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

Harlem Township Trustees 7:00 PM

PUBLIC COMMENT

RESOLUTION NO. 01-1221

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS NUMBERED319120 THROUGH 319384:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve for payment warrants numbered 319120 through 319384 and Purchase Orders and Vouchers as listed below:

PO's

PO Number	<u>Vendor</u>		D	escription	<u> </u>	Account Number	A	<u>mount</u>
1B04401	ME Companies	Inspec	ction Serv/	Various Subdivisions		3510-2005	\$	120,000.00
<u>Vouchers</u> 1B03934	Ben Bro Enterprises,	Inc. Land	Building re	ental		0130-2700	\$	12,160.60
Vote on Mo	tion Mrs	. Martin	Aye	Mr. Ward	Aye	Mr. Wuertz		Aye

RESOLUTION NO. 01-1222

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

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

SUPPLEMENTAL APPROPRIATIONS

FUND NUMBER:		FUND	NAME:	AMOU	AMOUNT:		
001-0120-020		Gen Fu	nd/Comm - Srvs	& Chrgs	\$ 35,000	0.00	
001-3210-020		Gen Fu	nd/Bd of Election	Chrgs \$ 15,000	0.00		
Vote on Motion	Mr. Wuertz	Aye	Mr. Ward	Aye	Mrs. Martin	Aye	

RESOLUTION NO. 01-1223

IN THE MATTER OF SETTING DATE AND TIME FOR HEARING OF ANNEXATION PETITION FILED FOR ANNEXATION OF LANDS 0.755, MORE OR LESS, ACRES FROM CONCORD TOWNSHIP TO VILLAGE OF SHAWNEE HILLS 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 Concord Township To Village Of Shawnee Hills, and

Whereas, David C. Shade 410 Delaware County Bank Building Delaware, Ohio 43015 has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, January 7, 2002, at 7:30 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. 01-1224

IN THE MATTER OF SETTING DATE AND TIME FOR HEARING OF ANNEXATION PETITION FILED FOR ANNEXATION OF LANDS 1.963, 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 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, John M. Hopfinger 5695 Avery Rd. Dublin, Ohio 43016 has been designated as agent for the petitioners.

Now Therefore Be It Resolved, that Monday, January 7, 2002, 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 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. 01-1225

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting a \$45.00 increase to Jim Little's travel request to CWLA conference in Cleveland, Ohio.

Administrative Services is requesting that Terry Lyn Conant attend the CCAO /OCDWA Winter Conference in Columbus, Ohio December 9-12, 2001, at the cost of \$253.00

Probate Court is requesting that Maryann Holevas attend a Court Investigator's Workshop in Columbus, Ohio October 22, 2001, at the cost of \$135.00.

CSEA is requesting that 3 employees attend an OFSA 2001 Fall Conference in Columbus, Ohio October 22-24, 2001, at the cost of \$470.00.

Juvenile Court is requesting that Erin Givens attend a Domestic Relations Course in Columbus, Ohio on November 16, 2001, at the cost of \$ 50.00.

The Engineering Department is requesting that John Link, Chris McGrew, John Russel and Bill Raeuchle attend a 2001 Superintendent's and Mechanic's Conference at Deer Creek State Park, October 30-31, 2001, at the cost of \$432.00.

The Department of Job and Family Services sent Tracey Merrin and Mary Hilbourn to a One Stop Symposium in Columbus, Ohio on October 2-3, 2001, at the cost of \$ 570.00.

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

RESOLUTION NO. 01-1226

IN THE MATTER OF APPROVING PLANS AND PLATS FOR WALNUT WOODS SECTION 1; OFFSITE ROAD & STORM DRAIN IMPROVEMENTS FOR NEW ELEMENTARY SCHOOL GENOA SITE WESTERVILLE CITY SCHOOL DISTRICT; TWIN HICKORY FARMS AND STONE BRIDGE AT GOLF VILLAGE SECTION 13 AND DITCH MAINTENANCE PETITION FOR SHELLBARK RIDGE PHASE 2:

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

Walnut Woods Section 1

Delaware County, Orange Township, Ohio Part of Farm Lots 2 & 3, Quarter Township 3, Range 18, United States Military Lands.

Offsite Road & Storm Drain Improvements For New Elementary School Genoa Site Westerville City School District

Genoa Township, Delaware County, Ohio; no cost.

Twin Hickory Farms

Situated in the Township of Berlin, County of Delaware, State of Ohio, and being part of [Farm Lot 2 and 3,

Section 1 Township 4, Range 14 U.S. Military Survey Lands], and being the same tract as conveyed to Rodd & Linda Lawrence as described in Deed 650, Page 803, and Deed Book 651, Page 123, County Recorder's Office Delaware, Ohio; cost \$51.00.

Stone Bridge At Golf Village Section 13

Situated in the State of Ohio, County of Delaware, Township of Liberty and in Farm Lot 1, Quarter Township 3, Township 3, Range 19, United States Military Lands, containing 36.339 acres of land more or less, said 36.339 acres being part of that tract of land conveyed to EPCON STONE BRIDGE LLC, by Deed of Record in Official Record 122, Page 393, Recorder's Office, Delaware County, Ohio; cost \$3.00.

Ditch Maintenance Petition- Shellbark Ridge Phase 2

We the undersigned owners of 15.367 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as Shellbark Ridge Phase 2 as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider's agreement Exhibit "B" available at the County Engineer's Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit "C" (available at the County Engineer's Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

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

We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Shellbark Ridge Phase 2** Subdivision.

The cost of the drainage improvements is \$113,736.00 and a detailed cost estimate is available at the County Engineer's office in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Thirty-one (31) lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$3,668.90 per lot. An annual maintenance fee equal to 2% of this basis \$73.00 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$2,263.00 has been paid to Delaware County.

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

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

RESOLUTION NO. 01-1227

IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENT FOR STONE BRIDGE AT GOLF VILLAGE:

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

Stone Bridge At Golf Village

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT made and entered into this 22nd day of October 2001, by and between the COUNTY OF DELAWARE (acting by and through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and THE EPCON GROUP, hereinafter called the SUBDIVIDER, as evidenced by the Engineering and Construction Plan entitled "STONE BRIDGE AT GOLF VILLAGE" which was approved by the County Engineer, hereinafter called the PLAN, is governed by the following considerations, to wit:

- 1) The **SUBDIVIDER** is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the **PLAN**, which is a part of this *AGREEMENT*.
- 2) The **SUBDIVIDER** shall pay the entire cost and expenses of said improvements.
- 3) The **SUBDIVIDER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of **ONE HUNDRED FORTY-EIGHT THOUSAND SIX HUNDRED EIGHTY DOLLARS** payable to the **BOARD OF COUNTY COMMISSIONERS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current "Delaware County Engineering and Surveying Standards for Subdivision Develo and the current "Subdivision Regulations of Delaware County, Ohio".
- 4) The SUBDIVIDER shall deposit ELEVEN THOUSAND NINE HUNDRED

DOLLARS estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. 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**.

- 5) The **SUBDIVIDER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer**.
- 6) **THE SUBDIVIDER** shall hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of the said improvements.
- 7) The SUBDIVIDER shall perform and complete all said improvements prior to SEPTEMBER, 2002.
- 8) The **SUBDIVIDER** will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site in accordance with the **Ohio Department of Transportation** "Uniform Traffic Control Devices" and "Traffic Control for Construction and Maintenance"/
- 9) The **SUBDIVIDER** further agrees that any violation of or noncompliance with any of the provisions and stipulations of this *AGREEMENT* shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvement.
- 10) If the **SUBDIVIDER** should 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*.
- 11) Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.
- 12) In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **SUBDIVIDER** or his agent the right and privilege to make the said improvements stipulated herein.

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

RESOLUTION NO. 01-1228

IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR TWIN HICKORY FARM AND BRYN MAWR SECTION 2, PHASE 2:

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

Twin Hickory Farm

The roadway construction has been completed for the referenced subdivision and, as the results of the Engineer's recent field review, he has determined that minor remedial work will be required during the 2002 construction season.

In accordance with the Subdivider's Agreement, the Engineer recommends that the maintenance bond be set at \$13,000 for the duration of the one year maintenance period. A Letter of Credit in that amount is attached. Bryn Mawr Section 2, Phase 2

The roadway construction has been completed for the referenced subdivision and, as the results of the Engineer's recent field review, he has determined that minor remedial work will be required during the 2002 construction season.

In accordance with the Subdivider's Agreement, the Engineer recommends that the maintenance bond be set at \$23,000 for the duration of the one year maintenance period. A Bond in that amount is attached. He also request approval to return the Bond being held as construction surety to the developer, M/I Schottenstein Homes. A letter to the lending institution is attached for your approval to cancel said Bond.

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

RESOLUTION NO. 01 -1229

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:

Permit #	Applicant	Location	Type of Work
U010169	Columbus Southern Power	Steitz Road	Install and remove poles &
			conductor
U010174	Ameritech	Farmington Avenue	Bore under road
U010173	American Electric Power	Hartford Road	Replace existing pole

U010178 Columb	ia Gas	Green Mea	adows Drive	Install ga	s main	
Vote on Motion	Mr. Ward	Aye	Mrs. Martin	Aye	Mr. Wuertz	Aye

RESOLUTION NO. 01-1230

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR WILSHIRE ESTATES SECTION 6 AND DORNOCH ESTATES SECTION 4:

It was moved by Mrs. Martin seconded by Mr. Wuertz to approve sanitary sewer plans for Wilshire Estates Section 6 And Dornoch Estates Section 4, submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 01-1231

IN THE MATTER OF ACCEPTING AND AWARDING THE BID FOR FISCAL YEAR 1999 COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) FOR THE PRIVATE REHABILITATION ON ONE FAMILY UNIT:

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

Whereas, Delaware County went out to bid and bids were taken on October 3, 2001, and

Whereas, after Chris Pappert, Delaware County Housing Rehab Specialist, carefully reviewed the bids received, the bid submitted by Tyevco Inc., 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 bid submitted by Tyevco Inc., in the amount of \$4,513.92 for the one family unit located at 15628 Hartford Road, Sunbury, Ohio, for Community Housing Improvement Program (CHIP 99).

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

RESOLUTION NO. 01-1232

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDER LA PETITE ACADEMY:

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

Child Care		Basic Rates	Part Time	Adjustment
		Full Time		to Basic
		(25 Hrs. or	Rates	Rates
		More)		
La Petite Academy	Infant	\$138.00	\$93.00	\$25.00
909 Polaris Parkway	Toddler	\$123.00	\$ 82.00	Registration
Columbus, Ohio 43240	Preschool	\$108.00	\$ 72.00	Fee
	Schoolage	\$100.00	\$ 67.00	
	Before School	\$ 85.00	\$67.00	
	After School	\$ 85.00	\$67.00	

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

RESOLUTION NO. 01-1233

IN THE MATTER OF APPROVING THE ADDENDUM FOR SOFTWARE LICENSE BETWEEN TERRY L. FISHER, ESQUIRE AND THE DELAWARE COUNTY SHERIFF'S OFFICE:

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

Affidavit Maker Software License Agreement Annual Subscription Addendum

This Addendum shall become part of and incorporated into the agreement entered into on July 29, 1996 by and between Terry L. Fisher, Esquire, ("Licensor"), a sole proprietor having principal offices at Springfield, Ohio, and the undersigned customer, the Delaware County Sheriff's Office, 844 U.S. Route 42 North, Delaware, Ohio 43015, a County Law Enforcement Agency, ("Licensee"). The Agreement and Addendum determine the rights

and licenses granted to the Licensee in the Licensed Software supplied by the Licensor hereunder.

LICENSE FEES AND CHARGES

The license fees and charges for the Licensed Product shall be calculated by the number of sworn Law Enforcement Officers who serve the Licensee on the effective date of this License Agreement, multiplied by the then current fees and charges for the Licensed Product.

The number of sworn Law Enforcement Officers who serve the Licensee on the effective date of this License Agreement and the current fees and charges for the Licensed Product follow:

55 personnel multiplied by \$25.00/person (Affidavit Maker Main Module) \$1,375.00 (Affidavit Maker Juvenil Module) \$ 495.00

This Term of this Addendum shall be November 1, 2001 though October 31, 2002.

TOTAL DUE November 1, 2001 \$1,870.00

CUSTOMER PROGRAMMING FEES

During the term of this License Agreement, system consultation services, data conversion services, incorporation of Municipal Ordinances into the Licensed Product, and other services performed by Licensor shall be performed at an hourly rate of \$75.00 per hour.

Licensed Software installation on Licensed CPU's other than those specified in Article 4 shall be performed at the rate of \$400.00 per year per CPU.

ANNUAL MAINTENANCE

Licensee shall be permitted to enter into annual Maintenance Agreements at pricing calculated by the number of sworn Law Enforcement Officers who serve the Licensee on the effective date of the Annual Maintenance Agreements. The Annual Maintenance Agreements shall be at the then current fees and charges for Annual Maintenance, provided that Annual Maintenance for the Main Affidavit Maker module shall not increase more than five percent (5%) per annum.

Should Licensee take advantage of the provisions of Section 4 (E) of this agreement and obtain additional software module(s) from Licensor, the Annual Maintenance for those additional module(s) shall be at the then current Fees and charges for Annual Maintenance of the Module(s) and shall be in addition to the Annual Maintenance for the Main Affidavit Maker Module. Annual Maintenance charges for these additional module(s) shall not increase more than five percent (5%) per annum from the initial Annual Maintenance fee of the additional module(s).

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

RESOLUTION NO. 01-1234

IN THE MATTER OF ADOPTING RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR:

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

- WHEREAS, the Board of County Commissioners placed on the November 1998 ballot the continuance of .75% sales tax effective January 1, 1999, with .25% to go towards a 1.00 mill roll back of the General Fund Property Tax collection during 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008; and
- WHEREAS, The Board of County Commissioners has passed Resolution No. 01-938 to reduce the property tax collection rate from 1.8 mills to 1.0 mill for tax year 2001 for collection in year 2002 in accordance with ORC 5705.313 (A) (2)
- WHEREAS, the Budget Commission of Delaware County, Ohio has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation;
- THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Delaware County, Ohio that the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further resolved, that there be and is hereby levied on the tax duplicate of said County the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

Fund	Amount approved by	Amount to be Derived	County Estimate of	
Auditor's Tax	Budget Commission	From Levies Outside	Rate to be	Levied
	Inside 10M	10M Limitation		
	Limitation		Inside	Outside
General Fund	\$3,368,571.12		1.00	

Permanent Improvements	\$ 337,285.53		.10	
911 Operations Fund		\$869,443.72		0.31
Developmental Disabilities		\$7,073,99.35		2.10
Fund				
Total	\$3,705,856.65		1.10	2.41
		\$7,973,443.07		

Fund						
Total	\$	\$3,705,856.6			1.10	2.41
			\$7,973,443	.07		
BE IT RESOLVED, to the County Auditor		Board be and	l she is hereby d	irected to	certify a copy of t	this Resolu
ote on Motion	Mr. Ward	Aye	Mrs. Martin	Aye	Mr. Wuertz	Aye
here being no furthe	r business the meetir	ng adjourned.				
			Debo	rah B. Mar	tin	
			James	D. Ward		
			Dono	ld E. Wuer	ta	
			Dona	iu E. Wuer	ιz	
Letha George, Clerk t	o the Commissioner	<u></u>				