

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD APRIL 7, 2003

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

Present: Kristopher W. Jordan, Deborah B. Martin, James D. Ward

- 10:00 AM Bid Opening Date And Time For Furnishing All Labor, Materials And Equipment Necessary To Complete The Project Known As The 2003 Road Improvement Program (50 Channing Street)
- 7:30 PM Reconvening The Public Hearing For Consideration Of A Ditch Petition (Jones-Timms #516)
- 8:00 PM Public Hearing For Consideration Of A Ditch Petition Filed By Walter Neighbor (Basiger #336 Watershed)

PUBLIC COMMENT

RESOLUTION NO. 03-434

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 3, 2003 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the resolutions and records of the proceedings from regular meeting held April 3, 2003 as contained in the county's official electronic recordings of the proceedings.

Vote on Motion Mrs. Martin Aye Mr. Jordan Abstain\* Mr. Ward Aye

\* Mr. Jordan was not present at the April 3, 2003 meeting.

RESOLUTION NO. 03-435

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR044:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve payment of warrants in batch numbers CMAPR044 and Purchase Orders and Vouchers as listed below:

PO's

Vendor	Description	Account Number	Amount
Road Master Drivers School	Continuing Education	22411603-5350	\$ 8,000.00
Williams Insurance Agency	Boiler and Machinery Renewal	60111901-537037030	\$ 13,734.00
<b>Vouchers</b>			
BP Products N. America	Gasoline For Service Center	10011106-522822802	\$ 8,024.26
AEP	Electric Scioto Reserve	66011913-5338	\$ 17,597.47
Family Connections	Residential Treatment	22511607-5342	\$ 6,186.00
Symbiont	Cluster Treatment	22511608-5342	\$ 6,975.00

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

RESOLUTION NO. 03-436

IN THE MATTER OF SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY THE HIDDEN COVE HOMEOWNERS ASSOCIATION (EAMONN ROONEY TRUSTEE):

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

WHEREAS, on this 7<sup>th</sup> day of April, 2003, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by members of the Hidden Cove Subdivision Home Owners Association, to:

1. Place the previously constructed drainage improvements in the Hidden Cove Subdivision on the Delaware County Drainage Maintenance Program.

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board

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decides to pay the Engineer's cost from the bond in accordance with Section 6131.09 of the Revised Code;

THEREFORE, BE IT RESOLVED, BY THE Board of County Commissioners, that the **5th day of June, 2003, at 1:00 PM** at 3872 Hidden Cove Circle Lewis Center, Ohio 43035, be and the same is hereby fixed as the time and place for the view thereon, and

BE IT FURTHER RESOLVED, That the **30th day of June, 2003, at 7:30 P.M.** at the Office of the Board of County Commissioners, Delaware, Ohio be and the same is hereby fixed as the time and place for the first hearing on the petition, and

BE IT FURTHER RESOLVED, that notice of said view and hearing be given, as required by law.

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

**RESOLUTION NO. 03 -437**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Child Support Enforcement Agency is requesting that Matt Smith attend an ERICSA Training Conference in Philadelphia Pennsylvania April 27 to May 1, 2003, at the cost of \$1,040.00.

The Veterans Service Commission is requesting that Richard Bennett attend a National Veterans Service Officer Conference/School in Niagara Falls, New York June 13 to 20, 2003, at the cost of \$1,484.00.

The Veterans Service Commission is requesting that Valerie Crane attend a National Veterans Service Officer Conference/School in Niagara Falls, New York June 13 to 20, 2003, at the cost of \$1,360.00.

The Veterans Service Commission is requesting that John VanDyck attend a National Veterans Service Officer Conference/School in Niagara Falls, New York June 13 to 20, 2003, at the cost of \$1,360.00.

The Treasurers Office is requesting that Dale Wilgus attend a Spring Conference in Dayton, Ohio May 13 to 15, 2003, at the cost of \$500.00.

The Engineer's Office is requesting that Doug Riedel, Dan Jennings and Dick Burnett attend an ADA Curb Ramps and Design and Construction Seminar in Columbus, Ohio April 22, 2003, at the cost of \$195.00.

The Engineer's Office is requesting that Doug Riedel attend a Traffic Engineering Fundamentals Course in Milwaukee, Wisconsin May 12 to 14, 2003, at the cost of \$1,738.50.

The Engineer's Office is requesting that Ryan Mraz attend an International Bridge Conference in Pittsburgh, Pennsylvania June 9 to June 11, 2003, at the cost of \$1,387.50.

The Environmental Services Department is requesting that Lyndon Johnson attend an OWEA Annual Conference at the Sawmill Creek Resort June 30 to July 3, 2003, at the cost of \$592.00.

The Environmental Services Department is requesting that James Carey attend an OWEA Northwest Section Lab Analyst Committee Meeting in Marion, Ohio May 22, 2003, at the cost of \$16.00.

The Environmental Services Department is requesting that William Brutchey attend an OWEA Northwest Section Lab Analyst Committee Meeting in Marion, Ohio May 22, 2003, at the cost of \$16.00.

The Environmental Services Department is requesting that Matthew Ice attend an OWEA Northwest Section Lab Analyst Committee Meeting in Marion, Ohio May 22, 2003, at the cost of \$16.00.

The Economic Development Department is requesting that Dottie Brown attend a Whole House Energy Performance Training in Columbus, Ohio April 14 to 15, 2003, at the cost of \$25.00.

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

**RESOLUTION NO. 03-438**

**IN THE MATTER OF APPROVING TUITION ASSISTANCE REQUEST:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve the Tuition Assistance requests as follows:

Rachael Hager    1 class    \$ 1,029.00

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

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**RESOLUTION NO. 03-439**

**IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE AUDITORS OFFICE:**

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

**SUPPLEMENTAL APPROPRIATIONS**

FUND NUMBER:	FUND NAME:	AMOUNT:
20110105-5001	Real Estate Assessment/Admin/Salaries	\$ 90,239.97
20110105-5120	Real Estate Assessment/Admin/PERS	\$ 12,227.00
20110105-5131	Real Estate Assessment/Admin/Medicare	\$ 1,308.30
20110106-5001	Real Estate Assessment/GIS/Salaries	\$ 92,606.95
20110106-5120	Real Estate Assessment/GIS/PERS	\$ 12,548.24
20110106-5131	Real Estate Assessment/GIS/Medicare	\$ 1,342.80

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

**RESOLUTION NO. 03-440**

**IN THE MATTER OF APPROVING PLATS FOR RIVER’S EDGE AT ALUM CREEK SECTION 2 AND NORTH POINT MEADOWS SECTION 1; PLAN FOR WINDING CREEK ESTATES 4 AND DITCH MAINTENANCE PETITION FOR NORTH POINTE MEADOWS SECTION 1:**

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

**River’s Edge At Alum Creek Section 2**

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Lying In Lot 5, Section 1, Township 3, Range 18, United States Military Lands, Containing 20.412 Acres, More Or Less Including 3.787 Acres Of Right-Of-Way Area, (17.189 Acres Are In Farm Lot 5 And 3.223 Acres Are In Farm Lot 6), Said 20.412 Acres Being All Of The 20.412 Acre Tract Conveyed To Maronda Homes, Inc. Of Ohio, By Deed Of Record In Official Record 196, Page 40, Records Of The Recorder’s Office, Delaware County, Ohio. Cost \$120.00.

(Note this is section 2, Heading had a typo that originally said section 4)

**North Point Meadows Section 1**

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Village Of Orange Station, Being A Part Of Farm Lot 20 And 23, Section 3, Township 3, Range 18, United States Military Lands, Being 22.596 Acres Of The Land Conveyed To Maronda Homes, Inc. Of Ohio As Recorded In Official Record 209, Page 1106 Recorder’s Office, Delaware County, Ohio, Of Which 3.578 Acres Are In Farm Lot No. 20 And 19.018 Acres Are In Farm Lot No. 23. Cost \$126.00.

**Winding Creek Estates 4**

Site Development Plan Part Of Farm Lot 5, Section 2, Township 4, Range 18, United States Military Lands Berlin Township, Delaware County, Ohio. No Cost.

**Ditch Maintenance Petition- North Pointe Meadows Section 1**

We the undersigned owners of 22.6 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **North Pointe Meadows Section 1** 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

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conjunction with the approval of the **North Pointe Meadows Section 1** Subdivision.

The cost of the drainage improvements is \$149,723.00 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. Forty-two (42) lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$3,564.83 per lot. An annual maintenance fee equal to 2% of this basis \$71.30 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 \$2,994.60 has been paid to Delaware County.

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

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

**RESOLUTION NO. 03-441**

**IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR GENOA FARMS PHASE 2:**

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

**Genoa Farms Phase 2**

The roadways to be accepted are as follows:

- An addition of 0.26 mile, to **Township Road Number 1343, Laver Lane**

The Engineer recommends that 25 mile per hour speed limits be established throughout the project.

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

**RESOLUTION NO. 03-342**

**IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR SCIOTO HIGHLANDS NO. 3 AND ORANGE POINT COMMERCE CENTER PHASE 4:**

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

**Scioto Highlands No. 3**

The roadway construction has been completed for the referenced subdivision and, as the results of the Engineer's recent field review, he has determined that minor remedial work will be required during the 2003 construction season.

In accordance with the Subdivider's Agreement, the Engineer recommends that the maintenance bond be set at **\$52,000** for the duration of the one year maintenance period. A Letter of Credit in that amount is available. He also request approval to return the Letter of Credit being held as construction surety to the developer, S. Robert Davis.

**Orange Point Commerce Center Phase 4**

The roadway construction has been completed for the referenced subdivision and, as the results of the Engineer's recent field review, he has determined that minor remedial work will be required during the 2003 construction season.

In accordance with the Subdivider's Agreement, the Engineer recommends that the maintenance bond be set at **\$9,700** for the duration of the one year maintenance period. A Bond in that amount is available. He also request approval to return the Bond being held as construction surety to the developer, Duke Construction.

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

**RESOLUTION NO. 03-443**

**IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS NORTH POINT MEADOWS SECTION 1 AND RIVER'S EDGE AT ALUM CREEK SECTION 2:**

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

**North Point Meadows Section 1**

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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 \$227,000 and a Letter of Credit in that amount is available to cover the bonding of this project.

**River’s Edge at Alum Creek Section 2**

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 \$215,897 and a Letter of Credit in that amount is available to cover the bonding of this project.

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

**RESOLUTION NO. 03 -444**

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

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

Permit #	Applicant	Location	Type of Work
U03034	Consolidated Electric	N. County Line Road	Set a new pole
U03035	Verizon	Hanover Road	Place buried cable
U03036	Columbia Gas	Gooding Boulevard	Install plastic pipe
U03037	Del-Co Water	Perfect Road	Install bore
U03038	Del-Co Water	Perfect Road	Install waterline
U03039	Del-Co Water	Centerburg Road	Install bore
U03040	Ohio Edison	Hedley Road	Install overhead wires & poles
U03041	SBC	Liberty Road	Trench cable
U03042	SBC	Tussic Street road	Trench cable & bore
U03043	Columbia Gas	Fairway Boulevard	Place gas line
U03044	Consolidated Electric	Moody Road	Install new pole & anchor

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

**RESOLUTION NO. 03-445**

**SETTING BID OPENING DATE AND TIME FOR LIQUID ASPHALT, HOT MIX AND COLD MIX MATERIALS, AND TWO MEN AND A PAVER:**

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

Sealed bids will be accepted for **Liquid Asphalt** based upon unit price bids per gallon of each material and **Items 301, 402 and 404 Asphalt Hot Mix materials** based upon unit price per ton of material; and **Cold Mix Materials SS-921, HPM and 405 Bituminous Cold Mix**. All material items shall meet the **Ohio Department of Transportation Material Specifications for 1997**. Bids will also be accepted for **Two Men and a Paver, price per ton laid**. Copies of General Specifications may be obtained at the office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015.

Bids for **Liquid Asphalt** shall be delivered price to job site at any location within Delaware County. Free unloading time and demurrage shall also be noted. Bids for **Hot Mix materials and Cold Mix Materials** shall be FOB plant price. Said materials to be used by the Delaware County Engineer **through April 30, 2004**.

Prices on all materials shall also be extended to the 18 Townships within Delaware County.

Bids will be received by the **Delaware County Commissioners, at the office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015 until 10:00 a.m. April 28, 2003**, at which time said bids will be opened. Bids will be awarded at the discretion of the Delaware County Commissioners, and all bidders shall be notified accordingly.

Bids shall be submitted in a sealed envelope and marked **SEALED BID FOR LIQUID ASPHALT, HOT MIX AND COLD MIX MATERIALS, AND TWO MEN AND A PAVER**.

This **Invitation to Bid** is hereby made a part of the specifications. The Delaware County Commissioners reserve the right to reject any and/or all bids.

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

**RESOLUTION NO. 03-446**

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**IN THE MATTER OF APPROVING SPECIFICATIONS, ESTIMATE AND SETTING BID OPENING DATE AND TIME FOR BLUE CHURCH ROAD OVER LITTLE WALNUT CREEK BRIDGE REPLACEMENT:**

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

**INVITATION TO BID**

Sealed proposals will be received at the **Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015 until 10:00 a.m. local time on Monday, April 28, 2003** for furnishing all labor, materials and equipment necessary to complete the project known as

**Blue Church Road over Little Walnut Creek Bridge Replacement  
DEL-TR-67-2.83**

and at said time and place, publicly opened and read aloud. Contract documents, bid sheets, plans, and specifications can be picked up at the Delaware County Engineer's Office, 50 Channing St. Delaware, Ohio 43015 at NO COST for plans and specifications (11"x17" plan copies only). Bidders must make arrangements to obtain the bid packet; they will not be mailed.

Each bidder is required to furnish with its proposal a Bid Guaranty and Contract Bond in accordance with Section 154.54 of the Ohio Revised Code. Bid Security furnished in Bond form shall be issued by a Surety Company or corporation licensed in the State of Ohio to provide said surety.

Each Proposal must contain the full name of the party or parties submitting the proposal and all persons interested therein. Each bidder must submit evidence of its experiences on projects of similar size and complexity, and a complete listing of all subcontractors to be used. The owners intend and require that this project be completed **no later than July 15, 2003.**

Bidders must comply with the Prevailing Wage Rates on Public Improvements in Delaware County as determined by the Ohio Bureau of Employment Services, Wage and Hour Division.

The Delaware County Commissioners reserve the right to waive irregularities and to reject any or all bids.

**SCOPE OF WORK**

This project consists of the replacement of an existing 13' span steel beam bridge on Blue Church Road over Little Walnut Creek in Kingston Township, Delaware County, Ohio. The bridge is located about 0.1 miles north of S.R. 521.

The proposed structure is a 20' span precast concrete arch culvert (Con/Span) on spread footings. The project will also include approach realignment, widening and paving for approximately 200 feet to the south of the bridge and 410 feet to the north.

**Engineer's Estimate      \$ 175,000.00**

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

**RESOLUTION NO. 03-447**

**IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND CONSTRUCTION CONSULTING & TESTING, INC., FOR THE PROJECT KNOW AS DELAWARE COUNTY 2003 ASPHALT TESTING:**

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

**CONTRACT**

**AGREEMENT**, made and entered into this 7<sup>th</sup> day of April, 2003 by and between the **Delaware County Commissioners**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **Construction Consulting & Testing, Inc.**, hereinafter designated as **SECOND PARTY**.

**WITNESSETH**, that said **SECOND PARTY**, for and in consideration of the lump sum amount not to exceed **\$50,000.00**, based on a Proposal for Engineering Services dated February 17, 2003 and Cost Proposal of the same date and document, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, professional testing services as specified in the Proposal submitted by the **SECOND PARTY** for the project know as Delaware County 2003 Asphalt Testing, Delaware County, Ohio. Compensation is to be paid on a monthly basis of number of tests complete at the rate of \$115.00 per test.

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**SAID SECOND PARTY** further agrees to perform the said work promptly in accordance with the requirements or the **CCT Proposal No. 10303-01, February 17, 2003**, in a skillfully and competent manner in accordance with the normally accepted standards applicable to this work, and under the direction of the Delaware County Engineer. This contract shall be for a period of one year and terminate December 31, 2003.

**THE SECOND PARTY** hereby agrees to hold **Delaware County** free and harmless from any and all claims for loss, damages, injury, liability, costs, expenses, judgments or decrees, resulting from any negligent acts or omissions of the **SECOND PARTY**, its employees, agents, subcontractors, and their employees and agents' subcontractors and their employees agents but only to the extent that the same is actually covered and paid under the foregoing policies of the insurance.

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

**RESOLUTION NO. 03-448**

**IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND D.R. TENNANT FOR THE PROJECT KNOWN AS 2003 ROADSIDE MOWING PROGRAM:**

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

**2003 Roadside Mowing Program- Bid Opening of March 24, 2003**

As a result of the referenced bid opening, the Engineer recommends that a bid award be made to D.R. Tennant, the only bidder for this service. Two copies of the Contract with Mr. Tennant in the amount of \$44,197.50, are available for your approval.

**CONTRACT**

**AGREEMENT**, made and entered into this 7<sup>th</sup> day of April, 2003, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **D. R. TENNANT**, hereinafter designated as **SECOND PARTY**.

**WITNESSETH**, that said **SECOND PARTY**, for and in consideration of the sum of **FORTY-FOUR THOUSAND ONE HUNDRED NINETY-SEVEN DOLLARS AND FIFTY CENTS** (\$44,197.50), based on unit prices on the attached **Bid Blank**, 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 **2003 ROADSIDE MOWING PROGRAM**, in accordance with general specifications and Invitation to Bid for same hereto attached; which general specifications and Invitation to Bid 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**. Work is to be completed on or before **October 11, 2003**.

**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.

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

**RESOLUTION NO. 03-449**

**IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE SOIL AND WATER CONSERVATION DISTRICT, THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE DELAWARE COUNTY ENGINEER:**

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

**AGREEMENT BETWEEN  
THE DELAWARE SOIL AND WATER CONSERVATION DISTRICT, THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE DELAWARE COUNTY ENGINEER**

On the 3<sup>rd</sup> day of January, 1999 this agreement was entered into by and between the Delaware Soil and Water, Conservation District, State of Ohio, hereinafter called the District; the Delaware County Board of Commissioners, State of Ohio, hereinafter called the Commissioners; and the Delaware County Engineer, hereinafter called the Engineer. The most recent revision to this document was made in 2003.

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**STATEMENT OF PURPOSE**

The District, the Commissioners, and the Engineer have the common objective of cooperatively bringing about the administration and maintenance of drainage improvements within Delaware County. They, therefore, enter into this agreement as the foundation for an enduring cooperative working agreement for the administration and maintenance of drainage projects as established under the provisions of the Ohio Drainage Law, Chapter 6137, Ohio Revised Code.

**WHAT THE DISTRICT WILL DO**

The District will provide needed personnel to carry out the maintenance program, upon receipt of notification that sufficient Ditch Maintenance Funds are available to do so.

The District will make annual inspections on all ditches under maintenance assessment and file a report with the Engineer by April 1<sup>st</sup>, annually, for the Engineers use in making his recommendation to the Commissioners by June 1<sup>st</sup> of each year, in accordance with Section 6137.06, Ohio Revised Code.

The District will make assessment adjustment recommendations in its inspection report to the Engineer, in accordance with Section 6137.11, Ohio Revised Code.

The District will cooperate with adjacent counties on joint maintenance and assessment agreements.

The District will carry out all needed improvements under the maintenance program as provided for under the Ohio Drainage Law, Chapter 6137, Ditch Maintenance Fund, Ohio Revised Code.

The District will provide certificates for reduction in annual maintenance assessments as provided for under section 6137.09, Ohio Revised Code.

The District will view all applications for reduction in maintenance allowance according to Section 6137.08 of the Ohio Revised Code and will make recommendations to the Engineer.

The District will file a report by February 1<sup>st</sup>, annually, with the Commissioners, Engineer, Treasurer, and the Auditor of the maintenance activities during the calendar year.

The District will include in its annual budget request to the Commissioners, funds needed for equipment, supplies, and personnel to carry out the maintenance program under Chapter 6137, Ohio Revised Code. The budget requests shall be filed by October 1<sup>st</sup> of each year.

The District will, in accordance with Section 6137.14, Ohio Revised Code, report any findings to the Engineer.

The District will keep complete records of all expenditures and properly submit, to the Clerk of the Commissioners, reports on all charges for maintenance work, if requested by the Commissioners.

The District will submit all plans for maintenance to the Engineer and Commissioners for recommendations and approval.

The District will act as a technical resource in assisting with new petition ditches.

The District's Ditch Maintenance Supervisor will check petitioned ditches both during and at the completion of construction under the supervision of the Engineer. This will enable the Maintenance Supervisor to be familiar with the project when maintenance responsibilities are assumed.

The District will make six (6) year reviews of ditch maintenance bases and revise them, subject to the Engineer's approval, prior to the hearing by the Commissioners. A representative of the District shall be present at the hearing scheduled by the Commissioners with the property owners.

The District will carry adequate vehicle and liability insurance for protection from damage actions resulting from maintenance activities.

A copy of the inventory list will be given to the Engineer at the same time that a copy is given to the Commissioners.

**WHAT THE COMMISSIONERS WILL DO**

The Commissioners will make available County Ditch Maintenance Funds to the District as approved in the Annual Maintenance budget, for needed equipment, supplies, personnel, and contractual services to carry out the Ditch Maintenance provisions of the Ohio Drainage Law, in accordance with the O.R.C., sections 6137.05 and 6137.06.

The Commissioners will refer any questions from landowners regarding maintenance to the District.

The Clerk of the Commissioners will notify by certified mail the adjoining counties of the percent to be collected on joint ditches for the current maintenance year as applicable.

The Commissioners will require, as allowed by law, a minimum easement of twenty (20) feet and maximum of eighty (80) feet, varying with depth of tile, determined by the Engineer, for maintenance on all property that the drainage outlet crosses on rural home development projects. This area will be kept free of all permanent improvements, trees, etc. that would obstruct maintenance equipment in the event that repairs are needed.

When a maintenance improvement is made necessary in whole or in part by the negligent acts or omissions of any landowner, the Commissioners will contact said landowner by letter stating the circumstances surrounding the maintenance needed and provide him/her the opportunity to make the required improvement. Any questions regarding improvements will be referred to the District.

Equipment and property purchased by ditch maintenance funds to service this agreement shall be returned to the Commissioners on termination of this agreement.

**WHAT THE ENGINEER WILL DO**

The Engineer will delegate to the District his operational duties in carrying out the Ditch Maintenance Program as provided under Chapter 6137, Ditch Maintenance, Ohio Revised Code.



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The Engineer will receive and review all maintenance inspection reports in accordance with Section 6137.06, Ohio Revised Code.

The Engineer will notify the District of any newly petitioned ditches and request their involvement in the petition process.

~~The Engineer shall provide the District with a copy of the watershed map, and list of landowners within the boundaries of a newly petitioned ditch project. (Note: District does this as part of their technical assistance for new ditch petitions.)~~

The Engineer will notify the District of any petitioned ditches under construction and request their assistance in inspections.

The Engineer will refer any questions from landowners regarding the maintenance program to the District.

The Engineer will review, for his recommendations and approval, all maintenance plans.

**IT IS MUTUALLY AGREED BY ALL**

The District, Commissioners, and Engineer will meet periodically, as needed, to review and, where possible, coordinate their individual programs and activities for the maximum mutual benefit.

This agreement may be amended or terminated at any time by mutual consent of the parties hereto, or may be terminated by any party giving a sixty (60) days notice in writing to the others.

If this contract is not terminated within one (1) year, then it shall automatically renew itself for another year, and for each year thereafter.

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

**RESOLUTION NO. 03-450**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

Rebecca Ward has Resigned her position with the Department of Job and Family Services; effective date April 11, 2003.

Kathy Butler with the Department of Job and Family Services has been promoted to Social Services Worker III; effective date April 7, 2003.

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

**RESOLUTION NO. 03-451**

**IN THE MATTER OF AUTHORIZING THE DELAWARE COUNTY COMMISSIONERS TO ENTER INTO AN AGREEMENT WITH THE DELAWARE METROPOLITAN HOUSING AUTHORITY CONSISTENT WITH THE DELAWARE COUNTY FY 2003 COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) CONTINGENT ON DELAWARE COUNTY RECEIVING APPROVAL OF THE CHIP GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT:**

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

WHEREAS, the State of Ohio, Department of Development (ODOD), provides financial assistance to local governments under the Community Development Block Grant (CDBG) program and the Ohio Housing Trust Fund (OHTF) for the purpose of addressing local housing needs for low income households countywide; and

WHEREAS, Delaware County is applying for FY 2003 Community Housing Improvement Program (CHIP) funding by ODOD, consisting of CDBG and OHTF funds for the purpose of implementing a Tenant Based Rental Assistance Program in coordination with the Delaware Metropolitan Housing Authority (DMHA) to assist eligible low income tenant households; and

WHEREAS, the Tenant Based Rental Assistance Program is intended to enable 20 low income households, whose gross income is less than 50% of the area median income, to occupy safe, decent, sanitary housing by providing rental assistance payments.

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

SECTION I. That the Delaware County Board of Commissioners accepts the Joint Letter of Agreement between Delaware County and Delaware Metropolitan Housing Authority, which identifies program elements and itemizes responsibilities for the County and the DMHA.

SECTION II. That an amount not to exceed \$100,000 of CHIP funding will be provided to the DMHA to be used to make monthly rental assistance payments for participating low-income tenant households, and an amount not to exceed \$10,000 of CHIP funding will be provided to the DMHA to be used for administration

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of the Tenant Based Rental Assistance Program. Such funds shall be provided upon receipt and approval of required supporting documentation detailing program activities.

SECTION III. The Letter of Agreement sets forth the basic program guidelines and requirements for the respective parties to jointly undertake the Tenant Based Rental Assistance Program.

SECTION IV. That the Board of Commissioners authorizes the President of the Board to execute this agreement contingent upon the County receiving the CHIP FY 2003 grant from the Ohio Department of Development.

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

**RESOLUTION NO. 03-452**

**RESOLUTION OF NECESSITY FOR PURCHASE OR LEASE OF AUTOMOBILE FOR THE USE OF THE COUNTY COMMISSIONERS; ANY COUNTY DEPARTMENT, BOARD, COMMISSION, OFFICE OR AGENCY; OR ANY ELECTED COUNTY OFFICIAL OR HIS OR HER EMPLOYEES:**

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

WHEREAS;        the Board of County Commissioners of Delaware County, Ohio are required by Ohio Revised Code §307.41, to find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of a new automobile to be used by the County Commissioners, by any county department, board, commission, office or agency, or by any elected county official or his or her employees, and

WHEREAS;        the Board of County Commissioners of Delaware, County, Ohio has before it a request from the Department of Water Reclamation to expend county monies for the purchase of two (2) new Trucks; one Ford F-250 and one Ford F-150 and

WHEREAS;        the Board of County Commissioners have legally appropriated monies from the proper fund for the acquisition of vehicles

THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

- Section 1.        That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that a necessity exists to purchase two (2) Trucks for use by the Department of Water Reclamation
- Section 2.        That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the number of motor vehicles required is two (2) for replacement of a current vehicles.
- Section 3.        That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the make and model of such vehicles are a Ford F-250 vehicle and that the estimated cost of said purchase or lease will be \$21,490.96 and a Ford F-150 vehicle and the estimated cost of said purchase or lease will be \$15,348.00 for a total of \$36,838.96.
- Section 4.        That the Board of County Commissioners of Delaware County, Ohio, does hereby declare that the purchase or lease of said vehicle(s) will be in conformity with the public bidding requirements of Ohio Revised Code §§307.86 through 307.92.

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

**RESOLUTION NO. 03-453**

**IN THE MATTER OF APPROVING THE NEW JOB POSITIONS OF THE LEAD BUILDING INSPECTOR, LEAD MECHANICAL INSPECTOR AND LEAD ELECTRICAL SAFETY INSPECTOR AND THE REVISED JOB DESCRIPTIONS FOR BUILDING INSPECTOR (RESIDENTIAL), BUILDING INSPECTOR (RESIDENTIAL AND COMMERCIAL), MECHANICAL INSPECTOR, ELECTRICAL SAFETY INSPECTOR, COMBINATION BUILDING AND ELECTRICAL SAFETY INSPECTOR AND CHIEF BUILDING OFFICIAL DUE TO THE REORGANIZATION OF THE CODE COMPLIANCE DEPARTMENT:**

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve the new job positions of the Lead Building Inspector, Lead Mechanical Inspector and Lead Electrical Safety Inspector and the revised job descriptions for Building Inspector (Residential), Building Inspector (Residential And Commercial), Mechanical Inspector, Electrical Safety Inspector, Combination Building And Electrical Safety Inspector And Chief Building Official due to the reorganization of The Code Compliance Department.

(Job description on file in the Administrative Services Department).

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

**RESOLUTION NO. 03-454**

**IN THE MATTER OF APPROVING THE NEW WAGE CHARTS FOR LEAD BUILDING INSPECTOR, LEAD MECHANICAL INSPECTOR AND LEAD ELECTRICAL SAFETY INSPECTOR DUE TO THE REORGANIZATION OF THE CODE COMPLIANCE DEPARTMENT:**

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

**Lead Electrical Safety Inspector**

Based on Electrical Inspector SPECAT 6

	Grade G	Grade F	Grade E	Grade D	Grade C	Grade B	Grade A
	\$ 19.49	\$ 20.46	\$ 21.49	\$ 22.56	\$ 23.69	\$ 24.87	\$ 26.12
<b>Hourly</b>	\$ 22.41	\$ 23.53	\$ 24.71	\$ 25.94	\$ 27.24	\$ 28.60	\$ 30.04
<b>Bi-weekly</b>	\$ 1,793.08	\$ 1,882.32	\$ 1,977.08	\$ 2,075.52	\$ 2,179.48	\$ 2,288.04	\$ 2,403.04
<b>Annually</b>	\$46,620.08	\$ 48,940.32	\$ 51,404.08	\$ 53,963.52	\$ 56,666.48	\$ 59,489.04	\$62,479.04

**Lead Building Inspector**

Based on Combination Bldg. Inspector SPECAT 5

	Grade G	Grade F	Grade E	Grade D	Grade C	Grade B	Grade A
	\$ 17.29	\$ 18.16	\$ 19.07	\$ 20.02	\$ 21.02	\$ 22.07	\$ 23.18
<b>Hourly</b>	\$ 19.88	\$ 20.88	\$ 21.93	\$ 23.02	\$ 24.17	\$ 25.38	\$ 26.66
<b>Bi-weekly</b>	\$ 1,590.68	\$ 1,670.72	\$ 1,754.44	\$ 1,841.84	\$ 1,933.84	\$ 2,030.44	\$ 2,132.56
<b>Annually</b>	\$41,357.68	\$ 43,438.72	\$ 45,615.44	\$ 47,887.84	\$ 50,279.84	\$ 52,791.44	\$55,446.56

**Lead Mechanical Inspector**

Based on Combination Mechanical Inspector SPECAT 5

	Grade G	Grade F	Grade E	Grade D	Grade C	Grade B	Grade A
	\$ 17.29	\$ 18.16	\$ 19.07	\$ 20.02	\$ 21.02	\$ 22.07	\$ 23.18
<b>Hourly</b>	\$ 19.88	\$ 20.88	\$ 21.93	\$ 23.02	\$ 24.17	\$ 25.38	\$ 26.66
<b>Bi-weekly</b>	\$ 1,590.68	\$ 1,670.72	\$ 1,754.44	\$ 1,841.84	\$ 1,933.84	\$ 2,030.44	\$ 2,132.56
<b>Annually</b>	\$41,357.68	\$ 43,438.72	\$ 45,615.44	\$ 47,887.84	\$ 50,279.84	\$ 52,791.44	\$55,446.56

Grades "G" and "F" not used

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

**RESOLUTION NO. 03-455**

**7:30 PM RECONVENING THE PUBLIC HEARING FOR CONSIDERATION OF THE JONES-TIMMS #516 DITCH PETITION:**

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

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

**RESOLUTION NO. 03-456**

**IN THE MATTER OF CONTINUING THE PUBLIC HEARING FOR CONSIDERATION OF THE JONES-TIMMS #516 DITCH PETITION:**

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It was moved by Mr. Jordan, seconded by Mrs. Martin to continuing the hearing to June 30, 2003 at 8:00PM.

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

**RESOLUTION NO. 03-457**

**8:00 PM - PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY WALTER NEIGHBOR (BASIGER #336 WATERSHED):**

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

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

**RESOLUTION NO. 03-458**

**IN THE MATTER OF CONTINUING THE PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY WALTER NEIGHBOR (BASIGER #336 WATERSHED):**

It was moved by Mr. Jordan, seconded by Mrs. Martin at 9:30PM to continue the hearing to May 5, 2003 at 7:30PM.

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

There being no further business the meeting adjourned.

\_\_\_\_\_  
Kristopher W. Jordan

\_\_\_\_\_  
Deborah B. Martin

\_\_\_\_\_  
James D. Ward

\_\_\_\_\_  
Letha George, Clerk to the Commissioners