

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 15, 2008

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

PRESENTATION: TOWNSHIP TRUSTEES OUTDOOR WARNING SYSTEMS

Peggy Guzzo, Liberty Township  
Gerry Cotter, Genoa Township  
Phil Panzarella, Berlin Township  
Tim Jensen, Fire Chiefs Association  
Jim Agan, Orange Township  
Rodger Finks, Scioto Township  
Roger VanSickle, Delaware Township

RESOLUTION NO. 08-564

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 12, 2008 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 May 12, 2008 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. 08-565

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0514 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0514:

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0514, memo transfers in batch numbers MTAPR0514 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>			
Eastman Kodak	Archive Writer	10011103-5325	\$ 5,717.00
<b>Increase</b>			
ITT Flygt Corp.	Pump Parts for Rebuild	66290318-5270	\$ 4,215.00
ITT Flygt Corp.	Pump Parts for Rebuild	66290410-5270	\$ 1,703.00
Juvenile Court	Moms Program	22411601-5348	\$ 10,000.00
Adventure Academy	Day Care	22411610-5348	\$ 7,000.00
T & J Junior Academy	Day Care	22411610-5348	\$ 20,000.00
Erin Coomes	Day Care	22411610-5348	\$ 20,000.00
2 K General	Willis Remodel	40411412-5410	\$ 20,706.01
<b>Vouchers</b>			
T. C. Liberati, LLC	Formula '07 Ramp Myers Inn	23011708-5365	\$ 13,375.00
Starr Commonwealth	Residential Treatment	22511607-5342	\$ 7,377.60
Christian Childrens Home	Residential Treatment	22511607-5342	\$ 5,998.50
City of Delaware	4th quarter 07 EMS Runs	10011303-5345	\$ 120,996.80
HACH Co.	Portable Samplers	66290304-5260	\$ 5,093.11
Treasurer	Aggressive Mech Retainage/Willis	40411412-5410	\$ 4,719.20
Treasurer	Schmid Retainage/Willis	40411412-5410	\$ 112.00
Treasurer	Simco Retainage/Willis	40411412-5410	\$ 8,040.00
Treasurer	Scioto Retainage/Willis	40411412-5410	\$ 400.00
ACI Construction	General Trades CFOA	43111424-5410	\$ 283,004.46
Aggressive Mechanical	HVAC/Willis Remodel	40411412-5410	\$ 42,768.75
Simco Electric	Willis Remodel/Electric	40411412-5410	\$ 92,460.00
Scioto Mechanical	Willis Remodel/Plumbing	40411412-5410	\$ 7,507.00
<b>Memo Transfer Voucher</b>			
<b>From</b>	<b>To</b>		
CSEA/Rent	Commissioners	Rent Mar 08	\$ 7,520.17
23711630-5335	10011101-4233		
CSEA/Rent	Commissioners	Rent April 08	\$ 7,520.17

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23711630-5335	10011101-4233					
CSEA/Rent	Commissioners	Rent May 08	\$	7,520.17		
23711630-5335	10011101-4233					
CSEA/Rent	Commissioners	Rent Feb 08	\$	7,520.17		
23711630-5335	10011101-4233					
CSEA/Rent	Commissioners	Rent Jan 08	\$	7,520.17		
23711630-5335	10011101-4233					
DJFS	Del Co Bd DD	Cluster Services	\$	67.82		
22511607-5342	29519000-4234					

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

RESOLUTION NO. 08-566

IN THE MATTER OF APPROVING THE FY09 ADDENDUM FOR THE COMMUNITY BASED  
CORRECTIONS PROGRAMS 407 SUBSIDY GRANT AGREEMENT:

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

FY09 ADDENDUM FOR  
COMMUNITY BASED CORRECTIONS PROGRAMS  
407 SUBSIDY GRANT AGREEMENT

Please be advised that pursuant to paragraph 1, under Terms and Conditions, the FY08 Community Based Corrections Program Subsidy Grant Agreement between the Ohio Department of Rehabilitation and Correction and Delaware County is being extended to June 30, 2009.

This Addendum is made and entered into this            day of            , 2008, by and between the State of Ohio, Department of Rehabilitation and Correction (hereinafter referred to as Grantor) and the undersigned representatives of Delaware County, Ohio, (hereinafter referred to as Grantee), pursuant to authority in Section 5149.06 1 et. seq. of the Ohio Revised Code.

The Grantor awards to the Grantee the sum of One hundred thirty-three thousand, seven hundred thirty-two dollars, to be paid in four equal installments of \$33,433 for the period beginning with the effective date of this addendum and ending June 30, 2009. Total expenditures for Fiscal Year 2009 (July 1, 2008 to June 30, 2009) will not in any case exceed \$133,732.

The grant amount is subject to legislative appropriation of the Grantor's proposed Community Based Corrections nonresidential program subsidy budget amount for- Fiscal Year 2009. The parties agree that the Grantor may modify the amount if such appropriation is less than the amount proposed to the General Assembly by Grantor. The modified amount shall be determined solely by Grantor officials within their discretion. The Grantee and the Grantor agree to an interim payment of Grant funds if an interim budget is adopted pending the final approval of the State of Ohio Fiscal Year 2009 budget. Furthermore, the obligations of the state under this agreement are subject to the determination by the Grantor that sufficient funds have been appropriated by the General Assembly to the Grantor for the purposes of this grant agreement and to the certification of the availability of such funds by the Director of Budget and Management as required by Section 126.07 of the Ohio Revised Code.

These funds are to be maintained and reported separately from existing Community Based Corrections funds. All other terms and conditions of the subsidy grant agreement shall remain the same.

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

RESOLUTION NO. 08-567

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Troy Watson is resigning his position with the EMS Department; effective date May 9, 2008.

Anthony Huffman is resigning his position with the EMS Department; effective date May 9, 2008.

Jason Klaus is resigning his position with the EMS Department; effective date May 12, 2008.

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

RESOLUTION NO. 08-568

**COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
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**A RESOLUTION AUTHORIZING EXECUTION OF A COMMUNITY REINVESTMENT AREA AGREEMENT WITH P & D BUILDERS LTD FOR THE PROPOSED PROJECT:**

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

WHEREAS, the Delaware County Commissioners, with the consent of the Board of Trustees of Liberty and Berlin Townships, have designated an area in Liberty and Berlin Townships as a Community Reinvestment Area (CRA), pursuant to Ohio Revised Code 3735, inclusive, and have encouraged the development of real property and investment in personal property therein; and

WHEREAS, the purpose of the Delaware County CRA in Liberty and Berlin Townships is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Area; and

WHEREAS, the duly appointed Delaware County / Liberty Township and Berlin Township CRA Tax Incentive Negotiating Committees has reviewed and recommends approval of a proposed CRA application submitted by an enterprise which desires to expand within said CRA, and has determined that the Enterprise meets the CRA Guidelines adopted by the Delaware County Board of Commissioners by Resolution Number 06-350 on March 16, 2006; and

WHEREAS, the Board of Trustees of Liberty and Berlin Townships has agreed to review such applications, to approve applications which meet the guidelines, and to forward all approved proposals to the Delaware County Board of Commissioners for final approval; and

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

SECTION 1. That the CRA Application submitted by P & D Builders on September 17, 2007, as subsequently modified by the Agreement noted in SECTION 2 below is hereby approved.

SECTION 2. The Community Reinvestment Area Agreement, substantially in the form attached hereto as Exhibit A and made a part hereof, including but not limited to the 10 year, 40% average property tax exemption provided therein to facilitate the P & D Builders, is hereby approved and authorized with changes therein not inconsistent with this resolution and not substantially adverse to the County, and any two or more members of this Board are hereby authorized to execute the Community Reinvestment Area Agreement and directed to take any further actions, and execute and deliver any further agreements, certificates or documents necessary to accomplish the granting of the incentives described in the Community Reinvestment Area Agreement, provided further that the approval of changes thereto by those members that execute the Agreement, and their character as not being substantially adverse to the County, shall be evidenced conclusively by their execution thereof.

SECTION 3. The Clerk of the Board of Commissioners is directed to submit a certified copy of this Resolution to the Director of the Ohio Department of Development and the Director of the Ohio Department of Taxation.

SECTION 4. That this Resolution shall take effect and be in force immediately after its passage.

**COMMUNITY REINVESTMENT AREA AGREEMENT**

This Agreement is made and entered into by and between **P&D Builders**, located at 47 S. Liberty St., Powell, Ohio, 43015 (hereinafter "Company"), and the **Board of County Commissioners of Delaware County**, Ohio with its main offices located at 101 North Sandusky Street, Delaware, Ohio 43015 (hereinafter "County"), and **Liberty/Berlin Townships** (hereinafter "Townships") with its main offices located at 10104 Brewster Lane, Suite 125, Powell, Ohio 43065 and 3271 Cheshire Rd., Delaware, Ohio 43015

WHEREAS, Townships and County have encouraged the development of real property and the acquisition of personal property located in the area designated as a Community Reinvestment Area (CRA), a map and description of which is attached hereto as **EXHIBIT A** ; and

WHEREAS, the Company has outgrown its current location in Powell, seeks a new location, and plans to build a 16,000 square-foot building of which it will occupy 4,000 sq-ft (the "Project") at 59 Greif Parkway, Delaware, Ohio 43015 (hereinafter "Project Site"), in order to open a new office. As part of this new site, the Company estimates an investment of \$400,000 in land costs, \$1,600,000 in new construction and \$15,000 in furniture and fixtures at the Project Site. In addition, the Company will bring 15 employees from its other site, resulting in payroll retention of \$736,684; and

WHEREAS, the Liberty Township Board of Trustees by Resolution Number 07-10-15, adopted on October 10, 2005, and Resolution Number 05-1406, adopted by the Delaware County Commissioners on October 17, 2005, designated the area as a CRA pursuant to Ohio Revised Code (ORC) Chapter 3735; and

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WHEREAS, effective November 14, 2005, the Director of the Ohio Department of Development (ODOD) determined that the aforementioned designated area contains the characteristics set forth in ORC 3735.66 and certified the area as CRA #04105788-02 pursuant to statute; and

WHEREAS, the County and the Townships have determined that the Company satisfies the statutory criteria set forth in ORC Chapter 3735; and

WHEREAS, the County having the appropriate authority for the stated type of project desires to provide the Company with incentives available for the development of the Project in the CRA pursuant to ORC Chapter 3735; and

WHEREAS, the Company has submitted a proposed agreement application (herein attached as **EXHIBIT B**) to the County pursuant to statute; and

WHEREAS, the Company has remitted the required state application fee of **\$750.00** with the application (made payable to the ODOD) to be forwarded with the final Agreement; and

WHEREAS, the Tax Incentive Negotiating Committees for the Delaware County/Liberty/Berlin Township CRA has investigated the application of the Company and has recommended it to the Townships and the County on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and improve the economic climate of Delaware County; and

WHEREAS, the Project Site as proposed by the Company is located in the Olentangy Local School District (OLSD) and the Boards of Education of the OLSD and Delaware Area Career Center (DACC) have been notified in accordance with ORC 5709.83 and have been given a copy of the application; and

WHEREAS, pursuant to ORC 3735.67(A) and ORC 3735.671(B), the Parties hereto desire to set forth their Agreement with respect to the following matters;

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:

1. The Company shall build a 16,000 sq-ft building located at 59 Greif Parkway, Delaware, Ohio 43015 on tax parcel number 41944005014000, in order to open a new office. The facility will be owned by the Company and be used for the Project on land described in **EXHIBIT B**. The cost of the new construction of this facility is estimated to be \$1,600,000 plus \$400,000 for the land for a total of \$2,000,000. The Company shall also invest an estimated \$15,000 in new furniture and fixtures to be used for the Project and located at the Project Site, but this will not be subject to the tax abatement. The Company shall remain in operation at said PROJECT site for the entire term of this Agreement, which shall end on **May 15, 2018**. The Project will involve an estimated total investment by the Company of \$2,000,000 (Two Million Dollars) **plus or minus ten percent**, at the Project Site in Liberty /Berlin Townships.

The Project will begin on or about July, 2008 and all construction shall be completed by March, 2009.

2. The Company shall retain 15 fulltime employees the number of existing positions, including full-time permanent, part-time permanent and temporary jobs throughout the term of the Agreement.

It is expected that the PROJECT will result in annual payroll for P& D Builders of approximately \$715,684 (Seven Hundred Fifteen Thousand Six Hundred Eighty-Four Dollars) to retain 14 full-time permanent employees, approximately \$21,000 (Twenty-One Thousand Dollars) to retain 1 part-time permanent employees, and \$0.00 (Zero Dollars) for temporary employees, for a total of \$736,684 (Seven Hundred Thirty-Six Thousand Six Hundred Eighty-Four Dollars) of annual payroll.

3. The Company shall provide to the proper Tax Incentive Review Councils (TIRC) any information reasonably required by the Council to evaluate both enterprises' compliance with the agreement, including returns filed pursuant to ORC 5711.02 if requested by the Council.

Should the Company hire any new employees, it should make every effort to hire at least 15% of its new employees from Delaware County residents meeting one or more of the following classifications:

1. A resident of the CRA and/or Delaware County;
2. Unemployed for at least 6 months;
3. Handicapped; and/or
4. A recipient of public assistance, general relief, or unemployment assistance.

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Also, in keeping with its intention to assume its responsibilities as a responsible member of the Delaware County business community, the Company agrees to undertake the following tasks during the term of this Agreement:

- a. The Company shall contact the DACC within one hundred and eighty (180) days of the execution of this Agreement to determine areas of cooperation that may be mutually beneficial to the Company and the DACC.
  - b. The Company shall, within twelve (12) months of this Agreement, meet with the Delaware County Jobs & Family Services Department and with the Youth Employer Connections Sub Committee to determine if it would be possible to develop a Workforce Investment Act (WIA) Youth Workplace Experiences Program (YWEP) to be located at the Project Site. Such a program may include development of jobs for youth, a mentoring program, job shadowing, and/or tours of the Company, and ongoing support for the program to the Company from the WIA subcommittee.
4. The County hereby grants the Company an average 40% tax exemption pursuant to ORC 3735.67 for new construction at the Project Site. Said exemption shall be based on the increase in the assessed valuation of the Project Site as a result of the new construction. The tax exemption amount shall be as follows:

<u>Year</u>	<u>Exemption Percent</u>
1	40%
2	40%
3	40%
4	40%
5	40%
6	40%
7	40%
8	40%
9	40%
10	40%

If investment in new real property falls below 90% of the target level, Liberty /Berlin Townships and Delaware County reserve the right to modify or terminate this Agreement.

The exemption from real property taxation commences the first year for which the new construction would first be taxable were the property not exempted from taxation. No exemption shall commence after May 15, 2018 nor extend beyond May 15, 2018. The Company shall occupy and remain in operation at the Project Site at least until May 15, 2018.

5. Pursuant to ORC Chapter 3735 and ORC 5709.82(C)(2) & (D), the Company shall make a lump sum payment to OLSD coinciding with the term of the tax exemptions granted above. The lump sum payment from the Company to OLSD shall be \$10,000. The lump sum payment to DACC shall be \$0.
- The payments shall be for the benefit educational initiatives on behalf of the OLSD. The lump sum payments to OLSD shall be due by December 31, 2008.
6. The annual fee of **Five Hundred Dollars (\$500.00)** for each year that this Agreement is in effect and tax exemptions are **granted shall be waived** for this PROJECT. No such fee shall be made payable to Delaware County. Typically, this fee shall be paid by check made out to Delaware County and shall be submitted to the County Commissioners’ Office. Typically, this fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with ORC 3735.671(D) and by the TIRC created under ORC 5709.85 exclusively for the purpose of performing the duties prescribed under that section.
7. As applicable, the Company must file the appropriate tax forms (DTE 24) with the Delaware County Auditor and (#913) with the State Department of Taxation to effect and maintain the exemptions covered in this Agreement. As applicable, the #913 Ohio tax form must be filed by the Company annually. Copies of these tax forms shall also be provided by the Company annually to the applicable TIRC. In addition, the Company may file additional and supplementary documentation, which might be helpful in demonstrating their compliance with the terms of this Agreement.
8. The Company shall pay such real and tangible personal property taxes as are owed by it and are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law. If it fails to pay such taxes or file such returns and reports exemptions from taxation granted under this Agreement are rescinded beginning with the year for which such taxes are

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charged or such reports or returns are required to be filed and thereafter.

9. The County and Townships shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve, and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
10. If for any reason said CRA designation expires, the Director of the ODOD revokes certification of the CRA, or the Liberty Township Board of Trustees, Berlin Township Board of Trustees or the Delaware County Commissioners revokes the designation of the CRA, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement, and the Townships and County terminate or modify the exemptions from taxation pursuant to this Agreement.
11. If the Company materially fails to fulfill its obligations under any provision of this Agreement, other than with respect to the number of employee positions estimated to be created or retained under this Agreement, or if the Company files a petition for relief pursuant to the United States Bankruptcy Code, or if the County determines that the certification as to delinquent taxes required by this Agreement is fraudulent, the County and Townships may terminate or modify the exemptions from taxation granted under this Agreement, and may require the repayment, from the Company of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement. In the event that repayment is required, the County shall be secured by a lien on the exempted property in the amount required to be repaid.
12. In any three-year period during which this agreement is in effect, if the actual number of employee positions created or retained by the Company is not equal to or greater than seventy-five per cent of the number of employee positions estimated to be created or retained under this Agreement during that three-year period, the Company shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this Agreement during that three-year period. In addition, the Township or County may terminate or modify the exemptions from taxation granted under this Agreement. In the event that repayment is required, the County shall be secured by a lien on the exempted property in the amount required to be repaid.

The Company shall provide payroll information for each employee quarterly to both the County and the Township not later than 30 days after the end of each calendar year quarter. The information shall not include personal information such as the employee's name, address or social security number.

For purposes of this Section: (i) the first three-year period shall not commence until the start of the 2009 calendar year; (ii) the three-year periods shall be consecutive, rolling three-year periods (e.g., the first three-year period shall be 2009 through 2011, and the second three-year period shall be 2012 through 2014); and (iii) the repayment for a three-year period shall only be required only if the Company fails to meet the seventy-five per cent threshold for six or more of the twelve calendar quarters in that three-year period, based on a review of the quarterly employment reports provided pursuant to this Section.

13. The Company hereby certifies that at the time this Agreement is executed, it (a) does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio; (b) does not owe delinquent taxes for which they are liable under ORC Chapters 5727, 5733, 5735, 5739, 5741, 5743, 5747, or 5753, or, if such delinquent taxes are owed, it is currently paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof; and (c) have not filed a petition in bankruptcy under the United States Bankruptcy Code, or such a petition has not been filed against the Company. For the purposes of the certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.
14. The Company affirmatively covenants that it does not owe: (1) any delinquent taxes to the State of Ohio or a political subdivision of the State; (2) any moneys to the State or a state agency for the administration or enforcement of any environmental laws of the State; and (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not.
15. The Company, Townships, and County acknowledge that this CRA Agreement must be approved by formal action of the legislative authority of Liberty Township and Delaware County as a condition for the Agreement to take effect. This agreement takes effect upon such approval. A copy of this agreement must be forwarded to the Ohio Departments of Taxation and Development within fifteen (15) days of approval to be finalized. All Parties to this Agreement must sign said Agreement prior to the County sending said Agreement to the Ohio Departments of Taxation and Development.
16. Delaware County has developed a policy to ensure that recipients of CRA tax benefits practice non-discrimination in their operations. By executing this Agreement, the Company is committed to following

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non-discriminatory hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

- 17. Exemptions from taxation granted under this Agreement shall be revoked if it is determined that the Company or any successor enterprise, or any related member (as those terms are defined in ORC 3735.671) has violated the prohibition against entering into this Agreement under ORC 3735.671(E) or ORC Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.
- 18. The Company affirmatively covenants that it has made no false statements to the State or local political subdivisions in the process of obtaining approval of the CRA incentives. If any representatives of the Company have knowingly made a false statement to the Sate or local political subdivisions to obtain the CRA incentives, the Company shall be required to immediately return all benefits received under the CRA Agreement pursuant to ORC 9.66(C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or political subdivision pursuant to ORC 9.66(C)(1). Any person who provides a false statement to secure economic development assistance may be guilty of falsification, a misdemeanor of the first degree, pursuant to ORC 2921.13(D)(1), which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.
- 19. This Agreement is not transferable or assignable without the express, written approval of Liberty and Berlin Townships and Delaware County.

IN WITNESS WHEREOF, the Delaware County Commissioners, pursuant to Resolution Number 08-\_\_\_\_, have caused this instrument to be executed this 15<sup>th</sup> day of May, 2008, the Liberty Township Board of Trustees, pursuant to Resolution Number 08-0421-02 has caused this instrument to be executed this 21<sup>st</sup> day of April, 2008, the Berlin Township Board of Trustees, pursuant to Resolution Number 08-05-16, has caused this instrument to be executed this 12<sup>th</sup> day of May, 2008, and the Company has caused this instrument to be executed this 15<sup>th</sup> day of May, 2008.

EXHIBIT A

Delaware County / Liberty Township  
Community Reinvestment Area # 04105788-01  
Map & Description

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

Exhibit B

P&D Builders – Description of Project Site  
Lot 3873 of Greif Park- Delaware County Tax Parcel # 41944005014000

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 northeast 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 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.

EXHIBIT C

P&D Builders Application for Community Reinvestment Area (CRA) Tax Incentives

(On file with the Delaware County Economic Development Department until no longer of Administrative Value).

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

RESOLUTION NO. 08-569

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IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR JUVENILE COURT:

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

<b>Supplemental Appropriation</b>						
27126310-5201	Juvenile Acct Incentive Grant/Program Supplies			\$	2,600.00	
Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye

RESOLUTION NO. 08-570

IN THE MATTER OF APPROVING A CHANGE ORDER TO THE INTERGOVERNMENTAL  
COOPERATION AGREEMENT FOR THE LOWER SCIOTO WATER RECLAMATION FACILITY:

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

Delaware County  
Division of Environmental Services  
CHANGE ORDER

Order No.: 2  
Date: May 15, 2008  
Agreement Date: November 1, 2007

NAME OF PROJECT: Lower Scioto Water Reclamation Facility

Contract: Intergovernmental Cooperation Agreement dated November 1, 2007

The following changes are hereby made to the CONTRACT and as detailed in Exhibit's A and B:  
Additional mounding for increased buffering of adjoining properties.  
Installation of French Drain with 4" pipe along entrance drive.  
Installation of 12" storm sewer and drainage structure.  
Deduct plantings and trees as detailed in Exhibit B.

Change to Contract Price:	
Original Contract Price:	\$ 21,986,625.00
Current Contract Price adjusted by previous Change Order:	\$ 22,118,625.00
The Contract Price due to this Change Order will be increased by:	\$105,550.00
The new Contract Price including this Change Order will be:	\$22,224,175.00

Change to Contract Time:  
The Contract Time will be (increased/decreased) by zero (0) calendar days.

Approvals Required:  
To be effective this Order must be approved as require by the Section II page 5 of the Contract Documents.  
Requested by: Concord/Scioto Community Authority  
Recommended by: Director of Environmental Services and Concord/Scioto Community Authority  
Approved by: Board of County Commissioners DELAWARE COUNTY, OHIO

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 08-571

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY  
COMMISSIONERS AND THE CITY OF POWELL FOR AN 800 MHz BAND:

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

AGREEMENT

This Agreement (the "Agreement") is made this 15th day of May, 2008 by and between the Delaware County Board of Commissioners, 101 North Sandusky Street, Delaware County, Ohio 43015 (hereinafter the "County") and the City of Powell, Ohio, an Ohio municipal corporation, 47 Hall Street, Powell, Ohio 43065 (hereinafter the "City"). County and City are collectively referred to as the "Parties."

WHEREAS, the Parties entered into an Agreement on December 13, 2001 ("December 2001 Agreement"), which is attached as Exhibit "A," in which the County agreed to provide police dispatching and field communication



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services at no charge to the City; and

WHEREAS, the City holds call sign WPGR356 subject to the 800 Megahertz band reconfiguration program that is assigned to Wave 4, Stage 1 (Channels 1-120)("800 MHz band"); and

WHEREAS, the City desires to provide the County with the opportunity to co-own and use the 800 MHz band during such period of time as the December 2001 Agreement is in effect.

NOW, THEREFORE, the Parties agree to the following:

1. The December 2001 Agreement between the Parties remains in full force and effect and is not superseded by this Agreement.
2. The City hereby consents to the County becoming the co-owner and using the City's 800 MHz band at no cost to the County subject to and contingent upon the County forbearing from exercising any right under Section 5 of the December 2001 Agreement to terminate the December 2001 Agreement and/or otherwise modifying or terminating the December 2001 Agreement. The Parties agree to cooperate in executing and filing necessary application materials to effectuate such co-ownership of the City's 800 MHz band (and to terminate such co-ownership in the event the County terminates or modifies the December 2001 Agreement).
3. The City shall not bear any liability or responsibility should the status of the 800 MHz band change, including, but not limited to, by any actions taken by the Federal Communication Commission.
4. Notices to the County shall be provided to the Clerk of the Board of County Commissioners, 101 North Sandusky Street, Delaware County, Ohio 43015. Notices to the City shall be provided to the City Manager, 47 Hall Street, Powell, Ohio 43065.
5. The term of this Agreement shall be conterminous with the term of the December 2001 Agreement, which continues in effect until such time as either Party sends notice in writing to the other Party of a date that the December 2001 Agreement shall be terminated.

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

RESOLUTION NO. 08-572

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Casey Swendrick is resigning his position with the 911 Department; effective date May 9, 2008.

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

COMMISSIONER EVANS RECOGNIZED THE COMMUNITY SERVICE OF THE GIRL SCOUTS OF  
OLENTANGY SCHOOL DISTRICT.

Approximately 1400 Girl Scouts are in the Olentangy School District. Over the 2007/2008 school year 970 of those Girl Scouts participated in monthly community service projects throughout the area. These community service projects included collecting school supplies for the foster program at Delaware County Children Services, collecting canned goods and non perishables for People In Need of Delaware County, a Toy Drive for the annual Fire Fighters holiday toy drive, Book Drive for Lutheran Social Services Food Pantry, Family Items drive for YWCA Family Center, collecting animal care items for Delaware Cointy Humane Society, collecting Peanut Butter to be sent to 3<sup>rd</sup> world countries through the Lifeline Christian Mission, and making favor mats for the Council for Older Adults of Delaware County. The scouts also participated in a Beautify Your School day where they participated and did chores or planting around their individual schools. A lot of the troops also donated many, many hours to making items and sending them off for our troops overseas. The district is celebrating the scouts projects with a Service From The Heart Bash on Saturday, May 17<sup>th</sup> from 9 am until 11 am at Shanahan Middle School Football Stadium (rain location is Shanahan Middle School Gym).

RESOLUTION NO. 08-573

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 LAND ACQUISITION :

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 10:38AM.

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

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RESOLUTION NO. 08-574

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Evans to adjourn out of Executive Session at 11:55AM.

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

There being no further business the meeting adjourned.

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Glenn A. Evans

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Kristopher W. Jordan

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

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Letha George, Clerk to the Commissioners