

COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 24, 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. 11-293

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 21, 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 March 21, 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

Jesse Carter, Delaware General Health District, Annual National Public Health Week Will Be Observed On April 4-11, 2011, Under The Theme, “Safety Is No Accident: Live Injury-Free,” Emphasizing That Injury Prevention Starts At Home, At Work, At Play, On The Highways, And In Our Communities. Open House At Health Department On Friday April 1, 2011.

Mr. Richard Bird; Concerns On The Bid Process For The Delaware County Recorder’s Office

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 11-294

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0323, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0323 AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER CMAPR0323PC:

It was moved by Mr. O’Brien, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0323, memo transfers in batch numbers MTAPR0323, Procurement Card Payments in batch number CMAPR0323PC and Purchase Orders as listed below:

<u>Vendor</u>		<u>Description</u>	<u>Account</u>	<u>Amount</u>	
PO’ Increase					
Simplex Grinnell		Fire Protection	40111402-5410	\$25,000.00	
Germain Ford		Vehicle Parts	10011106-5228	\$ 3,000.00	
Delaware Motive		Vehicle Parts	10011106-5228	\$10,000.00	
PR Number	Vendor Name	Line Desc	Line Account	Amount	Line Number
R1103410	RRH LTD	YEARLY LEASE	10011303 - 5335	\$49,500.00	0001
		AGREEMENT COST			
R1103415	HUMAN	UNEMPLOYMENT	22411604 - 5370	\$11,362.00	0001
	RESOURCES				
R1103449	CALLOS	PAYROLL FOR COA	22311611 - 5301	\$31,000.00	0001
	COMPANIES, THE	CHORE CREW			

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

RESOLUTION NO. 11-295

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IN THE MATTER OF TERMINATING AN ENTERPRISE ZONE AGREEMENT WITH GOOSEBERRY PATCH COMPANY AND SEALY OHIO LP FOR A PROJECT LOCATED AT 600 LONDON ROAD, DELAWARE:

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

WHEREAS, the City of Delaware ("City") and Delaware County ("County") have encouraged the development of real estate and investment in personal property within a certain area of the City via the establishment of Enterprise Zone 215; and

WHEREAS, the Delaware County Board of Commissioners, the City of Delaware, Gooseberry Patch Company and Sealy Ohio LP, did enter into an Enterprise Zone Agreement dated March 1, 2001, authorized by Delaware County Resolution 01-223 and City of Delaware Resolution 01-16, in conjunction with new investment in real and personal property to be undertaken at 600 London Road ("PROJECT"); and

WHEREAS, the PROJECT is identified as Enterprise Zone Agreement 215-01-01 by the Ohio Department of Development; and

WHEREAS, pursuant to said Enterprise Zone Agreement, Gooseberry Patch Company and Sealy Ohio LP receive certain tax incentives as the investors in real property and personal property and as the creator of new full-time job opportunities and payroll at the PROJECT site; and

WHEREAS, the Gooseberry Patch Company began staff reductions at the PROJECT site in 2009 and relocation in 2010; and,

WHEREAS, Gooseberry Patch Company has relocated to 2500 Farmers Dr., #110, Columbus, OH 43235; and

WHEREAS, the 2010 Tax Incentive Review Council of the City and County reviewed the Enterprise Zone Agreement for 2009 compliance on March 10, 2010, as required by the State of Ohio, and unanimously voted to allow the incentives to remain in effect for one more year with the condition that the Gooseberry Patch Company and Sealy Ohio LP "backfill" the jobs and payroll at 600 London Road by the end of 2010 per the Enterprise Zone Agreement; and,

WHEREAS, the City terminated the Enterprise Zone Agreement on March 14, 2011, per Resolution 11-08; and

WHEREAS, Item 13 of said Enterprise Zone Agreement states that if the Gooseberry Patch Company and Sealy Ohio LP fail to fulfill the terms of the Enterprise Zone Agreement, the City and County may terminate the exemptions granted under said Enterprise Zone Agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation.

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

1. In accordance with the March 10, 2010, recommendation by the Tax Incentive Review Council of the City and County, Enterprise Zone Agreement 215-01-01, as it is known at the Ohio Department of Development and authorized by Delaware County Resolution 01-223 and City of Delaware Resolution 01-16, is hereby terminated.
2. The County Prosecuting Attorney's Office is requested to coordinate an inquiry and make a recommendation with the City Attorney into repayment of foregone taxes from the Gooseberry Patch Company and Sealy Ohio LP.
3. In coordination with the City Economic Development Coordinator, the Delaware County Director of Economic Development is directed to formally notify the Delaware County Auditor, the Ohio Department of Development, the Ohio Department of Taxation, the Delaware City School District and the Delaware Joint Vocational School of this action.

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

RESOLUTION NO. 11-296

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR THE SHERIFF'S OFFICE:

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

Supplemental Appropriation	
10031328-5320	Federal Prisoners/Data Processing Services \$ 70,800.00

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Transfer of Appropriation

From	To				
28631311-5301	28631311-5201				
LEAP Grant/Professional Services	LEAP Grant/General Supplies	\$	6,022.47		
Vote On Motion	Mr. Thompson	Aye	Mr. O'Brien	Aye	Mr. Stapleton Aye

COMMISSIONERS' COMMITTEES REPORTS

- Commissioner O'Brien
- Attended And Participated In A DKMM Solid Waste Policy Committee Meeting; Timeline To Complete New Plan
 - ODOT Meeting On New Ideas For The Modification Of Intersection At 71/36/37
 - Regional Planning Executive Committee Meeting

- Commissioner Thompson
- DKMM Executive Meeting Working On Yearly Review Of Director Larry Cooper
 - Upcoming DEA Prescription Drug Drop Off
 - Community Action Organization Meeting; Sunnyview Apartments For Low Income Seniors

- Commissioner Stapleton
- Also Attended The ODOT Meeting; It Will Become A Quarterly Meeting And ODOT Is Working On A Website For The Project; Some Early Work On Safety Concerns Will Be Happening Soon That Is Not Part Of The Bigger Picture
 - Opium Task Force Kick Off Meeting
 - CORSA Renewal Meeting
 - There Is A Work Session On Monday

RESOLUTION NO. 11-297

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; FOR PENDING OR IMMINENT LITIGATION AND TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES :

It was moved by Mr. O'Brien, seconded by Mr. Thompson to adjourn into Executive Session at 10:40AM.

Vote On Motion	Mr. Stapleton	Aye	Mr. O'Brien	Aye	Mr. Thompson	Aye
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RESOLUTION NO. 11-298

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 11:33AM.

Vote On Motion	Mr. O'Brien	Aye	Mr. Thompson	Aye	Mr. Stapleton	Aye
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There being no further business, the meeting adjourned.

Ken O'Brien

Dennis Stapleton

Tommy Thompson

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Jennifer Walraven, Clerk to the Commissioners