

**COMMISSIONERS- JOURNAL NO. 39 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 8, 1999**

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

Deborah Martin, James Ward and Donald Wuertz

8:00 AM -- Duncan Whitney, Prosecuting Attorney

RESOLUTION NO. 99-110

**IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR
MEETING HELD FEBRUARY 1, 1999:**

It was moved by Mrs. Martin, seconded by Mr. Ward to approve resolutions and minutes from regular meeting held February 1, 1999.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

PUBLIC COMMENT

RESOLUTION NO. 99-111

**IN THE MATTER OF APPROVING FOR PAYMENT WARRANTS NUMBERED 234400
THROUGH 234704:**

It was moved by Mr. Ward seconded by Mrs. Martin to approve for payment warrants 234400 through 234704 as on file in the office of the Delaware County Commissioners

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-112

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the following travel expense requests.

911 is requesting that Elissa Sessley and Kathleen Coy attend a Communications Training Officer Course at Westerville Fire Department on March 8 through March 10, 1999, in the amount of \$458.00.

911 is requesting that Elissa Sessley attend a Liability Issues Seminar at Web Site on March 24, 1999, in the amount of \$109.00.

EMS is requesting that Elissa Sessley, Kathleen Coy and Pearline Howald attend a Professional Development for Women Seminar in Columbus on March 17, 1999, in the amount of \$505.00.

Juvenile Court is requesting that Jennifer Burrows attend a Training Series on Juvenile Sex Offenders at Cleveland on February 18 & 19, 1999, in the amount of \$177.00.

Sanitary Engineer is requesting that Julie Mannon attend an Excel Class at Micro Center on February 1, 1999, in the amount of \$197.00.

OECC is requesting the Rick Varner attend a Windows NT Workshop in Columbus on April 21 and 22, 1999, in the amount of \$915.00.

Administrative Services is requesting that Cindi Blair attend a Cobra Compliance Seminar in Columbus on February 9, 1999, in the amount of \$141.50.

Economic Development is requesting that Carrie Richards attend OHCP Annual Summit for CDBG Training at Sandusky, Ohio on March 17 & 18 in the amount of \$259.50.

Buildings and Grounds is requesting that Scott Gaines & Tom Ruthig attend an Air Conditioning Clinic at Columbus on February 16, 23 and March 2, 9, 16, 23, 30 and April 6, 13, & 20 in the amount of \$790.00.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 113

**IN THE MATTER OF PLAT APPROVAL AND DITCH MAINTENANCE PETITIONS FOR
HIGHLAND LAKES EAST, SECTION 11, PART 2 AND HARVEST WIND, PHASE 3:**

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following Plats and Ditch Petitions:

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HIGHLAND LAKES EAST, SECTION 11, PART 2:

Situated in the State of Ohio, County of Delaware, Township of Genoa, and located in farm Lots 16 and 17, Quarter Township 3, Township 3, Range 17, United States Military Lands, and containing 6.790 (0.358 acres of said 6.790 acres are in Farm Lot 16 and 6.432 acres of said 6.790 acres are in Farm Lot 17). Said 6.790 acres being all of that tract of land conveyed to DHMI, Ltd. By deed of record in Deed Book , Page , Recorder's Office, Delaware, Ohio. Lots numbered 4536 through 4554. Lot fee in the amount of \$57.00.

DITCH MAINTENANCE PETITION

We the undersigned owners of 6.790 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as Highland Lakes East, Section 11, Part 2 as evidenced by the subdivision plant (Exhibit "A" which is available at the County Engineer's Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider's agreement Exhibit "B" available at the County Engineer's Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit "C" (available at the County Engineer's Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement.

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the Highland Lakes East, Section 11, Part 2 Subdivision.

The cost of the drainage improvements is \$59,776.00 and a detailed cost estimate is available at the County Engineer's office in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Nineteen lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$3,146.11 per lot. An annual maintenance fee equal to 2% of this basis \$62.92 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$1,195.52 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

HARVEST WIND, PHASE 3

Situated in the State of Ohio, County of Delaware, Township of Genoa, being a part of Farm Lot 4, Section 4, Township 3, Range 17, United States Military Lands, being a 7.986 acre Subdivision, there being 0.753 acres out of an original 66.907 acre tract conveyed to Hoover Oaks Development Company (an Ohio general partnership) as recorded in Deed Book 565, Page 832; and 7.233 acres out of an original 20.820 acre tract conveyed to Hoover Oaks Development Company (an Ohio general partnership) as recorded in Deed Book 580, Page 175 at the Delaware County Recorder's Office, Delaware, Ohio. Lots numbered 3799 through 3813. Lot fee in the amount of \$45.00.

DITCH MAINTENANCE PETITION

We the undersigned owners of 7.896 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as Harvest Wind, Phase 3, as evidenced by the subdivision plant (Exhibit "A" which is available at the County Engineer's Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider's agreement Exhibit "B" available at the County Engineer's Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit "C" (available at the County Engineer's Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement.

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the Harvest Wind Phase 3 Plat subdivision..

The cost of the drainage improvements is \$40,519.25 and a detailed cost estimate is available at the County

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Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Fifteen lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$810.38 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-114

IN THE MATTER OF ACCEPTING ROADS IN ORCHARD LAKES, PHASE 2:

It was moved by Mrs. Martin, seconded by Mr. Ward to release bonds and letters of credit and accept roads within the following:

Orchard Lakes, Phase 2

- An extension of 0.15 mile to **Township Road Number 718, Mount Royal Avenue**
- An extension of 0.03 mile to **Township Road Number 719, Seckel Drive**
- **Seckel Court**, to be known as **Township Road Number 831**
- **Morello Place**, to be known as **Township Road Number 832**
- **Apricot Place**, to be known as **Township Road Number 833**

Release Letter of Credit to developer, Rockford Homes

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-115

IN THE MATTER OF AUTHORIZING STOP CONDITIONS IN ORCHARD LAKES, PHASE 2:

It was moved by Mr. Ward, seconded by Mrs. Martin to authorize stop conditions at the following locations:

Orchard Lakes, Phase 2

- On Township Road Number 832, Morello Place, at its intersection with Township Road Number 719, Seckel Drive
- On Township Road Number 832, Morello Place, at its intersection with Township Road Number 718, Mount Royal Avenue
- On Township Road Number 833, Apricot Place, at its intersection with Township Road Number 718, Mount Royal Avenue

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-116

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the following right-of-way work permit summary sheet:

Permit	Applicant	Location	Type of Work
2143	Columbus Southern	Redbank Road	Place 5 inch PVC duct
2144	Columbus Southern	3 B’s & K Road	Replace two poles; install on new pole

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 117

IN THE MATTER OF APPROVING SPECIAL HAUL PERMITS FOR OVERSIZE AND OVERWEIGHT LOADS:

It was moved by Mrs. Martin and seconded by Mr. Ward to approve the following resolution:

WHEREAS, Section 4513.34 of the Ohio Revised Code, in part, grants permission to local authorities with

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respect to highways under their jurisdiction, to issue special permits for the operation or movement of vehicles or combinations of vehicles or combinations of vehicles of a size or weight of a vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Ohio Revised Code.

WHEREAS, the Delaware County Commissioners in their efforts to effectively control the use of county maintained roads and township roads with county maintained structures, have set forth conditions whereby permission may be granted to operate such oversize or overweight vehicles or move such oversize or overweight loads in a manner that will not materially affect the safety of the motoring public or the integrity of the highways or structures.

WHEREAS, the attached list requests for permitted vehicles or loads are agreed upon having been reviewed and approved by the Delaware County Engineer in accordance with the provisions of the *Manual for Issuance of Special Haul Permit*;

NOW THEREFORE BE IT RESOLVED, that the attached permits are hereby approved by the Board of Commissioners.

Permit Applicant	Permit ID	Number	Fee
HARDSCRABBLE FARMS, INC	P0001	26,000	\$150.00
USA WASTE OF OHIO INC	P0002	33,300	\$150.00
USA WASTE OF OHIO INC	P0003	33,000	\$150.00
USA WASTE OF OHIO INC	P0004	33,300	\$150.00
USA WASTE OF OHIO INC	P0005	33,000	\$150.00
EXCAVATING UNLIMITED	P0006	68,000	\$150.00
T.V.T HAULING, INC	P0007	<80,000	\$150.00
T.V.T HAULING, INC	P0008	<80,000	\$150.00
THOMAS DOZER & BACKHOE	P0009	<80,000	\$150.00
THOMAS DOZER & BACKHOE	P0010	<80,000	\$150.00
THOMAS DOZER & BACKHOE	P0011	<80,000	\$150.00
T.V.T HAULING, INC	P0012	<80,000	\$150.00
DONALD E. ARCHEY	P0013	46,000	\$150.00
DON'S ROAD OILING, INC	P0014	32,000	\$150.00
OBERFIELD'S INC	P0015	69,000	\$150.00
OBERFIELD'S INC	P0016	68,500	\$150.00
OBERFIELD'S INC	P0017	69,000	\$150.00
OBERFIELD'S INC	P0018	70,000	\$150.00
OBERFIELD'S INC	P0019	68,500	\$150.00
OBERFIELD'S INC	P0020	68,500	\$150.00
OBERFIELD'S INC	P0021	68,500	\$150.00
OBERFIELD'S INC	P0022	69,000	\$150.00
OBERFIELD'S INC	P0023	69,000	\$150.00
OBERFIELD'S INC	P0024	69,000	\$150.00
OBERFIELD'S INC	P0025	69,000	\$150.00
OBERFIELD'S INC	P0026	69,000	\$150.00
OBERFIELD'S INC	P0027	69,000	\$150.00
OBERFIELD'S INC	P0028	80,000	\$150.00
CDK STRUCTURES, INC	P0029	70,000	\$150.00
DEL-CO WATER CO., INC	P0030	35,900	\$150.00
DEL-CO WATER CO., INC	P0031	35,900	\$150.00
DEL-CO WATER CO., INC	P0032	35,900	\$150.00
CONSOLIDATED ELEC. COOP INC.	P0033	30,060	\$150.00
CONSOLIDATED ELEC. COOP INC.	P0034	27,640	\$150.00
CONSOLIDATED ELEC. COOP INC.	P0035	28,360	\$150.00
TYSINGER CONSTRUCTION	P0036	66,000	\$150.00
TYSINGER CONSTRUCTION	P0037	39,500	\$150.00
GRAVES & SONS INC	P0038	28,980	\$150.00
JAMES AKERS	P0039	70,000	\$150.00
SMITH & ASSOCIATES EXCAVATING, INC	P0040	<80,000	\$150.00
SMITH & ASSOCIATES EXCAVATING, INC	P0041	31,000	\$150.00
SMITH & ASSOCIATES EXCAVATING, INC	P0042	31,000	\$150.00
SMITH & ASSOCIATES EXCAVATING, INC	P0043	31,000	\$150.00
SMITH & ASSOCIATES EXCAVATING, INC	P0044	31,000	\$150.00
SMITH & ASSOCIATES EXCAVATING, INC	P0045	31,000	\$150.00
SMITH & ASSOCIATES EXCAVATING, INC	P0046	31,000	\$150.00
HENDERSON TRUCKING INC	P0047	68,500	\$150.00
HENDERSON TRUCKING INC	P0048	69,000	\$150.00

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HENDERSON TRUCKING INC	P0049	68,500	\$150.00
HENDERSON TRUCKING INC	P0050	68,500	\$150.00
HENDERSON TRUCKING INC	P0051	76,500	\$150.00
HENDERSON TRUCKING INC	P0052	69,000	\$150.00
HENDERSON TRUCKING INC	P0053	69,000	\$150.00
HENDERSON TRUCKING INC	P0054	69,000	\$150.00
HENDERSON TRUCKING INC	P0055	69,000	\$150.00
FLOWER GARBAGE INC.	P0056	22,000	\$150.00
FLOWER GARBAGE INC.	P0057	22,000	\$150.00
FLOWER GARBAGE INC.	P0058	22,000	\$150.00
LAWRENCE TRUCKING	P0059	69,500	\$150.00
FERRELL GAS	P0060	32,000	\$150.00
MICHAEL G. BROWN	P0061	69,000	\$150.00
HOWARD TRUCKING	P0062	62,500	\$150.00
HOWARD TRUCKING	P0063	69,500	\$150.00
HOWARD TRUCKING	P0064	69,500	\$150.00
P.D. PAYKOFF TRUCKING CO.	P0065	68,500	\$150.00
P.D. PAYKOFF TRUCKING CO.	P0066	68,500	\$150.00
P.D. PAYKOFF TRUCKING CO.	P0067	76,500	\$150.00
PAYKOFF WATER HAULING	P0068	54,000	\$150.00
GLV EXCAVATING INC	P0069	78,000	\$150.00
GLV EXCAVATING INC	P0070	34,000	\$150.00
GLV EXCAVATING INC	P0071	34,000	\$150.00
GLV EXCAVATING INC	P0072	34,000	\$150.00
NEWCON INC.	P0073	70,500	\$150.00
NEWCON INC.	P0074	70,500	\$150.00
NEWCON INC.	P0075	70,500	\$150.00
NEWCON INC.	P0076	70,500	\$150.00
NEWCON INC.	P0077	70,500	\$150.00
NEWCON INC.	P0078	60,500	\$150.00
NEWCON INC.	P0079	60,500	\$150.00
NEWCON INC.	P0080	65,500	\$150.00
NEWCON INC.	P0081	65,500	\$150.00
NEWCON INC.	P0082	70,500	\$150.00
NEWCON INC.	P0083	65,500	\$150.00
NEWCON INC.	P0084	65,500	\$150.00
NEWCON INC.	P0085	70,500	\$150.00
NEWCON INC.	P0086	70,500	\$150.00
NEWCON INC.	P0087	70,500	\$150.00
MODERN EXCAVATING CO.	P0088	75,120	\$150.00
FULLER OIL CO., INC.	P0089	33,000	\$150.00
FULLER OIL CO., INC.	P0090	33,000	\$150.00
FULLER OIL CO., INC.	P0091	33,000	\$150.00
RBM TRUCKING	P0092	69,900	\$150.00
RICHARD H. BACHMAN	P0093	56,000	\$150.00
RBM TRUCKING	P0094	69,000	\$150.00
SHEHERD EXC. INC.	P0095	46,000	\$150.00
SHEHERD EXC. INC.	P0096	29,500	\$150.00
SHEHERD EXC. INC.	P0097	30,000	\$150.00
SHEHERD EXC. INC.	P0098	33,500	\$150.00
SHEHERD EXC. INC.	P0099	30,000	\$150.00
SHEHERD EXC. INC.	P0100	30,000	\$150.00
SHEHERD EXC. INC.	P0101	30,000	\$150.00
SHEHERD EXC. INC.	P0102	30,000	\$150.00
SHEHERD EXC. INC.	P0103	30,400	\$150.00
SHEHERD EXC. INC.	P0104	46,100	\$150.00
SHEHERD EXC. INC.	P0105	33,500	\$150.00
SHEHERD EXC. INC.	P0106	29,200	\$150.00
SHEHERD EXC. INC.	P0107	46,000	\$150.00
SHEHERD EXC. INC.	P0108	80,000	\$150.00
KENNETH D. EVANS	P0109	68,660	\$150.00
KENNETH D. EVANS	P0110	68,660	\$150.00
COUNTRYSIDE CONSTRUCTION	P0111	63,000	\$150.00
COUNTRYSIDE CONSTRUCTION	P0112	<80,000	\$150.00
COUNTRYSIDE CONSTRUCTION	P0113	48,300	\$150.00
COUNTRYSIDE CONSTRUCTION	P0114	61,500	\$150.00

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PENRY STONE CO.	P0115	56,000	\$150.00
PENRY STONE CO.	P0116	54,000	\$150.00
STEVEN D. NELSON	P0117	78,000	\$150.00
ACCESS DRYWALL SUPPLY	P0118	28,000	\$150.00
ACCESS DRYWALL SUPPLY	P0119	52,000	\$150.00
ACCESS DRYWALL SUPPLY	P0120	46,000	\$150.00
ACCESS DRYWALL SUPPLY	P0121	46,000	\$150.00
ACCESS DRYWALL SUPPLY	P0122	65,000	\$150.00
ACCESS DRYWALL SUPPLY	P0123	56,000	\$150.00
ACCESS DRYWALL SUPPLY	P0124	62,000	\$150.00
ACCESS DRYWALL SUPPLY	P0125	63,500	\$150.00
ACCESS DRYWALL SUPPLY	P0126	62,000	\$150.00
ACCESS DRYWALL SUPPLY	P0127	56,000	\$150.00
TOM DYE TRUCKING	P0128	68,000	\$150.00
TOM DYE TRUCKING	P0129	58,000	\$150.00
HENDERSON TRUCKING INC.	P0130	68,500	\$150.00
HENDERSON TRUCKING INC.	P0131	68,500	\$150.00
HENDERSON TRUCKING INC.	P0132	68,500	\$150.00
HENDERSON TRUCKING INC.	P0133	68,500	\$150.00
HENDERSON TRUCKING INC.	P0134	80,000	\$150.00
HENDERSON TRUCKING INC.	P0135	80,000	\$150.00
HENDERSON TRUCKING INC.	P0136	80,000	\$150.00
JL Poured Walls Inc.	P0137	36,000	\$150.00
JL Poured Walls Inc.	P0138	36,000	\$150.00
JL Poured Walls Inc.	P0139	36,000	\$150.00
JL Poured Walls Inc.	P0140	36,000	\$150.00
JL Poured Walls Inc.	P0141	28,000	\$150.00
JL Poured Walls Inc.	P0142	28,000	\$150.00
JL Poured Walls Inc.	P0143	70,520	\$150.00
LOWELL E. BUSCH	P0144	58,500	\$150.00
FACEMYER BACKHOE & DOZER SERV. INC	P0145	33,000	\$150.00
FACEMYER BACKHOE & DOZER SERV. INC	P0146	29,735	\$150.00
WILSON RICE	P0147	64,000	\$150.00
NORMAN E. ROBERSON	P0148	69,500	\$150.00
NORMAN E. ROBERSON	P0149	69,000	\$150.00
NORMAN E. ROBERSON	P0150	69,000	\$150.00
JL Poured Walls Inc.	P0151	<80,000	\$150.00
JL Poured Walls Inc.	P0152	<80,000	\$150.00
SUMMIT CONCRETE, INC.	P0153	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0154	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0155	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0156	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0157	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0158	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0159	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0160	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0161	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0162	75,500	\$150.00
SUMMIT CONCRETE, INC.	P0163	75,500	\$150.00
BROWN TRUCKING	P0164	35,700	\$150.00
ANDERSON CONCRETE CORP.	P0165	75,000	\$150.00
ANDERSON CONCRETE CORP.	P0166	75,000	\$150.00
ANDERSON CONCRETE CORP.	P0167	75,000	\$150.00
ANDERSON CONCRETE CORP.	P0168	75,000	\$150.00
ANDERSON CONCRETE CORP.	P0169	75,000	\$150.00
ANDERSON CONCRETE CORP.	P0170	74,940	\$150.00
MARYSVILLE CONCRETE	P0171	75,000	\$150.00
MARYSVILLE CONCRETE	P0172	75,000	\$150.00
MARYSVILLE CONCRETE	P0173	75,000	\$150.00
MARYSVILLE CONCRETE	P0174	75,000	\$150.00
DEL MAR CONCRETE CORP.	P0175	58,500	\$150.00
DEL MAR CONCRETE CORP.	P0176	62,300	\$150.00
DEL MAR CONCRETE CORP.	P0177	63,200	\$150.00
DEL MAR CONCRETE CORP.	P0178	63,200	\$150.00
DEL MAR CONCRETE CORP.	P0179	63,200	\$150.00
DEL MAR CONCRETE CORP.	P0180	74,500	\$150.00

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DEL MAR CONCRETE CORP.	P0181	75,000	\$150.00
DEL MAR CONCRETE CORP.	P0182	75,000	\$150.00
DEL MAR CONCRETE CORP.	P0183	64,500	\$150.00
DEL MAR CONCRETE CORP.	P0184	64,500	\$150.00
DEL MAR CONCRETE CORP.	P0185	64,500	\$150.00
DEL MAR CONCRETE CORP.	P0186	64,500	\$150.00
DEL MAR CONCRETE CORP.	P0187	74,500	\$150.00

TOTAL POSTED ROAD EXPECTED DAMAGE FEE \$28,050.00

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-118

IN THE MATTER OF APPROVAL OF CONTRACT WITH KEVIN JUSTICE TRUCKING FOR HAULING IN 1999:

It was moved by Mrs. Martin and seconded by Mr. Ward to approve the following contract:

AGREEMENT, made and entered into the 8th day of February, 1999, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **JUSTICE TRUCKING**, hereinafter designated as **SECOND PARTY**

WITNESSETH, that said **SECOND PARTY**, for and in consideration of the sum as stated in Bidder's **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY** all the necessary labor and equipment required to complete the project known as **STOCKPILE HAULING AND STONE HAULING FOR THE DELAWARE COUNTY ENGINEER FOR 1999**, General Specification and Invitation to Bid for same hereto attached (available at Delaware County Engineer's Office), which General Specifications and Invitation to Bid are hereby declared a part of this **Contract**.

SAID SECOND PARTY further agrees to furnish said equipment and to do the work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **County Engineer**.

THE SECOND PARTY hereby agrees to hold the **County** free and harmless from any and all claims for damages, costs, expenses, judgements or decrees, resulting from any operations of said **SECOND PARTY**, his subcontractors, agents or employees.

WITNESS, our hands the day and year first above written.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-119

IN THE MATTER OF APPROVING SANITARY SEWER PLAN FOR THE SHORES, SECTION 12:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve sanitary sewer plans for The Shores, Section 12 for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-120

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS IN MEADOWS AT CHESHIRE, SECTION 2, PART 3:

It was moved by Mrs. Martin seconded by Mr. Wuertz to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Meadows at Cheshire, Section 2, Part 3 2,160 feet of 8 Inch Sewer 11 Manholes

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-121

IN THE MATTER OF APPROVING QUARTERLY REPORT FOR THE RECYCLE, OHIO GRANT:

It was moved by Mrs. Martin, seconded by Mr. Ward to approval the quarterly financial report of the Recycle

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Ohio Grant.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

Dora Orwig, Clebrate Seniors – Ms. Orwig gave a brief presentation on what her group is trying to accomplish. She will be providing more information at a later date.

RESOLUTION NO. 99-122

IN THE MATTER OF REQUESTING THE OHIO GENERAL ASSEMBLY CHANGE LAWS TO ASSURE COUNTIES ARE GUARANTEED 50% REIMBURSEMENT FOR PUBLIC DEFENDER SERVICES FOR INDIGENT DEFENDANTS AND COUNTIES NOT BE REQUIRED TO SUPPLY SPACE FOR EDUCATIONAL SERVICE CENTERS:

It was moved by Mrs. Martin seconded by Mr. Ward to approve the following resolution:

WHEREAS, the Ohio General Assembly has passed laws in the past requiring counties to pay certain costs for the defense of indigent defendants in local courts; and

WHEREAS, Ohio’s public defender law originally provided that 50% of he costs would be paid by the county and 50% would be paid by the state; and

WHEREAS, the law was changed so that counties must pay more than 50% if the General Assembly does not appropriate adequate funds to pay for one-half of the costs of indigent defense services, and

WHEREAS, the result is that Delaware County has regularly paid more than half of the total costs in recent years which is an unfunded mandate on the county and local taxpayers, and

WHEREAS, Delaware County has been required since the early 1900’s to pay for the office space and related costs of County Boards of Education, which are now known as Educational Service Centers; and

WHEREAS, county government is not involved in public education which is a function of the state and local school districts; and

WHEREAS, Delaware County has no control over the budget, staffing, operation, and facility needs of Education Service Centers and their services benefit local school districts, and

WHEREAS, the requirement in state law is an outdated and unfair unfunded mandate on Delaware County.

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

1. That the Ohio General Assembly should change the law to assure that counties are guaranteed 50% reimbursements for constitutionally mandated public defender services for indigent defendants.
2. That the Ohio General Assembly should change the law enacted in the early 1900’s that requires the county to pay for office space related costs for Educational Service Centers.
3. That both of these issues should be addressed as a part of the next state biennial budget.

BE IT FURTHER RESOLVED that the Clerk to the Board is directed to send a copy of this resolution to Governor Bob Taft, Senator Richard Schafrath, Representative Jon Peterson, and to local news media and the County Commissioners Association of Ohio

Adopted this 8th day of February, 1999.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-123

IN THE MATTER OF APPROVING RESOLUTION DETERMINING TO PROCEED WITH THE ISSUE OF BONDS AND CERTIFYING SAME TO THE BOARD OF ELECTIONS FOR RENOVATING AND IMPROVING THE DELAWARE COUNTY FAIR GROUNDS:

It was moved by Mrs. Martin and seconded by Mr. Ward to approve the following:

WHEREAS, the Board of County Commissioners (the "Board") of the County of Delaware, Ohio, (the "County") at its meeting on the 1st day of February 1999, determined that it is necessary to issue bonds in the amount of \$24,278,000 (the "Bonds") for the purpose of renovating and improving the Delaware County

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Fairgrounds by acquiring and constructing multi-purpose facilities, show arenas, junior fair complex, and other facilities and improvements, and furnishing and equipping the same, and that it is necessary that a direct tax be annually levied on all the taxable property in the County outside of the ten mill limitation to meet the debt charges on the Bonds and any securities issued in anticipation thereof,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Delaware, Ohio, (the "County") that:

Section 1. It is necessary to proceed with the issuance of the Bonds in the amount and for the purpose described in the preamble to this resolution, and to levy, outside of the ten mill limitation provided by law, an annual tax on all the taxable property in the County to pay debt charges on the Bonds and any securities issued in anticipation thereof.

Section 2. The Bonds shall be dated approximately the 1st day of June, 1999; shall bear interest at the estimated rate of five and one-quarter per centum (5.25%) per annum; and shall be paid over a number of years not to exceed twenty-five.

Section 3. The question of issuing the Bonds shall be submitted to the electors of the County at the Election to be held at the usual voting places within the County, on the 4TH day of May, 1999.

Section 4. The form of the ballot to be used at said Election shall be substantially as follows:

A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE

Shall bonds be issued by the County of Delaware, Ohio for the purpose of renovating and improving the Delaware County Fairgrounds by acquiring and constructing multi-purpose facilities, show arenas, junior fair complex, and other facilities and improvements, and furnishing and equipping the same in the principal amount of \$24,278,000 to be repaid annually over a maximum period of twenty-five (25) years and an annual levy of property taxes be made outside of the ten mill limitation estimated by the County Auditor to average over the repayment period of the bond issue .66 mills for each one dollar of tax valuation which amounts to seven (\$0.07) cents for each one hundred dollars of tax valuation, to pay the annual debt charges on the bonds, and to pay debt charges on any notes issued in anticipation of those bonds.

_____ FOR THE BOND ISSUE
_____ AGAINST THE BOND ISSUE

Section 5. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6. The Clerk of this Board is hereby authorized and directed to certify a copy of this resolution to the Board of Elections, Delaware County, Ohio.

Vote on Motion: Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

RESOLUTION NO. 99-124

IN THE MATTER OF SETTING DATE AND TIME FOR ANNEXTION HEARING TO
CONSIDER ANNEXATION OF 50.8, MORE OR LESS, ACRES FROM ORANGE TOWNSHIP
TO THE CITY OF WESTERVILLE AND GIVING NOTICE OF SAME TO AGENT FOR
PETITIONERS:

It was moved by Mr. Ward, seconded by Mrs. Martin to adopt the following:

Whereas, the Clerk of the Board of County Commissioners has given notice of the filing of a petition for annexation of certain real estate in Orange Township to City of Westerville, and

Whereas, William A. Goldman, 39 East Whittier Street, Columbus, Ohio 43206 has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, April 5, 1999, at 7:30 PM in the hearing room of the Board of County Commissioners of Delaware County, 101 Sandusky Street, Delaware, Ohio be set as date, time and place for hearing on same pursuant to Section 709.031 of the Ohio Revised Code;

Further Be It Resolved, that the Clerk of the Board of Commissioners shall give notice to the Agent for the Petitioners of this action and file copies of said petition and maps with the County Auditor and with the County Engineer so he may verify accuracy of said maps.

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Vote on Motion: Mr. Ward Aye Mr. Wuertz Aye Mrs. Martin Aye

RESOLUTION NO. 99-125

10:00 AM – IN THE MATTER OF PUBLIC HEARING FOR ALUM CREEK WASTEWATER TREATMENT PLANT AND RELATED FACILITIES PROJECT

Mr. Wuertz opened the hearing at 10:05 AM

There was no public comment.

Mr. Wuertz closed the hearing at 10:07 AM

RESOLUTION NO. 99-126

IN THE MATTER OF BID OPENING FOR RENTAL OF COUNTY HOME FARM LAND:

The following bids were received and opened.

Craig Pittman	86.02 per acre
Cluff Farms	105.00 per acre
Ed Wells	92.00 per acre
Rowland Ausburger	98.55 per acre
Jason Staley	86.50 per acre

The bids will be evaluated and a recommendation will follow.

RESOLUTION NO. 99-127

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS ORC 121.22(G)(1) TO CONSIDER THE APPOINTMENT, EMPLOYMENT DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL... AT 10:08 AM:

It was moved by Mrs. Martin to go into Executive Session, Mr. Ward seconded the motion.

Vote on Motion: Mr. Ward Aye Mr. Wuertz Aye Mrs. Martin Aye

RESOLUTION NO. 99-128

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 12:12 AM:

It was moved by Mrs. Martin and seconded by Mr. Ward to adjourn out of Executive Session .

Vote on Motion: Mr. Ward Aye Mr. Wuertz Aye Mrs. Martin Aye

RESOLUTION NO. 99-129

IN THE MATTER OF BID OPENING FOR CARNEGIE LIBRARY EXPANSION PROJECT:

The following bids were received and opened.

The Righter Company	Tower		\$148,000
S. A. Comunale, Inc.	Fire Protection		\$ 94,990
Aggressive Mechanical, Inc.	Plumbing		\$ 78,800
	HVAC		\$320,500
	Combined(Plumbing & HVAC)		\$396,000
The Attman Company	General		\$1,957,503
	1b – G1	Add	\$175,500
	1c – G2	Add	\$75,500
Pete Miller, Inc.	HVAC		\$435,000
Accurate Electric Construction	Electrical		\$453,000
Columbus Heating & Ventilating	HVAC		\$348,700

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M. & P. Construction Co. Inc.	General		\$1,880,000
	1b - G1	Add	\$195,000
	1c - G2	Deduct	\$19,000
Weithman Brothers	General		\$1,695,000
	1c - G1	Add	\$168,000
	1b - G2	Add	\$15,000
Eastmoore Electrical Contractors	Electrical		\$578,800
Radico Inc.	Plumbing		\$114,300
	HVAC		\$323,700
	Combined (Plumbing & HVAC)		\$430,000
Cody Zeigler, Inc.	General		\$1,497,000
	1b - G1	Add	\$177,000
	1c - G2	Deduct	\$3,000
VFP Fire Systems	Fire Protection		\$98,000
Arnold Deal General Contractor	General		\$1,690,000
	1b - G1	Add	\$115,860
	1c - G2	Add	\$18,000
Farber Corporation	HVAC		\$333,000
Carl's Plumbing	Plumbing		\$103,000
	HVAC		\$350,700
	Combined (Plumbing & HVAC)		\$433,700
J.A. Guy Inc.	HVAC		\$333,700
Volcan Fire Protection	Fire Protection		\$105,318
Vaughn Industries, Inc.	HVAC		\$326,000
	Electric		\$443,000
	Combined (HVAC & Electric)		\$757,000
Jess Howard Electric	Electric		\$425,777
Franklin Fire Sprinklers	Fire Protection		\$166,898
Vadican Refrigeration Inc.	HVAC		\$368,000
Humble Construction Company	General		\$2,002,736
	1b - G1	Add	\$176,597
	1c - G2	Deduct	\$10,000
Ro-Dan Construction	Plumbing		75,400
	HVAC		\$328,400
Lake Erie Electric	Electric		\$571,700
Capital Fire Protection Company	Fire Protection		\$136,520
Dalmation Fire Inc.	Fire Protection		\$148,000
L.T.M. Plumbing & HVAC	Plumbing		\$101,176

Bid information will be reviewed and a recommendation will follow

RESOLUTION NO. 99-130

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS ORC 121.22(G)(1) TO CONSIDER THE APPOINTMENT, EMPLOYMENT DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL... AT 2:20 PM:

It was moved by Mr. Ward to go into Executive Session, Mrs. Martin seconded the motion.

Vote on Motion: Mr. Ward Aye Mr. Wuertz Aye Mrs. Martin Aye

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RESOLUTION NO. 99-131

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 3:13 PM:

It was moved by Mr. Ward and seconded by Mrs. Martin to adjourn out of Executive Session .

Vote on Motion: Mr. Ward Aye Mr. Wuertz Aye Mrs. Martin Aye

There bring no further business, the meeting adjourned.