

COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011

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

Present:
Dennis Stapleton, President
Ken O’Brien, Vice President
Tommy Thompson, Commissioner

RESOLUTION NO. 11-140

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 7, 2011:

It was moved by Mr. O’Brien, seconded by Mr. Thompson to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on February 7, 2011; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Thompson Aye Mr. Stapleton Aye Mr. O'Brien Aye

PUBLIC COMMENT

Mark Travis, Director Central Ohio Mental Health and
Charlotte Joseph, Board Member Central Ohio Mental Health
Marilyn Vigar Central Ohio Mental Health
-a thank-you to the Commissioners for the \$200,000.00 Revolving Loan Funds Grant that helped bring the facility on Henry Street up to ADA Standards so they could regain their certification.

ELECTED OFFICIAL COMMENT

MELISSA JORDAN, RECORDER
UPDATE ON THE PLAN AND TIMELINE FOR A COMPREHENSIVE RECORDING SOFTWARE SOLUTION FOR THE DELAWARE COUNTY RECORDER’S OFFICE

RESOLUTION NO. 11-141

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0209:

It was moved by Mr. O’Brien, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0209 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Amount	Line Number
R1102184	DELAWARE MUNICIPAL COURT JUSTICE CTR	RESOLUTION 09-889	10029203 - 5360	\$25,000.00	0001
R1102184	DELAWARE MUNICIPAL COURT JUSTICE CTR	WITNESS REIMBURSEMENT	10029203 - 5360	\$10,000.00	0002
R1102429	BOARD OF DEVELOPMENTAL DISABILITIES	COUNCIL MANAGER	70161603 - 5301	\$20,000.00	0001
R1102667	VOSS BROS SALES & RENTAL INC	MOWER, DECK, SNOW BLOWER	40111402 - 5450	\$23,600.00	0001

Vote on Motion Mr. Stapleton Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 11-142

MEMORANDUM OF UNDERSTANDING BETWEEN DELAWARE COUNTY AND THE COLUMBUS AND FRANKLIN COUNTY METROPOLITAN PARK DISTRICT (METRO PARKS) RELATIVE TO PLACEMENT

**COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011**

OF CAMERA(S) TO OBSERVE THE Highbank Metro Park Eagles Nest:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to approve the following:

RECITALS

WHEREAS, a pair of bald eagles developed a nest at Highbanks Metro Park in 2009 and successfully fledged young eagles and are actively working on a new nest at this time; and

WHEREAS, the presence of the nest created interest among many Central Ohio residents and visitors as would be expected; and

WHEREAS, during the early part of the year the nests are visible from the park, specifically from an overlook deck that was constructed and overlooks the Olentangy River, but as foliage develops in the spring the view is obstructed from the overlook deck; and

WHEREAS, it is imperative to provide protection to the nest in the form of a 660 foot perimeter that humans should not enter while the nest is active but it is important that park visitors and interested parties are able to experience the wonders of the nest; and

WHEREAS, the eagle nests are very visible from the Olentangy Environmental Control Center (OECC), which resulted in trespassing on Delaware County property by unauthorized people; and

WHEREAS, Delaware County's OECC and Metro Parks have enjoyed a very productive and cooperative partnership over the years and each believe that allowing a camera(s) to be placed on an existing structure at OECC that could allow for images to be remotely broadcast to the Highbanks Nature Center and on the web would enhance the enjoyment of the public and also might limit trespassing and other problems arising from the presence of the nests;

NOW THEREFORE, in order to spell out the details of a partnership to allow a camera(s) to be installed on OECC property and to ensure the success of the intent of the parties, Delaware County and Metro Parks enter into this Memorandum of Understanding and agree as follows:

1. All expenses for this partnership and project shall be borne by Metro Parks including the cost of the camera(s), extension of electric service to the camera(s), installation of the camera(s), maintenance of the camera(s), extension of internet capabilities, and any and all other costs related to this project, except Delaware County agrees to pay the minimal cost of electricity for the camera.
2. Installation and maintenance of the camera(s) shall occur at times that are agreed in advance by the OECC staff and such efforts shall not detract from normal operations of the OECC.
3. The camera(s) shall be mounted on existing structures and with the consent of the OECC staff. Should any unintentional damage occur to the structure during installation or maintenance, Metro Parks is responsible to correct that damage in a timely manner.
4. Recognition of the partnership and the support of Delaware County and the OECC shall be given as appropriate both on printed material and through the use of the web.
5. Metro Parks shall continue to assist the OECC staff in addressing trespass issues by birdwatchers and other interested parties.
6. This MOU may be terminated at any time by either party. Delaware County is simply giving permission for installation of the camera(s) and no property interest is being exchanged as a result of this MOU.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

RESOLUTION NO. 11-143

IN THE MATTER OF SETTING THE DATE AND TIME FOR AND APPROVING THE ADVERTISING OF THE REQUEST FOR LEASE PROPOSALS FOR A GENOA TOWNSHIP EMERGENCY MEDICAL SERVICES STATION:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to approve the following:

The Director Emergency Medical Services recommends the date and time for and approves the advertising of the request for lease proposals for a Genoa Township Emergency Medical Services Station:

Therefore Be It Resolved, That The Commissioners approve the date and time for and the advertising of the request for lease proposals for a Genoa Township Emergency Medical Services Station.

**Public Notice
Request for Lease Proposals**

**COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011**

Lease Proposals will be received at the Office of the Delaware County Commissioners, 101 North Sandusky Street, Delaware, Ohio 43015, **until 10:00 AM, Friday, February 25, 2011**, at which time they shall be publicly opened, from owners of property meeting the requirements for the lease of an Emergency Medical Services (EMS) station in southern Genoa Township, Delaware County, Ohio.

In order to be considered, the Proposals must include property that meets the following criteria:

1. The building shall be approximately 4000 square feet containing, or suitable for renovation to accommodate, a full kitchen and eating area, a living room, a small office area, three separate bedrooms, and two bathrooms, including at least one shower in each bathroom.
2. The building shall have two apparatus bay doors, both of which must have minimum dimensions of 10 feet wide and 10 feet high, and both of which must be able to accommodate electric door openers.
3. The building shall be located in the southern half of Genoa Township, Delaware County, Ohio.

The Proposals shall be submitted in accordance with the Request for Proposals and shall contain the full name and address of the property owner, or the property owner's agent. All Proposals shall be sealed and plainly marked "Lease Proposal for Genoa Township EMS Station." Copies of the Request for Proposals may be obtained from the Delaware County Commissioners' Office, 101 North Sandusky Street, Delaware, Ohio 43015 OR can be downloaded from the Delaware County website at <http://www.co.delaware.oh.us/bidinfo.htm>, where this Public Notice is also posted.

Proposals shall not be withdrawn for a period of sixty (60) days after the opening thereof. The Delaware County Commissioners will negotiate with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect. The Commissioners reserve the right to reject any or all Proposals and may waive any irregularities.

Delaware Gazette Advertisement Date: **February 11, 2011**

GENERAL INFORMATION

PURPOSE

Delaware County Emergency Medical Services ("EMS") will be vacating its position within a Genoa Township fire department facility, effective February 28, 2011, and is seeking to lease a facility to serve as a replacement location.

LOCATION

EMS desires a location in southern Genoa Township, Delaware County, Ohio.

FACILITY CRITERIA

The building shall be approximately 4000 square feet containing, or suitable for renovation to accommodate, a full kitchen and eating area, a living room, a small office area, three separate bedrooms, and two bathrooms, including at least one shower in each bathroom. The building shall have two apparatus bay doors, both of which must have minimum dimensions of 10 feet wide and 10 feet high, and both of which must be able to accommodate electric door openers.

PROPOSAL CRITERIA

1. **Receipt and Opening of Proposals:** The Delaware County Commissioners request proposals in accordance with these documents. Proposals will be received at the office of the Delaware County Commissioners until **Friday, February 25, 2011, at 10:00 AM**, where they shall be publicly opened. The envelopes containing the proposals must be sealed, addressed to the Delaware County Commissioners' Office, and clearly labeled as "Lease Proposal for Genoa Township EMS Station". **The Delaware County Commission may consider informal any proposal not prepared and submitted in accordance with the provisions hereof and may waive any informalities or reject any and all proposals.** Any proposal may be withdrawn prior to the above scheduled time for the opening of proposals or authorized postponement thereof. Any proposal received after the time and date specified shall not be considered. No respondent may withdraw a proposal within sixty (60) days after the actual date of the opening thereof.

2. **Preparation of Proposal:** Each proposal must be submitted in accordance with these documents and must contain fully executed original certifications required herein. Each proposal must be submitted in a sealed envelope bearing on the outside the name of the property owner, or the property owner's agent, his/her address, and the title "Lease Proposal for Genoa Township EMS Station." If forwarded by mail, the sealed envelope containing the proposal must be enclosed in another envelope addressed as specified herein.

3. **Terms of Lease:** Any proposed lease must be in the form provided herein, or substantially similar thereto. Proposals must include any of respondent's proposed additional provisions or amended provisions. At a minimum, respondents shall propose the following: (1) lease duration; (2) rate of lease payments; and (3) lease payment schedule.

**COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011**

4. **Examination of Site:** Each respondent shall permit EMS and other Delaware County staff entry to any premises subject to a proposal submitted in accordance herewith upon reasonable request for inspection thereof.

5. **Signature on Proposals:** The firm, corporate or individual name of the respondent must be signed in ink on any proposal submitted. In the case of a corporation, the title of the officer signing must be stated and such officer must be thereunto duly authorized and the seal of said corporation duly affixed. In the case of the partnership, the signature of at least one of the partners must follow the firm name, using the term "member of the firm". In the case of an individual, use the terms "doing business as," or "sole owner." In the case of an agent, use the term "agent for," followed by the name of the property owner. The respondent shall further state in his proposal the name and address of each person or corporation interested therein.

6. **Signing Bid – Agreement to Terms of Attached Lease:** By signing this proposal, respondent acknowledges reading all attached and all referenced documents and agrees to abide by the terms therein, without modification, unless Delaware County agrees to such modifications by incorporating any such modifications into the final, executed Lease Agreement.

(Copy of the request for proposals available in the Commissioners' Office until no longer of administrative value).

Vote On Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

RESOLUTION NO. 11-144

IN THE MATTER OF EXPRESSING THE BOARD'S SUPPORT FOR MENARDS' PROPOSED DEVELOPMENT PROJECT IN ORANGE TOWNSHIP AND CONTINGENT APPROVAL OF AN ORANGE TOWNSHIP COMMUNITY REINVESTMENT AREA AGREEMENT WITH MENARDS:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

WHEREAS, Delaware County has encouraged the development of real property and the acquisition of personal property located in the area designated as Orange Township Community Reinvestment Area #041-58618-01; and

WHEREAS, Menards desires to construct a new 162,000 square foot home improvement store (hereinafter referred to as "Project") within the boundaries of the aforementioned Community Reinvestment Area, provided that the appropriate development incentives are available to support the economic viability of the Project; and

WHEREAS, the Project will include subdividing a 68 acre parcel (PIN 31823001003001) into a 21 acre site to be the home of Menards, along with creating approximately nineteen planned commercial outparcels and a 5.5 acre planned industrial site; and

WHEREAS, the proposed tax incentive is designated for the 21 acre site to be the home of Menards and is proposed to financially offset the public road improvement costs; and

WHEREAS, the purpose of the Community Reinvestment Area Agreement will be to offer financial incentives to offset approximately \$1,000,000 of the estimated \$5,300,000 in public road improvements that Menards must complete to make this a successful project; and

WHEREAS, in order to be eligible for the proposed tax incentive, the Project site requires rezoning from farm residential to industrial or commercial;

NOW THEREFORE, BE IT RESOLVED BY THE DELAWARE COUNTY BOARD OF COMMISSIONERS:

SECTION 1: The Board hereby expresses its support for the Menards Project as a benefit for the continued economic growth of Delaware County.

SECTION 2: The Board hereby approves the following Orange Township Community Reinvestment Area Agreement, contingent upon the Project property being rezoned as industrial or commercial on or before September 30, 2011:

ORANGE TOWNSHIP COMMUNITY REINVESTMENT AREA AGREEMENT
CRA #041-58618-01 – Menards, Inc.

This Agreement is made and entered into by and between the Delaware County Commissioners, on behalf of Delaware County, Ohio ("County"), with their main offices located at 101 North Sandusky Street, Delaware, Ohio 43015, and Menards, Inc. ("Menards"), a Wisconsin corporation, with their main offices located at 5101 Menard Drive, Eau Claire, WI 54703, and the Parties set forth the following recitals:

WHEREAS, the County has encouraged the development of real property and the acquisition of personal

**COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011**

property located in the area designated as Orange Township Community Reinvestment Area #041-58618-01 (“CRA”); and

WHEREAS, Menards desires to construct a new 162,000 square foot home improvement store (hereinafter referred to as the “Project”) within the boundaries of the aforementioned CRA, provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the purpose of this Agreement is to offer financial incentives to offset approximately \$1,000,000 of the estimated \$5,300,000 in public road improvements that Menards must complete to make this a successful project; and

WHEREAS, Menards’ North American Industrial Classification System (NAICS) number is 444110; and

WHEREAS, the County, by Resolution No. 10-1050, adopted August 9, 2010, designated the CRA, pursuant to Chapter 3735 of the Revised Code; and

WHEREAS, effective September 23, 2010, the Director of Development of the State of Ohio determined that the aforementioned area designated in Resolution No. 10-1050 contains the characteristics set forth in section 3735.66 of the Revised Code and confirmed the area as Community Reinvestment Area #041-58618-01 under Chapter 3735; and

WHEREAS, the County is desirous of providing Menards with real property tax incentives available for the development of the Project in the CRA; and

WHEREAS, Menards will be creating new jobs at the Project site; and

WHEREAS, Menards has submitted a proposed agreement application (attached hereto as Exhibit A and, by this reference, fully incorporated herein) to the County (the “Application”); and

WHEREAS, because the exemption recommended is less than fifty percent, this Agreement is not subject to approval by the Olentangy Local School District; and

WHEREAS, the Orange Township Trustees recommended approval in Orange Township Resolution 11-031 at their January 18, 2011, meeting;

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 agree as follows:

1. Menards shall construct a 162,000 square foot home improvement store in Orange Township, within the CRA, at the following site:

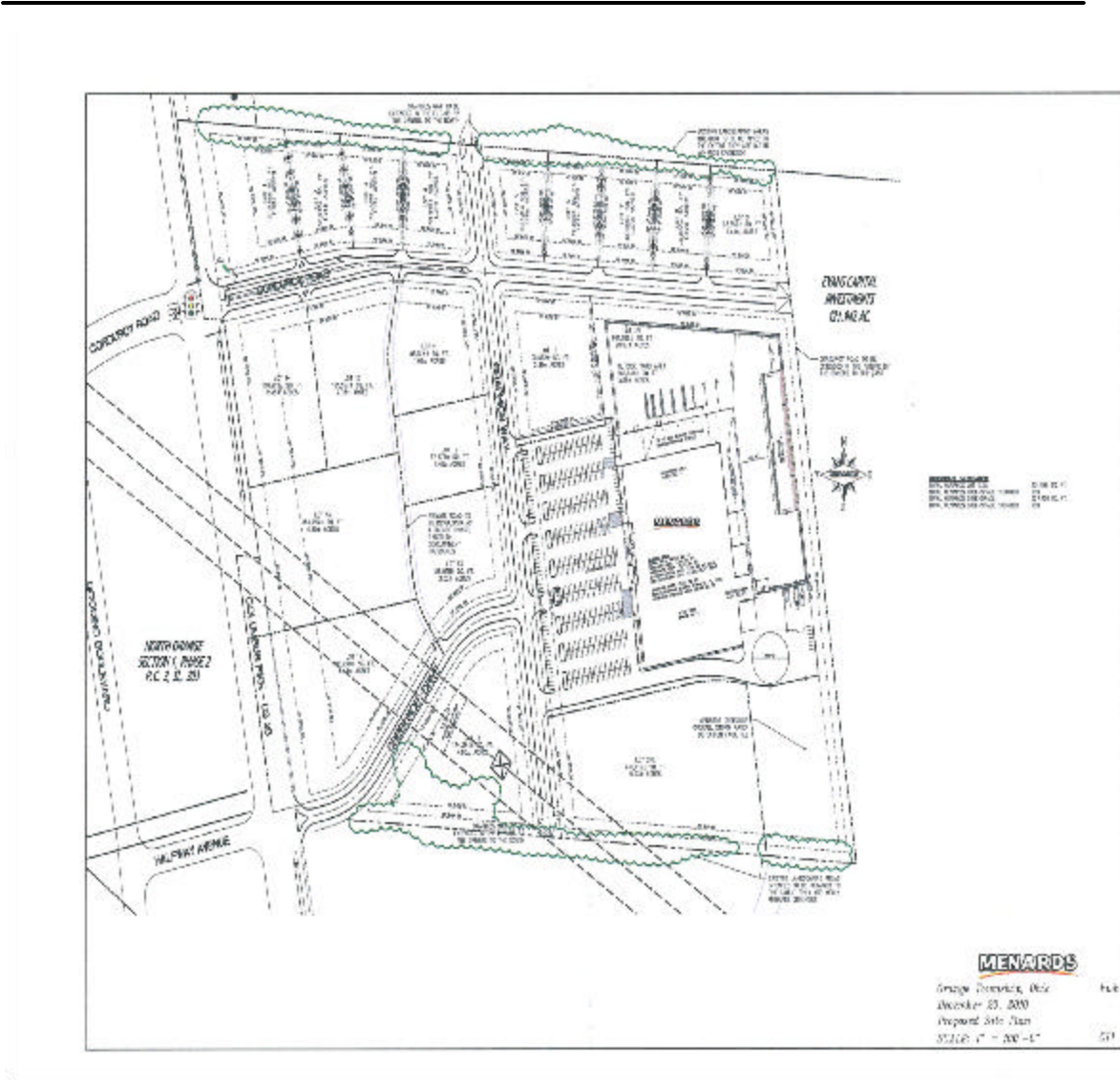
COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011

Menards Project Site



The development will occur on sixty-eight acres of Parcel 31823001003001, as the same is known and designated on the Delaware County Auditor's revised list of parcels in Delaware County, Ohio. The development will include subdividing the larger parcel into a 21 acre site to be home of Menards, along with creating approximately nineteen planned commercial outparcels and a 5.5 acre planned industrial site. This abatement is designated for, and specifically limited to, the 21 acre site to be the home of the Menards Project, and the purpose of the abatement is to financially offset the infrastructure costs.

COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011

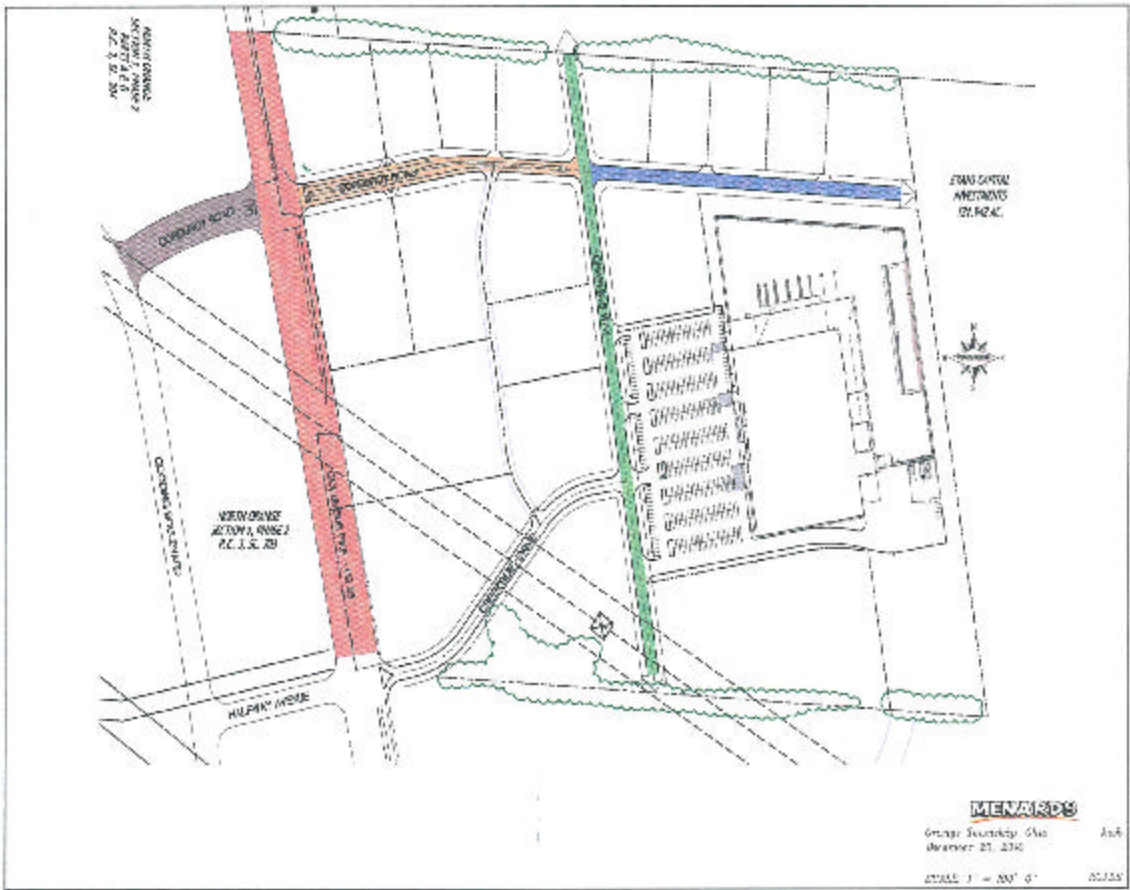


Planned* public road improvements are as follows:

US23 Improvements and Signalization:	\$1,530,000
Corduroy Road East of US23 to Graphics Way:	\$870,000
Corduroy Road East of Graphics Way to the Property Line:	\$770,000
Graphics Way from Property Line to Property Line:	\$1,230,000
Corduroy Road East of Gooding Blvd to US23:	\$110,000
Creekside Drive:	<u>\$790,000</u>
TOTAL:	\$5,300,000

*Estimates are from preliminary site plans and cost estimates provided by Floyd Browne Group. Estimates assume that the improvements are not subject to prevailing wage requirements. Plans for the improvements have not been approved and are subject to change.

Overall Public Infrastructure Improvements
Associated with the Project



The Project shall commence on June 1, 2011, and all acquisition, construction, and installation shall be completed by December 31, 2012. Any changes to the commencement or completion dates may only be made by written amendment of this Agreement.

2. Job Creation: Menards shall create within a time period not exceeding 36 months after the commencement of construction of the aforesaid facility, the equivalent of:
- | | |
|----|--|
| 50 | new full-time permanent job opportunities |
| 80 | new part-time permanent job opportunities = 40 FTE |
| 0 | new full-time temporary job opportunities |
| 0 | new part-time temporary job opportunities. |
| = | |
| 90 | new full-time equivalent (FTE) jobs. |

No employees are currently located at this site. In total, Menards has 1000 full-time permanent employees, Zero part-time permanent employees, 1250 full-time temporary employees, and Zero part-time temporary employees in the State of Ohio.

1 FTE = 37.5 hours per week or 2 part time employees working 37.5 total hours per week = 1 FTE

New Job Creation Period	New FTE Employment Level	Retain	Total FTE Employment
By December 31, 2012	+80 (Year 1)		80
By December 31, 2013	+9 (Year 2)		89
By December 31, 2014	+1 (Year 3)		90

The creation of 90 FTE jobs shall result in at least TWO MILLION DOLLARS (\$2,000,000) in annual payroll generated at the Project site by December 31, 2014.

COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011

The following is a payroll itemization by the type of new jobs created:

\$1,500,000 new full-time permanent
\$0 new full-time temporary
\$500,000 new part-time permanent
\$0 new part-time temporary
=
\$2,000,000 new job payroll

3. Menards shall provide to the proper Tax Incentive Review Council any information reasonably required by the council to evaluate the applicant’s compliance with the agreement, including returns filed pursuant to section 5711.02 of the Ohio Revised Code if requested by the council.

ADDITIONAL REQUIREMENTS:

- a. Menards shall maintain a corporate membership in a Delaware County chamber of commerce or business association.
- b. Menards shall contact the Superintendent, Delaware Area Career Center, 4565 Columbus Pike, Delaware, OH 43015, 740.548.0708, for information on adult education and training services.
4. The County hereby grants Menards a tax exemption for real property improvements made to the Project site, pursuant to section 3735.67 of the Revised Code, in the following amounts:

Real Property	EXISTING baseline	NEW INVESTMENT
Land	\$1,994,900; 68.303 Acres (2009 Auditor Market Value)	\$3,415,150 (estimated purchase price at \$50,000/acre)
Building	\$0	\$7,500,000
Building Acquisition	\$0	\$0
terms		50%/yr exemption for 10 years on Building
Total Investment	\$1,994,900	\$10,915,150

Year of Tax Exemption

Tax Exemption Amount

Year 1	50%
Year 2	50%
Year 3	50%
Year 4	50%
Year 5	50%
Year 6	50%
Year 7	50%
Year 8	50%
Year 9	50%
Year 10	50%

The following table shows new and abated taxes on a \$7.5 million building, plus the increased taxes on commercial land. Please see the attached tax analysis for more information.

			Delaware	Menards
Delaware County	4.972508	7.89%	\$91,966	\$67,117
	0.000000	0.00%	\$0	\$0
Olentangy LSD	43.907146	69.67%	\$812,059	\$592,637
Preservation Park	0.590336	0.94%	\$10,918	\$7,968
Delaware Area Career	2.290893	3.64%	\$42,370	\$30,921
Delaware Co Library	1.027792	1.63%	\$19,009	\$13,873
	0.000000	0.00%	\$0	\$0
Orange Township	8.184065	12.99%	\$151,364	\$110,465
Delaware County Health Dept	0.629829	1.00%	\$11,649	\$8,501
Delaware Morrow Mental Health	0.984985	1.56%	\$18,217	\$13,295
Delaware 911	0.430996	0.68%	\$7,971	\$5,817
Based on: Tax Year 2009/Collection				

COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011

	2010			
TOTAL	63.018550	100%	\$1,165,523	\$850,594

The exemption commences the first year for which the real property would first be taxable were that property not exempted from taxation. No exemption shall commence after 2013, nor extend beyond 2023. Said exemption shall be based on the increase on the assessed value of real property attributed to the real property improvements at the Project site. Menards must file the appropriate tax forms (DTE 24) with the County.

5. Menards shall pay an annual fee equal to the greater of one percent of the dollar value of incentives offered under the agreement or five hundred dollars (\$500); provided, however, that if the value of the incentives exceeds two hundred fifty thousand dollars, the fee shall not exceed two thousand five hundred dollars (\$2,500).

The fee shall be made payable to Delaware County once per year for each year the agreement is effective by December 31. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with section 3735.672 of the Revised Code and by the Tax Incentive Review Council created under section 5709.85 of Revised Code exclusively for the purposes of performing the duties prescribed under that section.

6. Menards shall pay such real and tangible personal property taxes as 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 Menards 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 charged or such reports or returns are required to be filed and thereafter.

7. The County 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.

8. If for any reason the County revokes the designation of the area, entitlements granted under this agreement shall continue for the number of years specified under this agreement, unless Menards materially fails to fulfill their obligations under this agreement and the County terminates or modifies the exemptions from taxation granted under this agreement.

9. If Menards materially fails to fulfill their obligations under this agreement, or if the County determines that the certification as to delinquent taxes required by this agreement is fraudulent, the County may terminate or modify the exemptions from taxation granted under this agreement and may require the repayment by Menard of the amount of taxes that would have been payable had the property not been exempted from taxation under this agreement. The County may secure repayment of such taxes by a lien on the exempted property in the amount required to be repaid. Such lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property.

10. Menards hereby certifies that at the time this agreement is executed, Menards does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State of Ohio, and does not owe delinquent taxes for which Menards is liable under Chapter 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Ohio Revised Code, or, if such delinquent taxes are owed, Menards currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State of Ohio or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C.A. 101, et seq., or such a petition has been filed against Menards. For the purposes of this 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.

11. Menards affirmatively covenants that they do 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; or (3) any other moneys to the State, a state agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a tribunal of this or any other state.

12. Menards and the County acknowledge that this agreement must be approved by formal action of the legislative authority of Delaware County as a condition for the agreement to take effect. This agreement takes effect upon such approval.

13. The County has developed a policy to ensure recipients of CRA tax benefits practice non-discrimination and equal opportunity employment. By executing this agreement, Menards certifies that it shall engage in non-discriminatory hiring practices and acknowledges that no individual may be denied employment

**COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011**

solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.

14. Exemptions from taxation granted under this agreement shall be revoked if it is determined that Menards, any successor thereto, or any related member (as those terms are defined in division (E) of section 3735.671 of the Ohio Revised Code) has violated the prohibition against entering into this agreement under division (E) of section 3735.671 or section 5709.62 or 5709.63 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.

15. Menards affirmatively covenants that they have made no false statements to the State or local political subdivision in the process of obtaining approval for the Community Reinvestment Area incentives. If any representative of Menards has knowingly made a false statement to the State or local political subdivision to obtain the CRA incentives, then the party making such representation shall be required to immediately return all benefits received under this Agreement, pursuant to section 9.66(C)(2) of the Revised Code and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to section 9.66(C)(1) of the Revised Code. 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 section 2921.13(D)(1) of the Revised Code, which is punishable by a fine of not more than \$1,000 and/or a term of imprisonment of not more than six months.

16. This Agreement constitutes the entire final agreement between the Parties, shall supersede any prior or contemporaneous agreements, whether written or oral, and shall be deemed to have been drafted by both Parties. This agreement is not transferable or assignable without the express, written approval of the County. This agreement may only be modified by written amendment between the Parties.

SECTION 3: Upon approval of the Agreement, final execution of the Agreement shall be completed at a time convenient to both Parties thereto, taking into consideration that time is of the essence.

SECTION 4: The Board hereby directs the Clerk of the Board to forward a copy of the Agreement to the Director of the Ohio Department of Development within fifteen (15) days after the Agreement is entered into as provided in SECTION 3 of this Resolution. The Board further directs the Clerk of the Board to cause the Agreement to be recorded in the Delaware County Recorder's Office.

SECTION 5: SECTIONS 2, 3, and 4 of this Resolution shall take effect upon satisfaction of the contingency set forth in SECTION 2 of this Resolution. If the contingency set forth in SECTION 2 is not satisfied by the date set forth in SECTION 2, then SECTIONS 2, 3, and 4 of this Resolution shall be null and void. SECTION 1 of this Resolution shall take effect immediately upon passage.

Vote on Motion Mr. Stapleton Aye Mr. Thompson Aye Mr. O'Brien Nay

RESOLUTION NO. 11-145

IN THE MATTER OF APPROVING THE ENVIRONMENTAL REVIEW CERTIFICATION OF EXEMPT PROJECT FOR THE STRAND THEATRE ADA RENOVATIONS PROJECT FOR ARCHITECT SERVICES AND THE SUBMITTAL OF THE ENVIRONMENTAL REVIEW TO THE OHIO DEPARTMENT OF DEVELOPMENT, OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS (OHCP):

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

WHEREAS, the Commissioners approved on Resolution No. 10-1308 dated October 4, 2010, to use Revolving Loan Funds (RLF) to assist Strand Theatre with ADA Renovation in the amount up to \$150,000.00, and

WHEREAS, a portion of the funds approved will be used to hire a Architect to prepare the specifications for this project, and

WHEREAS, Office and Community Partnerships requires an Environmental Review to be submitted and released for the Architect services before any work can be started, and

WHEREAS, a Certification of Exempt Project for the Architect needs to be submitted to the Office of Housing and Community Partnerships;

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

Section 1. The Delaware County Commissioners approve and authorize the President of the Board to execute and submit the Environmental Review Certification of Exempt Project for the Architect Services for the Strand Theatre ADA Renovation Project.

CERTIFICATION OF EXEMPT PROJECT
--

COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011

The Delaware County Commissioners requests that the State of Ohio release Federal funds under Section 104 (g) of Title I of the Housing and Community Development Act of 1974, as amended; Section 288 of Title II of the Cranston Gonzales National Affordable Housing Act (NAHA), as amended; and/or Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended; to be used for the following projects:

<u>Project Name</u> <u>(if applicable)/</u>	<u>Location</u>	<u>Activity No.</u>	<u>Activity Amt.</u>	<u>Grant Agreement No.</u>	<u>Exemption No.</u>
<u>Activity Name</u>					
Strand Theatre	28 Winter St.	N/A	20,000	RLF	58.34 (a) (8)
ADA Renovations	City of Delaware				
Architect Services					

An environmental evaluation has been conducted for each of the projects listed above by Delaware County. Pursuant to the review, it is the finding of Delaware County that the above listed projects comply with the applicable requirements of 24 CFR 58.6, and the projects consist solely of activities listed at 24 CFR 58.34(a)(1 - 11), Exempt activities. Therefore, per 24 CFR 58.34, the responsible entity does not have to undertake any environmental review, consultation, or other action under NEPA and the other provisions of law or authorities cited in 24 CFR 58.5 for these projects. The environmental review was conducted by: Dottie Brown, Economic Development Specialist II 101 N. Sandusky St., Delaware, Ohio 43015

Vote on Motion Mr. Thompson Aye Mr. Stapleton Aye Mr. O'Brien Nay

RESOLUTION NO. 11-146

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE SHERIFF’S OFFICE:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

Supplemental Appropriation		
10031301-5260	Sheriff Deputies/Inventoried Tools	\$ 10,000.00

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

RESOLUTION NO. 11-147

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR 2010 BONDS FOR JAIL IMPROVEMENTS:

It was moved by Mr. O’Brien, seconded by Mr. Thompson to approve the following:

Transfer of Appropriation		
From	To	
41411434-5410	41411434-5301	\$ 25,000.00
2010 Bond Jail Expansion/Buildings	2010 Bond Jail Expansion/Professional Services	

Vote on Motion Mr. Stapleton Aye Mr. Thompson Aye Mr. O'Brien Aye

MARY E. KERR, EXECUTIVE ASSISTANT
OFFICE OF THE PRESIDENT OTTERBEIN UNIVERSITY
PRESENTATION CLEAN OHIO FUND GRANT

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Thompson
-DKMM Recycle Bins; Storage Or Use

Commissioner O’Brien
-Attend And Participated In The Family Children’s First Council Meeting;
Budget Reductions;
Reimbursable Funding;
Delaware County Appears To Have A Short Fall On Funding; Appears State Maybe More Interested In Funding At Risk Children With Medicaid Dollars At Expense Of Qualifying Children
-Early Intervention Is Better For Child And Cost Less Money

Develop A Plan For Economic Development (-If This Type Of Company/Business-In This Area-This Type Of Incentive Available)

Commissioner Stapleton

COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 10, 2011

- Medicaid Issue
- Comments On A Strategic Plan For Economic Development

RESOLUTION NO. 11-148

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

It was moved by Mr. O'Brien, seconded by Mr. Thompson to adjourn into Executive Session at 11:30AM.

Vote On Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Stapleton Aye

RESOLUTION NO. 11-149

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to adjourn out of Executive Session at 11:37AM.

Vote On Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

There being no further business, the meeting adjourned.

Ken O'Brien

Dennis Stapleton

Tommy Thompson

Jennifer Walraven, Clerk to the Commissioners