

COMMISSIONERS JOURNAL NO. 43- DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 20, 2002

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: Donald Wuertz, Deborah Martin, James D. Ward

- 9:15 AM Order Of Commissioners For Annexation Of 80.211 (99.76) Acres From Oxford Township To The Village Of Ashley
- 10:00 AM Bid Opening Date And Time For The Liberty Road Project (50 Channing Street)
- 10:00 AM Bid Opening Date And Time And The Estimate And Specifications For The Liberty Road Culvert Replacement Project (50 Channing Street)

RESOLUTION NO. 02-663

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

It was moved by Mrs. Martin, seconded by Mr. Ward to adjourn into Executive Session at 8:30AM.

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

RESOLUTION NO. 02-664

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mrs. Martin to adjourn out of Executive Session at 8:50AM.

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

PUBLIC COMMENT

RESOLUTION NO. 02-665

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0516 AND CMAPR0517:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR0516 and CMAPR0517 and Purchase Orders and Vouchers as listed below:

PO's			
Vendor	Description	Account Number	Amount
Professional Services Industries	Inspection Services	40411412-541041002	\$ 29,491.00
Lewis & Michael Moving & Storage	Moving Services	40411412-541041002	\$ 24,470.00
Gleeson	Change Order (PO100332)	40411412-541041002	\$ 6,128.00
INCREASE			
Accent	Change Order (PO205231)	40411412-541041002	\$ 21,707.73
VOUCHERS			
Council For Older Adults	Purchased Serv Title	22411606-5348	\$ 28,686.00
Bovis	Construction Management	40411412-541041002	\$ 24,112.15
Ardit	Flooring	40411412-541041002	\$ 54,141.00
Kirk Williams	Plumbing	40411412-541041002	\$ 9,570.42
CCAO SC	Gas/Utility	10011105-533833810	\$ 7,719.11
Ben Bro Enterprises, Inc.	Land/Building Rental	10011105-533533502	\$ 14,625.00
Don-A-Del, Inc. West	Child Care	22411606-5348	\$ 6,000.20
Liberty Community Center	Child Care	22411606-5348	\$ 15,790.35
Del Co. Family & Children	Prof Serv/Help Me Grow	22411601-530130102	\$ 15,000.00
Del Co Bd of Dev Disabilities	Board & Care	10011501-5350	\$ 8,750.00

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

RESOLUTION NO. 02 -666

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

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The Economic Development Department is requesting that Tim Boland attend an Ohio Development Conference in Newark, Ohio May 22, 2002, at the cost of \$60.00. (Spring Conference).

The Environmental Services Department is requesting that Lyndon Johnson attend a SEOWA Section Meeting in Marietta, Ohio May 23, 2002, at the cost of \$16.00. (Continuing Education Credit).

The Administrative Services Department is requesting that Rachel Stull attend a Worker’s Compensation Seminar in Columbus, Ohio May 29, 2002, at no cost. (Training).

Juvenile Court is requesting that Dawn Huston attend a Human Resources Legal Conference in Columbus, Ohio July 18, 2002, at the cost of \$239.00. (Required training).

The Data Center is requesting that Ron Clayton attend a Foundations Series Web Development Class in Dublin, Ohio June 3-7, 2002, at the cost of \$1,500.00. (Development).

The Auditor’s Office is requesting that Shari Baker attend an Auditor’s Conference in Newark, Ohio June 11-13, 2002, at the cost of \$275.00.

The Auditor’s Office is requesting that David Yost attend an Auditor’s Conference in Newark, Ohio June 11-13, 2002, at the cost of \$632.00.

The Data Center is requesting that Ron Clayton attend a Web Development Language Class in Dublin, Ohio August 5-9, 2002, at the cost of \$1,500.00. (Development).

Juvenile Court is requesting that Lisa Risinger attend a Presentation on How to Improve Investigation and Prosecution in Domestic Violence Cases in Delaware, Ohio June 6, 2002, at the cost of \$45.00.

The Department of Job and Family Services is requesting that Candace Kelley attend a Protecting the Elderly Course in Delaware, Ohio May 22, 202, at the cost of \$50.00. (Job Enhancement).

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

RESOLUTION NO. 02-667

IN THE MATTER OF CANCELING THE JUNE 3, 2002 COMMISSIONERS’ SESSION AND SCHEDULING THE JUNE 10, 2002 COMMISSIONERS’ SESSION FOR 7:00PM:

It was moved by Mrs. Martin, seconded by Mr. Ward to cancel the June 3, 2002 Commissioners’ Session due to the Commissioners attending the County Commissioners’ Summer Conference and scheduling the June 10, 2002 Commissioners’ Session for 7:00pm.

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

RESOLUTION NO. 02-668

IN THE MATTER OF PROCLAIMING MAY 19-25, 2002, AS EMERGENCY MEDICAL SERVICES WEEK:

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

- WHEREAS, Emergency Medical Services is a vital public service; and
- WHEREAS, Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and
- WHEREAS, Efforts to establish emergency medicine as a medical specialty began 25 years ago; and
- WHEREAS, The members of emergency medical service teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and
- WHEREAS, Emergency Medical Services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, educator’s, administrator’s and others; and
- WHEREAS, Approximately two-thirds of all emergency medical services providers are volunteers; and
- WHEREAS, The people of Delaware County benefit daily from the knowledge and skills of these highly trained individuals; and
- WHEREAS, It is appropriate to recognize the value and the accomplishments of emergency medical services

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providers by designating Emergency Medical Services Week; and

WHEREAS, The designation of Emergency Medical Services Week will service to educate the people of Delaware County about injury prevention and how to respond to a medical emergency.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners, Delaware County, State of Ohio, do hereby proclaim the week of May 19-25, 2002 as Emergency Medical Services Week Delaware County and encourage the community to observe this week with appropriate programs, Ceremonies and activities.

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

RESOLUTION NO. 02-669

IN THE MATTER OF APPROVING THE TREASURER’S REPORT:

It was moved by Mr. Ward, seconded by Mrs. Martin to approve the Treasurer’s Report.

(Copy is available in the Commissioners’ office.)

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

RESOLUTION NO. 02-670

IN THE MATTER OF APPROVING DITCH MAINTENANCE PETITION FOR COVINGTON MEADOWS SECTION 3:

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

Ditch Maintenance Petition- Covington Meadows Section 3

We the undersigned owners of 37.348 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as **Covington Meadows Section 3** 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 **Covington Meadows Section 3** Subdivision.

The cost of the drainage improvements is \$130,580.00 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. Eighty-two (82) 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, \$1,592.44 per lot. An annual maintenance fee equal to 2% of this basis \$31.85 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 \$2,611.60 has been paid to Delaware County.

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

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

RESOLUTION NO. 02-671

IN THE MATTER OF APPROVING SUBDIVIDER’S AGREEMENT FOR WORTHINGTON ROAD WIDENING AT OAKS AT HIGHLAND LAKES SUBDIVISION:

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

Worthington Road Widening At Oaks At Highland Lakes Subdivision

SUBDIVIDER’S AGREEMENT

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THIS AGREEMENT made and entered into this 20th day of May 2002, by and between the COUNTY OF DELAWARE (acting by and through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and M/I SCHOTTENSTEIN HOMES, hereinafter called the SUBDIVIDER, as evidenced by the Engineering and Construction Plan entitled “WORTHINGTON ROAD WIDENING AT OAKS AT HIGHLAND LAKES SUBDIVISION” 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 THIRTY-EIGHT THOUSAND FOUR HUNDRED NINE 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 Development” and the current “Subdivision Regulations of Delaware County, Ohio”.
4. The SUBDIVIDER shall deposit ELEVEN THOUSAND ONE 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 Mrs. Martin Aye Mr. Wuertz Aye Mr. Ward Aye

RESOLUTION NO. 02-672

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR EAGLE TRACE 2B:

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

Eagle Trace 2B

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineers 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 \$40,000 for the duration of the one year maintenance period. A Bond in that amount is current in place. He also request approval to return the Cash Bond being held as construction surety to the developer, Centex Homes.

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

RESOLUTION NO. 02 -673

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

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

Permit #	Applicant	Location	Type of Work
U02071	Columbia Gas	Owenfield Drive	Install gas main
U02074	Columbus Southern Power	Bale Kenyon Road	Push-bore road
U02075	Verizon	Mills Road	Place aerial cable
U02076	Verizon	Liberty Road	Place buried cable
U02077	Columbia Gas	Hanover Road	Install gas main

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

RESOLUTION NO. 02-674

IN THE MATTER OF APPROVING THE CONTRACT WITH M. P. DORY COMPANY FOR THE DELAWARE COUNTY TRAFFIC SIGNAL MAINTENANCE PROGRAM:

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

CONTRACT

AGREEMENT, made and entered into this 20th day of May, 2002 by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **M.P. DORY COMPANY** hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of the lump sum and cost plus amounts not to exceed \$15,000, based on unit prices of as per attached proposal dated March 15, 2002, to be paid as hereinafter specified, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, all the necessary material, labor and equipment required to complete the project known as **Delaware County Traffic Signal Maintenance, Delaware County, Ohio** in accordance with the attached proposal, which are hereby declared to be a part of this **Contract**.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer**. This agreement shall be for a period of one calendar year.

THE SECOND PARTY hereby agrees to hold the **County** free and harmless from any and all claims for damages, costs, expenses, judgments or decrees, resulting from any operations of said **SECOND PARTY**, his sub-contractors, agents or employees.

SECOND PARTY further agrees to pay the **Prevailing Wage Rate** in accordance with **Section 4115 of the Ohio Revised Code** and to furnish the **Delaware County Engineer** a certified copy of the Contractor’s payroll. Contractor is also responsible providing any changes in the Prevailing Wage rates as furnished by the Delaware County Engineer during the course of this project to any and all Subcontractors employed by the Contractor.

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

RESOLUTION NO. 02-675

IN THE MATTER OF APPROVING TEMPORARY EASEMENTS AND RIGHT-OF-WAYS FOR OLD 3C IMPROVEMENTS PROJECT:

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

Mesa Properties

EASEMENT PURCHASE AGREEMENT
FOR PUBLIC ROAD RIGHT-OF-WAY
AND/OR
TEMPORARY EASEMENT FOR HIGHWAY CONSTRUCTION

This agreement made at Delaware, Ohio on the last date of acceptance by and between **Mesa Properties**, hereinafter called “**SELLER**” and the County of Delaware, State of Ohio, Hereinafter designated the “**BUYER**”, witnesseth:

1. Seller agrees to sell and convey and the buyer agrees to purchase and pay for a permanent easement for highway purposes a part of the land located at Delaware County, Ohio, and more particularly described as follows:

SEE LEGAL DESCRIPTION-EXHIBIT “A”

2. The Seller further agree to sell and convey, and the Buyer agrees to purchase and pay for a temporary easement

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for highway construction purposes over the lands located at 7085 ST RT 3 Westerville, Ohio 43082, Delaware County, Ohio and more particularly described as follows:

SEE LEGAL DESCRIPTION-EXHIBIT “B”

3. The purchase price for both the permanent easements including all damages is **\$8,860.00** payable at closing.

4. Possession will be at closing.

5. The closing of this purchase shall take place within 30 days of the acceptance of this contract by the Board of County Commissioners of Delaware County, State of Ohio, at regular session of the Board, and entering of the agreement in the minutes of the Board by the Clerk of said Board.

6. The Buyer also agrees to the Following additional items of consideration:
None.

7. All parties to this contract, acknowledge that the Delaware County Engineer, Christian E. Bauserman, P.E./P.S. is, in negotiating this contract, acting as an agent on behalf of the Board of County Commissioners of Delaware County, Ohio. The parties, further, acknowledge and agree that this Agreement shall not be binding until it is approved by the Board of County Commissioners of Delaware County, Ohio at a regular session of the Board. Attached to agreement is a certificate by the Auditor of Delaware County, Ohio, as required by Section 5705.41 of the Ohio Revised Code. Christian E. Bauserman, P.E./P.S., Delaware County Engineer, agrees that upon signing of this Agreement by the Sellers he will take appropriate steps to have this purchase Agreement acted upon properly by the Board of County Commissioners of Delaware County, Ohio at their next regularly scheduled meeting.

EXHIBIT “A”

DESCRIPTION OF PARCEL 32WD
STATE ROUTE 3

Situated in the State of Ohio, County of Delaware, Township of Genoa, being part of Farm Lot 20, Quarter Township 3, Township 3, Range 17, and being part of the 2.074 acre tract conveyed to Mesa Properties by deed of record in Deed Book 643, Page 163, records of the Recorder’s Office, Delaware County, Ohio, and being more particularly described as follows;

Beginning at an iron pin set at the intersection of the common line of Farm Lots 20 and 21 (being the southerly line of said 2.074 acre tract) and the existing easterly right-of-way line of State Route 3 as established by the plat of MAXTOWN SUBDIVISION (Kroger Northgate Plaza) of record in Plat Cabinet 1, Slide 593, being 50.00 feet easterly of, as measured radially from, the existing centerline of right-of-way of State Route 3, as delineated upon the State of Ohio Right-Of-Way plan DEL-3-013 (1949) and S.H. 336 Sect. D (Pt.), on file at the engineer’s office of the Ohio Department of Transportation, District 6, Delaware, Ohio, at the northwesterly corner of Lot 5223 of the NORTHGATE RESUBDIVISION OF LOT 3461 OF THE MAXTOWN SUBDIVISION as recorded in Plat Cabinet 2, Slide 331, said iron pin further located as being 50.64 feet right of station 39+77.40 of the centerline survey of State Route 3 as established by the State Route 3 Widening Plan for the City of Westerville prepared by R.D. Zande & Associates, Inc.

Thence North 83°45’49” West, a distance of 12.81 feet along said Farm Lot line to a point in the existing easterly right-of-way line of State Route 3;

Thence the following course and distances along the existing easterly right-of-way line of State Route 3;

Thence North 29°12’00” East, a distance of 128.13 feet to an iron pin set, being 47.02 feet right of station 41+00.00 of said centerline of survey;

Thence South 21°39’53” West, a distance of 122.38 feet, across said 2.074 acre tract, to an iron pin set in the common line of Farm Lots 20 and 21, the southerly line of said 2.074 acre tract, and the northerly line of said Lot 5223;

Thence North 83°45’49” West, a distance of 4.63 feet along the common line of Farm Lots 20 and 21, the southerly line of said 2.074 acre tract, and the northerly line of said Lot 5223, to the Point of True Beginning of the herein described parcel, containing 0.024 acres, more or less, of which the present road occupies 0.000 acres, more or less, and which 0.024 acres, more or less, lies within Farm Lot 20;

The bearing datum of the afore-described parcel is based on the bearing of N29°12’00”E for the centerline of State Route 3, as delineated upon the State of Ohio Right-Of-Way plan DEL-3-013 (1949) and S.H. 24 Sect. T (Pt.), S.H. 336 Sect. D (Pt.), on file at the engineer’s office of the Ohio Department of Transportation, District 6, Delaware, Ohio.

EXHIBIT “B”

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DESCRIPTION OF PARCEL 32T
STATE ROUTE 3

Situated in the State of Ohio, County of Delaware, Township of Genoa, being part of Farm Lot 20, Quarter Township 3, Township 3, Range 17, and being part of the 2.074 acre tract conveyed to Mesa Properties by deed of record in Deed Book 643, Page 163, records of the Recorder’s Office Delaware County, Ohio, and being more particularly described as follows:

Beginning for reference at an iron pin set at the intersection of the common line of Farm Lots 20 and 21 (being the southerly line of said 2.074 acre tract) and the existing easterly right-of-way line of State route 3 as established by the plat of MAXTOWN SUBDIVISION (Kroger Northgate Plaza) of record in Plat Cabinet 1, Slide 593, being 50.00 feet easterly of, as measured radially from, the existing centerline of right-of-way of State Route 3 as delineated upon the State of Ohio Right-Of-Way plan DEL-3-013 (1949) and S.H. 24 Sect. T (Pt.), S.H. 336 Sect. D (Pt.), on file at the engineer’s office of the Ohio Department of Transportation District 6, Delaware, Ohio, at the northwesterly corner of Lot 3461 (19.909 acres) of said MAXTOWN SUBDIVISION; said iron pin further located as being 50.64 feet right of station 39+77.40 of the centerline survey of State Route 3 as established by the State Route 3 Widening Plan for the City of Westerville prepared by R.D. Zande & Associates, Inc.

Thence N 83° 45’ 49” W a distance of 12.80 feet along said Farm Lot line and the southerly line of said 2.074 acre tract, to a point in the existing easterly right-of-way line of State Route 3;

Thence N 29° 12’ 00” E a distance of 299.40 feet (passing an iron pin set on the new easterly right-of-way line of State Route 3, at a distance of 188.85 feet) to a point being 55.68 feet right of centerline survey station 42+00.00; said point of being the point of true beginning of the herein described parcel;

Thence continuing N 29° 12’ 00” E a distance of 81.25 feet along said existing easterly right-of-way line of State Route 3 to a point being 63.90 feet right of centerline survey station 42+80.00;

Thence the following three (3) courses and distances across said 2.074 acre tract;

- 1. Thence S 5° 01’ 26” E a distance of 17.21 feet to a point being 72.00 feet right of centerline survey station 42+65.00;
- 2. Thence S 23° 17’ 26” E a distance of 17.21 feet to a point being 72.00 feet right of centerline survey station 42+35.00;
- 3. Thence S 48° 22’ 40” W a distance of 38.97 feet to the point of true beginning of the herein described parcel, containing 0.015 acres, more or less

The bearing datum of the afore-described parcel is based on the bearing of N 29° 12’ 00” E for the centerline of State Route 3, as delineated upon the State of Ohio Right-Of-Way plan DEL-3-03 (1949) and S.H. 24 Sect. T (Pt.), S.H. 336 Sect. D (Pt.), on file at the engineer’s office of the Ohio Department of Transportation, District 6, Delaware, Ohio.

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

RESOLUTION NO. 02-676

9:15AM ORDER OF COMMISSIONERS FOR ANNEXATION OF 80.211 (99.76) ACRES FROM OXFORD TOWNSHIP TO THE VILLAGE OF ASHLEY:

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

The Commissioners of Delaware County, Ohio having on the 6th day of May 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 Ashley** 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 Ashley**, 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.

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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 Ashley**, Ohio.

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

RESOLUTION NO. 02-677

IN THE MATTER OF ACCEPTING AND AWARDING THE BID FOR THE JANITORIAL AND CUSTODIAL SERVICES FOR THE DELAWARE COUNTY SHERIFF’S OFFICES:

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

Whereas, Delaware County went out to bid and bids were taken on April 1, 2002, and
Whereas, after carefully reviewing the bids received, the bid submitted by the D&D Cleaning Services, 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 from D&D Cleaning Services for the Janitorial And Custodial Services For The Delaware County Sheriff’s Offices.

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

RESOLUTION NO. 02-678

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND NEXTEL FOR CASEWORKER CELL PHONES:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the contract.

(A copy of the contract is available in the Commissioners Office for the duration of the contact).

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

RESOLUTION NO. 02-679

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS MELISSA WEAVER AND CAROLYN PLUMLEY:

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

Child Care		Basic Rates Full Time (25 Hrs. or More)	Adjustment to Basic Rates
Melissa Weaver 345 Wheatfield Dr. Delaware, Ohio 43015	Infant Toddler Preschool Schoolage	\$2.75 \$2.75 \$2.50 \$2.50	None
Carolyn Plumley 535 Forest Street Marion, Ohio 43302	Infant Toddler Preschool Schoolage	\$2.75 \$2.75 \$2.50 \$2.50	None

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

RESOLUTION NO. 02-680

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IN THE MATTER OF AUTHORIZING THE EXECUTION OF ADDITIONAL FUNDS WITH COUNTRYSIDE CONSTRUCTION COMPANY FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY99 WATER & SEWER PROGRAM RESIDENTIAL SERVICE CONNECTION PROJECT FOR LOW AND MODERATE INCOME FAMILIES IN THE VILLAGE OF SHAWNEE HILLS:

It was moved by Mrs. Martin, seconded by Mr. Ward to concur in the execution of an agreement:

WHEREAS, the Ohio Department of Development provides financial assistance to local governments under the Community Development Block Grant (CDBG) Water & Sewer and Formula Programs; and

WHEREAS, the House Service Connection Project is an eligible activity to be funded under the CDBG Formula and Water & Sewer Program; and

WHEREAS, funding, in the amount of One Hundred Thousand Dollars (\$100,000) has been provided to Delaware County through the FY99 CDBG Water & Sewer Program, and funding in the amount of Twenty Five Thousand Dollars (\$25,000) is to be provided from Delaware County’s Revolving Loan Fund for the Village of Shawnee Hills Residential Sanitary Service Connections Project, which consists of the installation of tap-ins and the connection fees for eligible LMI households; and

WHEREAS, Countryside Construction Company located at 119 Henderson Ct., Delaware, Ohio submitted the lowest and best bid for the Village of Shawnee Hills Sanitary House Service Connections Project, in the amount of \$55,705.00.

WHEREAS, The Village of Shawnee Hills added an additional 3 Low Moderate Income households to the project increasing the tap-ins from 26 to 31 households.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

- Section 1. That Countryside Construction Company is requesting additional funds of \$5,569.68 for additional houses tap-ins that were not included in the original specs by the Village of Shawnee Hills.
- Section 2. That the Board of Commissioners authorizes the President of the Board to concur in the additional funds for connection services with Countryside Construction Company, for the FY99 CDBG Water & Sewer.

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

RESOLUTION NO. 02-681

IN THE MATTER OF AUTHORIZING THE DELAWARE COUNTY COMMISSIONERS TO PARTICIPATE WITH THE MID-OHIO REGIONAL PLANNING (MORPC) TO SUBMIT AN APPLICATION FOR FUNDING UNDER THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT’S LEAD BASED PAINT HAZARD CONTROL PROGRAM:

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

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has published a Notice of Available Funds for funding under their Lead-Based Paint Hazard Control (LBPHC) Program: and

WHEREAS, funding for residential lead mitigation training and remediation activities is available through the LBPHC Program; and

WHEREAS, lead-based paint hazards are recognized to exist in the homes of many low-income families with children in Delaware County; and

WHEREAS, Delaware County, Ross County and Franklin County, are considering the formation of a consortium with MORPC serving as grant administrator in order to apply for \$1,7000,000 in available grant funds for the three Counties; and

WHEREAS, the anticipated allocation to Delaware County from the grant would be \$350,000 with the County required to provide 10% in matching funds, with Delaware County’s Revolving Loan Fund (RLF) being an eligible source of funding; and

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

- Section 1: The Board of County Commissioners authorizes MORPC to submit an application for funding on its behalf for HUD’s Lead-Based Paint Hazard Control Program.

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Section 2: Delaware County pledges to commit \$35,000 of its Revolving Loan Fund for the costs associated with testing, rehabilitation, implementation, and administration of the Lead Hazard Control Program, provided the additional grant funding from HUD is awarded.

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

RESOLUTION NO. 02-682

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS IN BROOKHILL VILLAGE
CONDOMINIUMS AND TARTAN FIELDS PHASE 9:

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

Brookhill Village Condominiums	916 feet of 8 inch sewer	5 manholes
Tartan Fields Phase 9	2,051feet of 8inch sewer	9 manholes

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

RESOLUTION NO. 02-683

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR
NORTH ORANGE SECTION 2 PHASES 2 & 3 AND SCIOTO RESERVE SECTION 4 PHASE 9:

It was moved by Mrs. Martin seconded by Mr. Ward to approve sanitary sewer plans For North Orange Section 2 Phases 2 & 3 And Scioto Reserve Section 4 Phase 9 submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 02-684

IN THE MATTER OF APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE
DELAWARE DIRECTOR OF ENVIRONMENTAL SERVICES AND AFSCME, OHIO COUNCIL 8
AND AFSCME, LOCAL 3072:

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

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between The Delaware Director Of Environmental Services And AFSCME, Ohio Council 8 And AFSCME, Local 3072. The parties agree as follows:

- 1. Delaware County shall pay \$609.83. less applicable withholding, to James Carey.
- 2. Mr. Carey’s probationary start date into the classification of Chemist shall be September 20, 2001.
- 3. The December 6, 2001 grievance shall be withdrawn with prejudice.
- 4. This Memorandum of Understanding shall take effect immediately and is made on a non-precedent setting basis and is made solely to resolve the grievance filed by Mr. Carey on December 6, 2001.

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

RESOLUTION NO. 02-685

IN THE MATTER OF APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE
DELAWARE DIRECTOR OF ENVIRONMENTAL SERVICES AND AFSCME, OHIO COUNCIL 8
AND AFSCME, LOCAL 3072:

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

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between The Delaware Director Of Environmental Services And AFSCME, Ohio Council 8 And AFSCME, Local 3072. The parties agree as follows:

- 1. Article XII (F) of the parties’ Collective Bargaining Agreement shall be deleted and replaced with the

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following language:

“All employees shall be required to perform any and all temporarily assigned duties of which they are capable regardless of their usual or customary duties or job assignment. When an employee is temporarily assigned to substitute in another job classification, he/she will receive the greater of his/her regular pay or grade “F” of the wage chart for the position for which he/she is temporarily assigned. No temporary assignment shall extend past 180 calendar days. Temporary assignments may be utilized for reasons such as filling-in for an absent employee or occupying a vacant position while the Employer determines whether or not and with whom to fill the position.”

2. This Memorandum of Understanding shall take effect immediately.

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

RESOLUTION NO. 02-686

IN THE MATTER OF APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE
DELAWARE COUNTY CHILD SUPPORT ENFORCEMENT AGENCY AND JUVENILE COURT:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve an amendment to the Contract previously approved on January 28, 2002 with Resolution 02-168 between the Child Support Enforcement Agency and Juvenile Court:

APPENDIX 1-11

AMENDMENT TO IV-D CONTRACT

JUVENILE COURT

This Amendment effective July 1, 2002, is to amend the IV-D contract between the Delaware County Child Support Enforcement Agency “CSEA” and Delaware County Juvenile Court entered into on the 1st day of January, 2002 and numbers 2102041.

- I. Contract Period- Same
- II. Article 4, Availability of Funds: Changes the total contract value as follows:

	Amount	Source
Local Matching Funds	\$ 48,860.98	Delaware 34%
Federal Matching Funds	\$ 94,847.79	Federal 66%
Total	\$143,708.77	Combined

- III. Article 5, Cost and Delivery of Purchased Services:
 - (A) Adjust the per unit rate from \$105.70 to \$108.87,as reflected in revised budget.
 - (B) Adjust the maximum number of units purchased from 1050 to 1320.
- IV. Provides for changes of language in the Articles/Exhibits listed in this amendment.
- V. All Articles and Exhibits not specifically changed by this or earlier amendments remain in full force and effect as originally executed.

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

RESOLUTION NO. 02-687

IN THE MATTER OF TABLING THE REQUEST FOR ANNEXATION OF 935.92 ACRES OF LAND
IN LIBERTY TOWNSHIP TO THE CITY OF POWELL TO THE TUESDAY MAY 28, 2002
COMMISSIONERS MEETING:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve tabling the request for annexation of 935.92 acres of land in Liberty Township to the City of Powell to the Tuesday May 28, 2002 Commissioners Meeting.

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

There being no further business the meeting adjourned.

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Deborah B. Martin

James D. Ward

Donald E. Wuertz

Letha George, Clerk to the Commissioners