

RESOLUTION 2015-13

**A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF AN
INSTALLMENT PAYMENT PLAN AGREEMENT FOR PAST LEGAL SERVICES**

WHEREAS, Eugene L. Hollins provided legal services to the Village relating to the potential annexation of the Minerva Park Golf Course by Dominion Homes in 2004 and 2005; and

WHEREAS, the Village desires to enter into an agreement to establish an installment payment plan for the amount due to Eugene L. Hollins attached hereto as Exhibit A; and,

WHEREAS, attached as Exhibit B is a copy of the original invoice for services;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF
MINERVA PARK, OHIO, THAT:**

Section 1. The Mayor and Fiscal Officer are hereby authorized and directed to enter into an agreement with Eugene L. Hollins in a form substantially similar to the agreement attached hereto as Exhibit A and incorporated herein by reference Eugene L. Hollins.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 3. All prior legislation, or any parts thereof, which is/are inconsistent with this Resolution is/are hereby repealed as to the inconsistent parts thereof.

Section 4. This resolution shall take effect and be in full force from the earliest period allowed by law.

First Reading: April 13, 2015
Second Reading: April 27, 2015
Third Reading: May 11, 2015
Passed: May 11, 2015

ATTESTS

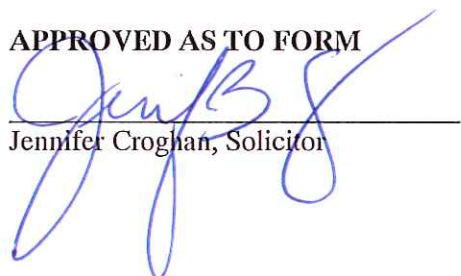


Jeffrey Wilcheck, Fiscal Officer



Lynn Eisentrout, Mayor

APPROVED AS TO FORM



Jennifer Croghan, Solicitor

INSTALLMENT PAYMENT PLAN AGREEMENT

This Installment Payment Plan is entered into by and between the Village of Minerva Park (the "Village") and Eugene L. Hollins ("Hollins") on this 12th day of May, 2015.

WITNESSETH:

WHEREAS, Hollins provided legal services to the Village relating to the potential annexation of the Minerva Park Golf Course by Dominion Homes in 2004 and 2005; and

WHEREAS, a copy of the invoice from Hollins to the Village setting forth the account receivable is attached hereto as Exhibit A and incorporated herein by reference, and such account receivable has been assigned to Hollins upon his departure from the law firm of Metz and Bailey; and

WHEREAS, the account receivable was not immediately paid by the Village based upon the potential that, after the Dominion Homes proposal was withdrawn, another developer would approach the owners of the Minerva Park Golf Course soon thereafter, and the Village's attorney fees could be offset through a negotiated developer fee or contribution; and

WHEREAS, due to the economy and other factors, the next proposal did not occur until Fischer Homes approached the Village in 2013 to annex and develop the golf course; and

WHEREAS, Fischer Homes ultimately withdrew its proposal and therefore did not pay any negotiated fee or contribution toward the Village's attorney fees; and

WHEREAS, the parties desire to enter into this Agreement to establish an installment payment plan for the outstanding balance of the account receivable;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each party, the Village and Hollins hereby agree as follows:

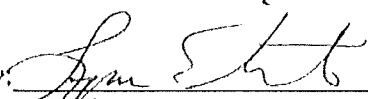
Section 1. The parties acknowledge and agree that the outstanding balance of the account receivable due and owing from the Village to Hollins is \$22,085.75. No interest has accrued or been charged on this amount from the date of the invoice (Oct. 4, 2005) through the date of this Agreement.


Section 2. The Village will pay the amount that is due and owing in four (4) installments; the first installment of \$5,585.75 to be paid by June 15, 2015, and three installments of \$5,500 by December 15, 2015, June 15, 2016 and December 15, 2016.

Section 3. As long as such installment payments are made pursuant to the schedule set forth in Section 2 above, no interest shall be charged on the unpaid balance of the account receivable. In the event that an installment payment is not made within fifteen (15) days after its due date, interest will thereafter accrue on the unpaid balance at a rate of seven percent (7%) per annum until paid in full.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.


VILLAGE OF MINERVA PARK

By: 
Lynn Eisentrout, Mayor


Eugene L. Hollins

Fiscal officer Certification

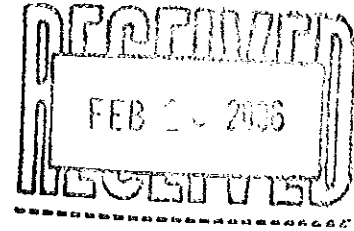
It is hereby certified that the amount of \$22,085.75 required to meet the contract, agreement, obligation, or expenditure for the above, has been lawfully appropriated, authorized or directed for such purpose and is in the Treasury or in the process of collection to the credit of the GENERAL FUND free from any obligation or certificate now outstanding.


Jeffrey Wilcheck, Fiscal Officer

5/12/2015
Date

**METZ & BAILEY
ATTORNEYS AT LAW
33 East Schrock Road
Westerville, OH 43081**

October 04, 2005



Lynn Eisentrout, Mayor
Village of Minerva Park
2829 Minerva Lake Road
Columbus OH 43231

Invoice No.: 11589

In Reference: For professional services rendered regarding Golf Course
Development/Annexation/TIF

Professional Services Rendered:

	<u>Hours</u>
3/13/2004 Detailed review of preannexation agreement, minutes and site plan; annexation law research review; work session with Village Council regarding same.	4.00
3/18/2004 Draft memo to Council regarding annexation and zoning process regarding Dominion.	1.25
3/19/2004 Continued draft of memo.	2.00
Revisions to memo to Council/Mayor.	0.50
Conference with George Tombaugh and Jeff McNealy regarding school district issues regarding Dominion development; email George Tombaugh regarding potential negotiations.	1.75
3/24/2004 Telephone conference with Lynn regarding school district input.	0.25
3/25/2004 Telephone conference with Columbus City attorney regarding Dominion status with Columbus.	0.25
3/29/2004 Telephone conference with Mark Barbash regarding Dominion threat to annex to Columbus; telephone conference with Jeff McNealy regarding negotiations; telephone conference with Lynn Eisentrout regarding same.	1.50
4/12/2004 Telephone conference with Lynn E. regarding status of analysis/negotiations.	0.25
Detailed review of correspondence from J. McNealy and attached rezoning of property south.	0.50
4/13/2004 Memo to file.	0.25
Telephone conference with J. McNealy regarding status of negotiations.	0.25
4/19/2004 Review and analysis of community benefits package.	0.25
4/20/2004 Telephone conference with J. McNealy regarding new site plan.	0.25
4/21/2004 Conference with Lynn and Council members regarding Village issues and concerns regarding proposed development plan.	1.50
4/23/2004 Negotiate Dominion representatives regarding Village list of issues.	3.25
4/30/2004 Telephone conversation with Lynn regarding rescheduling meeting regarding negotiations; telephone conference with Rob Meyer regarding same and regarding next steps.	0.50
Council meeting regarding negotiation strategy based on Dominion announcement and public reaction.	2.00

	<u>Hours</u>	
5/3/2004	Revise postcard; telephone conference with Lynn regarding same.	0.25
5/4/2004	Conference with Gene Hollins regarding personal tax issues of Seller; gift of Park. Telephone conference with Jeff G. regarding meeting regarding development proposal; telephone conference with Lynne E. regarding same.	0.25 0.50
5/5/2004	Conference with Bill McLoughlin regarding proposed development and tax planning issues; telephone conference with Lynn E. regarding R. Meyer meeting. Conference with outside developer regarding land prices for multi-family vs. single-family. Negotiate Jeff Groezinger regarding potential donation of park property and development issues. Review with Gene Hollins issues for development of Golf Course - alternative uses and personal tax issues of seller. Meeting with Jeff Grossinger regarding Golf Course development issues for Dominion project; discuss tax issues and alternative needs for community open space.	1.00 0.75 1.50 0.75 1.50
5/6/2004	Negotiate Rob M. and Karl B. regarding restructuring Dominion proposal; conference with Lynn E. regarding same.	2.00
5/11/2004	Follow up regarding negotiations with Dominion.	0.25
5/14/2004	Negotiate Dominion representatives regarding revised site plan; conference with Lynne regarding same. Research regarding Dominion multi-family product line.	1.50 0.75
5/24/2004	Telephone conference with Lynn regarding agenda for meeting and economic package.	0.25
5/25/2004	Conference with Lynn regarding Council position on proposal; negotiate with Rob and Karl regarding condos and clubhouse.	1.00
6/1/2004	Site visit to Dominion Sycamore Park condo development with Lynn, Rob M. and Karl B.	2.50
6/4/2004	Research regarding cost of community/pool building.	0.50
6/10/2004	Telephone conference with Lynn E. regarding alternative condo proposal.	0.25
6/14/2004	Telephone conference with Lynn E. regarding public benefit package.	0.25
6/15/2004	Telephone conference with Rob M. regarding status and building; telephone conference with Lynn regarding same.	0.25
6/18/2004	Telephone conference with Rob M. regarding pool building cost; telephone conference with Lynn E. regarding same.	0.50
6/22/2004	Telephone conference with bond counsel regarding TIFs and Township payments.	0.25
6/23/2004	Telephone conference with attorney for Epcon regarding potential interest in Minerva.	0.25
6/24/2004	Analysis and calculation of projected income and tax sharing regarding residential TIF; telephone conference with County Auditor's office regarding effective millages.	2.00
6/25/2004	Negotiate Dominion representatives regarding site plan and financial package issues. Follow up research regarding township millages and affect of annexation upon their application; telephone conference with Wade E. regarding same.	2.25 1.00
6/28/2004	Telephone conference with Wade Estep; finalize calculations regarding township payment. Additions and revisions to draft TIF cacluations. Telephone conference with Lynn regarding questions regarding TIF calculations; telephone conference with Rob M.	0.50 0.50 0.25

	<u>Hours</u>
6/29/2004 Telephone conference with Lynn regarding Council meeting and financial package.	0.25
7/1/2004 Negotiate Rob M. and Karl B. regarding initial contribution issue.	1.75
7/6/2004 Review draft community benefits package document; preparation of financial materials for Council presentation.	1.00
Council meeting regarding community benefits package and financing.	1.50
7/7/2004 Telephone conference with Lynn E. regarding feedback from Council meeting and strategy.	0.25
7/8/2004 Telephone conference with R. Meyer regarding feedback for Council meeting.	0.25
7/9/2004 Preparation for and conference with school superintendent regarding Dominion proposal and "make whole" agreement.	1.25
7/12/2004 Telephone conference with Lynn regarding purchase of houses and benefits package.	0.25
7/13/2004 Review financials with bond counsel; conference regarding eligible TIF expenditures and community authority expenditures.	0.75
7/14/2004 Telephone conference regarding Dominion regarding cancellation of meeting.	0.25
7/16/2004 Conference with Rob Meyer regarding Villages current position regarding zoning issues and economic issues; attention rescheduling.	0.50
7/21/2004 Telephone conference with Dominion regarding community package.	0.25
7/27/2004 Review revised CBP document; telephone conference with Sharon regarding forwarding same to Dominion.	0.50
Prepare for negotiations with Dominion; review revised CBP document; telephone conference with Rob Meyer regarding same.	1.00
Council meeting regarding negotiations regarding CBP issues.	4.00
8/3/2004 Telephone conference with Lynn regarding conference with Dominion and Council issues.	0.25
Telephone conference with Dominion representatives regarding status of proposa; telephone conference with Lynn regarding same.	0.50
8/6/2004 Memo to file regarding Dominion conference.	0.25
8/13/2004 Memo to file.	0.50
8/16/2004 Telephone conference with Rob Meyer; telephone conference with Lynn regarding future negotiations; telephone conference with Rob regarding same.	0.50
8/17/2004 Conference with Lynn, Rob M. and Karl B. regarding zoning issues and financial package issues regarding next Council work session.	2.00
8/23/2004 Conference with Council members regarding negotiations with Dominion.	2.00
8/26/2004 Telephone conference with Dominion regarding status of Council counterproposal.	0.25
8/30/2004 Telephone conference with Lynn E. regarding Council work session; telephone conference with Bob M. regarding counterproposal; telephone conference with Lynn E. regarding clarification of counteroffer; e-mail to Rob regarding same.	0.75
8/31/2004 Telephone conference with Rob M. regarding counteroffer regarding zoning and financial packages; telephone conference with Lynn regarding same; telephone conference with Squire Sanders regarding projected amortization schedule for \$1.5 million bond issue and income stream.	1.00
9/1/2004 Detailed review of TIF calculations from Squire, Sanders & Dempsey; telephone conference with paralegal regarding same; conference with Lynn E. regarding same.	2.00
9/10/2004 Telephone conference with Lynn regarding cash contribution if 80' lots.	0.25
9/13/2004 Telephone conference with Lynn E. regarding outcome of Council work session.	0.25
9/14/2004 Telephone conference with Lynn E. regarding negotiations with Dominion regarding new plat.	0.25

	<u>Hours</u>
9/17/2004 Negotiate Dominion representatives regarding R3 plat issues.	1.75
9/23/2004 Detailed review of revised plat regarding whether 80' lots; telephone conference with Rich Kight regarding density issue; telephone conference with Lynn E.	0.50
9/24/2004 Conference with Lynn regarding revised site plan and issues regarding road alignment and lot width; telephone conference with Rob M. regarding same. Attention residential TIF summary.	0.75
9/27/2004 Advise Lynn regarding Council work session.	0.50
9/28/2004 Conference with Lynn regarding work session with Village Council. Draft outline regarding residential TIF.	0.25
9/30/2004 Telephone conference with Rob Meyer regarding e-mailed list of issues.	1.00
10/1/2004 Revise TIF outline and related documents.	1.50
Telephone conference with Lynn E. regarding e-mails; finalize residential TIF outline; finalize TIF calculations exhibit.	0.25
Conference with Lynn E. regarding revised Dominion proposal; telephone conference with Rob Meyer regarding same.	1.25
10/3/2004 Revisions to handouts regarding residential TIF; preparation of presentation. Conference with Lynn and Sharon in preparation for town meeting; representation at town meeting.	2.75
10/5/2004 Telephone conference with Lynn regarding status of public feedback.	5.50
10/8/2004 Telephone conference with Lynn E. regarding resident questions and annexation timeline.	0.25
10/11/2004 Advise Lynn E. regarding uses of TIF funds.	0.25
10/14/2004 Telephone conference with Lynn regarding annexation timeline; follow up regarding same and fax flow chart.	0.50
Telephone conference with George T. regarding impact on Hwathorne; telephone conference with Lynn regarding same.	0.50
10/19/2004 Emails to Lynn.	0.50
Review Dominion responses to resident questions and comments.	0.50
10/20/2004 Review and revise Mayor's article.	0.50
10/22/2004 Review Village and other emails; email Lynn regarding same.	0.50
10/26/2004 Telephone conference with Lynn regarding memo to Council regarding public hearing.	0.25
10/29/2004 Memo to Council.	0.50
Draft memo to Council regarding process of negotiations.	1.75
11/1/2004 Memo to Lynn.	0.25
Revise draft memo to Council regarding process of negotiations.	1.00
Conference with Lynn regarding draft memo and chronology; finalize memo.	0.50
Conference with Lynn regarding draft memo and chronology; finalize memo.	0.50
11/3/2004 Telephone conference with Lynn regarding list.	0.25
Review email list of issues and reply.	0.25
11/4/2004 Review and analyze list of open items.	0.25
11/5/2004 Negotiate Dominion representatives regarding revised planned district proposal.	1.75
11/10/2004 Telephone conference with Rob regarding status of new plans.	0.25
11/16/2004 E-mails regarding potential agreement with Dominion.	0.25
11/17/2004 Conference with Council committee, Mayor and Dominion representatives regarding final revised plan and negotiations.	2.50
12/2/2004 Telephone call from Lynn regarding information regarding Groezingers intentions.	0.25
12/3/2004 Telephone call to Rob Meyer regarding status of negotiations.	0.25
Telephone call from Lynn regarding same and regarding Groezinger annexation; follow up regarding meeting.	0.50

	<u>Hours</u>
12/6/2004 Detailed revision of draft preannexation agreement and development text; conference with Lynn regarding same and regarding sample TIF and text documents,	4.00
12/8/2004 Telephone call from Paul regarding negotiations; prepare for and representation at negotiations with Dominion representatives regarding preannexation agreement and zoning text.	2.00
12/11/2004 Work session with Mayor and Council regarding Dominion three major issues regarding text and preannexation agreement.	1.50
12/13/2004 Telephone call to Lynn regarding Council feedback regarding negotiations.	0.50
12/15/2004 Negotiate Rob regarding text issues and three major issues.	0.50
Negotiate Dominion representatives regarding text issues; conference with Lynn and Sharon regarding same.	1.75
12/17/2004 Review draft outline for development text; telephone call to Lynn regarding same.	0.25
12/30/2004 Detailed review of Dominion response regarding text issues; email Lynn regarding meeting and regarding square footages.	1.50
Telephone call to Lynn process of negotiations text and certain issues.	0.50
12/31/2004 Telephone call to Jeff G. regarding Village cooperation regarding text and regarding future buyers; telephone call to Lynn regarding same; telephone call to Rich K. regarding sample kits.	1.25
1/2/2005 Draft development standards text; email same to Lynn; review file regarding additional issues and concerns.	5.75
1/3/2005 Telephone conference with Lynne regarding meeting and negotiations; revisions and additions to draft text; conference with Lynne regarding same; transmit to Rob M.	2.00
1/4/2005 Review emails regarding Council input regarding text.	0.25
Review Dominion revisiosn to text; conference with Lynn regarding same.	0.75
1/5/2005 Conference with Westerville Chief building official regarding permit fees.	0.50
Council worksession regarding Dominion counterproposal regarding text.	1.00
1/6/2005 Research regarding 5-day hearings regarding immobilizations and releasing vehicles.	0.75
1/7/2005 Negotiate Dominion representatives regarding text issues.	2.25
1/10/2005 Draft memo regarding 5-day hearings; draft notice regarding same; review Mayor's Court jurisdiction.	1.50
1/11/2005 Memo to Mayor Eisentrout regarding Five Day Hearings.	0.50
1/14/2005 Telephone conference with Lynn regarding Dominion and legal files.	0.25
1/17/2005 Conference with Narcus T. regarding Justinian and other issues.	1.00
1/21/2005 Telephone call from Lynn regarding potential invested buyers.	0.25
1/24/2005 Conference with Mayor Eisentrout concerning meeting tonight; conference with Eugene L. Hollins concerning same; revise agreement for legal services Council meeting; memo to file and Eugene L. Hollins concerning same	2.25
1/25/2005 Conference with Eugene L. Hollins concerning council meeting; revise legal services agreement	0.25
1/27/2005 Advise Lynn regarding information requests from developers.	0.25
1/28/2005 Review fax relating to police procedures	0.75
1/31/2005 Correspondence with L. Eisentrout concerning engineering contract; revise memo concerning To Do items following January Council meeting; review Engineering contract	1.25
2/2/2005 Attention M/I planning and acquisition contact person.	0.25
3/7/2005 Telephone conference with Lynn regarding Joshua Homes proposal.	0.25
3/9/2005 Attention pool lease and grant agreement; telephone conference with Lynn regarding same and regarding Council feedback regarding Joshua.	0.50

Lynn Eisentrout, Mayor

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For professional services rendered

<u>Hours</u>	<u>Amount</u>
138.00	\$22,078.75

Additional Charges :

1/4/2005 Fax

7.00

Total costs

\$7.00

Total amount of this bill

\$22,085.75

Balance due

\$22,085.75