

**COMMISSIONERS JOURNAL NO. 42 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD AUGUST 20, 2001**

**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

- 10:00 AM Bid Opening for Slip Resistant Flooring System for Three County Emergency Medical Services Station**
- 10:00 AM Bid Opening for Weiser Road Culvert Replacement Project (50 Channing Street)**
- 10:15 AM Bid Opening for East Orange Road Improvements (50 Channing Street)**
- 2:00 PM Bid Opening for Insulation at Scioto Reserve Wastewater Treatment Plant**
- 2:15 PM Bid Opening for Contract Construction Inspection Services**

**RESOLUTION NO. 01-905**

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

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

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

**RESOLUTION NO. 01-906**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 8:40 AM:**

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

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

**PUBLIC COMMENT**

**RESOLUTION NO. 01-907**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS NUMBERED 313534 THROUGH 313744:**

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve for payment warrants numbered 313534 through 313744 and Purchase Orders and Vouchers as listed below:

**PO's**

<u>PO Number</u>	<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
1P10157	Suburban Natural Gas City of Dublin	Gas Service for Alum Creek Reimb. City of Dublin for sewer payments for May-July 2001	3530-2603	\$ 10,000.00
1P04379			3530-2361	\$ 14,184.95
INCREASE				
1B10258	Green Meadows BP	Gasoline & Diesel Fuel	0140-1530	\$ 10,000.00

**Vouchers**

1B05258	B P Oil Company LHS Family & Youth Services	Gasoline & Diesel Fuel Cluster	0140-1530	\$ 8,536.65
1B43054	Verizon North	Telephone services	4535-2081	\$ 5,500.95
1B04000			0130-2202	\$ 8,271.25
1B42992	Todays Learning Child	Childcare Services	4580-2280	\$ 5,294.05
1B42992	Child Care Unlimited Liberty Community Center	Childcare Services	4580-2080	\$ 5,045.00
1B42992			4580-2080	\$ 16,761.45

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

**RESOLUTION NO. 01-908**

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

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

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**SUPPLEMENTAL APPROPRIATIONS**

FUND NUMBER:	FUND NAME:	AMOUNT:
075-0920-040	Data Center - Equip	\$ 19,485.00

**TRANSFER OF APPROPRIATION**

FROM:	TO:	AMOUNT:
001-0120-035 Gen Fund/Comm - Contingency	001-3210-010 Gen Fund/Bd of Elec - Salaries	\$ 4,950.00

**TRANSFER OF FUNDS**

FROM:	TO:	AMOUNT:
001-0120-047 Gen Fund/Comm - Transfers	075-0920-087 Data Center - Transfer-in	\$ 28,485.00

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

**RESOLUTION NO. 01 -909**

**IN THE MATTER OF CONGRATULATING MATTHEW DAVID WILLIAMS UPON RECEIVING THE EAGLE SCOUT AWARD:**

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

Whereas,                      Matthew David Williams has been a member of Boy Scout Troop #184, and

Whereas,                      Matthew David Williams has met all the requirements and been approved by the National Council of Boy Scouts to receive the Eagle Scout Award, and

Whereas, The Board of Commissioners of Delaware County wishes to express congratulations to Matthew David Williams on earning the Eagle Scout Award.

Now Be It Resolved, That the Board of County Commissioners of Delaware County hereby officially congratulates Matthew David Williams on attaining Scouting's highest rank - the Eagle Scout Award. Your diligence and hard work have earned you the distinction of being an Eagle Scout. You join company with a select group of individuals who are recognized as outstanding in all that Scouting represents, and

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                      Aye                      Mrs. Martin                      Aye                      Mr. Wuertz                      Aye

**RESOLUTION NO. 01-910**

**IN THE MATTER OF SETTING TIME AND DATE FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF REQUEST TO VACATE WINDSOR WAY, A PUBLIC ROAD LOCATED IN LIBERTY TOWNSHIP —A CUL-DE-SAC RUNNING NORTHWEST OFF FAIRWAY DRIVE SURROUNDED BY WEDGEWOOD GOLF AND COUNTRY CLUB:**

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

Whereas, on August 1, 2001, the Delaware County Commissioners received a request filed by Ronald K. Nims of Rich, Crites & Wesp requesting to vacate the dedication of Windsor Way, a public road located in Liberty Township, Delaware County. Windsor Way, as shown on submitted drawing, is a cul-de-sac running approximately northwest off Fairway Drive that is surrounded by Wedge Wood Golf and Country Club.

Whereas, when the lots on Windsor Way were marketed by the developer, it was represented that they were on a private road, none of the owners of Windsor Way lots were aware this was untrue until recently.

Therefore be it resolved, The Delaware County Commissioners will on **Tuesday, October 23, 2001, at 2:45 PM** view Windsor Way Cul-de-sac

Further be it resolved, on **October 29, 2001, at 8:00 p.m.** a Public Hearing will be held to consider said vacation.

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

**RESOLUTION NO. 01 – 911**

**IN THE MATTER OF APPROVING TREASURERS MONTHLY REPORT**

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve the report as submitted by the County Treasurer.

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

**RESOLUTION NO. 01 - 912**

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

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

Job and Family Services is requesting that Mona Reilly attend the OJFSDA Conference committee meeting on August 21, 2001, in Columbus in the amount of \$26.00.

Juvenile Court is requesting that Steve Hanson attend Management Training in Columbus on August 22, 2001, in the amount of \$201.00.

OECC is requesting that Rick Varner attend the Annual WEF Conference & Expo in Atlanta, Georgia on October 13, 2001, in the amount of \$1840.00.

Emergency Management Services is requesting that Frank Meredith attend EMT Intermediate Bridge Class at Columbus State from August 22, 2001, to September 6, 2001, in the amount of \$100.00.

Administrative Services is requesting that Rachel Stull and Kevin Williams attend a Wage and Salary conference in Michigan on October 4 & 5, 2001, in the amount of \$1,950.32.

Job and Family Services is requesting that Mona Reilly attend Planning Process Training at OWU on September 4, 2001, in the amount of \$40.00.

Commissioners are requesting that Letha George attend County Commissioners Days in Ashtabula County on August 21 and 22 at no cost.

Juvenile Court is requesting that Deb McCurdy, Kathy Hon & Bev Holt attend the "Forum on Family Court" in Cincinnati on September 23 through the 26, 2001, in the amount of \$1083.50.

Victims Assistance is requesting that Nora Flanagan attend the Sexual Assault Nurse Examiners Response Team Training at Ft. Wayne, Indiana on August 6 through 10, 2001, in the amount of \$482.16.

Department of Job and Family Services is requesting that Sharon Lloyd attend Quick Link Training for WIA at Columbus on August 27, 2001, at no cost.

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

**RESOLUTION NO. 01 - 913**

**IN THE MATTER OF APPROVING PLATS FOR THE PINES SUBDIVISION; THE PINES SUBDIVISION NO. 2; SCIOTO RESERVE, SECTION 1, PHASE 4; AUGUSTA WOODS SECTION 2 AND DITCH MAINTENANCE PETITIONS FOR SCIOTO RESERVE SECTION 1, PHASE 4 AND AUGUSTA WOODS SECTION 2:**

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

**The Pines Subdivision**

Situated in the Township of Delaware County of Delaware, State of Ohio and being part of Farm Lot C, Quarter – Township 1, Township 4, Range 19 in the United States Military Lands, Being a 12.445 acre subdivision, being 8.118 acres out of an original 13.370 acre tract, 0.545 out of an original 1.321 acre tract, and 3.782 acres out of an original 8.815 acre tract, all three original tracts owned by David B. Holbert and Virginia L. Holbert, husband and wife, as recorded in Original Record Volume 83, Page 2629 in the Delaware County Recorder’s Office. Lot fee in the amount of \$15.00.

**The Pines Subdivision No 2**

Situated in the Township of Delaware, County of Delaware, State of Ohio and being part of Frm Lot C, Quarter-Township 1, Township 4, Range 19 in the United States Military Lands, Being a 11.062 acre subdivision, being 5.252 acres out of an original 13.370 acre tract, 0.776 acres out of an original 1.321 acre tract, and 5.034 acres of an original 8.815 acre tract, all three original tracts owned by David B. Holbert and Virginia L. Holbert, husband and wife, as recorded in Original Record Volume 83, Page 2629 in the Delaware County Recorder’s office. Lot fee in the amount of \$9.00.

**Scioto Reserve, Section 1, Phase 1**

Situated in the State of Ohio, County of Delaware, Township of Concord, Lying in Farm Lots 12 and 13, Section 2, Township 3 North, Range 19, West, United States Military Lands, Containing 9.764 acres in Farm Lot 12 and 4.826 Acres of Right-of-Way, out of the 29.215 Acre Tract Conveyed to Rockford Homes, Inc. By deed of Record in Deed Volume 44, Page 1438, Records of the Recorder’s office, Delaware County, Ohio. Lot fee in the amount of \$120.00.

**Augusta Woods II**

Situated in the State of Ohio, County of Delaware, Township of Genoa, Being Located in Farm Lot 28, Section 3, Township 3, Range 17, United States Military Lands, Being all of that 15.184 Acre Tract Described in a Deed to, Augusta Land Corporation of Record in Official Record 47, Page 1187, Recorder’s office, Delaware County, Ohio. Lot fee in the Amount of \$45.00.

**Scioto Reserve Section 1, Phase 4 - Ditch Maintenance Petition**

We the undersigned owners of 14.59 acres in Concord Township, Delaware County, Ohio propose to create a subdivision known as Scioto Reserve Section 1, Phase 4 as evidenced by the subdivision plant (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

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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 Scioto Reserve Section 1, Phase 4 Subdivision.

The cost of the drainage improvements is \$127,301.00 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. Forty (40) 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, \$2,927.99 per lot. An annual maintenance fee equal to 2% of this basis \$58.56 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 Section 2, Part A and Section 2, Part B (60 Lots Total) in the amount of \$2,342.39 has been paid to Delaware County.

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

**Augusta Woods Section 2 - Ditch Maintenance Petition**

We the undersigned owners of 15.184 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as Augusta Woods Section 2 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 Augusta Woods Section 2 Subdivision.

The cost of the drainage improvements is \$40,607.00 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. One hundred and nineteen 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, \$2,707.13 per lot. An annual maintenance fee equal to 2% of this basis \$54.14 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 Section 2, Part A and Section 2, Part B (60 Lots Total) in the amount of \$812.10 has been paid to Delaware County.

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

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

**RESOLUTION NO. 01 - 914**

**IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR AUGUSTA WOODS SECTION 2:**

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

**Augusta Woods Section 2**

The roadway construction has been completed for the referenced subdivision and, as the result of an engineer’s recent field review, the County Engineer has determined that minor remedial work will be required during the 2001 construction season.

In accordance with the Subdivider’s Agreement, the County Engineer recommends that the maintenance bond be set at **\$22,000** for the duration of the one year maintenance period. A Letter of Credit in that amount has been secured.

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

**RESOLUTION NO. 01 -915**

**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:

Permit #	Applicant	Location	Type of Work
U000185	Columbus Southern Power	Old State Road	Install electric service
U010120	American Electric Power	S. Old 3C Highway	Install pole
U010121	Verizon	Shoemaker Road	Place telephone cable
U010122	Verizon	Whipple Road	Place telephone cable

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U010123	Verizon	Shoemaker Road	Place telephone cable
U010124	Columbia Gas of Ohio	Meadows at Cheshire 3,3	Install gas main
U010126	Insight Communications	South Old 3C Highway	Install cable TV
U010127	American Electric Power	Dustin Road	Replace poles
U010128	American Electric Power	Cheshire Road	Replace pole
U010129	Columbus Southern Power	E. Powell Road	Install electric service
U010130	American Electric Power	Worthington Road	Replace poles
U010131	Verizon	McCurdy Road	Place telephone cable
U010132	Suburban Natural Gas	Prestwick Green, Phase 1	Install gas main

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

**RESOLUTION NO. 01-916**

**IN THE MATTER OF APPROVING SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR GARAGE FLOOR RESURFACING AND DRAINAGE IMPROVEMENTS:**

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve specifications and set bid opening date and time for **Monday, September 10, 2001, at 10:00 AM at 50 Channing Street.**

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

**RESOLUTION NO. 01-917**

**IN THE MATTER OF APPROVING SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR CONCORD ROAD CULVERT PROJECT:**

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve specifications and set bid opening date and time for **Monday, September 10, 2001, at 10:15 AM at 50 Channing Street.**

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

**RESOLUTION NO. 01 -918**

**IN THE MATTER OF REQUESTING A SPEED LIMIT REVISION FOR LIBERTY ROAD (CR # 9):**

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

The County Engineer has discovered an area along Liberty Road just south of Powell has a posted and journalized 50 mph speed limit. This short stretch of roadway is located between two sections that are currently posted at 35 mph. The Engineer would like to make this stretch of roadway consistent from Franklin County to the City of Powell. Therefore, the Engineer is requesting that a Resolution be passed to request the Director of the Ohio Department of Transportation to determine and declare a 35 MPH speed limit for Liberty Road (CR# 9) from the City of Powell-south border to the Franklin County line-north border

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

**RESOLUTION NO. 01 -919**

**IN THE MATTER OF SETTING DATE AND TIME FOR VIEWING TO CONSIDER THE WIDENING, RECONSTRUCTION AND PURCHASE OF RIGHT OF WAY AS NECESSARY FOR TUSSIC STREET ROAD, COUNTY ROAD NUMBER 108, GENOA TOWNSHIP, DELAWARE COUNTY, OHIO:**

It was moved by Mr. Wuertz , seconded by Mrs. Martin to set date and time for viewing of Tussic Street Road, County Road Number 108, in Genoa Township, Delaware County, Ohio. Notice is hereby given that it is the intention of the Board of County Commissioners of Delaware County, Ohio, to begin investigation for the above referenced project.

Notice is hereby given that on **October 23, 2001 at 1:00 PM** the Delaware County Commissioners will leave their office at 101 North Sandusky to view the above mentioned proposed improvements. A final public hearing to consider the improvement will be held on **October 29, 2001 at 7:45 PM** in the hearing room of the Board of County Commissioners located at 101 North Sandusky Street, Delaware, Ohio 43015.

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

**RESOLUTION NO. 01 -920**

**IN THE MATTER OF APPROVING THE SANITARY SEWER PLANS FOR WOODLAND HALL, SECTION 1, PHASES 1 & 2 AND VILLAGES OF OAK CREEK, PHASE 11, PARTS A & B AND LIFT STATION AND FORCE MAIN IMPROVEMENTS FOR WOODLAND HALL**

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve sanitary sewer plans for Woodland Hall, Section 1, Phases 1 & 2 and Villages of Oak Creek, Phase 11, Parts A & B and Lift Station and Force Main Improvements for Woodland Hall.

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

**RESOLUTION NO. 01 - 921**

**IN THE MATTER OF APPROVING SANITARY SUBDIVIDER’S AGREEMENTS FOR GREEN MEADOWS**

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**COMMERCE CENTER:**

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve the Sanitary Subdivider's Agreements:

**Green Meadows Commerce Center**

THIS AGREEMENT executed on this 20th day of August 2001, by and between Kenney-Wilcox, LLC, SUBDIVIDER, as evidenced by the Green Meadows Commerce Center Sanitary Sewer Improvements 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 (\$113,474.52) 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 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 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.

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 (\$188,477.00) 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.

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 \$7,950.00, 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 a result of charges against the same at the rate of:

INSPECTOR \$60.00  
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 a re-inspection.

The SUBDIVIDER, for a period of five (5) years after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a 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 rights-of-way 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 Autocad 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

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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. Wuertz                      Aye                      Mr. Ward                      Aye                      Mrs. Martin                      Aye

**RESOLUTION NO. 01-922**

**IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN JOB AND FAMILY SERVICES, DEPARTMENT OF DELAWARE COUNTY COMMISSIONERS, AND TRI-RIVERS ; ANNABELLE MOSES; BUCKEYE VALLEY MIDDLE SACC; BUCKEYE VALLEY WEST ELEMENTARY SACC; AND CHILDREN'S WORLD LEARNING CENTER POLARIS PARKWAY FOR CHILD CARE SERVICES:**

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

Child Care		Basic Rates Full Time (25 Hrs. or More)	Part Time Rates	Adjustme nts to Basic Rates
<b>Tri-Rivers Day Care Center</b> 2222 Marion Mount Gilead road Marion Ohio 43302 July 30, 2001-June 30, 2002	Infant	\$130.00	\$ 87.00	\$25.00 Registratio n Fee
	Toddler	\$123.00	\$ 82.00	
	Preschool	\$108.00	\$ 72.00	
	Weekly – Billing Units			
<b>Annabelle Moses</b> 226 Lonepine road Delaware, Ohio 43015 August 6, 2001-May 31, 2002	Infant	\$ 2.75		None
	Toddler	\$ 2.75		
	Preschool	\$ 2.50		
	School Age	\$ 2.50		
	Hourly – Billing Units			
<b>Buckeye Valley Middle School SACC</b> 638 Coover Road Delaware, Ohio 43015 July 1, 2001-June 30, 2002	<b>Kindergarten-Fifth</b>			\$15.00 Registratio n Fee
	6:30 am – 9:15 am	\$25.00	\$46.00	
	3:40 pm – 6:00 pm	\$25.00	\$46.00	
	6:30 am – 9:15 am and 3:40 pm – 6:00 pm	\$50.00	\$92.00	
	<b>Kindergarten Only</b>			
	6:30 am – 6:00 pm	\$65.00	\$108.00	
	6:30 am – 3:40 pm	\$55.00	\$ 92.00	
	9:15 am – 6:00 pm	\$55.00	\$ 92.00	
	9:15 am – 1:00 pm	\$45.00	\$ 76.00	
	11:45 am – 3:40 pm	\$45.00	\$ 76.00	
	Per Week – Billing Units			
<b>Buckeye Valley West Elementary SACC</b> 61 North Third Street, Ostrander, Ohio 43061 July 1, 2001-June 30, 2002	<b>Kindergarten-Fifth</b>			\$15.00 Registratio n Fee
	6:30 am – 9:15 am	\$25.00	\$46.00	
	3:40 pm – 6:00 pm	\$25.00	\$46.00	
	6:30 am – 9:15 am and 3:40 pm – 6:00 pm	\$50.00	\$92.00	
	<b>Kindergarten Only</b>			
	6:30 am – 6:00 pm	\$65.00	\$108.00	
	6:30 am – 3:40 pm	\$55.00	\$ 92.00	
	9:15 am – 6:00 pm	\$55.00	\$ 92.00	
	9:15 am – 1:00 pm	\$45.00	\$ 76.00	
	11:45 am – 3:40 pm	\$45.00	\$ 76.00	
	Per Week – Billing Units			
<b>Children's World Learning Center Polaris</b> 8694 Oak Creek Drive Lewis Center, Ohio 43035 July 1, 2001-June 30, 2002	Preschool	\$108.00	\$72.00	Registratio n Fee - \$25.00
	Schoolage	\$100.00	\$67.00	
	Before & After	\$ 82.00	\$67.00	
	Before Only	\$ 68.00	\$67.00	
	After Only	\$ 78.00	\$67.00	
	Per Week -Billing Units			

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

**RESOLUTION NO. 01-923**

**IN THE MATTER OF APPROVING SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR UNIFORM RENTAL SERVICES:**





**COMMISSIONERS JOURNAL NO. 42 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD AUGUST 20, 2001**

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Donald E. Wuertz

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Letha George, Clerk to the Commissioners