

COMMISSIONERS JOURNAL NO. 42 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 7, 2002

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

- 7:30 PM Public Hearing Of Annexation Petition For 0.755 Acres From Concord Township To Village Of Shawnee Hills
- 7:45 PM Public Hearing Of Annexation Petition For 1.963 Acres From Orange Township To City Of Columbus
- 8:00 PM Public Hearing Of Annexation Petition For 369.418 Acres From Berkshire Township To Village Of Sunbury
- 8:15 PM Public Hearing of Annexation Petition for 0.777 Acres from Concord Township to the Village of Shawnee Hills
- 8:30 PM Public Hearing of Annexation Petition for 20.951 Acres from Concord Township to the Village of Shawnee Hills
- 8:45 PM Public Hearing of Annexation Petition for 50.16 Acres from Liberty Township to the City of Delaware

RESOLUTION NO. 02-17

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 at 8:30AM.

Vote on Motion	Mrs. Martin	Aye	Mr. Wuertz	Aye	Mr. Ward	Aye
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RESOLUTION NO. 02-18

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to adjourn out of Executive Session at 10:03AM.

Vote on Motion	Mr. Wuertz	Aye	Mrs. Martin	Aye	Mr. Ward	Aye
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RESOLUTION NO. 02-19

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PERSONNEL MATTERS:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to adjourn into Executive Session at 10:35AM.

Vote on Motion	Mrs. Martin	Aye	Mr. Wuertz	Aye	Mr. Ward	Absent
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RESOLUTION NO. 02-20

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to adjourn out of Executive Session at 11:30AM.

Vote on Motion	Mr. Wuertz	Aye	Mrs. Martin	Aye	Mr. Ward	Aye
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PUBLIC COMMENT – Mr. Bauserman explained to the Commissioners an appendix should have been included with the Thoroughfare Plan that the Commissioners Approved on December 6, 2001. Since there is some confusion as to whether it was included with the plan, he is recommended that the process of public hearings for the appendix only, be held again.

RESOLUTION NO. 02-21

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS NUMBERED 326248 THROUGH 326351:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to approve for payment warrants numbered 326248 through 326351 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>
2B11022	Medical Mutual of OH	Administration Fees	0300-2003	\$ 125,000.00
		Stop Loss Premium	0300-2506	\$ 115,000.00
		Medical Claims	0300-2505	\$ 1,800,000.00
2B11023	Various Vendors	Liability/Property Insurance Claims	0060-2505	\$ 100,000.00

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2B11021	Prudential Group Life	Long Term Disability Insurance	0300-2506	\$	35,000.00
<u>Vouchers</u>					
1B04754	Prudential Group Life	Long Term Disability Insurance/Dec 2001	0300-2506	\$	7,937.16
1B08284	Otis Elevator	Elevator/New Serv Bldg	8612-4011	\$	64,058.00
1B08286	Acousti Ceiling & Partition Co.	Drywall/Rough Carpentry	8612-4011	\$	78,985.42
1B08270	C & R Masonry	Masonry/Serv Bldg	8612-4011	\$	253,009.00
1B08263	Chemcote, Inc.	Asphalt Paving/Serv Bldg	8612-4011	\$	51,706.53
1B08355	Thomas Glass Co., Inc.	Windows & Curtainwall/Serv Bldg	8612-4011	\$	25,010.11

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

RESOLUTION NO. 02 -22

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Mona Reilly and Rhonda Leasure attend a Strategic Mapping Workshop in Wayne County on February 22, 2002, at the cost of \$120.00.

The Treasures Office is requesting that Dale M. Wilgus attend the 2002 County Treasures Association Meetings at various dates in 2002 at the cost of \$150.00.

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

RESOLUTION NO. 02-23

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS:

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

SUPPLEMENTAL APPROPRIATIONS

FUND NUMBER:	FUND NAME:	AMOUNT:
020-2010-047	MRDD - Transfers	\$ (225,000.00)

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

RESOLUTION NO. 02-24

IN THE MATTER OF APPROVING PLAT FOR GENOA FARMS SECTION 1:

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

Genoa Farms Section 1

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, Being In Farm Lot 9 Section 2, Township 3, Range 17 United States Military Lands And Containing 19.455 Acres, More Or Less, Including 4.111 Acre Of Right-Of-Way, Out Of The 46.690 Acre Tract Conveyed To Dominion Homes, Inc. And Ohio Corporation, By Deed Of Record In Deed Book 86, Page 2571 Records Of The Recorder’s Office, Delaware County, Ohio. Cost \$114.00.

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

RESOLUTION NO. 02-25

IN THE MATTER OF APPROVING SUBDIVIDER’S AGREEMENTS FOR GOLF VILLAGE SECTION 1, PHASE A, PART II; SOUTH OLD 3C HIGHWAY LEFT TURN & DECELERATION LANE AND WESTERVILLE SCHOOLS STORM SEWER IMPROVEMENTS:

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

Golf Village Section 1, Phase A, Part II

SUBDIVIDER’S AGREEMENT

THIS AGREEMENT executed on this 7th day of January 2002, between TRIANGLE REAL ESTATE as evidenced by the GOLF VILLAGE SECTION 1, PHASE A, PART II Construction plans filed

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with the **Delaware County Engineer**, 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** shall, at the time of plat approval, execute bond, certified check, irrevocable letter of credit or other approved financial warranties equal to the cost of any remaining construction as shown in the Engineer's Estimate approved 12/19/01, 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 all 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 of the approval of said subdivision by the **COUNTY COMMISSIONERS**. But an 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 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.

If no bonding or performance surety has been filed, then no subdivision plat will be approved until a performance bond has been approved or until all public improvements have been made. In either case, the **SUBDIVIDER** further agrees that any violations or non-compliance 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.

If a subdivision plat has been approved with the necessary bonding, then the **COUNTY** shall have the right to 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 **FOUR THOUSAND FOUR HUNDREDDOLLARS** 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 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.

The **County** reserves the right during construction and thereafter to permit connection of adjoining properties within the original drainage basin to the storm sewer system.

Upon 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 and 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, during 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 the

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improvements and for their continued operation. The **SUBDIVIDER** shall be responsible for all utility charges and installation costs. 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 privilege to make the improvements stipulated herein.

South Old 3C Highway Left Turn & Deceleration Lane

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT made and entered into this 7th day of January 2002 by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **WESTERVILLE CITY SCHOOLS**, hereinafter called the **SUBDIVIDER**, as evidenced by the Engineering and Construction Plan entitled "**SOUTH OLD 3C HIGHWAY LEFT TURN & DECELERATION LANE**" 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** shall deposit **TWO THOUSAND SIX HUNDRED DOLLARS (\$2,600)** 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**.
- 4) The **SUBDIVIDER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer**.
- 5) 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.
- 6) The **SUBDIVIDER** shall perform and complete all said improvements prior to **SEPTEMBER 30, 2002**.
- 7) 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**"/
- 8) 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.
- 9) 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**.
- 10) 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**.

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.

Westerville Schools Storm Sewer Improvements

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT made and entered into this 7th day of January 2002 by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **WESTERVILLE CITY SCHOOLS**, hereinafter called the **SUBDIVIDER**, as evidenced by the Engineering and Construction Plan entitled "**WESTERVILLE SCHOOLS STORM SEWER IMPROVEMENTS**" 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** shall deposit **NINE THOUSAND SEVEN HUNDRED DOLLARS (\$9,700)** 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**.
- 4) The **SUBDIVIDER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an

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approval letter from the **Delaware County Engineer**.
5) 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.
6) The **SUBDIVIDER** shall perform and complete all said improvements prior to **SEPTEMBER 30, 2002**.
7) 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”**.
8) 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.
9) 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**.
10) 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**.
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 Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 02-26

IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR GENOA FARMS SECTION 1:

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

Genoa Farms Section 1

The construction of the above referenced project was started without bonding, thereby not allowing the developer to file the plat. They are now at a point where they would like to file the plat. The Engineer has, therefore, estimated the remaining construction costs to be **\$69,631**, and two bonds totaling that amount are attached to cover the bonding of this project.

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

RESOLUTION NO. 02-27

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS IN SUMMERFIELD VILLAGE SECTION 2 PHASE 3:

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

Summerfield Village Section 2 Phase 3 1,090 feet of 8 inch sewer 7 manholes

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

RESOLUTION NO. 02-28

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Jessica Piatt has terminated her employment with the OECC Department; effective date December 31, 2001.

Jack B. Rupp has resigned as duty supervisor with the EMS Department; effective date January 11, 2002.

Ross Bigelow has been promoted to the position of plan examiner with the Code Compliance Department; effective date January 8, 2002.

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

RESOLUTION NO. 02-29

IN THE MATTER OF AUTHORIZING EXECUTION OF CONTRACT WITH DAN CURTIS FOR APIARY INSPECTION SERVICES:

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

This contract is made this 7th day of January 2002, by and between Delaware County by the Delaware County Commissioners and Dan Curtis, the Contractor.

- 1. Delaware County requires the services of an Apiary Inspector for calendar year 2002.
- 2. Dan Curtis, contractor, agrees to provide the services and supplies necessary to perform the tasks as determined by the Commissioners including and limited to providing those services pertaining to apiary Inspections.
- 3. For the services performed by Dan Curtis, the Commissioners agree to pay him a stipend computed on a monthly basis in the amount of \$571.42, not to exceed \$4,000.00.
- 4. The relationship of the County and the County Commissioners to Dan Curtis, shall be that of an independent contractor and Mr. Curtis shall be responsible for all Federal, State and Local, and Social Security taxes and all insurance and all workers compensation obligations.
- 5. Either party may terminate this contract by providing the other party 60-day advance notice.
- 6 This contract constitutes the entire agreement between the parties with respect to the subject matter hereof and may not be modified, changed or amended except in writing signed by each of the parties.

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

RESOLUTION NO. 02-30

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

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RESOLUTION NO. 02-31

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 Mrs. Martin to approve the following:

Section 1. That the Board of Commissioners of Delaware County desires, in conjunction with the 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 Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 02-32

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 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 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 Mr. Wuertz Aye Mrs. Martin Aye

RESOLUTION 02-33

IN THE MATTER OF GRANTING SIGNATURE AUTHORITY FOR PURCHASE ORDER AND
VOUCHER REQUESTS AND/OR APPROVAL:

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

- Whereas, Chapter 5705 of the Ohio Revised Code governs expenditure procedures for county governments, and
- Whereas, the Board of County Commissioners are required to make annual appropriations to fund the various expenditures of county government, and
- Whereas, each expenditure must be made by warrant against the appropriate fund and the warrant must show the appropriation, authorized by the Board of Commissioners, that authorizes the expenditure and the fund against which the warrant is drawn, and
- Whereas, Ohio Revised Code 305.30 permits a Board of Commissioners to delegate authority to pay claims for goods received and services rendered within limits provided by resolution of the board,

Now Therefore be it resolved, that the Board of County Commissioners of Delaware County, State of Ohio, grant signature authority to the following list of individuals to request expenditure of the indicated funds within the appropriated amounts,

		<u>Authorized to Request</u>		
		<u>Payroll</u>	<u>P.O.</u>	<u>Vouchers</u>
ADMINISTRATIVE SERVICES				
<u>Personnel</u>				
	Director of Administrative Services	X	X	X
#001-0180	Personnel Coordinator	X	X	X
#001-0190	Personnel Coordinator		X	X
 <u>Insurance & Risk</u>				
	Director of Administrative Services	X	X	X
#115-1150	Insurance & Risk Technician	X	X	X
#105-0300	Insurance & Risk Technician		X	X
#054-0060	Insurance & Risk Technician		X	X
#116-1160	Insurance & Risk Technician		X	X
#056-5610	Insurance & Risk Technician		X	X
 <u>Safety</u>				
	Director of Administrative Services	X	X	X
#001-0185	Safety Officer	X	X	X
 <u>Animal Control (Dog & Kennel)</u>				
	Director of Administrative Services	X	X	X
#002-1910	Dog Warden	X	X	X
 <u>Records Center</u>				
	Director of Administrative Services	X	X	X
#001-0090	Records Center Coordinator	X	X	X

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ECONOMIC DEVELOPMENT

#072	Director of Economic Development	X	X	X
#052	Director of Economic Development		X	X
#053	Director of Economic Development		X	X

EMERGENCY SERVICES

9-1-1 Center

	Director of Emergency Services	X	X	X
#091-9110	Operations Manager	X	X	X
#001-0265	Operations Manager	X	X	X

EMA

	Director of Emergency Services	X	X	X
#101-1010	EMA Supervisor	X	X	X

EMS

	Director of Emergency Services	X	X	X
#001-0260	EMS Supervisor	X	X	X

EMS Construction

	Director of Emergency Services		X	X
#048-4810	Facilities Supervisor		X	X

ENVIRONMENTAL SERVICES

Code Compliance

	Director of Environmental Services	X	X	X
#001-0150	Code Compliance Supervisor	X	X	X
#001-0170	Code Compliance Supervisor		X	X

Sanitary Engineering

	Director of Environmental Services	X	X	X
#032	Sanitary Engineer		X	X
#033	Sanitary Engineer		X	X
#035	Sanitary Engineer		X	X

Operations

	Director of Environmental Services	X	X	X
#036	Treatment Plant Manager	X	X	X
#037	Treatment Plant Manager	X	X	X
#038	Treatment Plant Manager	X	X	X

Transfer Station

#051	Director of Environmental Services	X	X	X
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FACILITIES

Building & Grounds

	Facilities Supervisor	X	X	X
#001-0130	Maintenance Supervisor	X	X	X

Service Center

	Facilities Supervisor	X	X	X
#001-0140	Lead Mechanic		X	X

HUMAN SERVICES

	Director of Human Services	X	X	X
#003	Asst. Director of Human Services	X	X	X
	Fiscal Supervisor/Office Manager		X	X
#111	Asst. Director of Human Services	X	X	X
	Fiscal Supervisor/Office Manager		X	X

COMMISSIONERS

Administrative

#001-0110	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X

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General

#001-0120	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X
#001-0125	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X

CORONER

#001-3010	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X

PERMANENT IMPROVEMENT

#021	Facilities Supervisor		X	X
	Clerk to Commissioners		X	X
	Asst. Clerk to Commissioners		X	X

20/20 PROJECTS

#086	Facilities Supervisor		X	X
	Clerk to Commissioners		X	X
	Asst. Clerk to Commissioners		X	X

LAW LIBRARY

#001-0230	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X

PUBLIC DEFENDER/ADULT PROBATION

#001-0240	Public Defender Secretary		X	X
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BOARD OF EDUCATION

#122	Director of Facilities		X	X
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BOND RETIREMENT

#055	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X
		X	X	

LODGING TAX

#077	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X

MARRIAGE LICENSES

#043	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X

The County Administrator may make purchase order and/or voucher requests from any of the above listed funds, and in the extended absence of the County Administrator, the Director of Administrative Services shall become the acting County Administrator, for the specific purpose of this resolution to make purchase order and/or voucher requests, and

Further be it resolved, that the Board of Commissioners of Delaware County, State of Ohio, grant signature authority to the following list of individuals to approve purchase orders and expenditure vouchers, not requested by the same individual, at the indicated amounts:

- A. County Administrator up to \$5,000.00
The only exception to the \$5,000 limit is the EFT payment for health insurance claims in which the County Administrator, and in the extended absence of the County Administrator, the Director of Administrative Services shall become the acting County Administrator for the specific purpose of this resolution and may approve processing of the voucher.
- B. In the extended absence of the County Administrator, the Director of Administrative Services will become acting County Administrator to approve purchase orders and expenditure vouchers up to \$5,000.00

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

RESOLUTION 02-34

IN THE MATTER OF DELEGATING AUTHORITY TO SPECIFIC STAFF FOR THE
ADMINISTRATION OF PERSONNEL MATTERS, PAYROLL ITEMS, AND VARIOUS
AGREEMENTS:

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

- Whereas, under Ohio Revised Code Section 305.30 the Board of County Commissioners may delegate contracting authority, authority to pay claims for goods received and services rendered, and authority to perform any and all personnel functions otherwise conferred or incumbent upon the board of commissioners, and
- Whereas, first year employees of Delaware County, who are not eligible for vacation, request unpaid leaves of absence from time-to-time for personal matters, and
- Whereas, the Family & Medical Leave Act (FMLA) requires employers to provide up to twelve weeks of unpaid leave to employees who meet the requirements of the FMLA, and
- Whereas, the Delaware County Auditor’s Office allows offices to electronically submit payrolls which requires timeliness of approval and submission of the hard copy, and
- Whereas, many contracts and agreements are administrative in nature and need timely execution to achieve the optimal result,

Now Therefore be it resolved, that the Board of County Commissioners of Delaware County, State of Ohio, grant authority to the County Administrator to:

- I. Approve departmental payrolls for all departments under the Board of Commissioners
- II. In the extended absence of the County Administrator, the Director of Administrative Services shall become the acting County Administrator, for the specific purpose of this resolution:
- III. Approve unpaid leaves of absence for up to 2 weeks
- IV. Negotiate, approve, and execute contracts and agreements and change orders under \$5,000 and for one (1) year or less
- V. The County Administrator shall have the authority, and in the extended absence of the County Administrator, the Director of Administrative Services shall have the authority to approve the specific purpose of this resolution:
 - 1. Workers compensation settlement agreements for amounts less than or equal to \$5,000 with follow-up written notice within three business days to the Board of Commissioners
 - 2. Property and liability claim settlement agreements for amounts less than or equal to \$5,000 with follow-up written notice within three business days to the Board of Commissioners
 - 3. Medical claim exceptions for amounts less than or equal to \$5,000 with follow-up written within three business days to the Board of Commissioners
 - 4. Merit, Educational, Certification, Probationary, Bargaining Agreement, Market Review wage increases or otherwise that have been approved indirectly by the Board of Commissioner resolution
 - 5. Mortgages Final Payment
 - 6. Certificates of Substantial Completion

Further be it resolved that the Board of Commissioners of Delaware County, State of Ohio, assign the following individuals the duty of prevailing wage officer for the assigned areas:

- I. Delaware County Engineer for Motor & Gas Fund and Road & Bridge Issue II Projects
- II. Director of Environmental Services for Environmental Services Funds Projects
- III. Director of Economic Development for all Economic Development Grants and Funds
- IV. Facilities Supervisor for all other Funds

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

RESOLUTION NO. 02-35

IN THE MATTER OF DELEGATING TO THE COUNTY ADMINISTRATOR THE AUTHORITY TO CARRY OUT THE FUNCTIONS OF THE BOARD DURING A DISASTER OR EMERGENCY:

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

WHEREAS, Senate Bill 31 authorizes a Board of County Commissioners to delegate to the county administrator by resolution the authority to carry out any and all functions of the Board during a disaster or emergency, and

WHEREAS, Senate Bill 31 authorizes a Board of County Commissioners to declare the existence of an emergency under the state’s competitive bidding statutes by a unanimous vote of two present members, instead of a vote of three present members, which was required under former law, and

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Delaware County that in the event that two Commissioners cannot be present to take action, and reasonable efforts have been made to reach them ; the Board hereby delegates to the county administrator the authority to:

1. Purchase, lease or contract to acquire goods or materials necessary during a declared emergency. The estimated amount of such purchases may not exceed fifty thousand dollars.
2. Approve and authorize the Accounts Payable Register for the release of funds to vendors for services rendered.

RESOLUTION NO. 02-36

It was moved by Mr. Wuertz, seconded by Mrs. Martin to open the Hearing at 7:30PM:

RESOLUTION NO. 02- 37

It was moved by Mrs. Martin, seconded by Mr. Wuertz to close the Hearing at 7:38PM:

RESOLUTION NO. 02-38

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

The Commissioners of Delaware County, Ohio having on the 7th day of January 2002, heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the **Village of Shawnee Hills**, 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 **Village of Shawnee Hills** 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 Village of Shawnee Hills, Ohio.**

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

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RESOLUTION NO. 02-39

7:45 PM PUBLIC HEARING OF ANNEXATION PETITION FOR 1.821 (1.963) ACRES FROM
ORANGE TOWNSHIP TO THE CITY OF COLUMBUS:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to open the Hearing at 7:45PM:

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

RESOLUTION NO. 02- 40

IN THE MATTER OF CONTINUING THE PUBLIC HEARING FOR 1.821 (1.963) ACRES FROM
ORANGE TOWNSHIP TO THE CITY OF COLUMBUS:

8:00 PM - It was moved by Mr. Wuertz, seconded by Mrs. Martin to continue the hearing to March 4, 2002, at 7:30 PM with the understanding that a public notice of the hearing be advertised, one time, less than 30 days before said hearing.

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

RESOLUTION NO. 02-41

8:00 PM PUBLIC HEARING OF ANNEXATION PETITION FOR 369.418 ACRES FROM
BERKSHIRE TOWNSHIP TO THE VILLAGE OF SUNBURY:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to open the Hearing at 8:00PM:

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

RESOLUTION NO. 02- 42

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR 369.418 ACRES FROM
BERKSHIRE TOWNSHIP TO THE VILLAGE OF SUNBURY:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to close the Hearing at 8:05PM:

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

RESOLUTION NO. 02-43

ORDER OF COMMISSIONERS FOR ANNEXATION OF 369.418 ACRES FROM BERKSHIRE
TOWNSHIP TO THE VILLAGE OF SUNBURY:

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

The Commissioners of Delaware County, Ohio having on the 7th day of January 2002, heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the **Village of Sunbury**, 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 **Village of Sunbury** 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

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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 Village of Sunbury**, Ohio.

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

RESOLUTION NO. 02-44

8:15 PM PUBLIC HEARING OF ANNEXATION PETITION FOR 0.777 ACRES FROM CONCORD TOWNSHIP TO THE VILLAGE OF SHAWNEE HILLS:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to open the Hearing at 8:15PM:

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

RESOLUTION NO. 02- 45

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR 0.777 ACRES FROM CONCORD TOWNSHIP TO THE VILLAGE OF SHAWNEE HILLS:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to close the Hearing at 8:25PM:

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

RESOLUTION NO. 02-46

ORDER OF COMMISSIONERS FOR ANNEXATION OF 0.777 ACRES FROM CONCORD TOWNSHIP TO THE VILLAGE OF SHAWNEE HILLS:

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

The Commissioners of Delaware County, Ohio having on the 7th day of January 2002, heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the **Village of Shawnee Hills**, 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 **Village of Shawnee Hills** 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 Village of Shawnee Hills**, Ohio.

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

RESOLUTION NO. 02-47

8:30 PM PUBLIC HEARING OF ANNEXATION PETITION FOR 20.951 ACRES FROM CONCORD TOWNSHIP TO THE VILLAGE OF SHAWNEE HILLS:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to open the Hearing at 8:30PM:

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

RESOLUTION NO. 02- 48

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR 20.951 ACRES FROM CONCORD TOWNSHIP TO THE VILLAGE OF SHAWNEE HILLS:

It was moved by Mr. Wuertz, seconded by Mrs. Martin to close the Hearing at 8:40PM:

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

RESOLUTION NO. 02-49

ORDER OF COMMISSIONERS FOR ANNEXATION OF 20.951 ACRES FROM CONCORD TOWNSHIP TO THE VILLAGE OF SHAWNEE HILLS:

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

The Commissioners of Delaware County, Ohio having on the 7th day of January 2002, heard the petition of the majority of landowners in the area described to obtain Annexation of territory described in the petition to the **Village of Shawnee Hills**, 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 **Village of Shawnee Hills** 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 Village of Shawnee Hills**, Ohio.

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

RESOLUTION NO. 02-50

8:45 PM PUBLIC HEARING OF ANNEXATION PETITION FOR 50.16 ACRES FROM LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mrs. Martin, seconded by Mr. Wuertz to open the Hearing at 8:45PM:

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

RESOLUTION NO. 02-51

IN THE MATTER OF CONTINUING THE PUBLIC HEARING FOR 50.16 ACRES FROM LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

8:55 PM - It was moved by Mr. Wuertz, seconded by Mrs. Martin to continue the Hearing to March 4, 2002, at 7:45 PM with the understanding that a public notice of the hearing be advertised, one time, less than 30 days before said hearing.

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

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There being no further business the meeting adjourned.

Deborah B. Martin

James D. Ward

Donald E. Wuertz

Letha George, Clerk to the Commissioners