6117 and the Delaware County Drainage Erosion and Sediment Control (DESC) Program established by Commissioners' Resolution Number 04-485 adopted April 19, 2004, a new procedure has been adopted which requires this office to accept refundable cash bonds for home sites (lots).

The purpose of this procedure is to permit new homeowners to occupy their homes under situations where the final grading, and/or sodding or seeding and other permanent erosion and sediment measures have not been able to be accomplished because of unsuitable weather conditions. Examples are the winter season, or extended periods of wet or dry weather. Under this situation, the builder has the option of escrowing sufficient funds to assure the remaining work is performed or the builder may choose to put up a cash bond which is refundable when the work is satisfactorily accomplished.

To date, more builders have chosen the refundable cash bond than was anticipated. The Auditor's Office has informed us we have accumulated approximately \$177,000 under this program. As this is not revenue for this office, we hereby request establishment of an agency fund to account for the collection and refund of these cash bonds.

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

RESOLUTION NO. 06-257

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Jennifer Palla is resigning her Social Services Supervisor with The Department of Job and Family Services; effective date March 3, 2006.

Candy Cesa is requesting to accept donated sick time for pay date December 9, 2005; 8 hours from John Reeves and 9.25 hours from Wendy Shannon.

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

RESOLUTION NO. 06-258

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR SUMMERWOOD PUMP STATION RELOCATION; TARTAN FIELDS SECTION 20 AND 21 PUMP STATION AND FORCE MAIN AND BEST FRIENDS VETERINARY HOSPITAL SANITARY SEWER EXTENSION:

It was moved by Mr. Jordan, seconded by Mr. Evans to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Summerwood Pump Station Relocation	510 feet of 10-inch sewer 4 manholes 30 feet of 12-inch sewer Pump Station and Force Main
Tartan Fields Section 20 And 21	Pump Station And Force Main
Best Friends Veterinary Hospital Sanitary Sewer Extension	231 feet of 8-inch sewer 1-manholes

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

RESOLUTION NO. 06-259

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND TRANSFER OF FUNDS FOR THE SANITARY ENGINEER:

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

Supplemental Appropriation		Amount
65211905-5801	San Eng Regional 1A/Transfers	\$118,005.15
Transfer of Funds		
From	To	

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65211905-5801	66011911-4601	\$2,846.25
San Eng Regional 1A/Transfers	Bent Tree/Interfund Transfer	
65211905-5801	66011910-4601	\$3,099.88
San Eng Regional 1A/Transfers	Hoover Woods/Interfund Transfer	
65211905-5801	66011908-4601	\$11,014.96
San Eng Regional 1A/Transfers	Scioto Hills/Interfund Transfer	
65211905-5801	66011913-4601	\$67,081.38
San Eng Regional 1A/Transfers	Scioto Reserve/Interfund Transfer	
65211905-5801	66011912-4601	\$33,962.68
San Eng Regional 1A/Transfers	Tartan Fields/Interfund Transfer	
Vote on Motion	Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye	

RESOLUTION NO. 06-260

IN THE MATTER OF DECLARING COUNTY PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE:

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

WHEREAS, Delaware County has personal property not needed for public use, or are obsolete or unfit for the use for which they were acquired;

Office/Dept.

Asset Tag #	Item Description	Serial #
Delaware County Engineers Office		
4810310092	Ford F150 Pickup	2FTDF15Y0SCA75684
4810310091	Ford F150 Pickup	2FTDF15Y75682
0211199901	Ford E350 Box Truck	1FDKE30L5GHC14754
4810310045	Fruehauf LowBoy trailer	FWS572719
4810310062	Ford L8000 Dump Truck	1FDXK80U7GVA08471
4810310063	Ford L8000 Dump Truck	1FDXK80U2GVA08474
4810310068	Ford L8000 Dump Truck	1FDXK80U9GVA08472
	International 585 Utility Tractor	B500223B02419
5580	Land Pride RCR2672 Rotary Mower	423242
5578	Land Pride RCR2673 Rotary Mower	423235
5579	Land Pride RCR2674 Rotary Mower	423235
0206270006	Land Pride FDR3590 Finish Mower	296039
000472	Leroi Q185 Portable Air Compressor	2077X82
4810310050	Mack DM6855 Dump Truck	DM685S46204
000933	Sweepster 8' Broom	90874
	Etnyre Tar Tanker	J-1059
001681	Coats 30-40A Tire Changer	30-40A-6716
000479	Woods R105 Rotary Mower	553432
	Woods R105 Rotary Mower	3939
	Trial King TK70 Lowboy Trailer	1TKJ04224M0513657
	Pickup Truck Beds	

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, declare the above personal property obsolete, unfit, or not needed for public use and authorize the internet auction, public auction, private sale when the fair market value of each item is less than \$2,500.00, sale or donation to a political subdivision or the disposal or salvage of property that has no value, in accordance of the Ohio Revised Code Section 307.12.

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

RESOLUTION NO. 06-261

9:30AM PUBLIC HEARING TO DISCUSS THE POSSIBLE ISSUANCE BY THE COUNTY OF FRANKLIN, OHIO OF ITS HOSPITAL FACILITIES REVENUE BONDS FOR THE PURPOSE OF REFINANCING ALL

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OR A PORTION OF CERTAIN HOSPITAL FACILITIES BONDS ISSUED BY THE COUNTY OF DELAWARE, OHIO FOR THE BENEFIT OF GRADY MEMORIAL HOSPITAL, AT 561 WEST CENTRAL AVENUE, CITY OF DELAWARE, COUNTY OF DELAWARE, OHIO:

It was moved by Mr. Evans, seconded by Mr. Jordan to open the hearing at 9:30AM.

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

RESOLUTION NO. 06-262

CLOSING THE PUBLIC HEARING TO DISCUSS THE POSSIBLE ISSUANCE BY THE COUNTY OF FRANKLIN, OHIO OF ITS HOSPITAL FACILITIES REVENUE BONDS FOR THE PURPOSE OF REFINANCING ALL OR A PORTION OF CERTAIN HOSPITAL FACILITIES BONDS ISSUED BY THE COUNTY OF DELAWARE, OHIO FOR THE BENEFIT OF GRADY MEMORIAL HOSPITAL, AT 561 WEST CENTRAL AVENUE, CITY OF DELAWARE, COUNTY OF DELAWARE, OHIO:

It was moved by Mr. Jordan, seconded by Mr. Evans to close the hearing at 9:37AM.

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

RESOLUTION NO. 06-263

A RESOLUTION REQUESTING THE COUNTY OF FRANKLIN, OHIO, TO ISSUE REVENUE BONDS, PURSUANT TO CHAPTER 140, REVISED CODE, A PORTION OF THE PROCEEDS OF WHICH REVENUE BONDS WILL BE USED TO REFUND BONDS ORIGINALLY ISSUED BY THE COUNTY OF DELAWARE FOR THE BENEFIT OF GRADY MEMORIAL HOSPITAL LOCATED WITHIN DELAWARE COUNTY:

Commissioner Evans moved the adoption of the following Resolution and Commissioner Jordan seconded the motion.

WHEREAS, the County of Franklin, Ohio ("Franklin County"), as a "public hospital agency," as defined in Chapter 140, Revised Code (the "Act"), is authorized and empowered by the Act to (a) acquire, construct, improve and equip "hospital facilities," as defined in the Act, and (b) issue its revenue bonds to refund bonds and other obligations issued to pay the "costs of hospital facilities," as defined in the Act; and

WHEREAS, pursuant to the Act, Franklin County anticipates issuing its Hospital Facilities Revenue Bonds, Series 2006 (OhioHealth Corporation) (the "Series 2006 Bonds") in one or more series, a portion of the proceeds of which are to be used by OhioHealth Corporation (the "Corporation") to refund the County of Delaware, Ohio Hospital Facilities Revenue Refunding and Improvement Bonds, Series 1993 (Grady Memorial Hospital) currently outstanding in the amount of \$13,290,00 (the "Prior Bonds") which were issued for the purpose of refunding and retiring the County of Delaware, Ohio Hospital Facilities Revenue Refunding Bonds, Series 1987 (Grady Memorial Hospital) and financing and refinancing the costs of the acquisition, construction, equipping and installation of certain "hospital facilities", as defined in the Act, of Grady Memorial Hospital located in Delaware County, Ohio;

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

SECTION 1. Findings and Determinations. This Board hereby finds and determines that the proposed financing in respect of Grady Memorial Hospital will promote the public purposes stated in Section 140.02 of the Act and that the refunding of the Prior Bonds is financeable under the Act.

SECTION 2. Request for Inclusion of Project in Financing. The Board requests that a portion of the Series 2006 Bonds be issued to refund the Prior Bonds..

SECTION 3. No Obligation. The costs of issuance of the Series 2006 Bonds by Franklin County shall be paid from the proceeds of the Series 2006 Bonds, or from moneys made available by the Corporation or Grady Memorial Hospital. The Series 2006 Bonds do not constitute a general obligation, debt or bonded indebtedness of Franklin County or this County and neither the faith or credit or taxing power of Franklin County or this County or other political subdivision is pledged to the payment of principal of or interest on the Series 2006 Bonds and the holders or owners thereof shall not be given the right and have no right to have excises or taxes levied by Franklin County or this County for the payment of principal of and interest thereon. Further, no part of the Series 2006 Bonds are to be issued, or shall be deemed issued, for or on behalf of this County.

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SECTION 4. Bond Terms. The terms and provisions of the Series 2006 Bonds shall be as provided for in or pursuant to resolutions of the County Hospital Commission of Franklin County and the Board of County Commissioners of Franklin County authorizing the issuance, sale and delivery of the Series 2006 Bonds.

SECTION 5. Execution of Documents. Any member of this Board, the Clerk of this Board, the County Auditor and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

SECTION 6. Compliance with Open Meeting Requirements. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 7. Effectiveness. This Resolution shall be in full force and effect immediately upon its adoption.

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

RESOLUTION NO. 06-264

IN THE MATTER OF FURTHER AMENDING A RESOLUTION AND AGREEMENT AUTHORIZING THE USE OF DELAWARE COUNTY REVOLVING LOAN FUNDS (RLF) FOR THE 2081 RT. 23 COMPANY, LTD. (HALL'S FURNITURE):

It was moved by Mr. Jordan, 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 96-991, did authorize RLF participation, and the execution of a loan agreement, note, second mortgage, direct guaranty agreement, and security agreement for the Hall's Furniture Project; and

WHEREAS, William and Carol Hall, owners of 2081 Rt. 23 Company, Ltd, requested an amendment of the grant agreement and legally binding documents for the Project as a result of the loss of a tenant at the Project Site at 2081 Rt. 23, Delaware, Ohio.

WHEREAS, the Delaware County Commissioners, via Resolution 05-1168, did authorize an amendment of the RLF loan agreement, note, second mortgage, direct guaranty agreement, and security agreement for the Hall's Furniture Project to allow for a restructuring of the repayment of the RLF loan; and

WHEREAS, William and Carol Hall, owners of 2081 Rt. 23 Company, Ltd, have requested an extension of this amendment of the grant agreement and legally binding documents for the Project to allow an additional restructuring of the repayment of the RLF loan as a result of the loss of a tenant at the Project Site at 2081 Rt. 23, Delaware, Ohio.

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 05-1168, the grant agreement, and RLF legally binding documents pertaining to this project, to allow William Hall to pay only the interest on his loan and a principal reduction amount from March 1, 2006 – August 1, 2006, in the amount of \$1,240.57 per month. Mr. Hall is to resume principal and interest payments in the amount of \$3,602.91 starting September 1, 2006 until August 1, 2011; with the term and total repayment amount of principal and interest for said loan remaining unchanged.

SECTION II. 2081 Rt. 23 Company will use its best efforts to lease the vacant space at the project site as soon as possible. All personal guarantees, including those of William Hall and Carol D. Hall, shall remain in effect and continue unchanged for the remainder of the term of this RLF loan.

SECTION III. All commitments, including job creation, shall remain as stated in the grant agreement and legally binding documents for this project. 2081 Rt. 23 Company, Ltd. shall inform the Delaware County Economic Development Director when the space formally

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occupied by Interior Furniture is leased.

- SECTION IV. The Delaware County Economic Development Director shall forward a copy of this Resolution and the revised project 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 V. Unless otherwise provided herein, the terms of any and all agreements between and among William and Carol Hall, 2081 Rt. 23 Company, Ltd., and the Delaware County Board of Commissioners remain in full force and effect.
- SECTION VI. That this resolution shall be in full 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 96-991, did authorize RLF participation, and the execution of a loan agreement, note, second mortgage, direct guaranty agreement, and security agreement for the Hall's Furniture Project; and

WHEREAS, William and Carol Hall, owners of 2081 Rt. 23 Company, Ltd, requested an amendment of the grant agreement and legally binding documents for the Project as a result of the loss of a tenant at the Project Site at 2081 Rt. 23, Delaware, Ohio.

WHEREAS, the Delaware County Commissioners, via Resolution 05-1168, did authorize an amendment of the RLF loan agreement, note, second mortgage, direct guaranty agreement, and security agreement for the Hall's Furniture Project to allow for a restructuring of the repayment of the RLF loan; and

WHEREAS, William and Carol Hall, owners of 2081 Rt. 23 Company, Ltd, have requested an extension of this amendment of the grant agreement and legally binding documents for the Project to allow an additional restructuring of the repayment of the RLF loan as a result of the loss of a tenant at the Project Site at 2081 Rt. 23, Delaware, Ohio.

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 05-1168, the grant agreement, and RLF legally binding documents pertaining to this project, to allow William Hall to pay only the interest on his loan and a principal reduction amount from March 1, 2006 – August 1, 2006, in the amount of \$1,240.57 per month. Mr. Hall is to resume principal and interest payments in the amount of \$3,602.91 starting September 1, 2006 until August 1, 2011; with the term and total repayment amount of principal and interest for said loan remaining unchanged.
- SECTION II. 2081 Rt. 23 Company will use its best efforts to lease the vacant space at the project site as soon as possible. All personal guarantees, including those of William Hall and Carol D. Hall, shall remain in effect and continue unchanged for the remainder of the term of this RLF loan.
- SECTION III. All commitments, including job creation, shall remain as stated in the grant agreement and legally binding documents for this project. 2081 Rt. 23 Company, Ltd. shall inform the Delaware County Economic Development Director when the space formally occupied by Interior Furniture is leased.
- SECTION IV. The Delaware County Economic Development Director shall forward a copy of this Resolution and the revised project 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 V. Unless otherwise provided herein, the terms of any and all agreements between and among William and Carol Hall, 2081 Rt. 23 Company, Ltd., and the Delaware County

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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. 06-265

IN THE MATTER OF AMENDING RESOLUTION NUMBER 05-289 TO REFLECT AN AMENDED LEGAL DESCRIPTION FOR A PARCEL OF LAND:

It was moved by Mr. Jordan, seconded by Mr. Evans to amend resolution number 05-289 to reflect an amended legal description for a parcel of land.

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

RESOLUTION NO. 06-266

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

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 9:42AM.

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

RESOLUTION NO. 06-267

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 10:07AM.

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

RESOLUTION NO. 06-268

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR LAND ACQUISITION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 9:42AM.

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

RESOLUTION NO. 06-269

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 10:40AM.

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

There being no further business the meeting adjourned.

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 27, 2006

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners