

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 7, 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. 99-743**

**IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR  
MEETING HELD AUGUST 30, 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 August 30, 1999, and to approve resolutions and minutes as submitted.

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

**PUBLIC COMMENT**

**RESOLUTION NO. 99-744**

**IN THE MATTER OF APPROVING FOR PAYMENT WARRANTS NUMBERED 250673  
THROUGH 251320:**

It was moved by Mr. Ward, seconded by Mrs. Martin to approve for payment warrants 250673 through 251320 on file in the office of the Delaware County Commissioners.

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

**RESOLUTION NO. 99-745**

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

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

Administrative Services is requesting that Rachel Stull and Myra Williamson attend the Ohio Human Resource Conference at Cincinnati on September 29 through October 1, 1999, in the amount of \$1,080.00.

OECC is requesting that Rick Varner attend the WEFTEC 99 at New Orleans, La. on October 9 through October 13, 1999, in the amount of \$1,770.00

Human Services is requesting that Angela Thomas and Mona Reilly attend the Executive Leadership Training at Ohio University on October 4 through October 7, 1999, in the amount of \$305.00.

Prosecutor's Office is requesting that Dane Gaschen and Marianne Hemmeter attend the Sexual Assault Training / Seminar at Fort Wayne on September 21 through September 23, 1999, in the amount of \$605.00.

Environmental Services is requesting that Paul Sandstrom attend the Compost Seminar at Wooster on October 5, 1999, in the amount of \$150.00.

Environmental Services is requesting that Larry Reed, Bob Evans, Lyndon Johnson, Jeff Butterfield and Ken Rosenbaum attend the Aries Training Seminar on TV Inspection at Columbus on September 15, 1999, in the amount of \$340.00.

Treasurer is requesting that Dale Wilgus and Linda Fraker attend the Manufactured Home Seminar at Columbus on September 27, 1999, in the amount of \$52.00.

Administrative Services is requesting that Cindi Blair attend COBRA – Update Seminar at JVS South on September 21, 1999, in the amount of \$83.50.

Administrative Services is requesting that Christine Shaw attend Video Teleconference for Records Retention at Columbus on September 17, 1999, in the amount of \$37.00.

Code Compliance is requesting that Fred Fowler & Joe Scherler attend "Manufactured Home" Seminar at Plain City on September 8, 1999, in the amount of \$100.00.

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

**RESOLUTION NO. 99-746**

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**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:

**TRANSFER OF FUNDS**

FROM:	TO:	AMOUNT:
111-4530-047	003-4520-087	\$
Children's Services-Transfers	Public Assistance-Interfund Revenue	131,426.90

**TRANSFER OF APPROPRIATION**

FROM:	TO:	AMOUNT:
003-4540-020	003-4540-040	\$
Public Assistance-Srvs & Chrgs	Public Assistance-Capital Outlay	6,793.00

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

**RESOLUTION 99-747**

**IN THE MATTER OF APPROVING SUBDIVISION PLAT FOR WALKER WOOD SECTION 2, PART 2; PLAT HIGHLAND LAKES NORTH, SECTION 6, PART 1:**

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

**Walker Wood Section 2, Part 2**

Situated in the State of Ohio, County of Delaware, Township of Orange, and in Farm Lot 23, Quarter Township 4, Township 3, Range 18, United States Military Lands, containing 15.244 acres of land, more or less, said 15.244 acres being comprised of a part of each of those tracts of land conveyed to PLANNED COMMUNITIES, INC. by deeds of record in Deed Book 618, Page 571, Deed Book 618, Page 575, Deed Book 618, Page 579, Deed Book 618, Page 583, Deed Book 618, Page 365, Deed Book 618, page 768, and part (1.439 acres) of that tract of land conveyed to NORMA J. CUNNINGHAM by deed of record in Deed Book 530, Page 452, and part (2.627 acres) of that tract of land conveyed to MARTIN THOMPSON, JR. and ELEANOR R. THOMPSON by deed of record in Deed Book 506, Page 433, all being of record in the Recorder's Office, Delaware County, Ohio. Lot fee in the amount of \$81.00.

**Highland Lakes North, Section 6, Part 1**

Situated in the State of Ohio, County of Delaware, Township of Genoa and in Farm Lot E, Quarter Township 2, Township 3, Range 17, United States Military Lands, containing 11.412 acres of land, more or less, said 11.412 acres being comprised of that part of that tract of land conveyed to PLANNED COMMUNITIES, INC. by deed of record in Deed Book 621, Page 192, and part of that tract of land conveyed to PLANNED COMMUNITIES, INC. by deed of record in Deed Book 658, Page 325, Recorder's Office, Delaware County, Ohio. Lot fee in the amount of \$75.00.

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

**RESOLUTION 99-748**

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

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

<i>Permit #</i>	<i>Applicant</i>	<i>Location</i>	<i>Type of Work</i>
2227	Columbia Gas	S. Old 3C Highway	Install gas main
2227	General Telephone	Thomas Road	Place telephone cable
2257	Sprint Telephone	Trenton Road	Place buried service

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

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RESOLUTION NO. 99-749

IN THE MATTER OF AUTHORIZING THE REMOVAL OF THE TEMPORARY SPEED  
REDUCTION ON WORTHINGTON AND AFRICA ROADS:

It was moved by Mrs. Martin, seconded by Mr. Ward to authorize the removal of the temporary speed reduction on Worthington and Africa Roads.

Whereas, On June 7, 1999, the Delaware County Commissioners approved establishing temporary speed limit reduction to 35 miles per hour on Worthington and Africa Roads during the period of heavy construction in the area, and

Whereas, the major work in this area has been completed and the Delaware County Engineer has determined the temporary speed reduction is no longer needed.

Therefore Be It Resolved, the temporary speed limit reduction be removed at the following locations.

1. On County Road 13, Worthington Road, starting ½ mile south of County Road 21, Africa Road, and ending at the intersection with Township Road 453, Highland Lakes Avenue.
2. On County Road 21, Africa Road, starting at the intersection with Township Road 355, Parkmoor Drive, and ending ½ mile north of County Road 13, Worthington Road.

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

RESOLUTION NO. 99-750

IN THE MATTER OF AUTHORIZING TEMPORARY SPEED LIMIT REDUCTIONS IN HEAVY  
CONSTRUCTION AREAS OF THE COUNTY:

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

Whereas, Due to the closure of a portion of Home Road, the Delaware County Engineer is requesting a temporary speed limit reduction to 35 miles per hour on Hyatts Road between South Section Line and Liberty Roads which is being used as a detour during the closure.

Whereas, Section 5577.07 of the ORC provides for this type of reduction.

Therefore Be It Resolved, the Delaware County Commissioners authorize the temporary speed limit reduction to 35 miles per hour on Hyatts Road between South Section Line and Liberty Roads.

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

RESOLUTION NO. 99-751

IN THE MATTER OF APPROVING A CONTRACT WITH GUDENKAUF CORPORATION FOR  
THE WAN FIBER OPTIC BACKBONE PROJECT:

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

This agreement is made this day 30<sup>th</sup> day of August, 1999; pursuant to Resolution # 99-751 between, Delaware County Board of Commissioners, hereinafter referred to as "the County" and Gudenkauf Corporation, 2679 McKinley Ave., Columbus, Oh. 43204, hereinafter referred to as "the Contractor".

SECTION 01              SCOPE OF SERVICES

- 1.1 The contractor hereby agrees to furnish and deliver, at their own cost and expense, all items of equipment, machinery, supplies and labor as set forth in the Delaware County Board of Commissioners, WAN Fiber Optic Project, Which documents are attached hereto as Exhibit A, and which are hereby made a part of this contract by reference.
- 1.2 Contractor will obtain and pay for all permits or approvals required by law to complete the work specified in this contract.
- 1.3 Contractor shall identify, in writing, a project coordinator who will:
  - A) Coordinate the installation and delivery of all contracted items.
  - B) Be the point-of-contact on all contract issues including installation and warranties.
  - C) Supply brief weekly reports on project status to Steve Lewis, Data Center Director via Fax at (740) 368-1719.

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**SECTION 02      COMPENSATION**

- 2.1 That the County hereby agrees to pay the Contractor a sum not to exceed Two hundred thirty-three thousand, seven hundred forty-three dollars (\$233,743.00) for the work specified in Section 1 above.
- 2.2 Payment shall be based on a schedule of values submitted on AIA documents G702 and G703 prepared by the Contractor. Contractor agrees to invoice the County monthly. Contractor further agrees to deduct a retainage of ten percent (10%) from each invoice. The County agrees to pay the retainage thirty (30) days after the acceptance of the system. The County agrees to pay invoices within thirty (30) days of acceptance.
- 2.3 The agreed upon start date of the project is September 13, 1999, and the agreed upon completion date is December 31, 1999.
- 2.4 The County maintain its right to cancel any phase(s) of this project as stated in the Invitation to Bid Document (Appendix A). The County will notify the Contractor in writing of its intent to cancel a phase not less that fourteen(14) days prior to the agreed upon and documented start date for the phase it wishes to cancel. The appropriate dollar amount will be subtracted in accordance with the original bid submitted by the Contractor.

**SECTION 03      MODIFICATION OF CONTRACT**

- 3.1 This contract can only be modified by a written agreement signed by both the County and Contractor and approved by the *Delaware Board of Commissioners*.

**SECTION 04      NOTICES**

- 4.1 All notices under this agreement must be in writing and be delivered by Certified mail, Return receipt requested, to the other party listed below:

For <u>Delaware County</u> :  Steve Lewis Data Center Director Delaware County Commissioner 101 N. Sandusky Street Delaware, Ohio 43015	For <u>Gudenkauf Corporation</u>  S. C. Potterton Vice-President Gudenkauf Corporation 2679 McKinley Ave. Columbus, Ohio 43204
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**SECTION 05      DEFAULTS**

- 5.1 All work shall be completed, in a skillful fashion, within the time mutually agreed upon by the County and the Contractor.
  - A) The contractor understands it is installing fiber optic cabling for the specific purpose of the development of Delaware County's Wide Area Computer Network, and warrants that the materials and workmanship are suitable for said use.
- 5.2 If the Contractor defaults and neglects to carry out the work in accordance with this contract, and fails within five (5) working days after receipt of notice of the default to commence and continue correction of such default or neglect with diligence and promptness; County may, without prejudice to any other remedies, make good such deficiencies and deduct the cost thereof from payment then and thereafter due Contractor.
- 5.3 If Contractor fails or neglects to carry out the work in accordance with the contract, or otherwise to perform in accordance with this agreement, and fails within five (5) working days after receipt of notice of said default to commence and continue correction of such default or neglect with diligence and promptness; County may, after five (5) day period, terminate this contract and finish work by whatever means it may deem expedient. In the event of termination of this contract, any compensation due to the Contractor for work performed shall be negotiated by the County and the Contractor.

**SECTION 06      BREACH OF CONTRACT**

- 6.1 Contractors' breach of any of the terms or conditions found herein shall constitute a breach of the agreement, and the County may cure such breach by any means contained in this agreement, or by any remedies available in law or equity, in the State of Ohio.
- 6.2 Time is of the essence in carrying out the terms and conditions of this agreement; however,

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any reasonable delay to the Contractor's performance that is caused by circumstances out of the control of the Contractor shall not constitute a breach of this agreement, provided Contractor acts to complete services under this contract within five (5) working days of receipt of a notice of default.

**SECTION 07 CONFLICT OF INTEREST**

7.1 The Contractor covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict with the performance of services required to be performed under this contract. The Contractor further covenants that in the performance of the contract, no person having such interest shall be employed.

**SECTION 08 COUNTY EMPLOYEES**

8.1 No officer or employee of the County shall have any interest, direct or indirect, in any contract with the County for any supplies, materials, service or land, except on behalf of the Count as an officer or employee.

**SECTION 09 CITY INCOME TAX**

9.1 Pursuant to an applicable City of Delaware codes, said Contractor hereby agrees to withhold all City Income Taxes due or payable for wages, salaries and commissions paid to its employees and further agrees that any of its Subcontractors shall be required to agree to withhold any such City Income Tax due under said chapter for services performed under this contract.

**SECTION 10 PREMIUMS**

10.1 This Agreement does not establish an employer/employee relationship between the County and the Contractor. The Contractor is an independent contractor, and is responsible for paying all of its own workers' compensation premiums.

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

**RESOLUTION 99-752**

**IN THE MATTER OF APPROVING SPECIFICATIONS AND SETTING BID OPENING DATE FOR UNIFORMS AND UNIFORM SUPPLIES FOR THE DELAWARE COUNTY EMERGENCY SERVICES AND THE DELAWARE COUNTY DOG WARDEN:**

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

WHEREAS, the Delaware County Emergency Services Directorate and County Dog Warden desire to establish a process for the purchase and maintenance of personnel uniform items, and

WHEREAS, THE Delaware County Emergency Services Directorate and County Dog Warden have established specifications for the uniform purchase process, and

WHEREAS, the Delaware County government desires to ensure that the cost, quality and quantity of uniforms in this purchase process meets the needs of the county and that this process is in keeping with their desire to utilize tax revenue from the citizens to the best advantage and in keeping with the Ohio Revised Code;

NOW THEREFORE BE IT RESOLVED: that the Board of County Commissioners of Delaware County will accept sealed bids to supply uniforms and uniform items to the Emergency Services Directorate and County Dog Warden based on available specifications at **10:00 a.m. prevailing time on September 27, 1999.**

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

**RESOLUTION NO. 99-753**

**IN THE MATTER OF APPROVING SANITARY SEWER PLANS FOR MEDALLION ESTATES , SECTION 7A:**

It was moved by Mr. Ward, seconded by Mrs. Martin to approve sanitary sewer plans for Medallion Estates, Section 7A for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

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**RESOLUTION 99-754****IN THE MATTER OF APPROVING SANITARY SEWER AGREEMENT WITH TWO TREES:**

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the following Subdivider's Agreement.

**Two Trees**

This agreement executed on this 26 day of August, 1999, by and between JIANGELO BUILDERS SUBDIVIDER, as evidenced by the TWO TREES and THE BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio is governed by the following considerations and conditions, 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 is to execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$47,100.00) 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 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 this agreement the SUBDIVIDER shall deposit, with the DELAWARE COUNTY SANITARY ENGINEER the sum of \$2,800.00 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 re-inspection.

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.

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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 to Motion                      Mr. Wuertz              Aye              Mr. Ward              Aye              Mrs. Martin              Aye

**RESOLUTION NO. 99-755**

**IN THE MATTER OF AWARDING CONTRACT TO I. L. C. DOVER, INC. FOR OECC SLUDGE TANK COVERS:**

It was moved by Mrs. Martin, seconded by Mr. Ward to award the contract to I.L.C. Dover, Inc. for OECC Sludge Tank Covers in the amount of \$153,000.00.

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

**RESOLUTION NO. 99-756**

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

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

Melanie Marshall has resigned her position as Social Service Worker 3; effective date of termination is September 3, 1999.

James W. Tharp has accepted the offer of employment as a part time Med Tech I for EMS; effective date of employment is September 6, 1999.

Timothy M. Davis has been promoted to Med Tech II for EMS; effective date of promotion is September 6, 1999.

Polly A. Ullom has been promoted to Med Tech II for EMS; effective date of promotion is September 6, 1999.

Angela Thomas has been promoted to Assistant Director of the Human Services Department; effective date of promotion is July 17, 1999.

Carrie Richards has resigned her position as Economic Development Specialist; effective date of resignation is September 20, 1999.

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

**RESOLUTION 99-757**

**IN THE MATTER OF SETTING DATE AND TIME FOR HEARING OF ANNEXATION PETITION FILED FOR ANNEXATION OF LANDS 5.121, MORE OR LESS, ACRES FROM LIBERTY TOWNSHIP TO VILLAGE OF POWELL AND RESCINDING RESOLUTION NO. 99-701:**

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 Liberty Township to Village of Powell, and

Whereas, David J. Gordon, 40 North Sandusky Street, Suite 300, Delaware, Ohio 43015 has been designated as agent for the petitioners, and

Whereas, the date and time set in Resolution No. 99-701 was not acceptable with all parties, it is necessary to rescind Resolution No. 99-701 and establish a new date and time,

Therefore Be It Resolved, that **Monday, November 1, 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 709.02 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                      Mrs. Martin                      Aye                      Mr. Wuertz                      Aye

**RESOLUTION NO. 99-758**

**IN THE MATTER OF SETTING DATE AND TIME FOR FILING APPLICATIONS FOR DESIGNATION OF PUBLIC DEPOSITORY OF ACTIVE (PUBLIC) FUNDS FOR DELAWARE COUNTY FOR A TWO YEAR PERIOD COMMENCING OCTOBER 1, 1999 PURSUANT TO PROVISIONS OF SECTION 135.33 OF THE OHIO REVISED CODE:**

It was move by Mrs. Martin, seconded by Mr. Ward to set **Monday, September 20, 1999, at 10:00 a.m.** at the Commissioners Office, 101 North Sandusky Street, Delaware, Ohio, as the deadline for filing the active depository designation of County Active Funds for a two year period commencing October 1, 1999. The County Treasurer having estimated that the total aggregate of all such active fund public depositories in the County Treasury during this period will not exceed \$40,000,000.00. Further, the Board of Commissioners shall designate said depositories.

The Clerk shall give notice of this action to all eligible institutions.

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

**RESOLUTION 99-759**

**IN THE MATTER OF ANNEXATION HEARING OF 1.042 ACRES IN SCIOTO TOWNSHIP TO VILLAGE OF OSTRANDER:**

Mr. Wuertz opened the Public Hearing at 7:30 PM.

The Clerk certified that all the paper work for the annexation has been submitted and in in order.

Mr. David Gordon, Agent for the petition, gave a brief presentation on the location, the reason for annexation and the plans for the site.

There was no opposition voiced. Mrs. Martin moved to close the hearing at 7:35 p.m. Mr. Ward seconded.

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

**RESOLUTION NO. 99-760**

**ORDER OF COMMISSIONERS FOR ANNEXATION OF 1.042 ACRES OF LAND FROM SCIOTO TOWNSHIP TO VILLAGE OF OSTRANDER:**

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



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The Commissioners of Delaware County, Ohio having on the 7<sup>TH</sup> day of September 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 Ostrander, 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 Ostrander 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 Clerk of the Village of Ostrander.

Dated this 7<sup>th</sup> day of September, 1999.

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

**RESOLUTION NO. 99-761**

**IN THE MATTER OF CONTINUATION OF ANNEXATION HEARING FOR 87.677 ACRES,  
MORE OR LESS, IN BERKSHIRE TOWNSHIP TO VILLAGE OF GALENA:**

Mr. Wuertz reconvened the Public Hearing at 8:00 PM.

Six people spoke in opposition of the annexation citing various reasons. After an hour of discussion, Mr. Ward moved to continue the hearing until October 4, 1999, at 7:30 p.m. This will give the prosecutor's office the opportunity to determine if Mr. Ward has subpoena power and if so whether it would be wise to utilize it.

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

**RESOLUTION NO. 99-762**

**IN THE MATTER OF CONTINUATION OF ANNEXATION HEARING FOR 20.153 ACRES  
FROM CONCORD TOWNSHIP TO VILLAGE OF SHAWNEE HILLS:**

Mr. Wuertz reconvened the Public Hearing at 9:20 PM.

Mr. Wuertz asked Mr. Gaschen to verify that the area to be annexed is contiguous and the maps are in order. Mr. Gaschen did so.

Mrs. Martin moved to close the hearing and Mr. Ward seconded.

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

**RESOLUTION NO. 99-763**

**ORDER OF COMMISSIONERS FOR ANNEXATION OF 20.153 ACRES FROM CONCORD  
TOWNSHIP TO VILLAGE OF SHAWNEE HILLS:**

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

The Commissioners of Delaware County, Ohio having on the 7<sup>TH</sup> day of September heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the

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Village of Shawnee Hills, 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 Shawnee Hills 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 Clerk of the Village Shawnee Hills.

Dated this 7<sup>th</sup> day of September, 1999.

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

There being no further business, the meeting adjourned.

\_\_\_\_\_  
Deborah Martin

\_\_\_\_\_  
James D. Ward

\_\_\_\_\_  
Donald Wuertz

Letha George, Clerk to the Commissioners