

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 1, 1999**

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

Present: James Ward, Deborah Martin, Donald Wuertz

RESOLUTION NO. 99-904

**IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR
MEETING HELD OCTOBER 25, 1999:**

It was moved by Mrs. Martin, seconded by Mr. Ward to dispense with the reading of the minutes and resolutions of the regular meeting held October 25, 1999, and to approve resolutions and minutes as submitted.

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

PUBLIC COMMENT -- None

RESOLUTION NO. 99-905

**IN THE MATTER OF APPROVING FOR PAYMENT WARRANTS NUMBERED 255288
THROUGH 255941:**

It was moved by Mr. Ward, seconded by Mrs. Martin to approve for payment warrants 255288 through on file in 255941 the office of the Delaware County Commissioners.

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

RESOLUTION NO. 99-906

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Juvenile Court is requesting that Thomas Loudon attend the Preparing for the New Millennium Seminar at Columbus on December 6, 1999, in the amount of \$62.00.

EMA is requesting that Michael Crawford attend the Hazard Mitigation Course at Columbus on February 15 through February 17, 2000, at no charge.

EMA is requesting that Michael Crawford attend the Exercise Design Course at Columbus on March 6 through March 8, 2000, at no charge.

EMA is requesting that Michael Crawford attend the Introduction to Emergency Management Course at Columbus on April 17 through April 20, 2000, at no charge.

EMA is requesting that Michael Crawford attend the Basic Public Information Course at Columbus on May 23 through May 25, 2000, at no charge.

EMA is requesting that Michael Crawford attend the Decision Making/Problem Solving Course at Columbus on June 20, 2000, at no charge.

EMA is requesting that Michael Crawford attend the Emergency Planning Course at Columbus on August 22 through August 23, 2000, at no charge.

County Engineer is requesting that Chris Bauserman attend the Phase II EPA Stormwater Conference at Hamilton County on November 8, 1999, in the amount of \$58.00.

Administrative Services is requesting that Kevin Williams and Myra Williamson attend the Ohio Unemployment Compensation Seminar at Columbus on December 14, 1999, in the amount of \$369.50.

Administrative Services is requesting that Kevin Williams and Myra Williamson attend the Family Medical Leave Act Seminar at Columbus on November 10, 1999, in the amount of \$301.50.

9-1-1 is requesting that Sheila Perin attend the Accounts Payable Workshop at Columbus on December 1 through December 2, 1999, in the amount of \$494.00.

Human Services is requesting that one person from Human Services attend the CORF Workforce Development Summit at Columbus on November 3, 1999, in the amount of \$15.00.

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Human Services is requesting that Marie Ellinger attend the Directors Conference at Columbus on April 27, 2000, in the amount of \$118.50.

Human Services is requesting that Ulrike Martin attend the Early Start Home Visitors Training at Columbus on November 30 through December 2, 1999, in the amount of \$60.00.

Human Services is requesting that Julie Kunkle and Perry Harper attend the JSEC Workshop, Violence in the Workplace, at Delaware on November 9, 1999, in the amount of \$13.60.

Human Services is requesting that Craig Hill attend the Durant Sexual Behavior Training at Columbus on December 6, 1999, in the amount of \$97.00.

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

RESOLUTION NO. 99-907

IN THE MATTER OF APPROVING TRANSFER OF FUNDS, APPROPRIATIONS, AND SUPPLEMENTAL APPROPRIATIONS:

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

SUPPLEMENTAL APPROPRIATIONS

FUND NUMBER:	FUND NAME:	AMOUNT:
075-0920-020	Data Center - Srvs & Chrgs	\$ 5,000.00
075-0920-040	Data Center - Equipment	\$ 5,095.00
005-4020-020	Cnty Engineer - Srvs & Chrgs	\$ 350,000.00

TRANSFER OF APPROPRIATION

FROM:	TO:	AMOUNT:
074-7410-020 Recorder Equip - Srvs & Chrgs	074-7410-015 Recorder Equip - Mat & Sup	\$ 1,000.00
001-2520-020 Jury Commission - Srvs & Chrgs	001-2510-040 Common Pleas Court - Equipment	\$ 6,500.00
037-3561-015 Tartan Fields - Mat & Sup	037-3561-020 Tartan Fields - Ser & Chrgs	\$ 6,500.00
021-0020-020 Permanent Improvement - Srvs & Chrgs	021-0020-040 Permanent Improvement - Equip	\$ 110,311.28

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

RESOLUTION NO. 99-908

IN THE MATTER OF FORWARDING THE LIQUOR LICENSE REQUEST OF DELAWARE ASHLEY DRIVE THRU INC., TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Delaware Township Trustees that Delaware Ashley Drive Thru Inc., has applied for a C1 – C2 Liquor Permit for the business located at 1646 US 42 North, Delaware, Ohio; and

Whereas, the Delaware Township Trustees have stated they have no objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested, and the Delaware County Commissioners have received no objections.

Whereas, the Delaware Township Trustees have stated they have no objection, and the Delaware County Commissioners have received no objections from the residents of the area.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners .

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

RESOLUTION NO. 99-909

IN THE MATTER OF SETTING DATE AND TIME FOR HEARING OF ANNEXATION PETITION FILED FOR ANNEXATION OF LANDS 3.09, MORE OR LESS, ACRES FROM ORANGE TOWNSHIP TO CITY OF COLUMBUS 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 Columbus, and

Whereas, Judith T. Edwards, Esquire of Swedlow, Butler, Levine, Lewis & Dye Co., L.P. A. 10 West Broad Street, Columbus, Ohio 43215-3469 has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, **January 03, 2000, at 8:00 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.

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

RESOLUTION NO. 99-910

IN THE MATTER OF ACCEPTING ROADS IN MEDALLION ESTATES, SECTION 7, HIGHLAND LAKES EAST, SECTION 11, PHASES 1 & 2 AND PARKSHORE, SECTION 4:

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

Medallion Estates, Section 7

- An extension of 0.26 mile to **Township Road Number 725, Medallion Drive West**
- **Marsh Blue Court**, to be known as **Township Road Number 860**
- **Wild Mint Court**, to be known as **Township Road Number 861**
- **Soft Rush Court**, to be known as **Township Road Number 862**

Highland Lakes East, Section 11, Phase 1

- An extension of 0.02 mile to **Township Road Number 792, Champions Drive**
- **Congressional Drive**, to be known as **Township Road 863**
- **Hermitage Drive**, to be known as **Township Road Number 864**
- **Legends Court**, to be known as **Township Road Number 865**
- **La Casa Court** to be known as **Township Road Number 866**

Highland Lakes East, Section 11, Phase 2

- An extension of 0.02 mile to **Township Road Number 863, Congressional Drive**
- An extension of 0.12 mile to **Township Road 864, Hermitage Drive**

Parkshore, Section 4

- An extension of 0.13 mile to **Township Road Number 744, Buckman Street**

Return the Letter of Credit being held as maintenance surety to the developer, M/I Schottenstein Homes.

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

RESOLUTION NO. 99-911

IN THE MATTER OF AUTHORIZING STOP CONDITIONS IN MEDALLION ESTATES, SECTION 7 AND HIGHLAND LAKES EAST, SECTION 11, PHASE 1 & 2:

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

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Medallion Estates, Section 7

- On Township Road Number 725, Medallion Drive West, at its intersection with County Road Number 108, Tussic Street Road
- On township Road Number 860, Marsh Blue Court, at its intersection with Township Road Number 725, Medallion Drive West
- On Township Road Number 861, Wild Mint Court, at its west intersection with Township Road Number 725, Medallion Drive West
- On Township Road Number 862, Soft Rush Court, at its intersection with Township Road Number 725, Medallion Drive West

Highland Lakes East, Section 11, Phase 1

- On Township Road Number 792, Champions Drive, at its intersection with Township Road Number 863, Congressional Drive
- On Township Road Number 863, Congressional Drive, at its intersection with Township Road Number 788, Interlachen Avenue
- On Township Road Number 864, Hermitage Drive, at its west intersection with Township Road Number 863, Congressional Drive
- On Township Road Number 865, Legends Court, at its intersection with Township Road Number 863, Congressional Drive
- On Township Road Number 866, La Casa Court, at its intersection with Township Road Number 863, Congressional Drive

Highland Lakes East, Section 11, Phase 2

- On Township Road Number 864, Hermitage Drive, at its southeast and northwest intersections with Township Road Number 863, Congressional Drive

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

RESOLUTION NO. 99-912

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR MEDALLION ESTATES, SECTION 8:

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

Medallion Estates, Section 8

The roadway construction of the above referenced project has been completed and as the result of a recent field review, the County Engineer has determined that remedial work will be required during the year 2000 construction season.

In accordance with the Subdivider’s Agreement, we recommend that the maintenance bond be set at \$20,311.00 for the duration of the one year maintenance period. A maintenance bond in that amount has been submitted.

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

RESOLUTION NO. 99-913

IN THE MATTER OF APPROVING STRIPING CONTRACT WITH CHEMI-TROL CHEMICAL COMPANY:

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

AGREEMENT, made and entered into this 1st day of November, 1999, by and between the DELAWARE COUNTY COMMISSIONERS, Delaware County, Ohio, and hereinafter designated as FIRST PARTY, and CHEMI-TROL CHEMICAL COMPANY hereinafter designated as SECOND PARTY.

WITNESSETH, that said SECOND PARTY, for and in consideration of the sum of SEVENTY THOUSAND EIGHT HUNDRED NINETY-FOUR DOLLARS AND SEVENTY-TWO CENTS(\$70, 894.72), based on unit prices on the attached Bid Blank, to be paid as hereinafter specified, hereby agrees to furnish unto said FIRST PARTY, all the necessary material, labor and equipment required to complete the project known as 1999 Delaware County and Township Pavement Marking Program, in accordance with plans, drawings, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general specifications and Invitation to Bid are hereby declared to be a part of this Contract.

Where additions and / or deletions are required, unit prices as bid will be multiplied by the actual used quantities and documented by proper weight or delivery tickets. The Bid sheet is attached hereto and

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incorporated by reference.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the Delaware County Engineer, without hindrance or delay to any other branch or class of work on said improvement, and to work in harmony with and to render such assistance to other branches of work that may have connection therewith and the progress of the improvement may require. Work is to be completed on or before November 1, 1999.

THE SECOND PARTY hereby agrees to hold the County and Townships free and harmless from any and all claims for damages, costs, expenses, judgments or decrees, resulting from any operations of said SECOND PARTY, his sub-contractors, agents or employees.

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

RESOLUTION NO. 99-914

IN THE MATTER OF AUTHORIZING SPEED LIMIT REDUCTION ON PERRY ROAD:

It was moved by Mrs. Martin, seconded by Mr. Ward to authorize speed limit reduction as follows:

Whereas, Due to the speed limit study, the Delaware County Engineer is requesting a speed limit reduction to 45 miles per hour on Perry Road (TR 145) from Orange Road (TR 114) to Home Road (CR 124).

Whereas, Section 4511.21 (I) of the ORC provides for this type of reduction.

Therefore Be It Resolved, the Delaware County Commissioners request the Director of the Ohio Department of Transportation to determine and declare a reasonable and safe prima-facie speed limit of 45 miles per hour on Perry Road (TR 145) from Orange Road (TR 114) to Home Road (CR 124).

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

RESOLUTION NO. 99-915

IN THE MATTER OF APPROVING THE ESTIMATE AND PLANS FOR REPLACEMENT OF BRIDGE ON OSTRANDER ROAD:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the following estimate and plans.

Ostrander Road Bridge Replacement Estimate \$41,958.11

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

RESOLUTION NO. 99-916

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:

<i>Permit #</i>	<i>Applicant</i>	<i>Location</i>	<i>Type of Work</i>
2262A	General Telephone	Hidden Ravines Drive	Place telephone cable
2278	Columbia Gas	Hanover Road	Install gas main
2280	General Telephone	Chambers Road	Place telephone cable
2287	Del-Co Water	Freeman Road	Install waterline
2288	General Telephone	Kilbourne Road	Place buried cable
2289	General Telephone	n. Galena Road	Place telephone cable
2293	General Telephone	Bale Kenyon Road	Place telephone cable
2294	General Telephone	Big Walnut Road	Place telephone cable
2296	General Telephone	Africa Road	Place telephone cable
2301	Columbia Gas	Hidden Ravines Drive	Install gas main
2303	Columbia Gas	Deseret Drive	Install gas main
2304	Sprint Telephone	Meredith State Road	Install telephone cable
2316	Columbia Gas	Tartan Fields Section 14	Install gas main
2317	Ohio Edison	Concord Road	Install 3 phase line
2318	Columbia Gas	Morris Drive	Install gas main

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

RESOLUTION NO. 99-917

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Timothy Boland has accepted our offer of employment as Economic Development Director for Economic Development; effective date of hire is November 15, 1999.

Yvette Hatten has accepted our offer of employment as Telecommunications Operator for 911; effective date of hire is November 8, 1999.

Randy Oswalt has resigned his position as truck driver for OECC; effective date of resignation is October 16, 1999.

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

RESOLUTION NO. 99-918

IN THE MATTER OF AWARDING CONTRACT FOR HEALTH INSURANCE BENEFITS SERVICES TO MEDICAL MUTUAL OF OHIO, INC.:

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

Whereas, under Ohio Revised Code Section 307.86(F), competitive bidding is not required when a purchase consists of any form of health care plan authorized to be issued under Chapter 1751 of the Revised Code and the contracting authority does all of the following:

1. Determines that compliance with the requirements of this section would increase, rather than decrease, cost of such purchase;
2. Employs a competent consultant to assist the contracting authority in procuring appropriate coverages at the best and lowest prices;
3. Requests issuers of such policies, contracts, or plans to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of such policies, contracts, and plans as the contracting authority desires to purchase;
4. Negotiates with such issuers for the purpose of purchasing such policies, contracts, or plans at the best and lowest price reasonably possible; and

Whereas, Delaware County awarded contract to Preferred Benefits Services, Inc. for consulting services as allowed under ORC 307.86(F), and

Whereas, Preferred Benefits Services, Inc. received proposals from several carriers to provide Health Insurance for Delaware County employees, and

Whereas, Preferred Benefits Services, Inc. and the Delaware County staff negotiated with the carriers submitting proposals for the best and lowest price reasonably possible, and

Whereas, The negotiations resulted in fixed rates (administration, specific stop-loss premium, and aggregate stop-loss premium) lower than the County had in 1997, 1998, or 1999 and fixed for plan years 2000, 2001, and 2002, and an overall estimated savings for plan year 2000 of approximately \$300,000 over the expected cost if the County followed the typical bidding process utilized in past bid years,

Therefore be it resolved, by the Board of Commissioners of Delaware County, State of Ohio, to award contract to Medical Mutual of Ohio, Inc. to provide health insurance benefits for Delaware County employees for plan year 2000, and

Further be it resolved, that the Board of Commissioners of Delaware County, State of Ohio, adopt the monthly rates of \$233.38 single coverage and \$583.46 family coverage for plan year 2000.

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

RESOLUTION NO. 99-919

IN THE MATTER EXECUTING AN AGREEMENT WITH THE HEALTHY EDGE, LLC, A SUBSIDIARY OF THE HUMAN FACTOR INTERNATIONAL, INC. FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES:

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

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Whereas, Delaware County currently has an agreement with The Human Factor, Inc. for the provision of Employee Assistance Program services, and

Whereas, The Human Factor, Inc. has recently undergone restructuring of its business, placing The Human Factor International, Inc. as the holding company to the Employee Assistance Program, renamed The Healthy Edge, LLC, and

Whereas, because of this restructuring, The Human Factor International, Inc. has requested Delaware County to re-execute the same contract as the one currently in force only to change the name of the Employee Assistance Program to The Healthy Edge, LLC,

Therefore be it resolved, by the Board of Commissioners of Delaware County, State of Ohio, that the new contract be executed for the sole purpose of the name change of the Employee Assistance Program to The Healthy Edge, LLC, with no other changes in the contract.

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

RESOLUTION NO. 99-920

IN THE MATTER OF SANITARY SEWER PLANS APPROVAL IN THE CONDOMINIUMS AT WEDGEWOOD AND THE OVERLOOK SUBDIVISION:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve sanitary sewer plans for The Condominiums at Wedgewood and The Overlook Subdivision for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 99-921

IN THE MATTER OF SANITARY SUBDIVIDERS AGREEMENTS FOR RIVER BEND, SECTION 4, PHASES 1& 2 AND SHERBROOK, PHASE 6:

It was moved by Mr. Ward, seconded by Mrs. Martin to accept the following Sanitary Subdividers Agreement:

River Bend, Section 4, Phases 1& 2

This agreement executed on this 1st. day of November, 1999, by and between PLANNED COMMUNITIES, as evidenced by the RIVER BEND, SECTION 4, PHASES 1 & 2 Subdivision Plat filed with the Delaware County Recorder, Delaware County, Ohio and the BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio is governed by the following considerations and conditions, to wit:

The SUBDIVIDER shall upon executing this AGREEMENT, pay to the DELAWARE COUNTY SANITARY ENGINEER \$100,300.00 representing the payment of fifty percent (50%) of the capacity charges then in effect, for each single family residential connection, for 34 equivalent single family residential connections. The remaining capacity charge shall be fifty percent (50%) of the rate currently in effect at the time connection is made and shall be paid for each single family residential connection upon application to the DELAWARE COUNTY SANITARY ENGINEER for a tap permit to connect the single family residence to the sanitary sewer. Ownership of more than one (1) lot will not cause aggregation of the payments.

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT; said SUBDIVIDER is to execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$21,000.00) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents for all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of any contractor or sub-contractor or from any material, method or explosive used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date of the approval of said SUBDIVIDER by THE COUNTY COMMISSIONERS but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during

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construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be replaced by the Subdivider, when in the opinion of the COUNTY, his performance is deemed inadequate.

The SUBDIVIDER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the County shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this Subdivision.

SANITARY SEWER CONSTRUCTION

It is further agreed that upon execution of the Agreement, the SUBDIVIDER shall deposit, with the DELAWARE COUNTY SANITARY ENGINEER the sum of \$1,500.00 estimated to be necessary to pay the cost of inspection by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall in his sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund, as result of charges against the same at the rate of :

INSPECTOR \$40.00
CAMERA TRUCK \$150.00

per hour for time spent by said SANITARY ENGINEER or his staff has been depleted to a level of less than \$1,000.00, the SUBDIVIDER shall make an additional deposit of \$1,000.00 to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to \$0.50 per foot of sewer which will be deducted to cover the one year reinspection.

The SUBDIVIDER for a period of five (5) year after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and or workmanship. All warranties for equipment installed as part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

The subdivider shall provide to the COUNTY all necessary easements or right of ways required to complete the IMPROVEMENTS all of which shall be obtained at the expense of the SUBDIVIDER.

The COUNTY shall upon certification in writing from the DELAWARE COUNTY SANITARY ENGINEER that all construction is complete according to the plans and specifications by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required, As built drawings on the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible Mylar and 3.5" or 5.25" Diskettes in either Autocade DWG files or DXF files.

The SUBDIVIDER shall within thirty (30) days of completion of construction, furnish to the COUNTY an itemized statement showing the cost of IMPROVEMENTS and an affidavit that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance Bond or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The SUBDIVIDER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

Should the SUBDIVIDER become unable to carry out the provisions of this AGREEMENT, the SUBDIVIDER' s heirs, successors or assigns shall complete and comply with all applicable terms, conditions,

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provisions, and requirements of this AGREEMENT.

IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or his agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

Sherbrook, Phase 6

This agreement executed on this 1st. day of November, 1999, by and between TUSSIC ROAD ASSOCIATES, LLC, as evidenced by the SHERBROOK, PHASE 6 Subdivision Plat filed with the Delaware County Recorder, Delaware County, Ohio and the BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio is governed by the following considerations and conditions, to wit:

The SUBDIVIDER shall upon executing this AGREEMENT, pay to the DELAWARE COUNTY SANITARY ENGINEER \$202,200.00 representing the payment of fifty percent (50%) of the capacity charges then in effect, plus a Surcharge of \$420.00 for each single family residential connection, for 60 equivalent single family residential connections. The remaining capacity charge shall be fifty percent (50%) of the rate currently in effect at the time connection is made and shall be paid for each single family residential connection upon application to the DELAWARE COUNTY SANITARY ENGINEER for a tap permit to connect the single family residence to the sanitary sewer. Ownership of more than one (1) lot will not cause aggregation of the payments.

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT; said SUBDIVIDER is to execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$93,506.54) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents for all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of any contractor or sub-contractor or from any material, method or explosive used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date of the approval of said SUBDIVIDER by THE COUNTY COMMISSIONERS but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be replaced by the Subdivider, when in the opinion of the COUNTY, his performance is deemed inadequate.

The SUBDIVIDER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the County shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this Subdivision.

SANITARY SEWER CONSTRUCTION

It is further agreed that upon execution of the Agreement, the SUBDIVIDER shall deposit, with the DELAWARE COUNTY SANITARY ENGINEER the sum of \$5,610.00, estimated to be necessary to pay the cost of inspection by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall in his sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund, as result of charges against the same at the rate of :

INSPECTOR \$40.00
CAMERA TRUCK \$150.00

per hour for time spent by said SANITARY ENGINEER or his staff has been depleted to a level of less than \$1,000.00, the SUBDIVIDER shall make an additional deposit of \$1,000.00 to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to \$0.50 per foot of sewer which will be deducted to cover the one year reinspection.

The SUBDIVIDER for a period of five (5) year after acceptance of the IMPROVEMENTS by the COUNTY,

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shall be responsible for defective materials and or workmanship. All warranties for equipment installed as part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

The subdivider shall provide to the COUNTY all necessary easements or right of ways required to complete the IMPROVEMENTS all of which shall be obtained at the expense of the SUBDIVIDER.

The COUNTY shall upon certification in writing from the DELAWARE COUNTY SANITARY ENGINEER that all construction is complete according to the plans and specifications by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required, As built drawings on the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible Mylar and 3.5 or 5.25 Diskettes in either Autocade DWG files or DXF files.

The SUBDIVIDER shall within thirty (30) days of completion of construction, furnish to the COUNTY an itemized statement showing the cost of IMPROVEMENTS and an affidavit that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance Bond or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The SUBDIVIDER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

Should the SUBDIVIDER become unable to carry out the provisions of this AGREEMENT, the SUBDIVIDER'S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this AGREEMENT.

IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or his agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

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

RESOLUTION NO. 99-922

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS IN THE VILLAGE AT WALKER WOOD, WALKER WOOD, SECTION 2, PHASE 2, AND WHITETAIL MEADOWS:

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

Village at Walker Wood	2,250 feet of 8 inch sewer	10 manholes
Walker Wood, Section 2, Phase 2	1,420 feet of 8 inch sewer	7 manholes
Whitetail Meadows	1,480 feet of 8 inch sewer	5 manholes

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

RESOLUTION NO. 99-923

IN THE MATTER OF APPROVING RESOLUTION TO CLARIFY COLLECTION OF HOTEL AND MOTEL LODGING TAX:

It was moved by Mr. Ward, seconded by Mrs. Martin the following resolution to be adopted:

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WHEREFORE: The board of County Commissioners has previously approved the collection of a 3% tax on Lodging within Delaware County §5739.02(C)(3), and

WHEREFORE: The City of Columbus collects a 5.1% tax on lodging within its municipal territory pursuant to O.R.C. §§5739.02(C) (1) and §5739.024(B), and

WHEREFORE: The City of Columbus began collecting a tax greater than 3% on lodging within its municipal territory in 1980, and

WHEREFORE: Delaware County did not begin to collect its tax on lodging until 1996, and

WHEREFORE: The laws of Ohio do not allow counties to collect a lodging tax in a municipal corporation If the municipal corporation has previously enacted a tax on lodging greater than 3%,

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

1. Delaware County, by and through the Delaware County Auditor, shall continue to collect a 3% tax on lodging in all territory of Delaware County not within the municipal limits of the City of Columbus. This revenue shall continue to be used in accordance with O.R.C. §5739.02.
2. Delaware County and the Delaware County Auditor shall cease collection of Delaware County's 3% lodging tax in the territory of Delaware County that is within the municipal limits of the City of Columbus.

The foregoing motion having been put to vote, the result of the roll call was as follows:

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

RESOLUTION NO. 99-924

IN THE MATTER OF APPROVING RESOLUTION FOR REQUIRING CERTAIN DOCUMENTATION FILED WITH THE COUNTY RECORDER'S OFFICE TO BE PREPARED AS A PHOTO-POSITIVE:

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

WHEREFORE: Ohio law requires the recording or certain documents, drawings, plats and dedications by and within the office of the County Recorder, and

WHEREFORE: It is necessary to maintain those documents, drawings, plats and dedications in a manner conducive to storage and sufficient to preserve those filings in readable form for future generations, and

WHEREFORE: The Board of County Commissioners is authorized by §9.01 of the Ohio revised Code to require the filing and recording documents, drawings, plats and dedications in any photographic or electromagnetic process that is deems fit, and

WHEREFORE: The County Recorder of Delaware County has requested that certain documents, drawings, plats and dedications filed in her office be prepared as photo-positives,

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

1. All Subdivision Plats, Condominium Drawings, Condominium Site Plans and Road Dedications filed with the Delaware County Recorder's Office must be prepared and submitted by the person or entity submitting the filing as a photo-positive so as to be conducive to storage and sufficient to preserve the filings in readable form.

The foregoing motion having been put to vote, the result of the roll call was as follows:

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

RESOLUTION NO. 99-925

IN THE MATTER OF TRANSFERRING THE AUTHORITY FROM THE DELAWARE COUNTY COMMISSIONERS TO THE DELAWARE COUNTY TRANSIT BOARD FOR THE APPLICATION PREVIOUSLY FILED WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) FOR CALENDAR YEAR 2000 GRANTS:

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

Whereas, the Board of County Commissioners have passed a resolution authorizing the filing of the application on their behalf; and

Whereas, a County Transit Board has been created to operate the transit system for Delaware County; and

Whereas, the Board of County Commissioners wish to transfer the authority of the application to the Transit Board; and

Whereas, the grant contract shall be between the Ohio Department of Transportation, ODOT, and the Delaware County Transit Board.

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

1. That The Delaware County Commissioners transfer the authority and rights of the ODOT grant application to The Delaware County Transit Board.
2. That The Delaware County Commissioners do hereby repeal resolution 99-694 and eliminate their authorization to file the application for CY 2000 Operating and Capital grant funds.

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

RESOLUTION NO. 99-925-A

Mr. Wuertz opened the hearing at 7:30 p.m.

Mr. Gordon gave a brief overview of the Annexation.

It was moved by Mrs. Martin and seconded by Mr. Wuertz to close the public hearing at 7: 35 p.m.

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

RESOLUTION NO. 99-926

ORDER OF COMMISSIONERS FOR ANNEXATION OF 5.121 ACRES IN LIBERTY TOWNSHIP TO VILLAGE OF POWELL:

I was moved by Mr. Ward, seconded by Mrs. Martin for annexation of 5.121 acres in Liberty Township to Village of Powell.

The Commissioners of Delaware County, Ohio having on the 1st. days of November heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the Village of Powell, and having in open meeting heard all the persons desiring to be heard for or against the granting of said petition had having considered any affidavits presented with reference thereto and being fully advised in the premises do find that:

1. The petition contains all matters required by Sections 709.02 of the Ohio Revised Code;
2. Notice has been published as required by the Ohio Revised Code Section 709.03 and 709.031 and Ordinance has been adopted by and submitted by the Village of Powell as required by Section 709.031(B) of the Revised Code;
3. The persons whose names are subscribed to the petition are the real owners of real estate in the territory described in the petition and as of the time the petition was filed with this Board of County Commissioners the number of valid signatures on the petition constitute a majority of the owners of real estate in the territory proposed to be annexed.
4. The territory included in the annexation petition is not unreasonably large;
5. The plat of the territory to be annexed is accurate, and
6. The general good of the territory sought to be annexed will be served if the annexation petition is granted, and

It is hereby ordered that the prayer of said petition be granted and that the territory described in said petition be annexed, signed by a majority in accordance with law, and that a certified transcript, signed by a majority of this Board, of all orders and proceedings of said Board relative to said petition and the hearing thereon, together with said petition and the maps attached hereto, and all papers on file relating to said matter, be delivered to the

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Clerk of the Village of Powell, Ohio.

Dated this 1st. day of November, 1999.

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

RESOLUTION NO. 99-927

IN THE MATTER OF ADOPTING A RESOLUTION THAT CORRECTLY IDENTIFIES WHAT HAS BEEN KNOWN AS THE DELAWARE COUNTY 9-1-1 CENTER AS THE DELAWARE COUNTY 9-1-1 CENTER AND COUNTYWIDE COMMUNICATIONS FACILITY.

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

WHEREAS, the Delaware County Commissioners in 1987 created the Delaware County 9-1-1 Center under the Board of County Commissioners, and

WHEREAS, since 1987 the Delaware County 9-1-1 Center has provided both emergency and non-emergency communications for public safety agencies throughout Delaware County, and

WHEREAS, the State Legislature has, pursuant to §307.63 of the Ohio Revised Code designated that non-emergency communications of public safety agencies may be provided by and shall be identified as Countywide Communications Facilities, and

WHEREAS, the State Legislature has provided that those counties where the Board of County Commissioners were providing non-emergency communications to public safety agencies prior to the effective date of O.R.C. §307.63, could continue to maintain those services as a Countywide Communications Facility under the Board of County Commissioners, and

WHEREAS, the Delaware County Commissioners desire to identify their facilities as the Delaware County Countywide Communications Facility, and

WHEREAS, the Delaware County Commissioners desire to continue to operate the Delaware County 9-1-1 Center, and

WHEREAS, the Delaware County Commissioners desire to continue to provide both services to our citizens in the most efficient and cost effective manner;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County resolve to continue the operation of countywide communications services and to designate the facilities as the **Delaware County 9-1-1 Center and Countywide Communications Facility**, to provide the most integrated and cost efficient operation to meet the needs of our citizens.

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

There being no further business, the meeting adjourned.

Deborah Martin

James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners