

COMMISSIONERS JOURNAL NO. 42 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 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

9:00 AM-Executive Session for Personnel Matters

7:20 PM – Public Hearing for Allocation of FY 2001 Local Law Enforcement Block Grant

7:30 PM – Continuation of Public Hearing for Annexation of 245.71 Acres from Delaware Township to City of Delaware

7:45 PM – Public Hearing for Annexation of 3.00 Acres from Liberty Township to City of Powell

8:00 PM – Public Hearing for Ditch Petition of Gwinner Ditch #262 Filed by Dan Lane and Others

RESOLUTION NO. 01-791

9:00 AM-IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS:

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

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

RESOLUTION NO. 01-792

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION AT 9:05 AM:

It was moved by Mrs. Martin, 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. 01-793

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS NUMBERED 311138 THROUGH 311551:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve for payment warrants numbered 311138 through 311551 and Purchase Orders and Vouchers as listed below:

<u>PO Number</u>	<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
1B10236	Northbrooke/AC LLC	Roadwork-Highfield Drive	8111-4020	\$ 250,000.00
<u>Vouchers</u>				
1B10498	Ferguson Steel Co.	Structural steel for Admin Bldg	8612-4011	\$ 182,781.00
1B42980	House of New Hope	Residential Treatment	4530-2081	\$ 6,946.80
1B10236	Northbrooke/AC LLC	Roadwork-Highfield Drive	8111-4020	\$ 190,872.20

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

RESOLUTION NO. 01-794

IN THE MATTER OF SETTING DATE AND TIME FOR PUBLIC HEARING OF ANNEXATION PETITION FILED FOR 12.769, MORE OR LESS, ACRES FROM BERKSHIRE TOWNSHIP TO VILLAGE OF SUNBURY AND GIVING NOTICE OF SAME TO AGENT FOR PETITIONERS:

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

Whereas, the Clerk of the Board of County Commissioners has given notice of the filing of a petition for annexation of certain real estate in Berkshire Township to Village of Sunbury, and

Whereas, Kenneth J. Molnar, 21 Middle Street, Galen, Ohio, has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, **October 1, 2001, at 7:45 PM** in the hearing room of the Board of County Commissioners of Delaware County, 101 Sandusky Street, Delaware, Ohio be set as date, time and place for hearing on same pursuant to Section 709.031 of the Ohio Revised Code; Further Be It Resolved, that the Clerk of the Board of Commissioners shall give notice to the Agent for the Petitioners of this action and file copies

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of said petition and maps with the County Auditor and with the County Engineer so he may verify accuracy of said maps.

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

RESOLUTION NO. 01-795

IN THE MATTER OF SETTING DATE AND TIME FOR PUBLIC HEARING OF ANNEXATION PETITION FILED FOR 15, MORE OR LESS, ACRES FROM ORANGE TOWNSHIP TO CITY OF COLUMBUS AND GIVING NOTICE OF SAME TO AGENT FOR PETITIONERS:

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

Whereas, the Clerk of the Board of County Commissioners has given notice of the filing of a petition for annexation of certain real estate in Orange Township to City of Columbus, and

Whereas, Harrison W. Smith, Jr., 37 West Broad Street, Columbus, Ohio, has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, **October 1, 2001, at 8:00 PM** in the hearing room of the Board of County Commissioners of Delaware County, 101 Sandusky Street, Delaware, Ohio be set as date, time and place for hearing on same pursuant to Section 709.031 of the Ohio Revised Code; Further Be It Resolved, that the Clerk of the Board of Commissioners shall give notice to the Agent for the Petitioners of this action and file copies of said petition and maps with the County Auditor and with the County Engineer so he may verify accuracy of said maps.

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

RESOLUTION NO. 01-796

IN THE MATTER OF SETTING DATE AND TIME FOR PUBLIC HEARING OF ANNEXATION PETITION FILED FOR 5.681, MORE OR LESS, ACRES FROM ORANGE TOWNSHIP TO CITY OF COLUMBUS AND GIVING NOTICE OF SAME TO AGENT FOR PETITIONERS:

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

Whereas, the Clerk of the Board of County Commissioners has given notice of the filing of a petition for annexation of certain real estate in Orange Township to City of Columbus, and

Whereas, Robert Albright, 600 South High Street, Columbus, Ohio, has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, **October 1, 2001, at 8:15 PM** in the hearing room of the Board of County Commissioners of Delaware County, 101 Sandusky Street, Delaware, Ohio be set as date, time and place for hearing on same pursuant to Section 709.031 of the Ohio Revised Code; Further Be It Resolved, that the Clerk of the Board of Commissioners shall give notice to the Agent for the Petitioners of this action and file copies of said petition and maps with the County Auditor and with the County Engineer so he may verify accuracy of said maps.

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

RESOLUTION NO. 01-797

IN THE MATTER OF TAKING ALL NECESSARY MEASURE TO HALT THE INJURIOUS DUMPING OF FOREIGN STEEL IN THE COUNTY OF DELAWARE, OHIO.

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

Whereas, consistent with the rights of the United States under the World Organization, the injurious dumping and subsidization of foreign steel is to be condemned; and

Whereas, the continued illegal dumping and subsidization of foreign steel has resulted in substantial job losses in Ohio's steel industry due to the resulting closure or cessation of operations at many mills, and

Whereas Ohio's steel-producing companies that remain in operation may be unable to rehire laid off workers, maintain pension and health care benefits, pay down accumulated debt, obtain working capital, or otherwise remain viable if illegal dumping and subsidization of foreign steel continue; and

Whereas , their unfair conditions are adversely impacting state of Ohio steel workers and their families,

Now Therefore, Be It Resolved, that the Board of Delaware County Commissioners urge the 124th Session of the

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Ohio General Assembly to adopt the House of Representatives Committee Resolution Number 7 to prevent the use of foreign steel in the state of Ohio improvement projects.

Be it Further Resolved that the use of foreign steel is prohibited in all Community Development Projects and Roadway Improvement Projects and in any Delaware County Building Construction Projects.

Be It Further Resolved, that the Clerk of the Board of Delaware County Commissioners is hereby directed to send copies of this Resolution to State Senator, Bill Harris, State Representative Jon Peterson, and to the County Commissioners Commissioner's Association.

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

RESOLUTION NO. 01-798

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Job and Family Services is requesting that Patricia Rayburn attend the Sign Language Course at Grady Hospital on September 9 through Oct 28, 2001 in the amount of \$30.00.

Sanitary Engineer is requesting that Chad Antle attend the Leadership Delaware at Delaware on August 2001, through May 2002, in the amount of \$600.00.

Economic Development is requesting that Dottie Brown attend Leadership Delaware at Delaware on August 2001, through May 2002, in the amount of \$600.00.

Clerk of Courts has requested that Betty Porter and Sandra Cramer attend Supreme Court Seminar at Kings Island Conference Center on August 10, 2001, in the amount of \$66.00.

Emergency Services is requesting that additional cost be approved for Shoreh Elhami to attend the 9-1-1 Critical Issues Forum with John Tracy and Sharon Creamer, that was previously approved, on September 17 through September 18, 2001, in the amount of \$300.00.

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

RESOLUTION NO. 01-799

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

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

NEW DEPARTMENT

081-01-8111 Roadway Development/Highfield Dr. Extension

SUPPLEMENTAL APPROPRIATIONS

FUND NUMBER:	FUND NAME:	AMOUNT:
081-8111-040	Roadway Development/Highfield Dr Ext – Equip	\$ 250,000.00

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

RESOLUTION NO. 01-800

IN THE MATTER OF ACCEPTING ROADS IN SHORES, SECTION 12:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to release bonds and letters of credit and accept roads within

Shores, Section 12

- An addition of 0.18 mile to **Township Road Number 669, Parklawn Drive**
- An addition of 0.34 mile to **Township Road Number 921, Rocky Shore Drive**
- **Seaway Court**, to be known as **Township Road Number 987**
- **Baja Court**, to be known as **Township Road Number 988**

County Engineer also request approval to return the Letter of Credit being held as maintenance surety to the developer, Evergreen Land Company.

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

RESOLUTION NO. 01-801

IN THE MATTER OF AUTHORIZING STOP CONDITIONS IN SHORES, SECTION 12:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to authorize stop conditions at the following locations:

- On Township Road Number 669, Parklawn Drive, at its intersection with County Road Number 10, South Old State Road
- On Township Road Number 669, Parklawn Drive, at its intersection with Township Road Number 921, Rocky Shore Drive
- On Township Road Number 921, Rocky Shore Drive, at its intersection with Township Road Number 669, Parklawn Drive
- On Township Road Number 987, Seaway Court, at its intersection with Township Road Number 921, Rocky Shore Drive
- On Township Road Number 988, Baja Court, at its intersection with Township Road Number 987, Seaway Court

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

RESOLUTION NO. 01-802

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>
U010106	Verizon	Clark Shaw Road	Place telephone cable

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

RESOLUTION NO. 01-803

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

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve specifications and set bid opening date and time for **Monday, August 20, 2001, at 10:00 AM.**

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

RESOLUTION NO. 01-804

IN THE MATTER OF APPROVING SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR EAST ORANGE ROAD IMPROVEMENTS:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve specifications and set bid opening date and time for **Monday, August 20, 2001, at 10:15 AM.**

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

RESOLUTION NO. 01-805

IN THE MATTER OF AUTHORIZING THE PETITIONING OF THE OHIO DEPARTMENT OF DEVELOPMENT FOR THE PURPOSES OF EXPANDING THE ENTERPRISE ZONE WITHIN THE CITY OF DELAWARE:

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

WHEREAS, Ohio Revised Code Section 5709.61 through 5709.69 (“The Act”) has authorized counties, with the consent and agreement of affected municipalities and townships therein, to designate areas as Enterprise Zones and to execute agreements with certain enterprises for the purpose of establishing, expanding, renovating or occupying facilities and hiring new employees and preserving jobs within said zones in exchange for specified local tax incentives granted by the county; and

WHEREAS, the City of Delaware Enterprise Zone was originally certified on September 24, 1991 and was determined to meet the characteristics set forth in Ohio Revised Code Sections 5709.61 (A)(1)(c), (A)(2)(a), (b), and (c); and was re-certified on March 13, 1997 and was determined

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to meet the characteristics set forth in Ohio Revised Code Sections 5709.61 (A) (3), and 5709.632(A)(2); and

WHEREAS, the Board of County Commissioners, Delaware County, Ohio (The Board”) upon due consideration desire to implement said Act and to expand and designate the boundaries of an existing Enterprise Zone within the boundaries of Delaware County (“The County”) to promote the economic welfare of said county; and

WHEREAS, the Board finds and determines that expansion and designation of the zone pursuant to the Ohio Revised Code Section 5709.632 (A) (2) will promote the economic welfare of the residents of Delaware County and the City of Delaware by creating new jobs and retaining and preserving existing jobs and employment opportunities within such areas and is in the best interest of said County and Municipality; and

WHEREAS, pursuant to the Act, the City of Delaware has authorized the Board to expand and designate the area boundaries of an existing Enterprise Zone (“The Zone”) which consists of an area in the City of Delaware and to petition the Director of the Department of Development of the State of Ohio to certify said area as shown in the attached Exhibit A and described in the attached Exhibit B as such a zone; and

WHEREAS, the Board of County Commissioners is required by law to administer all Enterprise Zones and agreements within the County and will therefore appoint a designee to be responsible for 1) the establishment and operation of the Tax Incentive Review Council as specified in Ohio Revised Code Sections 5709.85, 2) to ensure that the Enterprise Zone Agreements contain the information required in Ohio Revised Code Sections 5709.631, including but not limited to a description of the project, the amount to be invested, the number of jobs created and/or retained, the annual new payroll associated with these jobs, and the specific percentage and term of the tax exemptions being granted toward real and/or personal property, 3) to forward copies of all Enterprise Zone Incentive Agreements to both the Ohio Department of Development and the Ohio Department of Taxation within fifteen days after the agreement is entered into, as specified in the Ohio Revised Code, 4) to notify affected school boards of proposed projects a minimum of fourteen days prior to formal local legislative consideration and to include comments by the school boards as part of the review process as required under Ohio Revised Code Sections 5709.83, 5) to maintain a centralized record of all aspects of the Zone, including copies of the agreements, a list of the members of the Tax Incentive Review Council, and a summary of the Tax Incentive Review Council’s annual review of each agreement, and 6) to submit a comprehensive annual report of zone activities on or before March 31 of each year pursuant to Section 5709.68 of the Ohio Revised Code.

WHEREAS, the County is requesting expansion and designation of an existing Enterprise Zone which includes all or part of the municipal corporation and meets the population and boundary requirements to be certified as an Enterprise Zone under Section 5709.632; and

WHEREAS, the Delaware City Council has requested that the Board of County Commissioners confer the power and duty to negotiate Enterprise Zone abatement agreements to a Committee of City, County and schools district representatives as permitted in Ohio Revised Code Section 5709.632 and that the Council has agreed to assist the Board of County Commissioners in the administration of the Enterprise Zone and will approve all agreements before submitting agreements to the Board of County Commissioners for approval.

WHEREAS, the Board by this resolution does hereby agree to retain the existing Tax Incentive Review Council having the characteristics set forth in Ohio Revised Code Section 5709.85.

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT RESOLVED, by the Board of Commissioners, County of Delaware, State of Ohio that based upon the factual data, reports, and land conditions, the Board hereby finds and determines that the City of Delaware meets the requirements of the Act for designation and the Board hereby designates the portion of the Municipality shown in the attached Exhibit A and described in the attached Exhibit B as an Enterprise Zone of the County pursuant to and in accordance with the requirements of the Act; and

BE IT FURTHER RESOLVED that based upon the factual data, reports and conditions of the area designated as an Enterprise Zone, the Board hereby finds and determines that the zone has a population of at least one thousand (1,000) persons according to the best and most recent data available to the Director of the Department of Development and the zone meets characteristics outlined in Ohio Revised Code Section 5709.61(A) (3). The development of the area proposed as the Enterprise Zone would create and preserve employment opportunities in the zone and would improve the economic climate of the City of Delaware.

BE IT FURTHER RESOLVED as follows:

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- Section 1. The Board of County Commissioners, Delaware County, Ohio hereby authorize and direct the Delaware County Economic Development Director to provide a certified copy of this resolution with the petition for expansion and designation of the Enterprise Zone to the Director of the Department of Development of the State of Ohio.
- Section 2. The Delaware County Economic Development Director is directed to formally notify the Delaware City School District and Delaware Joint Vocational School System of this action.
- Section 3. That this Resolution shall take effect and be in force immediately after its passage.

Exhibit B

City of Delaware

Enterprise Zone (EZ) 215

Boundary Description

The Boundaries of the CRA and EZ within the City of Delaware are described as follows:
 Beginning at a point at the intersection of Penick Avenue and West William Street;
 Then east on West William Street to King Avenue;
 North on King Avenue and continuing due north to West Central Avenue;
 East on West Central Avenue to the intersection with Elizabeth Street;
 Then south on Elizabeth Street to West William Street;
 East on West William Street to the intersection of Catherine Street;
 Then including parcels fronting on W. Winter Street and N. Liberty Street, then south to West William Street. East on West William Street to North Liberty Street;
 North on N. Liberty Street to Hefner Street;
 East on Hefner Street to the corporate boundary along the Olentangy River, then continuing due east along the corporate boundary to Lake Street;
 Southeast then east from Lake Street along a line north of and parallel to Joy Avenue, continuing due east to the corporate boundary;
 Then south following the corporate boundary, intersecting the Conrail railroad tracks, excluding the Deel Annexation (Ord. 98-54), intersecting Vernon Avenue, and continuing to the point where the corporate boundary turns east and intersects the Conrail railroad tracks;
 Then east to the point where the corporate boundary turns north;
 Then south to the centerline of Bowtown Road;
 Then east following the centerline of Bowtown Road and the corporate boundary including only the incorporated areas along the south side of Bowtown Road to the northwest corner of Parcel Number 51830001102000 (1685 Bowtown Road);
 Then south and continuing along the corporate boundary to a point just north of the intersection of Sweeney Road and Curve Road;
 Then continuing westward along the corporate boundary, then turning northward along the Olentangy River to East William Street;
 West along East William Street to Henry Street;
 Then south along Henry Street to Olentangy Avenue;
 West along Olentangy Avenue to South Sandusky Street;
 North on South Sandusky Street to the northeast corner of Oak Grove Cemetery, Parcel Number 4191220111100;
 Then west along the cemetery property line to Liberty Road;
 South on Liberty Road to just south of Beech Drive and north of Hawthorn Boulevard, following the corporate boundary west to the intersection of South Section Line Road and Airport Road;
 North on South Section Line Road, then following the corporate boundary east and continuing to the Conrail Railroad tracks;
 Then continuing east along the Conrail railroad tracks to a point on the railroad tracks just south of the intersection of Boulder Drive and Firestone Drive, where the corporate boundary turns south;
 Following the corporate boundary south, then east, then south, then east, then south, then east to London Road
 Following the corporate boundary northeast along London Road to Curtis Street;
 North on Curtis Street along the corporate boundary to where it turns westward;
 Westward along the corporate boundary then continuing along the corporate boundary to the Conrail Railroad tracks;
 Then from this point due north to the point of beginning.

Map of the above is at Delaware County Commissioners' Office.

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

RESOLUTION NO. 01-806

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

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Rox Lagalo, Kathy Dulgar and Dana White have been promoted from TCO I to TCO II for 9-1-1; effective date of promotions is August 1, 2001.

David Wisner has accepted the position of Collection System Operator for OECC; effective date of hire is August 14, 2001.

Robert Sochor position as GIS Database Manager has been reclassified for Sanitary Department; effective date of reclassification is August 1, 2001.

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

RESOLUTION NO. 01-807

IN THE MATTER OF EXECUTING AN AGREEMENT WITH WILLIS ADMINISTRATIVE SERVICES CORPORATION (WASC) WHICH WAS PREVIOUSLY AUTHORIZED FOR LIABILITY AND PROPERTY INSURANCE CLAIMS ADJUSTMENT SERVICES:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to execute the agreement:

Whereas, the Board of Commissioners of Delaware County, State of Ohio, previously authorized the agreement with Willis Administrative Services Corporation (WASC) by awarding property/liability insurance coverage to Willis Pooling All Lines Aggregate Program on April 30, 2001.

Therefore, be it resolved, by the Board of Commissioners of Delaware County, State of Ohio, to execute Addendum Four renewing the contract with Willis Administrative Services Corporation for property/liability insurance adjustment services for May 1, 2001, through April 30, 2002.

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

RESOLUTION NO. 01-808

IN THE MATTER OF APPROVING A RECOMMENDATION BY THE DELAWARE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) TO APPROVE THE APPOINTMENT OF REPRESENTATIVES AND ALTERNATES:

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

WHEREAS, in accordance with the Ohio Revised Code Section 3750.03(b) the LEPC recommends to the Board of Commissioners to approve the re-appointments of representatives and alternates to the LEPC for the period July 30, 2001 through July 30, 2003.

Representatives:

<u>NAME</u>	<u>ORG</u>	<u>NAME</u>	<u>ORG</u>
Donald Wuertz	County Commissioner	Tim Ryerson	Red Cross
Paul Price	Township Trustee	Ron Shaffhauser	Factory Rep
Larry Fisher	EMA Director	Rick Varner	Environment
Daniel Wine	Hospital	J. R. Maynard	Transportation
Tom Macklin	Delaware City	Pearline Howald	First Aid
Edward Crumb	Community/ARES	Gary Vest	Community
Francis Veverka	Health	John Bernans	Fire
Charles Sheets	Township Trustee	Lt. Ron Kuszmaul	Law
Kevin Williams	Media Coordinator	Andy Thompson	Township

Alternates:

<u>NAME</u>	<u>ORG</u>	<u>NAME</u>	<u>ORG</u>
William Buckley	Citizen/Transportation	Doug Sams	Health
Philip Trew	Factory Rep	Dwayne Mason	Factory Rep
Steve Robinson	Factory Rep	Edna DeLong	Factory Rep
Kimberly Thompson	Hospital	Carol McConnel	ARES/Media
Steve Savon	Transportation	Gil Borchers	Law
Murray Smith	First Aid/EMS	David Hall	EMA
Verna Walke	Red Cross	Bob Lavender	EMA
Sheila Perin	LEPC Secretary		

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 Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

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RESOLUTION NO. 01-809

IN THE MATTER OF ADOPTING A RESOLUTION APPROVING THE DELAWARE COUNTY HAZARDOUS MATERIALS PLAN AS RECOMMENDED BY THE LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) AND DELAWARE COUNTY EMERGENCY MANAGEMENT AGENCY UNDER THE AUTHORITY OF ORC 3750.04:

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

WHEREAS, the Delaware County Local Emergency Planning committee has completed the required documentation for Delaware County’s SARA Title III Chemical Emergency Preparedness Plan in accordance with NRT-1 and other pertinent guidance; and,

WHEREAS, the state Emergency Response Commission has directed the various County Local Emergency Planning Committees to forward the County’s plan directly to the Ohio Emergency Management Agency for all reviews; and,

WHEREAS, the LEPC and EMA have recommended approval of the updated Delaware County Hazardous Materials Plan for the protection of our citizens;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby resolve to forward the Delaware County Chemical Emergency Preparedness Plan for annual review to the State Emergency Response Commission and to the Ohio Emergency Management Agency, 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. Wuertz Aye Mr. Ward Aye Mrs. Martin Aye

RESOLUTION NO. 01-810

IN THE MATTER OF ADOPTING A RECOMMENDATION FOR APPROVING A COST RECOVERY PROGRAM TO BE ADMINISTERED BY THE DELAWARE COUNTY EMERGENCY MANAGEMENT AGENCY:

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

WHEREAS, Emergency Responders and the Local Emergency Planning Committee (LEPC) within Delaware County requested that the Delaware County Emergency Management Agency act as Agent in the process of cost recovery for Hazardous Materials incidents in accordance with Ohio Revised Code 3745.13; and,

WHEREAS, the Delaware County LEPC and Prosecutor’s Office have reviewed the guideline and recommend approval of this process;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby resolve to approve a cost recovery program to be administered by the Delaware County Emergency Management Agency, 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.

**DELAWARE COUNTY EMERGENCY MANAGEMENT AGENCY
Suggested Operating Guide**

ISSUING COMMAND: Emergency Services		S.O.G.#: EMA00-001
ISSUE DATE: JUNE 1, 2000	EFFECTIVE DATE: JUNE 1, 2000	
SUBJECT: COST RECOVERY FOR HAZARDOUS MATERIALS INCIDENTS		
SUB-TOPIC: PURPOSE, SCOPE, DISTRIBUTION, DEFINITIONS, POLICIES AND PROCEDURES		
REFERENCES: ORC 3745.13, 5502.26		

1.0 Purpose

To provide assistance to Public Safety responders in the recovery of costs associated with a hazardous materials spill that are necessary and reasonable, additional or extraordinary as a result of any person causing or allowing an unauthorized spill, release, or discharge of material into or upon the environment.

2.0 Scope

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This Suggested Operating Guideline (SOG) applies to all political subdivisions and Public Safety organizations that operate under the Delaware County Local Emergency Planning Committee. The Delaware County Emergency Management Agency (EMA) functions as the agent for all responding departments within the Delaware county EMA jurisdiction. The Delaware County Prosecutor's Office shall act as legal counsel for this process, providing a written demand that the costs be paid by the responsible party and taking civil action as necessary and authorized pursuant to Section 3745.13. All reimbursed funds will be submitted to "Delaware County EMA", 10 Court Street, Delaware, OH 43015, Fund Account #1010. The EMA will, in turn, submit recovered funds to the appropriate responding agency.

3.0 Distribution

To all political subdivisions and Public Safety responders who operate under the authority of the Delaware County LEPC.

4.0 Definitions

A. Cost Recoverable Charges:

1. Personnel Costs - those personnel who respond or are directed to respond to a hazardous materials incident. Eligible charges include hourly wages, benefits and insurance costs. On-duty personnel costs are not recoverable during the first two hours of a **standard** incident response or when entering overtime status. Costs of extra personnel called in due to the scope of the incident or to relieve on-duty personnel are chargeable.
2. Supplies - those items used exclusively for the hazardous materials incident that cannot or should not be re-used, such as, absorbent pads, tyvek suits, gloves, etc.
3. Operational Costs - those costs associated with supporting the response, such as; fuel, cellular phone charges, database access charges, food, etc.
4. Equipment Costs - those costs for equipment or systems that must be replaced due to contamination or breakage, such as; shovels, ladders, vehicles, etc. or that equipment which must be rented or acquired by the agency to assist in the response and are beyond its normal Table Of Equipment (TOE).

B. Hazardous Materials Incident - any incident where emergency action is required to protect the public health or safety or the environment as the result of any person causing or allowing an unauthorized spill, release, or discharge of material into or upon the environment.

C. Standard Response - the normal response to a reported hazardous materials incident before an on-scene assessment can determine the scope and definition of the release. Delaware County uses three levels of response as follows:

1. Level 1 Response -
2. Level 2 Response -
3. Level 3 Response -

5.0 POLICY

- A. It is at the discretion of the responding department's Chief whether an invoice for costs will be submitted for reimbursable expenses by their department.
- B. All incidents will be invoiced through the Delaware County EMA.
- C. There will be no charge for the first two hours of an initial **standard** response except for supplies or operational charges.
- D. The Delaware County EMA will include a 15% (per cent) administrative charge in addition to the total invoice. This charge covers the production of supporting materials and reports to be included in the invoice.
- E. Submitting organizations or agencies are responsible for maintaining evidentiary material that may be necessary in the recovery of costs in the case of civil action. This material can include, but are not limited to personnel time sheets or cards, bills, receipts or invoices for each item of equipment or supplies used or destroyed as a result of contamination or damage and a full job description for all full, part-time or volunteer employees.
- F. In accordance with these guidelines, procedures, and Section 3745.13 of the Ohio Revised Code, all political subdivisions and responding agencies authorize the Delaware County EMA to enter into a settlement sum of a claim on their behalf against a responsible party.

6.0 PROCEDURES

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- A. All invoices will be submitted to the Delaware County EMA within **two weeks** after the incident "Signal O".
- B. The primary jurisdictional agency will provide a list of all responding departments or agencies to the Delaware County EMA when submitting their invoice.
- C. Delaware County EMA will submit a single combined invoice to the party responsible for the incident.
- D. Organizations or agencies submitting an invoice to EMA will use the approved forms in Appendix 1 to this guideline.
- E. All costs for supplies and equipment use or replacement will be based on the charts attached in Appendix 2 of this guideline.

DELAWARE COUNTY
FIRE DEPARTMENT
EQUIPMENT COSTS

Ladder	\$210.00
Engine	\$140.00
Tanker	\$130.00
Air Truck	\$200.00
Medic	\$90.00
Supply Vehicles	\$75.00
Special Vehicles – EMA, Command, Decon Trailer	\$75.00
Supplies	Replacement Cost
Equipment	Replacement Cost

*All costs are subject to change and based on actual operating costs as determined by the responding department. Given below is the data supplied by Franklin Co. EMA, Knox Co. EMA, Morrow Co. EMA, and Central Ohio Fire Chief's Associations on costs per hour of equipment.

	Franklin Co. EMA	Knox Co. EMA	Morrow Co. EMA	Chief's Assoc.
Ladder	125.26	300.00		200.00
Engine	72.88	200.00	200.00	100.00
Tanker		150.00	100.00	
Rescue	96.43		150.00	75.00
Brush			50.00	
Medic	154.86		75.00	50.00
Squad-Basic		200.00		50.00
Squad-Advanced		225.00		
Squad-Medic		250.00		
Support Vehicles		150.00		
Bn. Ch. Auto.	12.68			
Bomb Squad	92.43			
Supplies	Replacement Cost	Replacement Cost		Replacement Cost
Equipment	Replacement Cost	Replacement Cost		Replacement Cost
Air Truck		200.00		
Supply Vehicles				75.00
Special vehicles, i.e. EMA, Command, Decon trailer, Brush			50.00	100.00

The data supplied by Franklin County EMA was calculated based on the original purchase price of the vehicle and maintenance costs. The data supplied by Knox County EMA and the Fire Chief's Association was not supplied with supporting data. All other costs, such as man hours, are billed according to the actual cost of that item.

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

RESOLUTION NO. 01-811

IN THE MATTER OF APPROVING A BID OPENING DATE FOR ACCEPTANCE OF PROPOSALS FOR THE PURCHASE AND INSTALLATION OF A SLIP RESISTANT FLOORING SYSTEM FOR THREE OF THE DELAWARE COUNTY EMERGENCY MEDICAL SERVICES STATIONS.

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

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WHEREAS, the Delaware County Board of Commissioners desire to ensure the working environment for all employees is as safe as possible; and,

WHEREAS, it has been determined that a slip resistant flooring system will improve the safety of our Emergency Medical Services members at our stations in Radnor (Medic 4), Ashley (Medic 5) and Sunbury (Medic 2/7);

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve a bid opening time and date of **10:00 a.m., Monday, 20 August 2001**, for proposals to purchase and install slip resistant flooring system at the above referenced Medic Stations.

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 Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 01-814

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN JOB AND FAMILY SERVICES, DEPARTMENT OF DELAWARE COUNTY COMMISSIONERS, AND KATHERINE DURU, JONI GARRISON, KATHY HARPER, CINDY HOWARD, TYYETTA JONES, MILDRED PACE, BETHANY PIKE, PAULA SMITH, WILMA SANDERS AND KAREN PERRY FOR CHILD CARE SERVICES:

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

Child Care		Basic Rates Full Time (25 Hrs. or More)	Part Time Rates	Adjustments to Basic Rates
Katherine Duru 3190 Agape Drive Columbus, Ohio July 1, 2001-May 31, 2002	Infant Toddler Preschool School Age Daily – Billing Units	\$21.40 \$18.00 \$16.00 \$13.00	\$ 11.00 \$ 9.00 \$ 8.00 \$ 10.00	None
Joni Garrison 1720 CR 159 Ashley, Ohio 43003 July 1, 2001-May 31, 2002	Infant Toddler Preschool School Age Hourly – Billing Units	\$ 2.50 \$ 2.50 \$ 2.50 \$ 2.50	\$ 2.50 \$ 2.50 \$ 2.50 \$ 2.50	None
Kathy Harper 4181 Portobello Drive Columbus, Ohio 43230 July 1, 2001-May 31, 2002	Infant Toddler Preschool School Age Daily – Billing Units	\$16.05 \$15.45 \$13.65 \$12.90	\$10.80 \$10.35 \$ 9.15 \$ 8.70	None
Cindy Howard 3619 CR 219 Marengo, Ohio 43334 July 1, 2001-May 31, 2002	Infant Toddler Preschool School Age Hourly-Billing Units	\$ 2.50 \$ 2.50 \$ 2.50 \$ 2.50	\$ 2.50 \$ 2.50 \$ 2.50 \$ 2.50	None
Tyyetta Jones 2933 E. 6 th Ave. Columbus, Ohio 43219 July 1, 2001-May 31, 2002	Infant Toddler Preschool School Age Daily-Billing Units	\$22.80 \$21.00 \$19.00 \$17.00	\$15.20 \$15.00 \$13.10 \$12.00	None
Mildred Pace 3276 Earncliff Drive Columbus, Ohio July 1, 2001-May 31, 2002	Infant Toddler Preschool School Age Daily-Billing Units	\$22.80 \$21.00 \$19.60 \$18.00	\$15.20 \$15.00 \$13.10 \$12.00	None
Bethany Pike 8157 Wildflower Lane Westerville, Ohio 43081 July 1, 2001-May 31, 2002	Infant Toddler Preschool School Age Daily-Billing Units	\$21.00 \$20.60 \$18.20 \$17.20	\$14.00 \$15.00 \$13.10 \$11.60	None
Paula Smith 3376 Groll Rd. Waldo, Ohio 43356 July 1, 2001-May 31, 2002	Infant Toddler Preschool School Age	\$ 2.30 \$ 2.30 \$ 2.00 \$ 2.00	\$ 2.30 \$ 2.30 \$ 2.00 \$ 2.00	None

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	Hourly-Billing Units			
Wilma Sanders 6443 Baltursol Court Westerville, Ohio 43082 June 1, 2001-May 31, 2002	Infant	\$ 2.05		None
	Toddler	\$ 2.05		
	Preschool	\$ 1.90		
	School Age	\$ 1.90		
	Hourly-Billing Units			
Karen Perry 250 W. North Street Ostrander, Ohio 43061 July 11, 2001-May 31, 2002	Infant	\$ 2.75		None
	Toddler	\$ 2.75		
	Preschool	\$ 2.50		
	School Age	\$ 2.50		
	Hourly-Billing Units			

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

RESOLUTION NO. 01-815

IN THE MATTER OF APPROVING CONTRACT BETWEEN JOB AND FAMILY SERVICES AND DELAWARE COUNTY JUVENILE COURT WITH CENTRAL OHIO MENTAL HEALTH CENTER FOR GENESIS FOSTER TREATMENT SERVICES:

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

FY '02 GENESIS CONTRACT FOR
DELAWARE COUNTY AGENCIES

Whereas the Delaware County Department of Job and Family Services (DCDJFS), and the Delaware County Juvenile Court, wish to purchase Genesis Foster Treatment services from Central Ohio Mental Health Center, they enter into the following joint agreement.

Service to be Provided:

The Genesis Network provides foster treatment services to youth from both Morrow and Delaware Counties.

Delaware-Morrow Mental Health and Recovery Services Board Financial Support of the Genesis Program:

In FY '02 (July 1, 2001-June 30,2002) the Delaware-Morrow Mental Health and Recovery Services Board will provide up to \$64,671 in funding to the Genesis Network in Delaware and Morrow Counties. The Center's contract with the Delaware-Morrow Mental Health and Recovery Services Board allows for payment of up to 2,920 client days during FY '02. The Delaware-Morrow Mental Health and Recovery Services Board's payment per youth per day shall be \$22.15.

Term of the Agreement:

This Agreement shall be in effect from July 1, 2001 to June 30, 2002.

Assignment of Costs and Method of Payment:

The actual cost per youth per day to be charged for each youth in placement will be \$66.45 during the period between July 1, 2001 and June 30, 2002.

The Center will complete the needed documentation to determine an IV-E payment rate.

After the last day of each month, and prior to the 15th day of the following month, the Central Ohio Mental Health Center shall submit a statement to the party with financial responsibility (as outlined on the Geneses Fee Agreement form) detailing the cost of each youth in placement. This statement will reflect the cost/youth minus payment by the Delaware-Morrow Mental Health and Recovery Services Board (\$22.15/day). The net cost/day/youth is \$44.30. If all Delaware-Morrow Mental Health and Recovery Services Board funds have been expended, the cost will be computed at the full rate (\$66.45/day/youth). The Central Ohio Mental Health Center will notify the funding parties at least 30 days in advance of depletion of Delaware-Morrow Mental Health and Recovery Services Board funds. Upon receipt of this statement, the party with financial responsibility will pay the Central Ohio Mental Health Center within thirty (30) days. The maximum amount to be paid during FY '02 by DCDJFS shall be \$ 150,000.

Computation of Placement Days:

Billing for each youth in placement shall reflect the first day of placement, but shall not include the last day of placement. Youths that are absent from their placement (e.g. hospitalized, absent without leave, in JDC, etc.) shall have their bed held for them for seven calendar days, six of which are billable days.

Acceptance of Youth into Placement:

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Before placement can be considered, the referring agency must complete required referral forms including the Genesis Fee Agreement (See Attachment A).

Only referrals which meet admission criteria will be considered for placement.

Referring Agency Support Services:

Referring Agency agrees to:

Provide pertinent medical, psychological, and behavioral information

Communicate any concerns, unusual incidents, or behavioral problems in coordinating service,

Provide a 24-hour emergency telephone number

Provide adequate clothing for placement by providing items included on the Clothing List

Authorize the Genesis Network to obtain necessary medical, dental, and optical care for the foster child (Advance approval will be required for any orthodontic work needed by the child.)

Discharge from Placement

The Central Ohio Mental Health Center will notify the Referring Agency when the foster child no longer requires the level of care provided in the network or requires a higher level of care.

Resolution of Disputes

Be it understood that in the matter of policy difficulties, the Center and other parties will attempt to resolve disputes through negotiation. If this is unsuccessful, disputes shall be resolved through mediation.

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

RESOLUTION NO. 01-816

IN THE MATTER OF APPROVING SANITARY SUBDIVIDER'S AGREEMENT FOR CONDOMINIUMS OF WEDGEWOOD AND TARTAN FIELDS, PHASE 9:

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

Condominiums of Wedgewood

THIS AGREEMENT executed on this 30th day of July 2001, by and between DIAMONDBACK HOMES SUBDIVIDER as evidenced by the CONDOMINIUMS OF WEDGEWOOD 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 (\$52,649.00) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents 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.

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

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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 \$3,685.00, 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 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.

Tartan Fields, Phase 9

THIS AGREEMENT executed on this 30th day of July 2001, by and between NHG DEVELOPMENT GROUP SUBDIVIDER as evidenced by the TARTAN FIELDS, PHASE 9 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 (\$150,000.00) 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

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RESOLUTION NO. 01-817

IN THE MATTER OF ADOPTING NEW RATES AT THE DELAWARE COUNTY SOLID WASTE TRANSFER FACILITY:

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

WHEREAS, the Board of County Commissioners of Delaware County entered into a Solid Waste Transfer Station Operation Agreement with Sims Brothers, Inc. for the operation of the Delaware County Solid Waste Transfer Station dated May 14, 1995, and

WHEREAS, the rights and responsibilities of said Agreement were transferred to County Disposal (Ohio) on December 23, 1996, and

WHEREAS, an Addendum to said Agreement was entered into by the County and County Disposal on February 17, 1998, providing for the installation of scales at the facility, a change from cubic yard basis of payment to a per ton basis of payment, and the modification of the rates charged for the disposal of solid waste at the facility, and

WHEREAS, said the Board of County Commissioners of Delaware County entered into a Disposal Service Agreement with Envirite Corporation, now doing business as County Disposal (Ohio), Inc. dated May 30, 1995, and

WHEREAS, both Agreements allow for the Contractor to adjust the disposal rates based on the Consumer Price Index (C.P.I.). The C.P.I. shall be based on the previous calendar year, and

WHEREAS, the C. P. I. Has been listed by the contractor and separately verified as 3.4%,

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Delaware County does hereby adopt the following new disposal rates at the Delaware County Solid Waste Transfer Station effective August 1, 2001:

	<u>Old Rate</u>	<u>New Rate</u>
Commercial Users:		
Municipal Waste	\$34.30/ton	\$35.45/ton
Construction Debris	\$33.95/ton	\$35.10/ton
Non Commercial Users:	\$13.35/cubic yard	\$13.80/cubic yard
Minimum Charge/ Non Commercial:	\$13.35/cubic yard	\$13.80/cubic yard
Miscellaneous Charges:		
Car & Pickup Tire	\$2.05/tire	\$2.10/tire
Semi-Truck Tire	\$6.15/tire	\$6.35/tire
Tractor Tire	\$12.90/tire	\$13.35/tire
Hot Water Heater	\$0.00	\$0.00
Large Appliance	\$0.00	\$0.00

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

RESOLUTION NO. 01-818

IN THE MATTER OF APPROVING SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR CONTRACT CONSTRUCTION INSPECTION SERVICES:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to approve specifications and set bid opening date and time for **Monday, August 20, 2001, at 2:15 PM.**

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

RESOLUTION NO. 01-819

IN THE MATTER OF TRANSFERRING EXCESS PROPERTY:

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

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WHEREAS, Delaware County has personal property not needed for public use, or is obsolete or unfit for use which it was acquired; and

WHEREAS, Delaware County may transfer such property to any political subdivision of the state in accordance to the Ohio Revised Code, Section 307.12.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Delaware County, State of Ohio, to transfer the excess property to the following jurisdictions:

Vehicles being reassigned

#	Transfer to:	Notes	License	Year	Make	Model	Mileage
143	Building Dept.	<i>replacement</i>	21-K9-1	1998	Ford	Crown Vic	132,859
136	Building Dept.	<i>replacement</i>	AVP 8725	1998	Ford	Crown Vic	138,029
83	Building Dept.	<i>replacement</i>	21-K9-4	1997	Ford	Crown Vic	138,906
146	Juvenile Court	<i>replacement</i>	21-32	1998	Ford	Crown Vic	153,332
140	ISP	<i>replacement</i>	AVP 8767	1998	Ford	Crown Vic	148,600
192	ISP	<i>additional</i>	BHL 7405	1998	Ford	Crown Vic	156,000
148	Sanitary Engineer	<i>additional</i>	21-31	1998	Ford	Crown Vic	140,489
133	Sanitary Engineer	<i>additional</i>	OA 8602	1997	Ford	Crown Vic	150,014
37	EMS	<i>additional</i>	21-19	1991	GMC	Suburban, 2500, 4X4	207,283
222	Service Center	<i>additional</i>	OA 34	1993	Ford	PICK UP	136,003
49	Job & Family Srvc	<i>additional</i>	OA 8613	1992	Ford	Crown Vic	167,435
68	Auditor's Ofc	<i>additional</i>	21-16	1997	Ford	Crown Vic	175,049

Avaiable Vehicles

#	Department	Notes	License	Year	Make	Model	Mileage
29	Building Dept.	<i>B-5 to JFS</i>	OA 2352	1994	Ford	Crown Vic Police	188,313
79	Building Dept.	<i>B-15 to Scioto Twp.</i>	OA 8571	1992	Ford	Crown Vic Police	165,696
48	Building Dept.	<i>B-4 to Ostrander</i>	OC 5898	1992	Ford	Crown Vic Police	123,251
177	ISP	<i>to Scioto Twp.</i>	OA 8611	1995	Ford	Crown Vic Police	193,576

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

RESOLUTION NO. 01-830

IN THE MATTER OF APPROVING PRECAST FOR THE NEW SERVICES BUILDING:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve Precast for the New Services Building:

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

RESOLUTION NO. 01-812

7:20 PM – PUBLIC HEARING FOR ALLOCATION OF FY 2001 LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to open the hearing.

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

RESOLUTION NO. 01-813

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR ALLOCATION OF LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to close the hearing.

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

RESOLUTION NO. 01-820

7:30 PM – CONTINUATION OF PUBLIC HEARING FOR ANNEXATION OF 245.71 ACRES FROM

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DELAWARE TOWNSHIP TO CITY OF DELAWARE:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to reconvene the Hearing:

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

RESOLUTION NO. 01- 821

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR ANNEXATION OF 245.71 ACRES FROM DELAWARE TOWNSHIP TO CITY OF DELAWARE:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to close the Hearing at 7:54 PM.

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

RESOLUTION NO. 01- 822

ORDER OF COMMISSIONERS FOR ANNEXATION OF 245.71 ACRES OF LAND FROM DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

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

The Commissioners of Delaware County, Ohio having on the 30th days of July 2001, heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the City of Delaware, and having in open meeting heard all the persons desiring to be heard for or against the granting of said petition had having considered any affidavits presented with reference thereto and being fully advised in the premises do find that:

1. The petition contains all matters required by Sections 709.02 of the Ohio Revised Code;
2. Notice has been published as required by the Ohio Revised Code Section 709.03 and 709.031 and Ordinance has been adopted by and submitted by the City of Delaware as required by Section 709.031(B) of the Revised Code;
3. The persons whose names are subscribed to the petition are the real owners of real estate in the territory described in the petition and as of the time the petition was filed with this Board of County Commissioners the number of valid signatures on the petition constitute a majority of the owners of real estate in the territory proposed to be annexed.
4. The territory included in the annexation petition is not unreasonably large;
5. The plat of the territory to be annexed is accurate, and
6. The general good of the territory sought to be annexed will be served if the annexation petition is granted, and

It is hereby ordered that the prayer of said petition be granted and that the territory described in said petition be annexed, signed by a majority in accordance with law, and that a certified transcript, signed by a majority of this Board, of all orders and proceedings of said Board relative to said petition and the hearing thereon, together with said petition and the maps attached hereto, and all papers on file relating to said matter, be delivered to the Clerk of the City of Delaware, Ohio.

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

RESOLUTION NO. 01- 823

7:45 PM –PUBLIC HEARING FOR ANNEXATION OF 3.00 ACRES FROM LIBERTY TOWNSHIP TO CITY OF POWELL:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to open the Hearing:

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

RESOLUTION NO. 01- 824

IN THE MATTER OF ACCEPTING AMENDMENT TO ANNEXATION PETITION OF 3.00 ACRES FROM LIBERTY TOWNSHIP TO CITY OF POWELL:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to accept the amendment to the petition as stated in request from petitioner as follows:

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MINUTES FROM REGULAR MEETING HELD JULY 30, 2001**

I Robert E. Albright, as agent for petitioners/property owners Jeffrey D. Voss and Cheryl A. Voss, hereby request your approval of an amendment to the plat and description for the above-captioned proposed annexation, which amended description has been approved by the Delaware County Engineer and does not add or delete any territory.

The name and number of owners remains the same as set forth in the annexation petition.

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

RESOLUTION NO. 01-825

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR ANNEXATION OF 3.00 ACRES FROM LIBERTY TOWNSHIP TO CITY OF POWELL:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to close the Hearing at 8:10 PM.

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

RESOLUTION NO. 01- 826

ORDER OF COMMISSIONERS FOR ANNEXATION OF 3.00 ACRES OF LAND FROM LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

The Commissioners of Delaware County, Ohio having on the 30th days of July 2001, heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the City of Powell, and having in open meeting heard all the persons desiring to be heard for or against the granting of said petition had having considered any affidavits presented with reference thereto and being fully advised in the premises do find that:

1. The petition contains all matters required by Sections 709.02 of the Ohio Revised Code;
2. Notice has been published as required by the Ohio Revised Code Section 709.03 and 709.031 and Ordinance has been adopted by and submitted by the City of Powell as required by Section 709.031(B) of the Revised Code;
3. The persons whose names are subscribed to the petition are the real owners of real estate in the territory described in the petition and as of the time the petition was filed with this Board of County Commissioners the number of valid signatures on the petition constitute a majority of the owners of real estate in the territory proposed to be annexed.
4. The territory included in the annexation petition is not unreasonably large;
5. The plat of the territory to be annexed is accurate, and
6. The general good of the territory sought to be annexed will be served if the annexation petition is granted, and

It is hereby ordered that the prayer of said petition be granted and that the territory described in said petition be annexed, signed by a majority in accordance with law, and that a certified transcript, signed by a majority of this Board, of all orders and proceedings of said Board relative to said petition and the hearing thereon, together with said petition and the maps attached hereto, and all papers on file relating to said matter, be delivered to the Clerk of the City of Powell, Ohio.

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

RESOLUTION NO. 01- 827

8:00 PM –PUBLIC HEARING FOR DITCH PETITION OF GWINNER DITCH #262 FILED BY DAN LANE AND OTHERS:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to open the Hearing:

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

RESOLUTION NO. 01- 828

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR DITCH PETITION OF GWINNER

COMMISSIONERS JOURNAL NO. 42 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 2001

DITCH #262 FILED BY DAN LANE AND OTHERS:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to close the Hearing at 9:03 PM.

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

RESOLUTION NO. 01-829

IN THE MATTER OF AUTHORIZING THE COUNTY ENGINEER TO PROCEED WITH THE PREPARATION OF PLANS, REPORTS AND SCHEDULES FOR THE GWINNER DITCH #262:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to proceed with the preparation of the following:

Whereas, on May 14, 2001, a Ditch Petition to reconstruct and improve Gwinner Ditch # 262 was filed with the Delaware County Commissioners, and

Whereas the Board of Commissioners of Delaware County on July 30, 2001, held a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the reconstruction and improvement of Gwinner Ditch number 262, and

Whereas, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, the Board of Commissioners find the action is necessary, conducive to the public welfare, and the benefits exceed the estimated cost.

Therefore, Be It Resolved, The Delaware County Commissioners directs the Delaware County Engineer to proceed with the preparation of plans, reports and schedules as presented for the reconstruction and improvements of Gwinner Ditch.

Further be it Resolved, upon receipt of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

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

There being no further business, the meeting adjourned.

Deborah Martin

James D. Ward

Donald Wuertz

Letha George, Clerk to the Commissioners