

**COMMISSIONERS JOURNAL NO. 41 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 8, 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

8:00 AM – Duncan Whitney, County Prosecutor

RESOLUTION NO. 01-25

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS AT 8:45 AM:

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

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

RESOLUTION NO. 01-26

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 8:50 AM:

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

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

PUBLIC COMMENT

RESOLUTION NO. 01-27

IN THE MATTER OF RE-ORGANIZATION OF BOARD OF COMMISSIONERS – PRESIDENT:

It was moved by Mrs. Martin, seconded by Mr. Ward to appoint Mr. Ward as President of the Board of Commissioners for the year 2001.

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

RESOLUTION NO. 01-28

IN THE MATTER OF RE-ORGANIZATION OF BOARD OF COMMISSIONERS - VICE-PRESIDENT:

It was moved by Mr. Wuertz, seconded by Mr. Ward to appoint Mrs. Martin as Vice President of the Board of Commissioners for the year 2001.

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

RESOLUTION NO. 01-29

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS NUMBERED 292844 THROUGH 292962:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve for payment warrants 292844 through 292962 on file in the office of the Delaware County Commissioners.

PO's

<u>PO Number</u>	<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
1B03519	U.S. Filter	Bioxide for pump stations	3530-1671	\$ 100,000.00
1B03515	Spirit	Employee Uniforms	3530-2005	\$ 14,000.00
1B03506	Nextel Communications	Cellular Phone Service	3530-2202	\$ 10,000.00
1B03505	NCL of Wisconsin, Inc.	Lab Material Supplies	3530-1574	\$ 5,000.00
		Freight	3530-2200	\$ 250.00
1B02746	Holt Co. of Ohio	Repairs for Electrical Equipment	3530-2053	\$ 8,000.00
1B02745	HVC Inc.	Chemicals for OECC pump sta.	3530-1671	\$ 40,000.00
1B02735	Bonded Chemicals Inc.	Chemicals for OECC pump sta.	3530-1671	\$ 15,000.00
1B02730	Ameritech	Telephone Service for OECC	3530-2202	\$ 6,500.00
1B02727	AEP	Electric Service to OECC	3530-2600	\$ 500,000.00

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1B05254	Plaza Pontiac, Buick GMC	Vehicle Parts & Supplies	0140-1533	\$ 5,000.00
		Vehicle Repair	0140-2062	\$ 1,500.00
1B05257	Washington Auto Parts	Vehicle Parts & Supplies	0140-1533	\$ 7,000.00
1B03932	Goodyear Auto Service	Tires-per state bid	0140-1532	\$ 20,000.00
		Vehicle Repair	0140-2062	\$ 1,500.00
1B03931	Delaware Motive Parts	Vehicle Parts & Supplies	0140-1533	\$ 7,000.00
1B03231	Treasurer of State	L.E.A.D.S Workstation	0265-2712	\$ 6,960.00
1B03926	Advantage Auto Parts	Vehicle Parts & Supplies	0140-1533	\$ 10,000.00
1B03229	Verizon	Telephone Service	9110-2202	\$ 7,000.00
		Telephone Service	0265-2202	\$ 7,000.00

Vouchers

0B42886	House of New Hope Inc.	Residential Treatment	4530-2081	\$ 8,171.95
0B58686	Isaac, Brandt, Ledoran, & Teetor	Liability Claims	0060-2505	\$ 23,558.32

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

RESOLUTION NO. 01-30

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Administrative Services is requesting that Cindi Blair attend the Mastering EE Group Benefit Plans Seminar at Columbus on January 17, 2001, in the amount of \$244.00.

Emergency Services is requesting that (24) EMS Employees attend the BTLS Class at Grady Memorial Hospital on January 10 through 11, 2001, in the amount of \$3,850.00.

Job and Family Services is requesting that Julie Kunkle, Rhonda Leasure and Donna Eckman attend the Region 1 Workforce Development Supervisor Meeting at Washington Courthouse on January 18, 2001, in the amount of \$37.50.

Job and Family Services is requesting that Sharon Lloyd attend the Workforce Development Seminar at Circleville on January 26, 2001, in the amount of \$175.00.

Treasurer is requesting that Dale Wilgus attend the District Meetings at various locations in the year 2001, in the amount of \$150.00.

County Engineer is requesting that Chris Bauserman attend the Ohio County Engineer's Conference at Columbus on January 30 through 31, 2001, in the amount of \$170.00.

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

RESOLUTION NO. 01-31

IN THE MATTER OF APPROVING THE PLAT FOR AMES SUBDIVISION AMENDED:

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

Ames Subdivision Amended

Situated in the Township of Delaware, County of Delaware, State of Ohio and being all of Ames Subdivision as delineated in Plat Cabinet 1, Slide 432. Being a subdivision of 5.305 acres owned as follows: west part of Lot 835 by Robert G. Strombery- O.R. 18, Page 2485, east part of Lot 835 by David G. and Deborah B. Ames-D. B. 458, Page 377, Lot 836 by Mark A. and Cynthia J. Seltmann – D. B. 640, Page 419. Lot fee in the amount \$12.00.

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

RESOLUTION NO. 01-32

IN THE MATTER OF APPROVING THE SUBDIVIDER'S AGREEMENT FOR SHERBROOK, PHASE 8:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve the subdivider's agreement:

THIS AGREEMENT executed on this 8TH day of January 2001, between **TUSSIC ROAD**

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ASSOCIATES as evidenced by the **SHERBROOK PHASE 8** 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 as shown in the Engineer's Estimate approved 8/24/00 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 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**

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 **THIRTY-SEVEN THOUSAND EIGHT HUNDRED DOLLARS** 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. 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.

CONSTRUCTION

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

The **SUBDIVIDER** shall, within thirty (30) days of completion of construction, furnish to the **County** an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The **SUBDIVIDER** shall indemnify and hold harmless the **County** from expenses or claims for labor or material incident to said construction of improvements.

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

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

RESOLUTION NO. 01-33

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

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

<i>Permit #</i>	<i>Applicant</i>	<i>Location</i>	<i>Type of Work</i>
U000190	Ameritech	Sawmill Road	Push conduit under road
U000191	Columbus Southern Power	Ford Street	Install pole
U000192	Columbus Southern Power	Arbors at Cheshire	Bore duct
U000193	Suburban Natural Gas	Walker Wood 9	Lay plastic gas line
U000194	Suburban Natural Gas	Walker Wood 7,2	Lay plastic gas line
U000195	Suburban Natural Gas	Walker Wood 12	Lay plastic gas line

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

RESOLUTION NO. 01-34

IN THE MATTER OF ACCEPTING AND AWARDED THE BIDS FOR BRIDGE FLOORING; CORRUGATED METAL PIPE; CORRUGATED POLYETHYLENE TUBING & PIPE MATERIALS; CRUSHED LIMESTONE AND COLD MIX; GUARDRAIL MATERIALS; HAULING; READY MIX CONCRETE; REINFORCED CONCRETE PIPE; REINFORCING STEEL AND ROLLED STEEL SHAPES:

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

Whereas, Delaware County went out to bid and bids were taken on December 18, 2000, and

Whereas, after carefully reviewing the bids received, the bids submitted by the companies listed, has been determined to be the lowest and best bid;

Now Therefore Be It Resolved, by the Board of Commissioners, Delaware County, State of Ohio, approve and accept the bids as listed below:

Bridge Flooring:

We recommend that an exclusive bid award be made to Ohio Bridge Corporation.

Corrugated Metal Pipe:

We recommend that an exclusive bid award be made to Contech Construction Products for the sizes as were quoted.

Corrugated Polyethylene Tubing & Pipe Materials:

We recommend that an exclusive bid award be made to Cashman's.

Crushed Limestone and Cold Mix:

We recommend that a non-exclusive bid award be made to Martin Marietta, National Lime and Stone, and Shelly Materials.

Guardrail Materials:

We recommend that a non-exclusive bid award be made for guardrail materials to Superior Steel Corporation and the Paul Peterson Company, and an exclusive award for guardrail installation be made to the Paul Peterson Company.

Hauling:

We recommend that a non-exclusive bid award be made to Badger Excavating & Leasing, Justice Trucking and Henderson Trucking.

Ready Mix Concrete:

We recommend that an exclusive bid award be made to Buckeye Ready Mix.

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Reinforced Concrete Pipe:

We recommend that an exclusive bid award be made to CSR HydroConduit.

Reinforcing Steel:

We recommend that a non-exclusive bid award be made to Spring Creek Building Supplies.

Rolled Steel Shapes:

We recommend that an exclusive bid award be made to Superior Steel Corporation.

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

RESOLUTION NO. 01-35

IN THE MATTER OF APPROVING THE PERSONNEL ACTIONS:

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

Myra Williamson has resigned her position as Personnel Coordinator for Administrative Services; effective date of resignation is January 12, 2001.

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

RESOLUTION NO. 01-36

IN THE MATTER OF RE-APPOINTING HOWARD DEAN AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE DELAWARE COUNTY RURAL ZONING COMMISSION:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to re-appoint the following:

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, the Board of Commissioners of Delaware County shall re-appoint an individual to the Delaware County Rural Zoning Commission for a five year term beginning January 1, 2001, and ending December 31, 2005, and

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, re-appoint Howard Dean to the Delaware County Rural Zoning Commission.

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

RESOLUTION NO. 01-37

IN THE MATTER OF RE-APPOINTING WILLIAM SICKINGER AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE DELAWARE COUNTY BOARD OF ZONING APPEALS:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to re-appoint the following:

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, the Board of Commissioners of Delaware County shall re-appoint an individual to the Delaware County Board of Zoning Appeals for a five year term beginning January 1, 2001, and ending December 31, 2005, and

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, re-appoint William Sickinger to the Delaware County Board of zoning Appeals.

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

RESOLUTION NO. 01-38

IN THE MATTER OF RE-APPOINTING KAREN KANITZ AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE DELAWARE COUNTY DISTRICT LIBRARY BOARD:

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It was moved by Mrs. Martin, seconded by Mr. Wuertz to re-appoint the following:

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, the Board of Commissioners of Delaware County shall re-appoint an individual to the Delaware County District Library Board for a seven year term beginning January 1, 2001, and ending December 31, 2007, and

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, re-appoint Karen Kanitz to the Delaware County District Library Board.

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

RESOLUTION NO. 01-39

IN THE MATTER OF APPROVING THE SANITARY SEWER PLAN FOR HIGHLAND HILLS AT THE LAKES, SECTION 3, PHASES 1 & 2:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve sanitary sewer plan for Highland Hills at the Lakes, Section 3, Phases 1 & 2 submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 01-40

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWER IN RIVER BEND, SECTION 4, PHASE 1:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

River Bend, Section 4, Phase 1 408 feet of 8 inch sewer 2 manholes

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

RESOLUTION NO. 01-41

IN THE MATTER OF ADOPTING RESOLUTION AUTHORIZING THE USE OF GASOLINE AND TELEPHONE CREDIT CARDS:

It was moved by Mr. Wuertz, seconded by Mr. Wuertz to adopt the following Resolution authorizing the use of Gasoline and Telephone Credit Cards:

Whereas H. B. 694 revised the requirements for authorizing the use of county credit cards effective January 1, 2001, and

Whereas from time to time various county employees have need to charge gasoline, diesel, emergency repairs and telephone use to the county, and

Whereas various office holders and department heads have requested issuance of a credit card,

Now therefore be it Resolved, by the Board of County Commissioners of Delaware County, State of Ohio to issue credit cards to the following departments for use by the employees listed within the maximum dollar amount listed by department through December 31, 2001.

Gasoline:BP Oil Co.

Sheriff Office \$2,500.00

Adams, Melinda	Fransen, Judy	Petrie , Troy
Askew, Mike	Freeman, Pat	Pfan, Shelly
Aleshire, Mitch	Garner, Matt	Pohl , Randall
Barnhart, Todd	Gibson, Troy	Pool, Loren
Bennett, Kyle	Graham, Matt	Pryor, Richard
Benton, Amy	Griffin, Eric	Quinn, Robert
Bernstorf, Lawrence	Griffith, Max	Riley, Sherry
Berry, Warren	Grimm, Marcy	Rivers, Kim
Blair, Brian	Hartley, Scott	Ross, Shannon
Blazier, Victor	Hartman, Daniel	Savage , Kevin

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Boham, Carol	Hein, Jeremy	Schambs, Tim
Booher, Dave	Howard, Jody	Schirtzinger, Patt
Borchers, Gil	Hoyt, Kyle	Schrader, John
Brink, Sally	Inglish, Rick	Simila, Doug
Brown, Brian	Johnson, Dave	Skates, Richard
Brown, Cleve	Karbler, Darin	Spring, Robert
Brown, Robert	Keckler, Sam	Stayer, Chris
Brown, Steve	Kern, Mark	Swackhammer, Jack
Brown, Tom	Kester, Art	Thomas, Heidi
Burden, Chris	Koesterman, Angela	Turner, Kevin
Burke, Jonathan	Koselke, Virginia	Ullom, Kevin
Byers, Cooky	Lahmon, Jim	Vance, Scott
Carter, Brian	Lantz, Charles	Vickers, Chris
Coutts, Rickey	McHenry, Richard	Vogel, Ronald
Cox, Kent	McTurner, Tom	Ward, Larry S.
Crego, Mark	Meige, William	Ward, Kathy
Cuccarese, Jim	Mendel, Joe	Weiser, David
Daniels, Jack	Miller, Jim	Whitaker, Cinnamon
Davenport, Dirk	Millisor, Kim	Wilson, Colleen
Deckling, Jennifer	Myers, Sheriff Al	Witt, Don
Dillinger, Leslie	Nusser, Angela	Witt, Melinda
Donaugh, Terry	Otto, Daniel	Woolum, Todd
Dore, Larry	Parish, Valerie	Wright, Tamara
Elkins, Loretta	Partlow, Dean	Yarhouse, Jennifer
Evans, Nathan	Passet, Jason	

EMS \$1,500.00

Larry Fisher	Pearline Howald	Hugh Dick
Joseph Porter	Murray Smith	Bob Fish
Jack Rupp	Tom Shover	

EMA \$1,500.00

Larry Fisher	Dave Hall	Bobby Lavender
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County Engineer \$1,500.00

Chris Bauserman	Clyde Siedle
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Facilities Management \$1,500.00

Jon Melvin

Telephone: Verizon Longdistance

Human Services \$1,000.00

Mona Reilly	Carrie Block	Donna Bukovec
Lisa Cabot	Marcy Downing	Marie Ellinger
Rosemary Halterman	Lee Hayes	
Craig Hill	Sarah Hoffer	Jim Little
Judy McCormick	Melanie Marshall	Keith Matlack
Lisa Newman	Rose L. Powers	Jon Reeves
Anne Tallent	Angela Thomas	

Commissioners Office \$1,000.00

David Cannon

Common Please Court \$1,000.00

Judge Henry Shaw, Jr.

County Engineer \$1,000.00

Chris Bauserman	Clyde Siedle
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Data Center \$1,000.00

Steve Lewis

EMA \$1,000.00

Larry Fisher	Dave Hall	Bobby Lavender
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Facilities \$1,000.00

Jon Melvin

Prosecutor \$1,000.00

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Duncan Whitney

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

RESOLUTION NO. 01-42

IN THE MATTER OF REJECTING ALL BIDS RECEIVED FOR THE PAINTING OF VEHICLES FOR DELAWARE COUNTY:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to reject the bids:

Whereas, Delaware County received only two bids on December 4, 2000, and;

Whereas, the bids received exceeds the bid estimate, and;

Whereas, Delaware County reserves the right to reject all bids, in whole or in part.

Now therefore be it resolved, that the Board of Commissioners of Delaware County, State of Ohio, reject all bids received for vehicle painting for Delaware County.

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

RESOLUTION NO. 01-43

IN THE MATTER OF ACCEPTING AND AWARDING THE BID SUBMITTED BY FERGUSON STEEL COMPANY FOR THE STRUCTURAL STEEL FOR THE NEW SERVICES BUILDING:

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

Whereas, Delaware County went out to bid and bids were taken on November 28, 2000 and

Whereas, after carefully reviewing the bids received, the bid submitted by Ferguson Steel Company has been determined to be the best bid;

Now Therefore Be It Resolved, by the Board of Commissioners, Delaware County, State of Ohio, approve and accept the bids submitted by Ferguson Steel Company in the amount of \$734,654.00 for the Structural Steel for the New Services Building.

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

RESOLUTION NO. 01-44

IN THE MATTER OF AUTHORIZING AN APPLICATION TO THE MID OHIO REGIONAL PLANNING COMMISSION:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to authorize the application:

Whereas, Delaware County is currently a member of the Mid Ohio Regional Planning Commission (MORPC) for transportation planning, and

Whereas, The Mid Ohio Regional Planning Commission will provide the same services to Delaware County as all other MORPC members, and

Whereas, Delaware County is interested in becoming a full member of MORPC to obtain assistance with grant funding applications, transportation and rail initiatives, housing and infrastructure programs, information and technology services and

Now therefore be it resolved, by the Board of County Commissioners of Delaware County that the Board hereby authorizes an application to the Mid Ohio Regional Planning Commission under the following terms and conditions:

Section I: That the Articles of Agreement with MORPC provide that Delaware County be given six seats on the MORPC board,

Section II: That the county commissioners be appointed to three of the seats available to the county with Delaware City retaining two seats and the Village of Powel retain its one seat,

Further there be resolved, that Delaware County supports the MORPC Regional Pledge.

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PREAMBLE:

We acknowledge that the people, who live and work in the mid-Ohio area, form a single community and are bound together physically, economically and socially. We further acknowledge and respect each community's uniqueness and value that diversity.

WE PLEDGE:

To encourage and support a spirit of cooperation among the local governments in a manner that will protect the rights of the individual local governments.

To involve neighboring communities in developing plans and to share those plans with the entire regional community when adopted.

To plan for redevelopment and future development so that:

- A. Transportation systems can meet future needs.
- B. Adequate street, utility, health, educational, recreational and other essential facilities can be provided as growth occurs.
- C. The needs of agriculture, business and industry are recognized.
- D. Safe and healthful surroundings in residential and commercial areas are provided.
- E. Historical, cultural values and critical natural resources are preserved.
- F. There is an efficient and economical use of public funds.
- G. Reinvestment can occur in mature communities.

To actively participate in a regional planning process and to guide the unified, far-reaching development of the region.

To support and promote concerted action (collaboration) among the local governments for their mutual benefits and for the welfare of the region as a whole.

To join and cooperate with other communities to ensure the efficient delivery of public services for the health, safety and general welfare of all citizens in the region.

To identify areas where regional solutions, principles and approaches can serve all communities regardless of community demographics, boundaries, diversity or differences.

To encourage collaborative economic development initiatives within the region.

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

RESOLUTION NO. 01-45

IN THE MATTER OF APPROVING RESOLUTION FOR RETAINING CERTAIN LEGAL SERVICES OF PORTER, WRIGHT, MORRIS & ARTHUR IN CONNECTION WITH MATTERS RELATING TO LABOR RELATIONS FOR DELAWARE COUNTY:

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

BE IT RESOLVED by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. This Board of County Commissioners, in conjunction with the Prosecuting Attorney of this County, desires to retain the legal services of the law firm of Porter, Wright, Morris & Arthur (the Firm) for advice and assistance in matters relating to labor relations and employment. For reasonable fees as shall be approved by this Board, plus reimbursement for actual out-of-pocket expenses (including but not limited to travel, long-distance telephone, and duplicating expenses) incurred in rendering the legal services as may from time to time be requested by this Board, the Firm will provide advice and representation; in court or administrative investigations or proceedings, such as representation and unfair labor practice matters before the State Employment Relations, Board, equal employment opportunity changes, and unemployment compensation claims; in labor arbitration; in on-site consultation as necessary for preparation of employee handbooks and management training; and advice requiring significant office research time or consultation with other Firm attorneys. These other services would be available upon request by the Board.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, Porter, Wright, Morris & Arthur shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by this Board or the Firm by written notice to the other.

Section 3. This Board of County Commissioners shall join with the Prosecuting Attorney of this County in application pursuant to Section 305.14, Ohio Revised Code, to the Court of Common Pleas of Delaware County

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for approval of the retention of the legal services of the Firm for the purposes stated in Section 1 hereof and for authority to pay the Firm for those legal services as provided for in Section 1 hereof from fund appropriated, or that may be appropriated, by this Board from time to time for such purpose. The County Auditor is hereby authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for the payment of the same as they shall become payable.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meetings of this Board , and that all deliberations of this Board and of any of it committees that resulted in such formal action, were in meetings, open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

The foregoing motion having been put to vote, the results of the roll call was as follows:

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

RESOLUTION NO. 01-46

IN THE MATTER OF PROVIDING FOR RETAINING CERTAIN LEGAL SERVICES OF SCOTT, SCRIVEN AND WAHOFF IN CONNECTION WITH MATTERS RELATING TO LABOR RELATIONS:

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

Be It Resolved, by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. This Board of County Commissioners in conjunction with the Prosecuting Attorney of this County, desires to retain the legal services of the law firm of Scott, Scriven & Wahoff (the "Firm") for advice and assistance in matters relating to labor relations and employment. For reasonable fees as shall be approved by this Board, plus reimbursement for actual out of pocket expenses (including but not limited to travel, long-distance telephone, and duplicating expenses) incurred in rendering the legal services as may from time to time be requested by this Board, the Firm will provide advice and representation: in court or administrative investigations or proceedings, such as representation and unfair labor practice matters before the State Employment Relations Board, equal employment opportunity charges, workers' compensation, and unemployment compensation claims; in labor arbitration; in preparing for and participating in collective bargaining; in on-site consultation as necessary for preparation of employees handbooks and management training; and advice requiring office research time or consultation with other Firm attorneys.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, Scott, Scriven and Wahoff shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by this Board or this Fir by written notice to the other.

Section 3. This Board of County Commissioners shall join with the Prosecuting Attorney of this County in application pursuant to Section 305.14 Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the Firm for the purpose stated in Section 1 hereof and for authority to pay the Firm for those legal services as provided for in Section 1 hereof from funds appropriated, or that may be appropriated, by this Board from time to time for such purpose. The County Auditor is hereby authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and the issue an appropriate order for the payment of same as they shall become payable.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such format action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

The foregoing motion having been put to vote, the result of the roll call was as follows:

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

RESOLUTION NO. 01-47

IN THE MATTER OF ADOPTING RESOLUTION PROVIDING FOR RETAINING LEGAL SERVICES OF SQUIRE, SANDERS & DEMPSEY L.L.P. IN CONNECTION WITH LEGAL MATTERS RELATING TO ECONOMIC DEVELOPMENT AND CAPITAL FACILITIES OR OPERATIONS FOR THE BENEFIT OF THE COUNTY OR OTHERS:

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

Section 1. That the Board of Commissioners of Delaware County desires, in conjunction with the

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Prosecuting Attorney of the County, to retain the legal services of the law firm of Squire, Sanders & Dempsey L.L.P., such legal services to be in the nature of legal advice, recommendations, preparation of recommended documents and proceedings, and legal opinions in connection with legal matters relating to economic development and capital facilities or operations for the benefit of the County or others as the same may from time to time be requested by this Board.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, the law firm shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by the Board or the law firm by written notice to the other.

Section 3. That the Board of County Commissioners of Delaware County shall join with the Prosecuting Attorney of said County in application pursuant to Section 305.14, Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the law firm for the purposes stated in Section 1 and for authority to pay the law firm for those legal services reasonable fees as approved by the Board, and to reimburse it for actual out-of-pocket expenses (including, but not limited to, travel, delivery, long-distance telephone, facsimile transmission, and duplicating expenses) incurred in rendering those legal services, from funds appropriated, or that may be appropriated, by the Board from time to time for such purpose.

Section 4. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Resolution shall be in full force and effect immediately upon its passage.

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

RESOLUTION NO. 01-48

IN THE MATTER OF APPROVING RESOLUTION FOR RETAINING CERTAIN LEGAL SERVICES OF VORYS, SATER, SEYMOUR & PEASE IN CONNECTION WITH MATTERS RELATING TO ENVIRONMENTAL LAW ISSUES FOR DELAWARE COUNTY:

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

BE IT RESOLVED by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. This Board of County Commissioners, in conjunction with the Prosecuting Attorney of this County, desires to retain the legal services of the law firm of Vorys, Sater, Seymour & Pease (the Firm) for advice and assistance in matters relating to Environmental Law Issues. For reasonable fees as shall be approved by this Board, plus reimbursement for actual out-of-pocket expenses (including but not limited to travel, long-distance telephone, and duplicating expenses) incurred in rendering the legal services as may from time to time be requested by this Board, the Firm will provide advice and representation; in court or administrative investigations or proceedings, such as representation before the Ohio EPA, matters relating to the Ohio EPA, including permits to install, NPDES permits, and any permit modifications; antidegradation issues and other issues involving wastewater treatment.. These other services would be available upon request by the Board.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, Vorys, Sater, Seymour & Pease shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by this Board or the Firm by written notice to the other.

Section 3. This Board of County Commissioners shall join with the Prosecuting Attorney of this County in application pursuant to Section 305.14, Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the Firm for the purposes stated in Section 1 hereof and for authority to pay the Firm for those legal services as provided for in Section 1 hereof from fund appropriated, or that may be appropriated, by this Board from time to time for such purpose. The County Auditor is hereby authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for the payment of the same as they shall become payable.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meetings of this Board , and that all deliberations of this Board and of any of it committees that resulted in such formal action, were in meetings, open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code. The foregoing motion having been put to vote, the results of the roll call was as follows:

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

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There being no further business, the meeting adjourned.

Deborah Martin

James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners