

TUESDAY, OCTOBER 1, 2019
OFFICE OF THE BOARD OF COMMISSIONERS
PICKAWAY COUNTY, OHIO

The Pickaway County Board of Commissioners met in Regular Session in their office located at 139 West Franklin Street, Circleville, Ohio, on Tuesday, October 1, 2019, with the following members present: Mr. Jay H. Wippel, Mr. Harold R. Henson and Mr. Brian S. Stewart. April Dengler, County Administrator, was also in attendance.

**In the Matter of
Minutes Approved:**

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to approve the minutes from September 24, 2019, with corrections.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
Bills Approved for Payment:**

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to adopt the following Resolution:

BE IT RESOLVED, that the bills have been found to be properly filed and their respective vouchers shall be cross-referenced to the approving pages dated October 2, 2019, in the Commissioners' Voucher Journal, the date in which checks will be cut; then,

BE IT FURTHER RESOLVED, that the Board of Pickaway County Commissioners orders the Auditor of Pickaway County, Ohio, to draw her warrant on this entry in the amount of \$286,633.64 on the County Treasurer to satisfy the same.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
Amended Budget Action Request Form:**

Commissioner Brian Stewart offered the motion, seconded by Commissioner Harold Henson, for the Board to adopt and approve the amended Budget Action Request Form utilized by all department for financial adjustments made to the budget.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
Appropriations Approved:**

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to approve the following requests for the APPROPRIATIONS:

\$6,000.00 – 112.2092.5901 – Other Expenses – SRD Teays Valley – Sheriff

\$4,500.00 – 112.2094.5901 – Other Expenses -SRD Logan Elm – Sheriff

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\$2,250.00 – 112.2075.5901 – Other Expenses- SRD Westfall – Sheriff

\$30.85 – 101.1105.5703 – Contingencies – Treasurer

\$500.00 – 101.1105.5703 – Contingencies - Auditor

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
Fund Transfer Approved:**

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to approve the following requests for the FUND TRANSFER:

**\$25,000.00 – 101.1105.5701 – Transfer Out - Commissioners
TO**

401.0000.4901 – Capital Transfer In – Commissioners

**\$20,000.00 – 101.1105.5720 – Fairgrounds Debt – Transfer Out – Commissioner
TO**

325.0000.4901 – Transfer In – Debt Fund – Commissioners

**\$30.85 – 101.1105.5607 – HAVA Grant Security Interest – Treasurer
TO**

931.0000.4710 – HAVA Grant Security Interest - Treasurer

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
Transfer and Re-Appropriations Approved:**

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to approve the following requests for the TRANSFER AND RE-APPROPRIATIONS:

**\$\$30.85 – 101.1105.5703 – Contingencies – Treasurer
TO**

101.1105.5607 – HAVA Grant Security Interest – Treasurer

**\$500.00 – 101.1105.5703 – Contingencies – Auditor
TO**

101.1201.5410 – Witness Fees – Municipal Court - Auditor

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

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In the Matter of
Report Provided by EMA Director:

The following is a summary of the report provided by Darrin Flick, EMA Director & Pickaway County 911 Coordinator.

- Last week Mr. Flick attended the Terrorism Advisory Committee meeting on September 26th and worked on Pumpkin Show preparation and coordinated with other parties.
- This week Mr. Flick evaluated wind damage caused on September 29th.
- Mr. Flick attended the School Evacuation meeting September 30th, Local Emergency Planning Committee (LEPC) meeting and the Fire Chiefs meeting on October 3rd.
- Next week Mr. Flick will finish Pumpkin Show preparation, 2019 LEPC Conference, October 9th, Ohio EMA Directors Fall Conference October 10th, and the Hazard Mitigation Plan Kickoff meeting October 11th.

In the Matter of
Haven House National Domestic
Violence Awareness Month:

During business conducted while in session, Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to adopt the following Resolution:

Resolution No.: PC-100119-1

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, income levels, sexes; and,

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to the systematic use of physical, emotional, sexual, psychological, and economic control or abuse, and

WHEREAS, children who grow up in violent homes are believed to be abused and neglected at a rate higher than the national average, and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police, and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity, and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; then,

THEREFORE BE IT RESOLVED that we, the Pickaway County Commissioners, urges all citizens to join staff and administration of Haven House of Pickaway County for the Annual Silent Victims Rally on October 7, 2019; and recognize:

October as
National Domestic Violence Awareness Month
in
Pickaway County, Ohio

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

In the Matter of
Approval of Affidavit for Treasurer,
Ellery S. Elick to attend the
CTAO Fall Conference:

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to approve the affidavit for Treasurer Ellery S. Elick to attend the CTAO Fall Conference November 12, 2019 through November 15, 2019.

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Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: Angela Karr – Clerk

In the Matter of
Travel Authorizations Approved
For Job & Family Services Employees:

The Commissioners reviewed and signed the Out-of-County Travel Authorization for numerous Job & Family Services employees to attend various meetings, training sessions, and to conduct home visitations throughout the month of October 2019, at the total probable cost \$2,154.80.

In the Matter of
Amended Travel Authorizations Addendum
Approved For Job & Family Services Employees:

The Commissioners reviewed and signed the Amended Out-of-County Travel Authorization Addendum for numerous Job & Family Services employees to attend various meetings, training sessions, and to conduct home visitations throughout the month of October 2019, at the total probable cost \$139.15.

In the Matter of
Foxfire Gulf Club Inc.
Type II Annexation:

Resolution No. 38-2019 received from the Village of Commercial Point adopting a statement of services for a proposed annexation of 209.609 acres from Scioto Township to the Village of Commercial Point and declaring an emergency.

In the Matter of
County Administrator Report:

The following is a summary of the report provided by April Dengler, County Administrator:

- Mrs. Dengler sent the Records Retention Schedule to Joyce Gifford, Recorder. Updates were provided from the Building Department, Engineer's Office, and Emergency Management Agency.
- Mrs. Dengler turned in the forms for property tax exemptions for the new Fairgrounds and Job and Family Services CRC Building to the Auditor's Office.
- The vehicles purchased for the Sheriff Office are in and waiting on quotes on the SUV's for 2020.

In the Matter of the
Change Order/ Cost Estimate No. 4A-1 signed for the
Memorial Hall Window Replacement Project:

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to approve the following Change Order No. 4A-1 to change Mapes metal panels to 1" vision IG Bronze Spandrel Units at windows marked: W9, W20 and W21 at the Memorial Hall Window Project. Proposed credit for work \$5,000.00.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

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**In the Matter of
Establishing Rates for Health Insurance:**

During business conducted while in session, Commissioner Brian Stewart offered the motion, seconded by Commissioner Harold Henson, to adopt the new insurance rates for 2020.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: Angela Karr – Clerk

**In the Matter of
Resolution of Support for 2020 Pickaway County
Road Resurfacing Project Related to Ohio Public Works Commission Grant:**

Following a brief discussion regarding the request, Commissioner Wippel offered the motion, seconded by Commissioner Henson, to adopt the following Resolution:

Resolution No.: PC-100119-2

BE IT RESOLVED, that the Pickaway County Board of Commissioners hereby supports the 2020 Pickaway County Resurfacing project and hereby authorizes Brian S. Stewart, President of the Pickaway County Board of Commissioners, to sign the application and to enter into any Agreements as may be necessary for the State Capital Improvement Program (SCIP) and/or Local Transportation Improvement Program (LTIP) Funding being submitted to the Ohio Public Works Commission.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
2019 Pickaway County & Township
Resurfacing Project Contract A Change Order:**

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to approve the following Change Order A No. 1 for the 2019 Pickaway County and Township Resurfacing Project – Contract A. Proposed credit for \$31,222.26.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
2019 Pickaway County & Township
Resurfacing Project Contract B Change Order:**

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to approve the following Change Order B for the 2019 Pickaway County Wide Paving Project – Contract B. Proposed credit for \$5,510.95.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

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**In the Matter of
2019 Pickaway County & Township
Resurfacing Project Contract C Change Order:**

Commissioner Harold Henson offered the motion, seconded by Commissioner Brian Stewart, to approve the following Change Order C No. 1 for the 2019 Pickaway County and Township Resurfacing Project – Contract C. Proposed credit for \$8,497.32.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Henson, yes; Commissioner Wippel, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
Southern Pickaway County
Community Reinvestment Area:**

Tim McGinnis, Planning and Development Director met with the Commissioners to request a resolution to establish the Southern Pickaway County Community Reinvestment Area (CRA). The Commissioners approved the map and following a brief discussion regarding the request, Commissioner Brian Stewart offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

Resolution No.: PC-100119-3

**ESTABLISHMENT OF THE SOUTHERN PICKAWAY
COUNTY COMMUNITY REINVESTMENT AREA (CRA)**

RESOLUTION

<p>A RESOLUTION IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE SOUTHERN PICKAWAY COUNTY COMMUNITY REINVESTMENT AREA (CRA) IN THE COUNTY OF PICKAWAY, DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM, AND CREATING A COMMUNITY REINVESTMENT HOUSING COUNCIL AND A TAX INCENTIVES REVIEW COUNCIL.</p>

WHEREAS, the Pickaway County Board of Commissioners (hereinafter “Board” or “Board of County Commissioners”) desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of the County of Pickaway that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, a survey of housing (see Exhibit “A”) as required by Ohio Revised Code (O.R.C.) §3735.66 has been prepared for the area to be included in the proposed Community Reinvestment Area; and

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

WHEREAS, the remodeling of existing structures or the construction of new structures in this Community Reinvestment Area constitutes a public purpose for which real property exemptions may be granted.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY OF PICKAWAY, OHIO, THAT:

Section 1: The area designated as the Southern Pickaway County Community Reinvestment Area constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction or repair of existing facilities has been discouraged:

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Section 2: Pursuant to O.R.C. §3735.66, the Southern Pickaway County Community Reinvestment Area is hereby established in the following described area:

The area consists of a small portion of Circleville Township and the western half of Pickaway Township in Pickaway County, Ohio, and is bounded by the Scioto River and the Pickaway County line on the west, the Norfolk Southern Corp. railroad line and Kingston Pike on the east, the Pickaway County line on the south and the municipality boundaries of the City of Circleville to the north.

The Community Reinvestment Area is depicted as the cross-hatched area on the map attached to this Resolution, marked "Exhibit "B", and by this reference incorporated herein.

Only commercial and/or industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Area are eligible for exemptions under this Program.

Section 3: All commercial and industrial properties 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. As part of the project, the County of Pickaway has undertaken and intends to undertake supporting public improvements in the designated area.

Section 4: Within the Community Reinvestment Area, the percentage of the tax exemption on the increase in the assessed valuation resulting from improvements to commercial and industrial 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 O.R.C. §3765.67. The results of the negotiations as approved by the Board of County Commissioners will be set in writing in a Community Reinvestment Area Agreement as outlined in O.R.C. §3735.671.

(a) Up to one hundred percent (100%) for twelve (12) years for improvements to existing commercial and industrial facilities, negotiated on a case-by-case basis in advance of construction or remodeling occurring.

(b) Up to one hundred percent (100%) for fifteen (15) years for new commercial or industrial facilities, negotiated on a case-by-case basis in advance of construction occurring.

If remodeling qualifies for an exemption, during the period of the exemption, the exempted percentage of the dollar amount of the increase in market value of the structure shall be exempt from real property taxation. If new construction qualifies for an exemption, during the period of the exemption the exempted percentage of the structure shall not be considered to be an improvement on the land on which it is located for the purpose of real property taxation.

Section 5: All commercial and industrial projects are required to comply with the state application fee requirements of the O.R.C. §3735.672(C) and the local annual monitoring fee of one percent (1%) of the amount of taxes exempted under the agreement – a minimum of Five Hundred Dollars (\$500.00) up to a maximum of Twenty-Five Hundred Dollars (\$2,500.00) annually.

Section 6: To administer and implement the provisions of this Resolution, the Director of the Office of Development and Planning, is designated as the Housing Officer as described in O.R.C. §3735.65 through §3735.70.

Section 7: That a "Community Reinvestment Area Housing Council" or "Housing Council" shall be established pursuant to O.R.C. §3735.69(A) and shall consist of one member appointed by each member of the Board of County Commissioners and two members appointed by the Pickaway County Planning Commission. The majority of the foregoing members shall then appoint two additional members who shall be residents within the political subdivision. Terms of the members of the Housing Council shall be three years. An unexpired term resulting from a vacancy in the Housing Council shall be filled in the same manner as the initial appointment was made.

Section 8: A "Tax Incentive Review Council" shall be established pursuant to O.R.C. §5709.85 and shall consist of three members appointed by the Board of County Commissioners, two members appointed by the Circleville Township Board of Township Trustees, two members appointed by the Pickaway Township Board of Township Trustees, the county auditor or designee, and a representative of the Logan Elm Local School District Board of Education. At least two members of the council shall be residents of Circleville Township or Pickaway Township.

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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 O.R.C. §3735.671. The Tax Incentive Review Council, on or before the first day of September each year, shall make written recommendations to the Board of County Commissioners as to continuing, modifying or terminating of each agreement based upon the performance of each agreement pursuant to O.R.C. §5709.85(C)(1).

Section 9: The Housing Council shall make an annual inspection of the properties within the district for which an exemption has been granted under O.R.C. §3735.67. The Housing Council shall also hear appeals under O.R.C. §3735.70.

Section 10: The Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, that all deliberations of this 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 O.R.C. §121.22.

Section 11: This Resolution shall take effect and be enforce from and after the earliest period allowed by law and upon confirmation by the Director of the Development Services Agency of the findings in this Resolution.

Section 12: The Board of County Commissioners is hereby directed and authorized to petition the Director of the Development Services Agency to confirm the findings contained within this Resolution.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

In the Matter of
Pickaway County Airport Authority:

Commissioner Brian Stewart offered the motion, seconded by Commissioner Harold Henson, to authorize the Chairman of the Pickaway County Airport Authority to accept the terms of the FY2019 Ohio Airport Matching Grant Program awarded by the Ohio Department of Transportation, Office of Aviation in the amount of \$8,721.90 for use at the Pickaway County Airport. The grant funds shall be used for the following FAA Grant Project, Pavement Markings and Taxiway Repairs.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

In the Matter of
Community Development Block Grant
CDBG Allocation, Public Hearing and BID
Opening of Tarlton Village Hall Sidewalk Project:

Public hearing and BID Opening for the Tarlton Village Hall Sidewalk Project, for Community Development Block Grant (CDBG) was held October 1, 2019 at 11:00 a.m. April Dengler, County Administrator was in attendance.

Engineer's Estimate: \$25,800.00

The were no bids submitted for the Tarlton Village Hall Sidewalk Project.

Berqshire, LLC will be contacted for review and clarification of the process since no bids were received.

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In the Matter of
Executive Session:

At 11:30 p.m., Commissioner Brian Stewart offered the motion, seconded by Commissioner Harold Henson, to enter into Executive Session pursuant to ORC §121.22 (G) (8) confidential matters regarding economic development, with April Dengler, County Administrator, Sarah Moser, Savion were also in attendance.

Roll call vote on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

At 12:03 p.m., the Commissioners exited Executive Session and Commissioner Brian Stewart offered the motion, seconded by Commissioner Harold Henson, to resume Regular Session.

Roll call vote on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

No action taken.

In the Matter of
Rhoads Drainage Improvement Viewing:

The preliminary hearing was held today in the Pickaway County Common Pleas Court room. The viewing for the Rhoads Drainage Improvement Petition that was filed on July 11, 2019 was held September 24, 2019 at 11:30 a.m. at the site location. The attendance sheet is on file at the Commissioners' Office.

Commissioner Wippel opened the meeting with an introduction of the Rhoads Drainage Improvement and the steps that will be followed to follow through with the petition. Commissioner Wippel handed the meeting over to Sterlin Mullins County Engineer, with Mr. Mullins giving an additional breakdown of the steps and if approved by the Commissioners today, there will then be a project phase to start. Looked at is the values, flood plain, and cost of the project, then an estimated is established for the assessment. The next meeting will pertain to the final approval if all is approved. Rhoads had 4 acres under water this season and residents had sub pumps removing water from their basements. The water was just being disbursed back on to Rhoads property to only return to the residents' basements. An outlet needs to be provided for the water to be removed from the property. The questioned was asked where the main line would run, and Mr. Mullins explained that it would run along the Rhoads property line along the fencing of the residents. He was concerned if the problem would be dumped onto the City and Mr. Mullins stated that the City informed him that the sewer drainage size will handle the excess water. John Neff asked if Soil and Water was going to do all the work and not the taxpayer/ residents. Mr. Mullins explained that it will be all the residents paying toward the assessment and that includes Rhoads. The portioned rate is based on the soil type, valuation and the cost of project. Jeff Coleman stated that both of his neighbors are pumping water from their basements, however, he does not own a basement and only has standing water in his back yard. Mr. Mullins explained that his assessment will be based on not having a basement but having water in the yard, it will be reduced for non-basement homes. The excess water will be able to go to an outlet, so the water is not continually recycled from the yard to the home and back to the yard. Mr. Mullins expressed to Mr. Neff that he did not want to get into pointing fingers, but he is trying to provide a solution by presenting to the Board of Commissioners and his solution is to install the drainage outlet. Faith Hart asked if her home would be assessed at a higher rate due to her home is considered in the flood plan and Mr. Mullins explained that it does factor in the assessment and Mrs. Hart stated that she may just have to put her home up for sale, and Mr. Mullins stated that is her choice but he is trying to provide a solution.

Mr. Mullins started his presentation of the preliminary report to the solution he is suggesting to correct the water issue at hand.

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PRELIMINARY
REPORT OF
COUNTY ENGINEER
Revised Code Section 6131.09

In the Matter of the:
Rhoads Drainage Improvement Single County Ditch

} County Engineer's Office,
} Pickaway County, Ohio
} October 1, 2019

Proceedings to reconstruct, deepen, widen, alter, repair tile outlets, establish grass banks and provide erosion control structures as needed.

To the Board of County Commissioners Pickaway County, Ohio:

The undersigned County Engineer, in obedience to the order of your Board, made on the 24th day of September, 2019, proceeded in the above matter, and visited the proposed location of said improvement and **in** my opinion based on actual view and under requirements of Section 6131.09 of the Revised Code, I estimate the cost of construction of said improvement with my further findings as follows:

Attached is the preliminary report and cost estimate for the Rhoads Drainage Improvement located in Circleville Township, Pickaway County, Ohio. The report has been prepared in cooperation with the Pickaway County Soil and Water Conservation District, which has an agreement with the Pickaway County Commissioners to administer all petitioned county ditches and drainage improvements, if requested.

The estimated costs are as follows for the construction of Rhoads Drainage Improvement:

1.	Mobilization and Demobilization	
2.	8 - 3' deep 2x2B Catch Basins w/ Grates @ \$1,800.00 each	
3.	2850' - 12" Poly Ethylene dual wall drain tile @ \$30.00/L.F.	
4.	Seeding, Sprigging, and Mulching 1.3 acres	
5.	Rip Rap Rock 25 ton	
	Estimated Construction Costs: Contingencies 10%	
	Maintenance 5%	
	TOTAL ESTIMATED COST:	
		\$5,000.00
		\$14,400.00
		\$85,500.00
		\$1,300.00
		\$1,250.00
		\$107,450.00
		\$10,745.00
		<u>\$5,373.00</u>
		\$123,568.00

It must be emphasized that these costs are approximate and should be used only as a guide. The drainable acres are approximately 42 acres. Assessments will be accounted for by benefits of one or both of the following types: 1. "Real" benefits, where a property owner's real problem is resolved or an outlet is provided for its solution. 2. "Legal" benefits, where an upper watershed property owner's obligation to help correct a problem contributed to by his water, is involved. A property owner will not be assessed for any part of an improvement that their water does not use. Therefore, those property owners within a lateral watershed will only be assessed for their portion of the lateral construction costs plus that part of the main tile from the lateral outlet to the outlet of the project.

Property owner "benefits" as bases for assessments will contain the following items individually, subdivided, or in consolidation with others, per Ohio Revised Code: (a) Watershed acreage; (b) Volume of water; (c) Economic use of improvement or of land area served; (d) Increased value of land; (e) provision of outlet for accelerated run-off from upper watershed; (f) Elimination of flood damage; (g) Conservation of soil; (h) Corrections of jeopardies to health, safety, or welfare; and (i) use of groundwater for water supply.

It is the opinion of the Engineer's Office that the benefits will exceed the costs and the project will increase the value of the land, provide an outlet for accelerated run-off from the upper watershed, eliminate flood damage, conserve soil, and correct jeopardies to health, safety and welfare.

It is important to know that Ohio follows the "Roman Civil Law" drainage concept; this obligates property owners in the lower watershed to accept water and its problems from above, but at the same time obligates the upper watershed owners to help to a minor degree to correct any problem to which their water contributes in the lower watershed.

The estimated cost of this project is \$123,568.00.

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Respectfully submitted,



Sterlin C. Mullins,
P.E., P.S. Pickaway
County Engineer

Commissioner Stewart asked if the solution would not just help the homeowners, but the entire area and Mr. Mullins suggested that his opinion along with Soil and Water is this is a cumulative fix. Commissioner Stewart motioned to approve the project to proceed seconded by Commissioner Henson due to the benefits outweighing the cost for landowners. Mr. Mullins will move on to the next phase of design and a second hearing will be scheduled. Commissioner Wippel thanked the residence for attending.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

In the Matter
Ohio Publics Works Commissioner
Disbursement Request Form and Certification:

Commissioner Brian Stewart offered the motion, seconded by Commissioner Harold Henson, to approve the Ohio Public Works Commission Appendix E Disbursement Request Form and Certification for the 2019 Pickaway County Resurfacing project.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

In the Matter
Enterprise Zone Agreement
Dupont Specialty Products USA, LLC:

Commissioner Brian Stewart offered the motion, seconded by Commissioner Harold Henson, to adopt the following Resolution:

Resolution No.: PC-100119-4

ENTERPRISE ZONE AGREEMENT

This Enterprise Zone Agreement (this "AGREEMENT") made and entered into by and between the Board of Commissioners, Pickaway County Ohio, with its main offices located at 139 West Franklin Street, Circleville, Ohio 43113 (hereinafter referred to as "PICKAWAY COUNTY"), and DuPont Specialty Products USA, LLC, a Delaware limited liability company, with its offices located at 800 DuPont Road, Circleville, Ohio (hereinafter also referred as "ENTERPRISE").

WITNESSETH:

WHEREAS, PICKAWAY COUNTY has encouraged the development of real property and the acquisition of personal property located in the area designated as Enterprise Zone 153C; and

WHEREAS, ENTERPRISE is desirous of a significant capital investment in construction of improvements to existing buildings and an approximately 75,000 square foot (75,000 SF) addition to its manufacturing facility, as well as in acquisition of machinery and equipment (hereinafter referred to as the "PROJECT"), within the boundaries of the aforementioned Enterprise Zone, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and,

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WHEREAS, the Board of Commissioners of Pickaway County, Ohio by Resolution adopted November 9, 1989, designated the area as an "Enterprise Zone" pursuant Chapter 5709 of the Ohio Revised Code; and,

WHEREAS, effective November 13, 1989, the Director of Development of the State of Ohio determined that the aforementioned area designated in said Commissioners Resolution contains the characteristics set forth in Section 5709.61(A) of the Ohio Revised Code and certified said area as an Enterprise Zone under said Chapter 5709; and,

WHEREAS, the Pickaway County Board of Commissioners having the appropriate authority for the stated type of project is desirous of providing ENTERPRISE with incentives available for the development of the PROJECT in said Enterprise Zone under Chapter 5709 of the Ohio Revised Code; and,

WHEREAS, ENTERPRISE has submitted a proposed agreement application to PICKAWAY COUNTY, which application is attached hereto as Exhibit A and incorporated herein by reference (hereinafter referred to as "APPLICATION"); and,

WHEREAS, ENTERPRISE has remitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded with the final agreement; and

WHEREAS, the Director of the Pickaway County Office of Development and Planning and the Pickaway Progress Partnership Economic Development Director have investigated the application of ENTERPRISE and have recommended the same to the Board of Commissioners of Pickaway County on the basis that ENTERPRISE is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and improve the economic climate of Pickaway County; and,

WHEREAS, the project site as proposed by ENTERPRISE is located in the Logan Elm Local School District and the Pickaway-Ross CTC, and the Board of Education of the Logan Elm Local School District and the Pickaway-Ross CTC have been notified in accordance with Section 5709.83 and been given a copy of the APPLICATION and this AGREEMENT; and

WHEREAS, pursuant to R.C. 5709.62(C), 5709.63(A) and/or 5709.632 and in conformance with the format required under Section 5709.631 of the Ohio Revised Code, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained;

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. ENTERPRISE shall make improvements to existing buildings at an estimated cost of \$4,000,000 to \$10,000,000, and construct an approximately 75,000 square foot (75,000 SF) addition at an estimated cost of \$20,000,000 to \$25,000,000, at ENTERPRISE's 800 DuPont Road, Pickaway Township, Pickaway County, Ohio, facility (the "PROJECT SITE," as depicted on Exhibit B) to expand its manufacturing operation.

In addition, ENTERPRISE plans to install new machinery and equipment at an estimated investment of \$155,000,000 to \$220,000,000.

The PROJECT is estimated to begin no later than September 2019, and all acquisition, construction and installation is estimated to be completed by July 31, 2021.

This estimated total PROJECT investment is \$180,100,000 to \$258,200,000.

2. ENTERPRISE shall make an annual payment to the Logan Elm Local School District in the amount of ten thousand dollars (\$10,000.00) commencing with the first tax collection year for which the real property tax exemption is applicable and continuing for the duration of the real property tax exemption granted under this AGREEMENT. The payment shall be remitted to the Treasurer of the Logan Elm Local School District on or before the 1st day of April of each such year by check or wire transfer. If this payment is not remitted timely and in full, interest on the outstanding amount shall be charged at the rate determined pursuant to Section 5703.47 of the Ohio Revised Code, plus one percent, calculated for each month or partial month overdue.

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ENTERPRISE and PICKAWAY COUNTY agree that the Logan Elm Local School District is an intended beneficiary of this payment obligation and, if breached and uncured, shall have a right to enforce it. PICKAWAY COUNTY shall also have a right to enforce this obligation similar to any other obligation of ENTERPRISE under this AGREEMENT. Logan Elm Local School District shall not have a right to enforce any other term of this AGREEMENT.

3. ENTERPRISE shall create or cause to be created within a time period not exceeding 24 months after the commencement of construction of the aforesaid facility the equivalent of 46 new full-time, permanent job opportunities; 0 part-time job opportunities; and 0 temporary job opportunities.

ENTERPRISE estimates that 23 full-time permanent job opportunities, 0 part-time job opportunities, and 0 temporary job opportunities will be created by December 31, 2020, and 23 additional full-time permanent job opportunities, 0 part-time job opportunities, and 0 temporary job opportunities will be created by December 31, 2021.

The job creation period begins in July 2019 and all jobs identified above will be in place by December 31, 2021.

ENTERPRISE currently has about 480 full-time permanent employees (based upon a 40-hour work week, including overtime hours, there are approximately 500 full-time equivalent employees) at the project site, itemized as follows:

_____ 480 _____	full-time, permanent employees
_____ 0 _____	part-time employees
_____ 0 _____	permanent employees
_____ 0 _____	temporary employees

This increase in the number of employees will result in approximately \$4,139,000 (Four Million, One Hundred Thirty-Nine Thousand Dollars) of additional annual payroll for ENTERPRISE, itemized as follows:

_ \$4,139,000 _____	full-time, permanent employees
_ \$ 0 _____	part-time, permanent employees
_ \$ 0 _____	full-time, temporary employees
_____ 0 _____	part-time, temporary employees

4. ENTERPRISE shall provide to the proper Tax Incentive Review Council any information reasonably required by the Council to evaluate the ENTERPRISE's compliance with this AGREEMENT, including returns or annual reports filed pursuant to section 5711.02 or 5727.08 of the Ohio Revised Code if requested by the Council.
5. PICKAWAY COUNTY hereby grants ENTERPRISE a tax exemption for the increase in assessed valuation of real property constituting the PROJECT SITE pursuant to Section 5709.62, 5709.63 and/or 5709.632 of the Ohio Revised Code and shall be in the following amount: Sixty Percent (60%) tax exemption of the assessed value for real property improvements for a period of Ten (10) years.

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 Tax Year 2022 (i.e., tax lien date January 1, 2022, and Collection Year 2023) nor extend beyond Tax Year 2031 (i.e., tax lien date January 1, 2031, and Collection Year 2032).

ENTERPRISE must file the appropriate tax forms (DTE 24 or its successor forms) with the County Auditor to effect and maintain the exemptions covered in the AGREEMENT.

6. ENTERPRISE 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; 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.

The fee shall be made payable to PICKAWAY COUNTY once per year for each year the AGREEMENT is effective on or before March 31. The fee is to be paid to the Treasurer of Pickaway

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County. 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 5709.68 of the revised code and by the tax incentive review council created under section 5709.85 of the revised code exclusively for the purposes of performing the duties prescribed under that section.

7. ENTERPRISE 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 ENTERPRISE fails to pay such taxes or file such returns and reports, and such failure is not corrected within 30 days after receipt of written notice thereof BY ENTERPRISE, all incentives 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.
8. PICKAWAY 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.
9. If for any reason the Enterprise Zone designation expires, the Director of the Ohio Development Services Agency revokes certification of the zone, or PICKAWAY COUNTY revokes the designation of the zone, entitlements granted under this AGREEMENT shall continue for the number of years specified under this AGREEMENT, unless ENTERPRISE materially fails to fulfill its obligations under this AGREEMENT, such failure remains uncured for a period of 90 days after receipt of written notice thereof by ENTERPRISE, and PICKAWAY COUNTY terminates or modifies the exemptions from taxation granted under this AGREEMENT.
10. If ENTERPRISE materially fails to fulfill its obligations under this AGREEMENT, other than with respect to the number of employee positions estimated to be created or retained under this AGREEMENT, and such failure remains uncured for a period of 90 days after receipt of written notice thereof by ENTERPRISE, or if PICKAWAY COUNTY determines that the certification as to delinquent taxes required by this AGREEMENT is fraudulent, PICKAWAY COUNTY may terminate or modify the exemptions from taxation granted under this AGREEMENT.
11. ENTERPRISE hereby certifies that at the time this AGREEMENT is executed, ENTERPRISE 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 ENTERPRISE is liable under Chapter 5727, 5733., 5735., 5739., 5741., 5743., 5747., or 5753. of the Revised Code, or, if such delinquent taxes are owed, ENTERPRISE 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 ENTERPRISE. 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.
12. ENTERPRISE affirmatively represents 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.
13. ENTERPRISE and PICKAWAY COUNTY acknowledge that this AGREEMENT must be approved by formal action of the legislative authority of PICKAWAY COUNTY as a condition for this AGREEMENT to take effect. This AGREEMENT takes effect upon such approval.
14. In any three-year period during which this AGREEMENT is in effect, if the actual number of employee positions created or retained by ENTERPRISE is not equal 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, ENTERPRISE 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, PICKAWAY COUNTY may terminate or modify the exemptions from taxation granted under this AGREEMENT. For purposes of this paragraph: (i) the first three-year period shall not commence until the start of the 2022 calendar year; (ii) the three-year periods shall be consecutive, rolling three-calendar-year periods (e.g., the first three-year period shall be years 2022

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through 2024, and the second three-year period shall be 2023 through 2025, and so on); and (iii) repayment for a three-year period shall be required only if ENTERPRISE fails to meet the 75% threshold as an average for that three-year period based upon the Ohio Development Services Agency “EZ Company Reports” filed by ENTERPRISE for the applicable years.

15. PICKAWAY COUNTY has developed a policy to ensure recipients of Enterprise Zone tax benefits practice non-discriminating hiring in its operations. By executing this AGREEMENT, ENTERPRISE is committing to following non-discriminating hiring practices acknowledging that no individual may be denied employment solely on the basis of race, religion, sex, disability, color, national origin, or ancestry.
16. Exemptions from taxation granted under this AGREEMENT shall be revoked if it is determined that ENTERPRISE, any successor enterprise, or any related member (as those terms are defined in Section 5709.61 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, 5709.63, or 5709.632 of the Ohio Revised Code prior to the time prescribed by that division or either of those sections.
17. ENTERPRISE affirmatively covenants that it has made no false statements to the State or local political subdivision in the process of obtaining approval for the Enterprise Zone incentives. If any representative of ENTERPRISE has knowingly made a false statement to the State or local political subdivision to obtain the Enterprise Zone incentives, ENTERPRISE shall be required to immediately return all benefits received under the Enterprise Zone Agreement pursuant to ORC Section 9.66 (C)(2) and shall be ineligible for any future economic development assistance from the State, any state agency or a political subdivision pursuant to ORC Section 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.
18. Neither party shall assign or transfer the AGREEMENT, in whole or in part, without the prior written consent of the other party; provided, however, and notwithstanding anything to the contrary in this AGREEMENT, a party may, without the other party’s prior written consent, assign this AGREEMENT, in whole or in part upon written notice to the other party, to: (i) any AFFILIATE (defined below); and/or (ii) any successor entity that results from reincorporation, merger, consolidation, sale, or other similar transaction or reorganization of any kind of a party or its Affiliate with or into such purchaser or successor entity. “Affiliate” shall mean any corporation or other business entity which controls, is controlled by, or is under common control with ENTERPRISE. The terms “control” and “controlled by” as used with respect to any entity, means the ownership, directly or indirectly, of a majority of the assets or voting of such entity. Any assignment or transfer request shall be initiated by the filing of a proposed agreement application similar to that attached as Exhibit A. For each application filed with the County for an assignment or transfer, a \$2,500 assignment review fee, payable by the assignor, shall be due to the County upon filing.
19. Any notices, statements, acknowledgements, consents, approvals, certificates or requests required to be given on behalf of any party to this AGREEMENT shall be made in writing addressed as follows and sent by registered or certified mail, return receipt requested, and shall be deemed delivered when the return receipt is signed, refused or unclaimed:

If to PICKAWAY COUNTY, to:

Pickaway County Planning and Development Department
Attn. Tim McGinnis, Director
139 West Franklin Street
Circleville, OH 43113

If to the ENTERPRISE, to:

DuPont Specialty Products USA, LLC
800 Dupont Road
Circleville, OH 43113
Attn: Stephen F. Irwin, Plant Manager

With copies to:

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**Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, Ohio 43215
Attn: Scott J. Ziance, Esq.**

or to any such other addresses as may be specified by any party, from time to time, by prior written notification.

Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Attest: Angela Karr, Clerk

**In the Matter of
Weekly Dog Warden Report:**

The weekly report for the Wright Poling/Pickaway County Dog Shelter was filed for week ending September 28, 2019.

A total of \$535 was reported being collected as follows: \$250 in adoption fees; \$90 in dog licenses; \$15 in dog license late penalty; \$150 in private donations; and \$30 in redemptions.

Four (4) stray dogs were processed in; five (5) dogs were adopted.

With there being no further business brought before the Board, Commissioner Wippel offered the motion, seconded by Commissioner Henson, to adjourn. Voting on the motion was as follows: Commissioner Stewart, yes; Commissioner Wippel, yes; Commissioner Henson, yes. Voting No: None. Motion carried.

Jay H. Wippel, President

Harold R. Henson, Vice President

Brian S. Stewart, Commissioner
BOARD OF COUNTY COMMISSIONERS
PICKAWAY COUNTY, OHIO

Attest: Angela Karr, Clerk