

**COMMISSIONERS JOURNAL NO. 41 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 27, 2000**

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

Present: James Ward (Absent), Deborah Martin, Donald Wuertz

RESOLUTION NO. 00-977

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS AT 8:30 AM:

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

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

RESOLUTION NO. 00-978

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 8:47 AM:

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

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

RESOLUTION NO. 00-979

IN THE MATTER OF APPROVING RESOLUTIONS AND MINUTES FROM REGULAR MEETINGS HELD NOVEMBER 20, 2000:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to dispense with the reading of the minutes and resolutions of the regular meeting held November 20, 2000, and to approve resolutions and minutes as submitted.

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

PUBLIC COMMENT

RESOLUTION NO. 00-980

IN THE MATTER OF APPROVING FOR PAYMENT WARRANTS NUMBERED 289152 THROUGH 289507:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve for payment warrants 289152 through 289507 on file in the office of the Delaware County Commissioners.

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

RESOLUTION NO. 00-981

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 Betty Porter attend the Ohio Clerk of Courts Association Winter Conference at Columbus on December 5 through December 8, 2000, in the of \$328.00.

Emergency Services is requesting that B. Barks, S. Gano, R. Hager, S. Maddox, C. Cochran and M. Moore attend the BTLS Class at Grady Memorial Hospital on December 6, 2000, in the amount of \$600.00.

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

RESOLUTION NO. 00-982

IN THE MATTER OF APPROVING PETITION FROM CITY OF DELAWARE TO CHANGE BOUNDARY LINES OF DELAWARE TOWNSHIP TO MAKE THE BOUNDARIES OF LAND ANNEXED TO CITY OF DELAWARE (22.156 ACRES) RESOLUTION 00-106 COTERMINOUS WITH THE CORPORATE BOUNDARIES OF THE CITY OF DELAWARE:

It was moved by Mr. Wuertz, seconded by Mrs. Martin that pursuant to a petition from the City of Delaware, Ohio and in conformity with the mandate of the Ohio Revised Code that the boundaries of Delaware Township annexed to the City of Delaware by their Ordinance 00-103 be hereby changed to be coterminous with the corporate

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boundaries of the City of Delaware.

Further, the Clerk shall transmit copies of this Resolution to the County Auditor, County Recorder and County Engineer's Map Department along with description and map.

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

RESOLUTION NO. 00-983

IN THE MATTER OF APPROVING PETITION FROM CITY OF DELAWARE TO CHANGE BOUNDARY LINES OF DELAWARE TOWNSHIP TO MAKE THE BOUNDARIES OF LAND ANNEXED TO CITY OF DELAWARE (10.05 ACRES) RESOLUTION 99-19 COTERMINOUS WITH THE CORPORATE BOUNDARIES OF THE CITY OF DELAWARE:

It was moved by Mrs. Martin, seconded by Mr. Wuertz that pursuant to a petition from the City of Delaware, Ohio and in conformity with the mandate of the Ohio Revised Code that the boundaries of Delaware Township annexed to the City of Delaware by their Ordinance 99-10 be hereby changed to be coterminous with the corporate boundaries of the City of Delaware.

Further, the Clerk shall transmit copies of this Resolution to the County Auditor, County Recorder and County Engineer's Map Department along with description and map.

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

RESOLUTION NO. 00-984

IN THE MATTER OF SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY GARY SKINNER AND OTHERS:

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

WHEREAS, on this 6 day of November, 2000, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by Gary Skinner and other petitioners, to:

1. Regain, improve and maintain drainage of the watershed by cleaning big Run Open Ditch.
2. Commencing in Brown Township at the existing culvert under State Route 521 (on the north side) at the beginning of Big Run Open Ditch, following the existing alignment of the ditch in a southerly direction approximately 3 miles to State Route 37/U. S. Route 36 or to a good and sufficient outlet.
3. Removing sediment or any other drainage obstruction, trees, brush, deepen, widening, reshaping, straightening, repairing tile outlets, seeding and erosion repair. Grass berms will be established for perpetual public maintenance.

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer's cost from the bond in accordance with Section 6131.09 of the Revised Code;

THEREFORE, BE IT RESOLVED, BY THE Board of County Commissioners, that the **16th day of January, 2001, at 1:30 PM** commencing at the garage of Gary Skinner 2514 Skinner Road, be and the same is hereby fixed as the time and place for the view thereon, and

BE IT FURTHER RESOLVED, That the **29th day of January, 2001, at 7:30 P.M.** at the Office of the Board of County Commissioners, Delaware, Ohio be and the same is hereby fixed as the time and place for the first hearing on the petition, and

BE IT FURTHER RESOLVED, that notice of said view and hearing be given, as required by law.

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

RESOLUTION NO. 00-985

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 work permits:

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<i>Permit #</i>	<i>Applicant</i>	<i>Location</i>	<i>Type of Work</i>
U000171	Sprint Telephone	Center Village Road	Place telephone cable
U000172	Columbia Gas	Riverbend	Install gas main
U000173	Ohio Edison	Manley Road	Set poles
U000174	Columbia Gas	Scioto Chase Boulevard/Houston Pond Drive	Install gas main

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

RESOLUTION NO. 00-986

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR CORRUGATED METAL PIPE MATERIALS; CORRUGATED POLYETHYLENE TUBING & PIPE MATERIALS (INCLUDING SMOOTH LINED PIPE); ITEM 606 GUARDRAIL, TYPE 4, 5 AND 7, WITH BOLTS AND NUTS; STEEL GALVANIZED GUARDRAIL POSTS WITH NUTS, BOLTS AND WASHERS; CRUSHED LIMESTONE MATERIAL ITEMS AND SS921 COLD MIX; HAULING TO VARIOUS JOBSITES FROM ESTABLISHED SOURCES FOR THE YEAR 2001; VARIOUS SIZES, LENGTHS AND SHAPES OF REINFORCING STEEL FOR CONCRETE REINFORCEMENT; REINFORCED CONCRETE PIPE MATERIALS; VARIOUS ROLLED STEEL SHAPES; VARIOUS SIZES AND LENGTHS OF TREATED WOOD FOR BRIDGE FLOORING AND READY MIX CONCRETE:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve specifications and set bid opening date and time for **Monday, December 18, 2000, at 10:00 AM.**

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

RESOLUTION 00-987

IN THE MATTER OF REPEALING AUTHORIZATION TO EXECUTE AN ENTERPRISE ZONE AGREEMENT WITH QWEST COMMUNICATIONS CORPORATION AND AIRTIGHT, LTD.:

It was moved by Mr. Wuertz, seconded by Mr. Wuertz to authorize the following resolution:

WHEREAS, the Delaware County Commissioners, with the consent of Orange Township, have designated an area in Orange Township as an Enterprise Zone, pursuant to the Ohio Enterprise Zone Act, which is contained in the Ohio Revised Code Sections 5709.61 through 5709.66, inclusive, and have encouraged the development of real property and investment in personal property therein; and

WHEREAS, on June 21, 1999, the Orange Township Board of Trustees passed Resolution 99-068 authorizing execution of an Enterprise Zone Agreement with Qwest Communications Corporation and Airtight Ltd. for a PROJECT to be located in the Green Meadows Industrial Park, located in the Orange Township Enterprise Zone; and

WHEREAS, on June 21, 1999, the Delaware County Board of Commissioners passed Resolution 99-533 authorizing execution of an Enterprise Zone Agreement with Qwest Communications Corporation and Airtight Ltd. for a PROJECT to be located in the Green Meadows Industrial Park, located in the Orange Township Enterprise Zone; and

WHEREAS, the Delaware County Economic Development Department has requested that Qwest Communications Corporation execute the negotiated Enterprise Zone Agreement authorized by the Orange Township Board of Trustees and by the Delaware County Board of Commissioners; and

WHEREAS, Qwest Communications has not executed said Enterprise Zone Agreement, and over one year has passed since said authorizing Resolutions were passed by the Orange Township Board of Trustees and by the Delaware County Board of Commissioners, and Qwest Communications Corporation has subsequently proceeded to commence operations at the PROJECT site in the Green Meadows Industrial Park, located in the Orange Township Enterprise Zone; and

WHEREAS, the duly appointed Enterprise Zone Negotiating Committee has reviewed this situation and recommends that the authorization to enter into an Enterprise Zone Agreement with Qwest Communications Corporation and Airtight, Ltd. be repealed;

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

SECTION 1. That the Delaware County Board of Commissioners hereby authorizes that the authorization to enter into an Enterprise Zone Agreement with Qwest Communications Corporation and Airtight, Ltd., passed on June 21, 1999 be repealed.

SECTION 2. The Delaware County Director of Economic Development is directed to formally notify the Olentangy Local School District and Delaware County Joint Vocational School of this action.

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SECTION 3. The Delaware County Auditor, the Ohio Department of Development, and the Ohio Department of Taxation shall be advised in writing of this action.

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

RESOLUTION NO. 00-988

IN THE MATTER OF ACCEPTING THE AWARD OF THE 2001 RECYCLE, OHIO! GRANT:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to accept the award of the 2001 Recycle, Ohio! Grant in the amount of \$84,900.00.

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

RESOLUTION NO. 00-989

IN THE MATTER OF APPROVING THE PURCHASE OF A MASTER CLOCK SYSTEM FOR THE EMERGENCY COMMUNICATIONS CENTER (9-1-1) WITH BOYLAN AND CANNON:

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

WHEREAS, various electronic systems within the Emergency Communications Center (9-1-1) all have separate timing systems, and

WHEREAS, it is vital for operational and liability purposes for all the systems to reflect the same time, and

WHEREAS, it is vital that the time be as accurate as possible to ensure compliance with applicable laws, rules and regulations governing emergency communications;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby approve the purchase and installation of a Master Clock system through Boylan and Cannon for the Emergency Communications Center.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 00-990

IN THE MATTER OF CANCELING A CONTRACT FOR THE PURCHASE OF UNIFORMS AND ACCESSORIES WITH ROY TAYLOR'S DUE TO THE VENDOR'S INABILITY TO MEET REQUIRED CONTRACTUAL OBLIGATIONS:

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

WHEREAS, the Delaware County Board of Commissioners previously approved a contract with Roy Taylor's of Columbus for the purchase of uniforms and accessories for the Emergency Services Directorate, and

WHEREAS, the vendor has failed in the implied warranty of merchantability, failed to provide adequate assurances within a commercially reasonable time and has repeatedly delivered non-conforming goods in breach of the contract specifications, and

WHEREAS, numerous contacts and dialogues with the vendor has not resolved the problems identified;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby approve the canceling of this contract with Roy Taylor for the supply of uniforms and accessories to the Emergency Services Directorate. Additionally, in accordance with the original bid specifications, the next lowest and best bid will receive the contract.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 00-991

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Lisa Newman has resigned her position as Social Service Worker 3 for Job and Family Services; effective date of resignation was October 31, 2000.

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

November 28, 2000

10:00 AM - Bid Opening for the Structural Steel for the Delaware Service Building

Concord Fabricators, Inc.	\$786,300.00	base
Marysville Steel, Inc.	\$735,400.00	base
Ohio Steel Industries	\$738,250.00	base
Ferguson Steel Co.	\$734,654.00	base

There being no further business, the meeting adjourned.

Deborah Martin

James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners