

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 9, 2006

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

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

PUBLIC COMMENT

Commissioner Evans mentioned that the March 8, 2006 Bi-Centennial planning meeting was well attended.

RESOLUTION NO. 06-302

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 6, 2006 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held March 6, 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. 06-303

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR038 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR038:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR038, memo transfers in batch numbers MTAPR038 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Moyno Inc	Rotors OECC Pumps	65211905-5260	\$ 6,425.00
Delaware Area Career	ABLE	22411603-5348	\$ 15,000.00
Vouchers			
Toddler Inn	Day Care	22411610-5348	\$ 9,762.12
Liberty Community	Day Care	22411610-5348	\$ 15,100.12
T & J Junior Academy	Day Care	22411610-5348	\$ 8,224.40
BP Products North Am	Gasoline	10011106-5228	\$ 7,405.15

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

RESOLUTION NO. 06-304

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 1.320 ACRES OF LAND IN ORANGE TOWNSHIP TO THE CITY OF COLUMBUS:

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

Whereas, on February 1, 2006, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by William D. Fergus, Jr., agent for the petitioners, of 1.320 Acres, more or less, in Orange Township to the City of Columbus.

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Columbus or the Township of Orange.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 1.320 Acres, more or less, in Orange Township to the City of Columbus.

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

RESOLUTION NO. 06-305

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

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

Transfer of Appropriation				Amount	
10016101-5375		10016101-5208			\$10,000.00
Board of Elections/Election & Settlement		Board of Elections/Operating Supplies			
Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward
					Aye

RESOLUTION NO. 06-306

IN THE MATTER OF APPROVING PLATS FOR AFRICA ROAD ESTATES AND OLENTANGY CROSSINGS SECTION 1:

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

Africa Road Estates

Situated In The Township Of Orange, County Of Delaware, State Of Ohio, Being Part Of Farm Lot 2, Section 4, Twp 3, Range 18, United States Military Lands And Being All Of That 5.287 Acre Tract Conveyed To John A. Burke In O.R.V. 24, Page 513 And All Of That 5.041 Acre Tract Conveyed To Carlo Silvestri In O.R.V. 24, Page 509, Both In The Delaware County Recorder's Office, Delaware County, Ohio. Cost \$9.00.

Olentangy Crossings Section 1

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Located In Part Of Farm Lots 8 And 9, Section 2, Township 3, Range 18, United States Military Lands, Being A 15.999 Acre Subdivision, There 15.762 Acres Out Of An Original 182.145 Acre Tract Conveyed To Lewis Center Investments, Llc By Official Record Volume 590, Page 2050 And 0.237 Acres Out Of A 27.667 Acres Tract Conveyed To Pct Crossings South Llc. By Official Record Volume 674, Page 1828. There Being 4.758 Acres In Farm Lot 8 And 11.241 Acres In Farm Lot 9. All References Being To The Records Of The Recorder's Office, Delaware County, Ohio. No Cost.

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 06-307

IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENT FOR TARTAN FIELDS PHASE 20B:

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

Tartan Fields Phase 20 B

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT executed on this 9th day of March 2006, between **NHG DEVELOPMENT GROUP**, as evidenced by the **TARTAN FIELDS PHASE 20B** Construction plans filed with the **Delaware County Engineer**, Delaware County, Ohio and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** is governed by the following considerations, to wit:

Said **SUBDIVIDER** is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this **AGREEMENT**, said **SUBDIVIDER** shall, at the time of plat approval, execute bond, certified check, irrevocable letter of credit or other approved financial warranties equal to the cost of any remaining construction as shown in the Engineer's Estimate approved 3/25/05, which is acceptable to the **COUNTY COMMISSIONERS** to insure faithful performance of this **AGREEMENT** and the completion of all improvements in accordance with the **Subdivision Regulations** of Delaware County, Ohio. The **SUBDIVIDER** shall pay the entire cost and expense of all improvements.

The **SUBDIVIDER** shall indemnify and save harmless the **County, Townships and/or Villages** and all of their officials, employees or agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one year from the date of the approval of said subdivision by the **COUNTY COMMISSIONERS**. But an extension of time may be granted if approved by the **COUNTY COMMISSIONERS**.

The **SUBDIVIDER** shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading plans and specifications and shall have the authority to execute the plans and specifications and alterations required by the **COUNTY**. The

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representative shall be replaced by the **SUBDIVIDER** when, in the opinion of the **COUNTY**, his performance is deemed inadequate.

If no bonding or performance surety has been filed, then no subdivision plat will be approved until a performance bond has been approved or until all public improvements have been made. In either case, the **SUBDIVIDER** further agrees that any violations or non-compliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract and the **COUNTY** shall have the right to stop work forthwith.

If a subdivision plat has been approved with the necessary bonding, then the **COUNTY** shall have the right to act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

ROADWAY AND STORM DRAINAGE

It is further agreed that upon execution of the **AGREEMENT**, the **SUBDIVIDER** shall deposit **ELEVEN THOUSAND NINE HUNDRED DOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer** and, if deemed necessary by the **Delaware County Engineer**, testing by an independent laboratory. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **SUBDIVIDER** shall replenish the account, upon notice by the **Delaware County Engineer**. Upon completion and acceptance of the construction, the remaining amount in the fund shall be returned to the **SUBDIVIDER**, with the exception of a nominal amount for the final inspection at the end of the maintenance period.

The **County** reserves the right during construction and thereafter to permit connection of adjoining properties within the original drainage basin to the storm sewer system.

Upon completion of construction, the **SUBDIVIDER** shall be responsible for the maintenance, repair or reconstruction of any and all defective materials or workmanship for a period of one year. Said **SUBDIVIDER'S** bond or certified check or irrevocable letter of credit may be reduced to an amount estimated by the **County Engineer** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer's** satisfaction. All work is to be done in accordance to the **Ohio Department of Transportation Specifications**.

Acceptance of the roads and drainage structures in said subdivision into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **SUBDIVIDER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

Any snow and ice removal or other safety requirements deemed necessary by the **County Engineer** during the period of construction or maintenance shall be the responsibility of the **SUBDIVIDER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

CONSTRUCTION

The **SUBDIVIDER** shall, within thirty (30) days following the completion of construction and prior to final acceptance, furnish to **Delaware County**, as required, "as-built" drawings of the improvements, which plans shall become the property of the **County** and remain in the office of the **Delaware County Engineer**.

The **SUBDIVIDER** shall, within thirty (30) days of completion of construction, furnish to the **County** an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The **SUBDIVIDER** shall indemnify and hold harmless the **County** from expenses or claims for labor or material incident to said construction of improvements.

The **SUBDIVIDER** shall, during construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the **County** regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The **SUBDIVIDER** shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The **SUBDIVIDER** shall be responsible for all utility charges and installation costs. Utility user charges shall be paid by the **SUBDIVIDER** and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the **County**.

Should the **SUBDIVIDER** become unable to carry out the provisions of this **AGREEMENT**, the **SUBDIVIDER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **SUBDIVIDER** or his agent the right and privilege to make the improvements stipulated herein.

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

RESOLUTION NO. 06-308

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

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

Permit #	Applicant	Location	Type of Work
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U06030	Del-Co Water	County Road 605	Install 40' bore
U06031	Sprint	Harlem Road	Place buried cable

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

RESOLUTION NO. 06-309

IN THE MATTER OF APPROVING A CONTRACT WITH ME COMPANIES, ENGINEERS FOR THE PROJECT KNOWN AS EAST ORANGE ROAD IMPROVEMENTS:

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

CONTRACT

AGREEMENT, made and entered into this 9th day of March, 2006 by and between the **Delaware County Commissioners**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **ME Companies, Engineers**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of a lump sum fee amount not to exceed **\$287,622**, (\$224,750.00 base engineering and \$62,872.00 in "if authorized" fees) based on a Proposal for Engineering Services dated February 22, 2006, and Cost Proposal dated February 22, 2006 to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, professional design services including preparation of construction contract plans and related engineering services as specified in the Proposal submitted by the **SECOND PARTY** for the project know as **East Orange Road Improvements**, Orange Township, Delaware County, Ohio. Compensation is to be paid on a monthly basis as the estimated percentage of total work completed. Said estimated completion percentage shall be submitted by the Second Party and approved by the Delaware County Engineer.

SAID SECOND PARTY further agrees to perform the said work promptly, in a skillfully and competent manner in accordance with the normally accepted standards applicable to this work, and under the direction of the Delaware County Engineer.

THE SECOND PARTY hereby agrees to hold **Delaware County** free and harmless from any and all claims for loss, damages, injury, liability, costs, expenses, judgments or decrees, resulting from any negligent acts or omissions of the **SECOND PARTY**, its employees, agents, subcontractors, and their employees and agents' subcontractors and their employees agents but only to the extent that the same is actually covered and paid under the foregoing policies of the insurance.

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

RESOLUTION NO. 06-310

IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT WITH G&G ENTERPRISES FOR THE PROJECT KNOWN AS THE SMITH DITCH:

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

Smith Ditch Petition Project, Bid Opening of March 6, 2006

As the result of the referenced bid opening, The Engineer recommends that a bid award be made to G&G Enterprises of Bellville, Ohio, the low bidder for the project. A copy of the bid tabulation is available for your information.

CONTRACT

AGREEMENT, made and entered into this 9th day of March, 2006 by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **G&G ENTERPRISES**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of the sum of **FORTY-TWO THOUSAND NINE HUNDRED TWENTY-TWO DOLLARS AND THIRTY CENTS** (\$42,922.30), based on unit prices on the attached **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, all the necessary material, labor and equipment required to complete the project known as **SMITH Ditch Petition Project**, in accordance with plans, **drawings**, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general specifications and Invitation to Bid are hereby declared to be a part of this **Contract**.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer and**

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Delaware Soil and Water Conservation District. Work is to be completed on or before **April 7, 2006.**

THE SECOND PARTY hereby agrees to hold the **County** free and harmless from any and all claims for damages, costs, expenses, judgments or decrees, resulting from any operations of said **SECOND PARTY**, his sub-contractors, agents or employees.

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

RESOLUTION NO. 06-311

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Matt Kiss has accepted the Pretreatment Position with the Water Reclamation Department; effective date March 13, 2006.

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

RESOLUTION NO. 06-312

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The start date for Deborah Breedlove, a new Income Maintenance Worker III, with the Department of Job and Family Services; has change to March 13, 2006.

Julia West has resigned her position as a Social Service Worker III, with the Department of Job and Family Services; effective March 17, 2006.

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

RESOLUTION NO. 06 -313

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 Kimberly Goelz attend a Training Course at Mohican State Park March 10, 2006, at the cost of \$35.00.

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

RESOLUTION NO. 06-314

A RESOLUTION IMPLEMENTING SECTIONS 5709.61 THROUGH 5709.69 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE LIBERTY TOWNSHIP ENTERPRISE ZONE LOCATED IN LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO, AND CREATING A TAX INCENTIVE REVIEW COUNCIL:

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

WHEREAS, the Ohio Enterprise Zone Act (the "Act"), under Ohio Revised Code (ORC) Sections 5709.61 through 5709.69 has authorized counties, with the consent and agreement of affected townships therein, to designate areas as Enterprise Zones and to execute agreements with certain enterprises for the purpose of establishing, expanding, renovating or occupying facilities and hiring new employees and preserving jobs within said zone in exchange for specified local tax incentives granted by the County; and

WHEREAS, the Board of County Commissioners, Delaware County, Ohio (the "Board") upon due consideration desire to implement said Act to designate an Enterprise Zone within the boundaries of Delaware County ("The County") and Liberty Township to promote the economic welfare of said County; and

WHEREAS, Delaware County has heretofore designated an Enterprise Zone in Delaware County that consists of a portion of Orange Township and Berlin Township and that the Director of the Ohio Department of Development certified this Enterprise Zone No. 247C in Orange Township on May 21, 1993, and in Berlin Township on November 7, 2005; and that Liberty Township is adjacent to Berlin Township, and that the County desires to expand Enterprise Zone No. 247C to include a portion of Liberty Township, and that the portion of Berlin Township that is in said Enterprise Zone is adjacent to the portion of Liberty Township that the County desires to include in said

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Enterprise Zone, and that the population of this enlarged zone continues to meet the population requirements for Enterprise Zones as stated in the Ohio Revised Code; and

WHEREAS, the Board finds and determines that designation of the zone pursuant to ORC Section 5709.632 will promote the economic welfare of the residents of the Delaware County by creating new jobs and retaining and preserving existing jobs and employment opportunities within such areas and is in the best interest of said county and township; and

WHEREAS, the Board of County Commissioners has agreed to administer all Enterprise Zones and agreements within the County and will therefore appoint a designee to be responsible for 1) the establishment and operation of the Tax Incentive Review Council as specified in ORC Section 5709.85, 2) to ensure that the Enterprise Zone Agreements contain the information required in ORC Section 5709.631, including but not limited to a description of the project, the amount to be invested, the number of jobs created and / or retained, the annual new payroll associated with these jobs, and the specific percentage and term of the tax exemptions being granted toward real and / or personal property, 3) to forward copies of all Enterprise Zone Agreements to both the Ohio Department of Development and the Ohio Department of Taxation within fifteen days after the agreement is entered into, as specified in the ORC, 4) to notify affected school boards of proposed projects a minimum of fourteen days prior to formal local legislative consideration and to include comments by the school boards as part of the review process as required under ORC Section 5709.83, 5) to maintain a centralized record of all aspects of the Zone, including copies of the agreements, a list of the members of the Tax Incentive Review Council, and a summary of the Tax Incentive Review Council's annual review of each agreement, and 6) to submit a comprehensive annual report of the status of all Enterprise Zone activities on or before March 31 of each year pursuant to Section 5709.68; and

WHEREAS, the Board is requesting designation of an Enterprise Zone which includes all or a part of the Township area and meets the population and boundary requirements to be certified as a limited authority Enterprise Zone under Section 5709.632; and

WHEREAS, the Board of County Commissioners will have primary responsibility for negotiating and administering Enterprise Zone Agreements. It is the intention of the Board to involve affected Townships in the negotiation process and to receive the consent and approval of the affected Township prior to formal approval by the Board; and

WHEREAS, the Board by this Resolution hereby agrees to form a Tax Incentive Review Council or Councils having the characteristics set forth in ORC Section 5709.85 and this Tax Incentive Review Council shall be formed within two months of the state development director's certification of the zone; and

WHEREAS, a Tax Incentive Negotiating Committee (TINC) shall be established and shall consist of representatives of the Olentangy Local School District, Liberty Township (to be appointed by the Liberty Township Trustees), and the Delaware County Administrator. The Tax Incentive Negotiating Committee shall meet with all applicants for tax incentives within a designated Enterprise Zone for the purpose of negotiating an acceptable incentive package with the applicant. The TINC shall convey their recommendations on all proposed tax incentive agreements to the Liberty Township Trustees and Delaware County Commissioners prior to consideration of said agreements by the Township and County.

WHEREAS, it is anticipated that the level of incentives available under the Enterprise Zone Program in Liberty Township shall be provided at a level that is acceptable to the affected school board of education. As such, the Liberty Township Trustees and the Delaware County Board of Commissioners shall adopt, within 90 days of the passage of this resolution, a set of guidelines and procedures to guide the use of tax incentives in this Enterprise Zone.

WHEREAS, the Zone as proposed will be the only Enterprise Zone in the Township, but will expand an existing Enterprise Zone in Berlin Township, an adjacent township.

WHEREAS, the Board hereby find and determine that all formal actions relative to the passage of this resolution were taken in an open meeting of this board, that all deliberations of the Board and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the ORC.

NOW THEREFORE, BE IT HEREBY RESOLVED that based upon the factual data, reports, and conditions of the area designated as an Enterprise Zone, the Board of County Commissioners, County of Delaware, State of Ohio hereby finds and determines that the zone has a population of at least one thousand (1,000) persons according to the best and most recent data available to the Director of the Department of Development and the zone meets the characteristics outlined in ORC Section 5709.632. The development of the area proposed as the Enterprise Zone, described and illustrated in **Exhibit "A"**, would create and preserve employment opportunities in the zone and would improve the economic climate of Liberty Township; and

BE IT FURTHER RESOLVED, that the Clerk of the Board of County Commissioners of Delaware County, Ohio is hereby authorized to include this resolution in the petition to the Director of the Department of Development of the State of Ohio.

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**Liberty Township, Delaware County, Ohio
 Enterprise Zone 247C Expansion Area
 Boundary Description**

Beginning at a point located at the northwest corner of Delaware County Tax Parcel Number 41944005007000 in Liberty Township, which is the Point of Beginning (POB) for the Community Reinvestment Area Expansion Area; then proceeding eastward along the north property line of said tax parcel number 41944005007000, a distance of approximately 1,178.60 feet to a point located at the north east corner of tax parcel number 41944005007000; then proceeding in a southerly direction along the eastern property line of tax parcel number 41944005007000 a distance of approximately 993.70 to a point located at the northwest corner of tax parcel number 41944005006000; then proceeding in an easterly direction, a distance of approximately 2,119.55 feet to a point on the eastern boundary line of Liberty Township / western boundary line of Berlin Township; then proceeding in a southerly direction along this shared township boundary line, a distance of approximately 2,118.15 feet to a point at the southeast corner of tax parcel number 41944005012000; then proceeding in a westerly direction along the southern boundary of The Park @ Greif, a distance of approximately 3,582.10 feet to a point located at the southwestern corner of tax parcel number 41944005007000; then proceeding northward along a line a distance of approximately 640 feet, then proceeding eastward along a line a distance of approximately 270 feet to a point along the western property line of tax parcel number 41944005007000; then proceeding northward a distance of approximately 1,846.55 feet along the western property line of tax parcel number 41944005007000 to the Point of Beginning (POB); encompassing an area of approximately 144.14 acres.

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

RESOLUTION NO. 06-315

A RESOLUTION IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE LIBERTY TOWNSHIP COMMUNITY REINVESTMENT AREA LOCATED IN LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO, AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCIL:

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

WHEREAS, on November 14, 2005, the Director of the Ohio Department of Development confirmed and certified the creation of Community Reinvestment Area (“CRA”) No. 1A (Area No. 04105788-01) in Berlin Township; and

WHEREAS, the Delaware County Board of Commissioners (hereafter “Board”) desire to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of Liberty Township that have not enjoyed reinvestment from remodeling or new construction, by expanding the existing CRA Area No. 04105788-01 into an adjacent area of Liberty Township; and

WHEREAS, a survey of housing as required by Ohio Revised Code (ORC) Section 3735.66, has been prepared for the areas included in the existing Community Reinvestment Area No. 04105788-01, indicating that a lack reinvestment or investment in housing is occurring in said areas, and said survey is on file with the Delaware County Economic Development Department; and

WHEREAS, the maintenance of existing and construction of new commercial and industrial structures in these areas would serve to encourage economic stability, maintain real property values, and generate employment opportunities; and

WHEREAS, the remodeling of existing or the construction of new commercial and industrial structures in these Community Reinvestment Areas constitutes a public purpose for which real property exemptions may be granted;

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. The area designated as Community Reinvestment Area No. 04105788-01 constitutes an area in which housing facilities or structures of historical significance are located and new housing construction and / or repair of existing facilities or structures has been discouraged. The expansion of CRA No. 04105788-01 to include an adjacent area of Liberty Township will encourage development in these areas and provide job and economic growth activities.

Section 2. Pursuant to ORC 3735.66, Community Reinvestment Area No. 04105788-01 is hereby expanded to include an adjacent area of Liberty Township as represented on the map and in the areas described in the attached **Exhibit “A”**:

Section 3. Only commercial and industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area will be eligible for exemptions under this Program.

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Properties used for residential purposes shall be explicitly excluded from eligibility for exemptions under this Program.

Section 4. All property zoned for industrial and commercial purposes and identified in **Exhibit "A"** as being within the designated Community Reinvestment Area are eligible for this incentive. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area.

Section 5. Within the Community Reinvestment Area, the percentage of tax exemption on the increase in the assessed valuation resulting from improvements to industrial and commercial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring according to the rules outlined in the ORC Section 3735.67, and as follows:

- a) For remodeling of every industrial and / or commercial structure located within a designated Community reinvestment Area of at least five thousand dollars (\$5,000.00), an exemption period of up to 12 years may be granted. The term and percentage of exemptions for existing industrial and commercial facilities shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring.
- b) For construction of every industrial and / or commercial structure located within a designated Community Reinvestment Area, an exemption period of up to 15 years may be granted. The term and percentage of exemptions for construction of new industrial and commercial facilities shall be negotiated on a case-by-case basis in advance of construction occurring.

The Board agrees to consider and take action on final approval on the recommendations of the Board of Trustees, Liberty Township on applications for exemptions submitted for eligible improvements within the designated Community Reinvestment Areas. The results of the negotiations as approved by the Trustees and the Delaware County Commissioners will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC 3735.671.

Section 6. It is anticipated that the level of incentives available under the Community Reinvestment Area Program in Liberty Township shall be provided at a level that is acceptable to the affected school board of education. As such, the Liberty Township Trustees and the Delaware County Board of Commissioners shall adopt, within 90 days of the passage of this resolution, a set of guidelines and procedures to guide the use of tax incentives in each established CRA.

Section 7. All industrial and commercial projects are required to comply with the State of Ohio Department of Development CRA application fee requirements of ORC Section 3735.672 (C) and the local annual monitoring fee of one percent of the amount of taxes exempted under the agreement – a minimum of \$500 up to a maximum of \$2,500 annually.

Section 8. To administer and implement the provisions of this Resolution, the Liberty Township Zoning Inspector is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

Section 9. The Community Reinvestment Area Housing Council for Liberty Township shall be created consisting of three members appointed by the Board of County Commissioners of Delaware County and two members appointed by the Delaware County Regional Planning Commission. The majority of the foregoing members shall then appoint two additional members who shall be residents of Liberty Township. Terms of the members of the council shall be for three years. An unexpired term resulting from a vacancy in the council shall be filled in the same manner as the initial appointment was made.

A Tax Incentive Review Council (TIRC) shall be established pursuant to ORC Section 5709.85 and shall consist of three representatives appointed by the Board of County Commissioners of Delaware County; two representatives of Liberty Township, appointed by the Board of Township Trustees of Liberty Township; the County Auditor or designee; and a representative of each affected board of education. At least two members must be residents of Liberty Township. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Section 3735.671 of the ORC and make written recommendations to the Commissioners as to continuing, modifying, or terminating said agreement based upon the performance of the agreement.

A Tax Incentive Negotiating Committee (TINC) shall be established and shall consist of a representative of the Olentangy Local School District, Liberty Township (to be appointed by the Liberty Township Trustees), and the Delaware County Administrator. The Tax Incentive Negotiating Committee shall meet with all applicants for tax incentives within a designated CRA for the purpose of negotiating an acceptable incentive package with the applicant. The TINC shall convey their recommendations on all proposed tax incentive agreements to the Liberty Township Trustees and Delaware County Commissioners prior to consideration of said agreements by the Township and County.

Section 10. The Liberty Township Trustees and the Delaware County Board of Commissioners each reserve the right to re-evaluate the designation of the Liberty Township Community Reinvestment Areas

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annually after December 31, 2006, at which time the Commissioners may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.

Section 11. The Housing Council for the designated Community Reinvestment Areas, or designee, shall make an annual inspection of the properties within the Areas for which an exemption has been granted under Section 3735.67 of the ORC. The Housing Council shall also hear appeals under 3735.67 of the ORC.

Section 12. The Board hereby finds and determine that all formal actions relative to the passage of this resolution were taken in an open meeting of this board, that all deliberations of the Board and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the ORC.

Section 13. That this resolution shall take effect and be in force from and after the earliest period allowed by law, and upon confirmation by the Board of Commissioners for Delaware County, and the Director of the Ohio Department of Development of the findings in this Resolution.

Section 14. Upon the approval of this request the Board of County Commissioners of Delaware County, the Director of the Delaware County Economic Development Department is hereby requested and authorized by the Board to petition the State of Ohio Director of Development to confirm the findings contained within this Resolution.

**Liberty Township, Delaware County, Ohio
Community Reinvestment Area No. 04105788-01 Expansion Area
Boundary Description**

Beginning at a point located at the northwest corner of Delaware County Tax Parcel Number 41944005007000 in Liberty Township, which is the Point of Beginning (POB) for the Community Reinvestment Area Expansion Area; then proceeding eastward along the north property line of said tax parcel number 41944005007000, a distance of approximately 1,178.60 feet to a point located at the north east corner of tax parcel number 41944005007000; then proceeding in a southerly direction along the eastern property line of tax parcel number 41944005007000 a distance of approximately 993.70 to a point located at the northwest corner of tax parcel number 41944005006000; then proceeding in an easterly direction, a distance of approximately 2,119.55 feet to a point on the eastern boundary line of Liberty Township / western boundary line of Berlin Township; then proceeding in a southerly direction along this shared township boundary line, a distance of approximately 2,118.15 feet to a point at the southeast corner of tax parcel number 41944005012000; then proceeding in a westerly direction along the southern boundary of The Park @ Greif, a distance of approximately 3,582.10 feet to a point located at the southwestern corner of tax parcel number 41944005007000; then proceeding northward along a line a distance of approximately 640 feet, then proceeding eastward along a line a distance of approximately 270 feet to a point along the western property line of tax parcel number 41944005007000; then proceeding northward a distance of approximately 1,846.55 feet along the western property line of tax parcel number 41944005007000 to the Point of Beginning (POB); encompassing an area of approximately 144.14 acres.

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

RESOLUTION NO. 06-316

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS, PURCHASE ORDER INCREASES AND PURCHASE ORDERS:

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

Supplemental Appropriation		Amount
40111402-5410	Permanent Improvement/Buildings & Improvement	\$ 8,425.00
40411410-5450	20/20 Capital Improvement/Machinery & Equipment	\$ 968,160.54
41111421-5410	Countywide Radio/Building & Improvements	\$ 220,100.00
40411414-5410	20/20 Jail Expansion/Building & Improvements	\$ 580,000.00
43111424-5375	CFOA/Election & Settlement Fees	\$ 14,000.00

**Approval of Increases
To Purchase Orders**

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Jess Howard - P0602077	Jail Electric	40411414-5410	\$ 20,079.94
Williamson - P0601919	Jail Drywall	40411414-5410	\$ 39,545.31
Kenny Huston - P0601918	Jail Masonry	40411414-5410	\$ 99,033.57

Approval of New Purchase Orders

Simero Roofing	Roof Repair Old Jail	40111402-5410	\$ 8,425.00
Motorola Radios	Countywide Radio	40411410-5450	\$ 968,160.54
Hardliness	Agreement Towers	41111421-5410	\$ 872.00
J G Contracting	Tower Construction	41111421-5410	\$ 219,209.00
Henry Painting	Painting Jail	40411414-5410	\$ 18,425.59
Bruner Corporation	Plumbing Jail	40411414-5410	\$ 65,304.44
Complete General	Site Utilities Jail	40411414-5410	\$ 183,354.76
Altman	Concrete Jail	40411414-5410	\$ 35,674.78
Architectural Floors	Flooring Jail	40411414-5410	\$ 11,286.51
Valley Security	Detention Equipment Jail	40411414-5410	\$ 76,053.47
Kromer	Roofing Jail	40411414-5410	\$ 20,328.00
Schindler	Elevator Jail	40411414-5410	\$ 9,280.00
Professional Services	Testing Jail	40411414-5410	\$ 1,123.60

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

RESOLUTION NO. 06-317

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, LAND ACQUISITION AND PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 10:00AM.

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

RESOLUTION NO. 06-318

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 11:30AM.

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

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward