

**COMMISSIONERS JOURNAL NO. 40 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 13, 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

8:00 AM Duncan Whitney, Delaware County Prosecutor

8:15 AM - Executive Session

RESOLUTION NO. 99-764

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PENDING LITIGATIONS
AT 8:13 AM.**

It was moved by Mrs. Martin, seconded by Mr. Ward to adjourn into Executive Session:

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

RESOLUTION NO. 99-765

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 8:58 AM:

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

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

RESOLUTION NO. 99-766

**IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR
MEETING HELD SEPTEMBER 7, 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 September 7, 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. 99-767

**IN THE MATTER OF APPROVING FOR PAYMENT WARRANTS NUMBERED 251320
THROUGH 251902:**

It was moved by Mr. Ward, seconded by Mrs. Martin to approve for payment warrants 251320 through 251902 on file in the office of the Delaware County Commissioners.

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

RESOLUTION NO. 99-768

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Clerk of Courts is requesting that three Deputy Clerks attend the Passport Training Seminar at Columbus on September 24, 1999, in the amount of \$58.00.

Clerk of Courts is requesting that Betty Porter, Sandra Cramer and Kymm Morrow attend the Records Seminar at Columbus on September 17, 1999, in the amount of \$28.00.

911 is requesting that seven 911 Dispatchers attend the "Lessons Learned of Mass Casualties" at Buckeye Valley High School on October 23 through October 24, 1999, in the amount of \$140.00.

Commissioners are requesting that Jim Ward, Dave Cannon and Jon Melvin attend the County Financing & Construction Law Seminar at Columbus on October 12, 1999, in the amount of \$297.00.

Code Compliance is requesting that Dave La Valle attend the Land Use Law Update in Ohio Seminar at Columbus on October 13, 1999, in the amount of \$179.00.

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Probate Court is requesting that Marcia Kiggins attend the Continuing Education Course at Columbus on October 25, 1999, in the amount of \$125.00.

Probate Court is requesting that Rocky Orahood attend the Clerks Training Seminar at Columbus on October 6, 1999, in the amount of \$82.00.

Human Services is requesting that Jim Little & Angela Thomas attend the Pilot Team Conference at Columbus on September 20 through September 21, 1999, in the amount of \$48.00.

Human Services is requesting that Angela Thomas attend the Meeting of Activities of the Child Welfare Shareholder Group at Reynoldsburg on September 23, 1999, in the amount of \$21.00.

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

RESOLUTION NO. 99-769

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:
052-0079-020	C.H.I.P Housing 1999	\$ 200,000.00

TRANSFER OF APPROPRIATION

FROM:	TO:	AMOUNT:
001-0200-020 Veteran's Services - Srvs & Chrgs	001-0200-010 Veteran's Services – Salaries	\$ 2,400.00
001-2510-015 Common Pleas Court-Mat & Sup	001-2510-040 Common Pleas Court-Equipment	\$ 3,109.00

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

RESOLUTION NO. 99-770

IN THE MATTER OF FORWARDING THE LIQUOR LICENSE REQUEST OF GOLDEN STORES, 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. Wuertz to approve the following resolution.

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Liberty Township Trustees that Golden Stores, Inc., .DBA Dairy Mart 7401, has applied for a C2 Liquor Permit for the business located at 10215 Sawmill Parkway, Powell, Ohio 43065; and

Whereas, the Liberty 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.

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 .

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

RESOLUTION NO. 99-771

IN THE MATTER OF APPROVING SUBDIVISION PLATS FOR WALKER WOOD SECTION 4 AND SELDOM SEEN ACRES:

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

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Walker Wood Section 4

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 11.681 acres of land, more or less, said 11.681 acres being part of that tract of land conveyed to **PLANNED COMMUNITIES**, by deed of record in Deed Book 627, Page 749, Recorder’s Office, Delaware County, Ohio. Lot fee in the amount of \$57.00.

Seldom Seen Acres

Situated in the State of Ohio, County of Delaware, Township of Liberty, in Farm Lot 10, in Quarter Township 3, Township 3 North Range 19 West and in Farm Lots 35 & 36, in Quarter Township 4, Township 3 North , Range 19 West, United States Military Lands, and containing 118.693 acres of land, more or less, of which 75.112 acres, more or less, lies within Farm Lot 10, 22.505 acres (By Recent Survey), more or less, lies within Farm Lot 35 and 21.076 Acres (By Recent Survey), more or or less lies within Farm Lot 36, 49.793 acres of said 75.112 acres of land out of Farm Lot 10, having been conveyed to Murray and Sylvia E. Ebner by deed of record in Deed Book 661, Page 552, 19.319 acres of said 75.112 acres of land out Farm Lot 10, having been conveyed to Murray and Sylvia E. Ebner by deed of record in Deed Book 604, Page 812, 6.0 of said 75.112 acres of land out of Farm Lot 10, having been conveyed to Murray and Sylvia E. Ebner by deed of record in Deed Book 657, Page 715, said 22.505 acres in Farm Lot 35 having been conveyed as Parcel “D” to Louis V. & Doris Huffman by deed of record in Deed Book 342, Page 57 and said 21.076 acres in Farm Lot 36 having been conveyed as Parcel “C” to Louis V. & Doris Huffman by deed of record in Deed Book 561, Page 548, all references being to Recorder’s Office, Delaware, Ohio. Lot fee in the amount \$36.00.

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

RESOLUTION NO. 99-772

IN THE MATTER OF APPROVING DITCH MAINTENANCE PETITION FOR SHELLBARK RIDGE, PHASE 4:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the Ditch Maintenance Petition for Shellbark Ridge 4.

Ditch Maintenance Petition

We the undersigned owners of 18.09 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as Shellbark Ridge Phase 4 as evidenced by the subdivision plat (Exhibit “A” which is available at the County Engineer’s Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider’s agreement Exhibit “B” available at the County Engineer’s Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

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

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the Shellbark Ridge Phase 4 Subdivision.

The cost of the drainage improvements is \$165,354.00 and a detailed cost estimate is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Thirty -seven lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$4,464.03 per lot. An annual maintenance fee equal to 2% of this basis \$89.38 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$3,307.08 has been paid to Delaware County.

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

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

RESOLUTION NO. 99-773

IN THE MATTER OF APPROVING SUBDIVIDER’S AGREEMENTS FOR SAWMILL PARKWAY ROAD EXTENSION:

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It was moved by Mrs. Martin, seconded by Mr. Ward to approve the following Subdivider's Agreement for Sawmill Parkway Road Extension:

THIS AGREEMENT executed on this 13th day of September, 1999, between **SELDOM SEEN ACRES** as evidenced by the **SAWMILL PARKWAY ROAD EXTENSION** Subdivision Plat to be 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, 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 per the engineer's estimate approved September 7, 1999 in the amount of \$522,701.75, 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 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 on which this **AGREEMENT** is executed 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.

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.

ROADWAY AND STORM DRAINAGE

It is further agreed that upon execution of the **AGREEMENT**, the **SUBDIVIDER** shall deposit **SIXTY-FIVE THOUSAND EIGHT HUNDRED DOLLARS (\$65,800)** 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 testing 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.

Upon the 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 or 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.

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RESOLUTION NO. 99-777

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR TEMPORARY STAFFING SERVICES:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve specifications and set bid opening date and time for Monday, October 11, 1999, at 10:15 AM.

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

RESOLUTION NO. 99-778

IN THE MATTER OF APPROVING A CONTRACT WITH ACCENT COMMUNICATIONS FOR THE COUNTY TELEPHONE SYSTEM:

RESOLUTION NO. 99-779

A RESOLUTION ACCEPTING THE PLANS/SPECIFICATIONS FOR THE VILLAGE OF OSTRANDER ACCESSIBLE RESTROOM PROJECT AND AUTHORIZING SECURING BIDS FOR SAME:

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

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments under the Community Development Block Grant (CDBG) program for the purpose of addressing local government needs; and

WHEREAS, Delaware County has been awarded FY 98 Formula CDBG funds by the Ohio Department of Development (ODOD) to facilitate the implementation of community redevelopment projects throughout the County, with one such project being the Village of Ostrander Accessible Restroom Project; and

WHEREAS, the Village of Ostrander’s consulting engineer has completed the plans and specifications for the referenced project.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

- SECTION I. That the Delaware County Board of Commissioners accepts the plans and specifications for the Village of Ostrander Accessible Restroom Project.
- SECTION II. That the Board of Commissioners, Delaware County, Ohio, sets the date of **October 11, 1999 at 10:30 A.M.** at 101 North Sandusky Street, to open bids on the referenced Project.

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

RESOLUTION NO. 99-780

IN THE MATTER OF AUTHORIZING EXECUTION OF AN ENTERPRISE ZONE AGREEMENT WITH MICROCOM CORPORATION AND AIRTIGHT LTD:

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

Whereas, Delaware County has, via Resolution Number 93-317 designated an area in Orange Township as a Rural Jobs and Enterprise Zone and has encouraged the development of real property therein, and

Whereas, the Director of Development of the State of Ohio has certified said area in Delaware County as a Rural Jobs and Enterprise Zone, effective the 21st day of May, 1993;

Whereas, Microcom Corporation (hereinafter referred to as “Microcom”) has applied for incentives for a proposed expansion project in said Zone under Chapter 5709 of the Ohio Revised Code;

Whereas, the Negotiating Committee for said Zone has reviewed the application as submitted by Microcom and met with representatives of Microcom to negotiate an Enterprise Zone Agreement, a copy of which is attached hereto.

Now Therefore, Pursuant to the Foregoing, Be It Hereby Resolved by the Board of Commissioners, County of Delaware, State of Ohio as follows:

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- Section 1. The Board of Commissioners recognizes that the Negotiating Committee for the Orange Township Enterprise Zone has investigated the application submitted by Microcom, and determined that the Company is qualified to create job opportunities in said Zone.
 - Section 2. The Board of Commissioners hereby authorizes the President of the Board to participate in the execution of the attached Enterprise Zone Agreement for the Microcom Expansion Project.
 - Section 3. The Delaware County Administrator is directed to formally notify the Olentangy Local School District and Delaware Joint Vocational School of this action, and to submit copies of the Agreement after it is executed to the Ohio Departments of Development and Taxation.
- Vote on Motion Mr. Ward Aye Mrs. Martin Aye Mr. Wuertz Aye

Debbie Shatzer, Convention and Visitors Bureau- Presentation (See Minutes)

10:00 AM Bid Opening for Sodium Chloride

- 1. Morton - 20 Ton Minimum dump truck \$33.64/ton.
200 Ton Minimum pillar truck \$35.14/ton
- 2. Cargill Salt - 5000 tons bulk-treated –delivered \$37.96/ton.
- 3. International – no bid

1:00 PM - EXECUTIVE SESSION

RESOLUTION NO. 99-781

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS O. R. C. 121.22 (G)(1) TO CONSIDER THE APPOINTMENT, EMPLOYMENT DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL... AT 1:00 PM:

It was moved by Mrs. Martin, seconded by Mr. Ward to adjourn into Executive Session.

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

RESOLUTION NO. 99-782

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 5:00 PM:

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

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

RESOLUTION NO. 99-781

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS O. R. C. 121.22 (G)(1) TO CONSIDER THE APPOINTMENT, EMPLOYMENT DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL... AT 1:00 PM:

It was moved by Mrs. Martin, seconded by Mr. Ward to adjourn into Executive Session.

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

RESOLUTION NO. 99-782

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 5:00 PM:

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

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

There being no further business, the meeting adjourned.

Deborah Martin

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James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners