

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 22, 1999**

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

Present: Deborah Martin, Donald Wuertz                      Absent: Mr. Ward

**RESOLUTION NO. 99-969**

**IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR MEETING HELD NOVEMBER 15, 1999:**

It was moved by Mrs. Martin, seconded by Mr. Wuertz to dispense with the reading of the minutes and resolutions of the regular meeting held November 15, 1999, and to approve resolutions and minutes as submitted.

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

**PUBLIC COMMENT**

Ms. Judy Brozek spoke expressing concerns that the drainage in the River Bend Development is not being installed properly. Mr. Wuertz explained this is an engineering issue and the Commissioners are not in a position to address engineering issues. He suggested she speak with Chris Bauserman, County Engineer.

**RESOLUTION NO. 99-970**

**IN THE MATTER OF APPROVING FOR PAYMENT WARRANTS NUMBERED 257430 THROUGH 257904:**

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve for payment warrants 257430 through 257904 on file in the office of the Delaware County Commissioners.

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

**RESOLUTION NO. 99-971**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

Commissioners are requesting that Letha George attend the Public Records Survival at Sharonville on December 15, 1999, in the amount of \$95.00.

Human Services is requesting that Mona Reilly attend the OHSDA District Meeting at Chillicothe on December 1, 1999, in the amount of \$15.00.

Buildings is requesting that Rick Irvine attend the Fire Sprinkler Seminar at Columbus on December 13 through December 14, 1999, in the amount of \$199.00.

Human Services is requesting that Diana Bratton and Connie Ward attend the Head Start / Child Care Partnership at Columbus on December 1, 1999, in the amount of \$35.00.

Human Services is requesting that Perry Harper attend the Civil Rights Training at Columbus on December 15, 1999, in the amount of \$34.50.

County Engineer is requesting that Jewell Layton and Bill Stillions attend the Seminar on ArcInfo 8 at Columbus on November 23, 1999, in the amount of \$28.60.

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

**RESOLUTION NO. 99-972**

**IN THE MATTER OF SETTING DATE AND TIME FOR HEARING OF ANNEXATION PETITION FILED FOR ANNEXATION OF LANDS 1.15, MORE OR LESS, ACRES FROM ORANGE TOWNSHIP TO CITY OF COLUMBUS AND GIVING NOTICE OF SAME TO AGENT FOR PETITIONERS:**

It was moved by Mrs. Martin, seconded by Mr. Wuertz 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

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 22, 1999**

Whereas, David P. Sunderman, Attorney-at- Law, 25 W. Central Ave., P.O. Box 1340, Delaware, Ohio, 43015-8340 has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, **January 31, 2000, 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.

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

**RESOLUTION NO. 99-973**

**IN THE MATTER OF ACCEPTING ROADS IN HARVEST WIND, PHASE 3 AND WALKER WOOD, SECTION 6:**

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

**Harvest Wind, Phase 3**

- An extension of 0.16 mile to **Township Road Number 659, Harvest Wind Drive**
- An extension of 0.07 mile to **Township Road Number 688. Spring Run Drive**

Approval to return the Letter of Credit being held as maintenance surety to the developer, Romanelli and Hughes.

**Walker Wood, Section 6**

- **Maxwell Avenue**, to be known as **Township Road Number 872**
- **Hayer Court**, to be known as **Township Road Number 873**
- **Reeves Avenue**, to be known as **Township Road Number 874**

Approval to return the Bond being held as maintenance surety to the developer, Rockford Homes.

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

**RESOLUTION NO. 99-974**

**IN THE MATTER OF AUTHORIZING STOP CONDITIONS IN HARVEST WIND, PHASE 3 AND WALKER WOOD, SECTION 6:**

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

**Harvest Wind, Phase 3**

- On Township Road Number 659, Harvest Wind Drive, at its intersection with Township Road Number 688, Spring Run Drive

**Walker Wood, Section 6**

- On Township Road Number 873, Hayer Court, at its intersection with Township Road Number 872, Maxwell Avenue
- On Township Road Number 874, Reese Avenue, at its intersection with Township Road Number 872, Maxwell Avenue.

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

**RESOLUTION NO. 99-975**

**IN THE MATTER OF APPROVING THE SUBDIVIDER'S AGREEMENT FOR RIVER BEND, SECTION 4, PHASE 1:**

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

**SUBDIVIDER'S AGREEMENT**

**THIS AGREEMENT** executed on this 22nd day of November, 1999, between **PLANNED COMMUNITIES, INC.** as evidenced by the **RIVER BEND SECTION 4, PHASE 1** Construction plans

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 22, 1999**

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filed with the **Delaware County Engineer**, Delaware County, Ohio and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** is governed by the following considerations, to wit:

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** shall, at the time of plat approval, execute bond, certified check, irrevocable letter of credit or other approved financial warranties equal to the cost of any remaining construction as shown in the Engineer's Estimate approved November 3, 1999, 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 all improvements.

The **SUBDIVIDER** shall indemnify and save harmless the **County, Townships and/or Villages** and all of their officials, employees or agents from 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 actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method 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 year from the date of the approval of said subdivision by the **COUNTY COMMISSIONERS**. But an 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 plans and specifications and shall have the 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.

If no bonding or performance surety has been filed, then no subdivision plat will be approved until a performance bond has been approved or until all public improvements have been made. In either case, the **SUBDIVIDER** further agrees that any violations or non-compliance 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.

If a subdivision plat has been approved with the necessary bonding, then the **COUNTY** shall have the right to act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

**ROADWAY AND STORM DRAINAGE**

It is further agreed that upon execution of the **AGREEMENT**, the **SUBDIVIDER** shall deposit **FOURTEEN THOUSAND FIVE HUNDREDDOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer** and, if deemed necessary by the **Delaware County Engineer**, testing by an independent laboratory, and the cost of street and traffic control signs. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **SUBDIVIDER** shall replenish the account, upon notice by the **Delaware County Engineer**. Upon completion and acceptance of the construction, the remaining amount in the fund shall be returned to the **SUBDIVIDER**, with the exception of a nominal amount for the final inspection at the end of the maintenance period.

The **County** reserves the right during construction and thereafter to permit connection of adjoining properties within the original drainage basin to the storm sewer system.

Upon completion of construction, the **SUBDIVIDER** shall be responsible for the maintenance, repair or reconstruction of any and all defective materials or workmanship for a period of one year. Said **SUBDIVIDER'S** bond or certified check or irrevocable letter of credit may be reduced to an amount estimated by the **County Engineer** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer's** satisfaction. All work is to be done in accordance to the **Ohio Department of Transportation Specifications**.

Acceptance of the roads and drainage structures in said subdivision into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **SUBDIVIDER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

Any snow and ice removal or other safety requirements deemed necessary by the **County Engineer** during the period of construction or maintenance shall be the responsibility of the **SUBDIVIDER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

**CONSTRUCTION**

The **SUBDIVIDER** shall, within thirty (30) days following the completion of construction and prior to final acceptance, furnish to **Delaware County**, as required, "as-built" drawings of the improvements, which plans shall become the property of the **County** and remain in the office of the **Delaware County Engineer**.

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 material incident to said construction of improvements.

The **SUBDIVIDER** shall, during 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.

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 22, 1999**

The **SUBDIVIDER** shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The **SUBDIVIDER** shall be responsible for all utility charges and installation costs. 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 **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **SUBDIVIDER** or his agent the right and privilege to make the improvements stipulated herein.

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

**RESOLUTION NO. 99-976**

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

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

<i>Permit #</i>	<i>Applicant</i>	<i>Location</i>	<i>Type of Work</i>
2321	Time Warner Comm.	Horseshoe Road	Bury cable

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

**RESOLUTION NO. 99-977**

**IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR VARIOUS SIZES AND LENGTHS OF TREATED WOOD FOR BRIDGE FLOORING; READY MIX CONCRETE; VARIOUS SIZES OF 3-SIDED FLAT TOPPED CONCRETE CULVERTS; VARIOUS SIZES REINFORCED BOX CULVERTS; VARIOUS SIZES OF 3-SIDED REINFORCED CONCRETE ARCH CULVERTS; ITEM 606 GUARDRAIL, TYPE 4, 5 AND 7 AND STEEL GALVANIZED GUARDRAIL POST; HAULING TO VARIOUS JOBSITE FROM ESTABLISHED SOURCES; CORRUGATED METAL PIPE MATERIALS; REINFORCED CONCRETE PIPE MATERIALS; CORRUGATED POLYETHYLENE TUBING & PIPING MATERIALS; CRUSHED LIMESTONE MATERIAL ITEMS AND SS921 COLD MIX; VARIOUS SIZES, LENGTHS AND SHAPES OF REINFORCING STEEL FOR CONCRETE REINFORCEMENT;VARIOUS ROLLED STEEL SHAPESAND STEEL BEAM BRIDGES(DESIGN/BUILD)S:**

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve specifications and set bid opening date and time for **Monday, December 13, 1999, at 10:00 AM.**

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

**RESOLUTION NO. 99-978**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

Kent Harris is resigning his position as part time Paramedic for EMS; effective date of resignation is November 22, 1999.

Robert Glaze is resigning his position as Paramedic for EMS; effective date of resignation is November 26, 1999.

Crystal Ufferman has accepted our offer of employment as Social Services Worker II for Human Services; effective date of hire is November 29, 1999.

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

**RESOLUTION NO. 99-979**

**IN THE MATTER OF SANITARY SEWER PLANS APPROVAL IN THE VILLAGE AT ALUM CREEK, SECTION 5 AND WILSHIRE ESTATES, SECTION 3, PHASES 1 & 2:**

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve sanitary sewer plans for The Village at Alum Creek, Section 5 and Wilshire Estates, Section 3, Phases 1 & 2 for submittal to the Ohio EPA for their approval



COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 22, 1999

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There being no further business, the meeting adjourned.

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Deborah Martin

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James D. Ward

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Donald Wuertz

Letha George, Clerk to the Commissioners