

**COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD DECEMBER 1, 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

**PUBLIC COMMENT**

**20/20 ADVISORY COMMITTEE REPORT**

**RESOLUTION NO. 03-1531**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 26, 2003 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held November 26, 2003 as contained in the county's official electronic recordings of the proceedings.

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

**RESOLUTION NO. 03-1532**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1126:**

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve payment of warrants in batch numbers CMAPR1126 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO's</b>			
<b>Increases</b>			
Michael Hoague	Public Defender Service	10011202-5301	\$ 1,500.00
Rick Reeder	Public Defender Service	10011202-5301	\$ 5,000.00
<b>Vouchers</b>			
Watson Furniture	Reconfiguration 911	21411306-5450	\$ 5,962.00
DATA	Prof Services	22411601-5355	\$ 7,838.20
Noah's Ark Learning Center	Child Care	22411606-5348	\$ 5,934.00
Adriel School Inc.	Residential Treatment	22511607-5342	\$ 6,665.00
Kindercare Neverland	Child Care	22411606-5348	\$ 22,533.00
Buckeye Boys Ranch, Inc.	Cluster/Residential Treatment	22511608-5342	\$ 20,800.00
Lehner Excavating	FY02Village of Ostrander	23011710-5365	\$ 46,000.00
Lehner Excavating	FY02Village of Ostrander	23111709-5365	\$ 79,993.68

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

**RESOLUTION NO. 03-1533**

**IN THE MATTER OF CHANGING THE START TIME OF THE COMMISSIONERS SESSION FOR MONDAY DECEMBER 29, 2003 TO 9:00AM:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve the time change.

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

**RESOLUTION NO. 03-1534**

**IN THE MATTER OF CANCELING THE COMMISSIONERS SESSION FOR THURSDAY DECEMBER 25, 2003:**

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

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

**RESOLUTION NO. 03-1535**

**IN THE MATTER OF CANCELING THE COMMISSIONERS SESSION FOR THURSDAY JANUARY 1, 2004:**

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

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

**RESOLUTION NO. 03-1536**

**SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING TO CONSIDER THE REPLACEMENT OF THE HORSESHOE ROAD BRIDGE, TROY TOWNSHIP, DELAWARE COUNTY:**

It was moved by Mr. Jordan, seconded by Mrs. Martin to set date and time for viewing And Public Hearing for the Horseshoe Road Bridge:

Notice is hereby given that the Board of County Commissioners of Delaware County, Ohio, is considering the replacement of the Horseshoe Road Bridge and to realign the roadway approaches hereof, Troy Township, Delaware County, Ohio.

Notice is hereby given that on **Monday December 15, 2003, 2:30 pm** the Delaware County Commissioners will view the above mentioned proposed replacement of the Horseshoe Road Bridge. A public hearing to consider the replacement will be held on **Monday January 5, 2004, at 8:00 pm** in the hearing room of the Board of County Commissioners located at 101 North Sandusky Street, Delaware, Ohio 43015.

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

**RESOLUTION NO. 03 -1537**

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

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

The Prosecutor’s Office is requesting that Thayne Gray attend a continuing legal education seminar in Columbus, Ohio December 4 and 5, 2003, at the cost of \$254.80.

The Prosecutor’s Office is requesting that Leah Sellers attend an Ohio Prosecuting Attorney Annual Meeting in Columbus, Ohio December 4, 2003, at the cost of \$125.00

The Court of Common Pleas is requesting that Kara Clark attend a Management Training in Delaware, Ohio December 9, 2003, at the cost of \$40.00.

The Environmental Services Department is requesting that Chris Bean and John Hickman attend a Mechanical Code & Fuel Gas Piping Code Training in Columbus, Ohio December 5, 2003, at the cost of \$600.00.

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

**RESOLUTION NO. 03-1538**

**IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE DEPARTMENT OF JOB AND FAMILY SERVICES:**

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

<b>Transfer of Appropriation</b>	<b>AMOUNT</b>
22511607-5801 Children's Services/Transfers	22511607-5215 Children's Services/Program Supplies
	\$ 8,000.00

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

**RESOLUTION NO. 03-1539**

**IN THE MATTER OF AUTHORIZING THE ACCEPTANCE AND AWARDED OF THE BID AND APPROVING THE CONTRACT SUBMITTED BY TYEVCO INC., FOR DCHIP PRIVATE HOUSING REHABILITATION:**

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

WHEREAS, Delaware County has established a Revolving Loan Fund (RLF) capitalized with the payback from CDBG loans to local businesses; and

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WHEREAS, Delaware Revolving Loan Fund would provide funding for the rehabilitation of privately owned and rental housing units for the benefit of eligible Low-Moderate Income (LMI) households throughout the County under the Delaware Comprehensive Housing Improvement Program (DCHIP) for the purpose of addressing these needs; and

WHEREAS, Delaware County is requesting up to \$350,000 in County RLF funds to be used for rehabilitation of 7 units for Private Rehab and 3 units for Rental Rehab, and \$5,000 in Program Income to be use for Testing and Relocation, for the DCHIP Program.

WHEREAS, Tyeveco Inc., 1678 W. Audubon Blvd., Lancaster, Ohio has submitted a bid to perform housing rehabilitation construction services at the residential property located at 101 Grove Street, Ashley, Ohio in the amount of \$34,767.62 consistent with the requirements of the Delaware County DCHIP.

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 Steve Garnack, Housing Rehab Specialist, and the homeowner has determined that on the basis of price and experience, Tyeveco Inc, has submitted the lowest and best bid to provide housing rehabilitation construction services for the DCHIP consistent with the approved plans and specifications for the rehabilitation of the property located at 101 Grove St., Ashley, Ohio.

Section 2. That the Board of Commissioners authorizes the President of the Board to execute an agreement concurring in the awarding of a contract for housing rehabilitation construction services with Tyeveco Inc. for the DCHIP in the amount of Thirty-Four Thousand Seven Hundred and Sixty-Seven Dollars and Sixty-Two Cents (\$34,767.62).

Section 3. That this Resolution shall take effect and be in force immediately after its passage.

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

**RESOLUTION NO. 03-1540**

**IN THE MATTER OF ADOPTING A RESOLUTION APPROVING THE PURCHASE OF MEALS AND BEVERAGES FOR COUNTYWIDE EMS QUARTERLY TRAINING:**

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

WHEREAS, the Delaware County Board of Commissioners strongly supports the quarterly training meetings by local Fire Departments and the Emergency Medical Service; and

WHEREAS, these meetings provide a venue for the exchange of ideas, knowledge and new procedures that help enhance the overall provision of public safety support to our citizens; and,

WHEREAS, the Delaware County Emergency Medical Service hosts one of these training events approximately every two years;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby resolve to approve the purchase of meals and beverages for the participants of this quarterly training meeting at a not to exceed cost of \$180.00, and

BE IT FURTHER RESOLVED: The Board of Commissioners approve a Purchase order Increase Request in the amount of \$180.00 to Meijers, and

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

**RESOLUTION NO. 03-1541**

**IN THE MATTER OF AMENDING RESOLUTION NO. 03-1482 AUTHORIZING THE PURCHASE OF MEALS FOR AN LEPC MEETING AND APPROVING A PURCHASE ORDER TO PATTY O'S DELI:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to adopt the following Amendment to Resolution No. 03-1482:

WHEREAS, the Delaware County Board of Commissioners approved the purchase of a meal for the Local Emergency Planning Committee meeting through Patti O's, and

WHEREAS, refreshments and condiments were purchased directly by another vendor;

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NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County amend the original resolution to reflect approval to recompense Bobby Lavender for the purchase of refreshments and condiments at a cost of \$18.20.

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

**RESOLUTION NO. 03-1542**

**IN THE MATTER OF APPROVING TRANSFER OF FUNDS, APPROPRIATIONS, AND SUPPLEMENTAL APPROPRIATIONS FOR THE EMERGENCY MANAGEMENT AGENCY:**

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

		\$ AMOUNT
<b>Transfer of Funds</b>		
FROM	TO	
10011102-5850	21511307-4650	19,442.45
Commissioners General/Advance	EMA/Advance transfer	
<b>Supplemental Appropriation</b>		
21511307-5850	EMA/Cash Advance	19,442.45
<b>Transfer of Appropriation</b>		
21511307-5001	21511307-5260	16,841.00
EMA/Compensation	EMA/Inventoried Tools	
21511307-5101	21511307-5260	2,602.00
EMA/Hospital Insurance	EMA/Inventoried Tools	
21511316-5250	21511316-5301	500.00
Citizens Corp Grant/Minor Tools	Citizens Corp Grant/Professional Services	
21511316-5250	21511316-5313	500.00
Citizens Corp Grant/Minor Tools	Citizens Corp Grant/Printing	
<b>Supplemental Appropriations</b>		
21511314-5001	FEMA 02 Grant/Compensation	11,830.52
21511314-5101	FEMA 02 Grant/Hospital Insurance	-10,357.85
21511314-5201	FEMA 02 Grant/Office Supplies	-1,291.15
21511314-5305	FEMA 02 Grant/Training & Staff Development	-449.30

Authorization to repost compensation expenses of \$16,840.58 and benefits of \$2601.87 from 21511307 EMA to 21511314 FEMA02 Grant

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

**RESOLUTION NO. 03-1543**

**IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE ENVIRONMENTAL SERVICES:**

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

		AMOUNT
65211905-5901	65211905-5290	\$ 24,850.00
Sanitary Eng Regional 1A/Contingency	Sanitary Eng. Regional 1A/Chemicals	
65211919-5901	65211919-5290	\$ 17,500.00
Alum Creek Plant/Contingency	Alum Creek Plant/Chemicals	

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

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**RESOLUTION NO. 03-1544**

**IN THE MATTER OF APPROVING AN EASEMENT AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND DEL-CO WATER COMPANY, INC. FOR THE PERRY TAGGART SEWER ALIGNMENT:**

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

**AGREEMENT**

THIS AGREEMENT made at Delaware, Ohio, this 1<sup>st</sup> day of December 2003, by and between Del-Co Water Company, Inc., SELLER, and the Delaware County Commissioners, BUYER;

WITNESSETH:

In consideration of the promises and covenants herein after contained, the SELLER agrees to convey an Easement across the real estate described on attached Exhibits "A" and "B". (Available in the Sanitary Engineer Department).

In exchange for the Easement described in Exhibit "A" and "B", the BUYER, agrees to convey an Easement across the real estate described on Exhibit "C". (Following).

This transaction is to be closed at the SELLER'S convenience, on or before, December 31, 2003 at which time the SELLER and BUYER will execute and deliver the following deeds of easement for the above-described real estate. (Descriptions Available in the Sanitary Engineer Department).

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

**RESOLUTION NO. 03-1545**

**IN THE MATTER OF APPROVING A RIGHT OF WAY EASEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND DEL-CO WATER COMPANY, INC. FOR THE WATER LINE IMPROVEMENTS:**

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

**RIGHT-OF-WAY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that Board of Commissioners of Delaware County, Ohio, hereinafter called GRANTORS, in consideration of One Dollar (\$1.00) and other good and valuable considerations paid by DEL-CO WATER COMPANY, INC., hereinafter called GRANTEE, the receipt and sufficiency of which is hereby acknowledged, does grant, bargain, sell and convey to said GRANTEE, its successors and assigns, an easement, a portion of which is temporary and a portion of which is perpetual with the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace, and remove water lines, valves, fittings, meters, and accessories over and across the following lands owned by the GRANTORS in the State of Ohio, County of Delaware, Township of Orange, and more particularly described as follows, to wit:

Parcel Number	Legal	Acreage
318-424-01-001-001	Walker Wood Section 1 Lot 3993	50 Acres

Which property is located in on the East side of Walker Wood Blvd., and mailing address of which property is 7767 Walker Wood Blvd., together, with the right of ingress and egress over the GRANTORS' adjacent lands, the purpose of which the above-mentioned rights are granted.

The permanent easement hereby granted is limited to the widths as indicated in Exhibit "A" and shall be centered on and parallel with the centerline of the water lines as finally laid and constructed across the lands of the within GRANTORS, said water lines to be constructed as near as possible to the center of the easement as shown in Exhibit "A".

The GRANTEE shall pay any damages which may arise to crops, as well as to repair any damages to fences, drainage or field tile, driveways, or other structures from the laying, maintaining, operating, repairing, replacing, and final removal of said water lines and shall grade, seed, and mulch any ground area disturbed by GRANTEE. Said damages, if not mutually agreed upon, shall be ascertained and determined by three disinterested persons, one thereof to be appointed by the GRANTORS, one to be appointed by the GRANTEE, and the third appointed by the two appointed as aforesaid, and their word shall be final and conclusive.

The permanent easement provided herein shall be exclusive and not allow other easements to overlap the easement provided herein for the benefit of the GRANTOR. The permanent easement provided herein shall restrict the placement of other buried utilities to a minimum distance of five (5) feet from the centerline of water

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lines as finally laid and constructed.

This agreement, together with other provisions of this grant, shall constitute a covenant, running with the land for the benefit of the GRANTEE, its heirs, successors, and assigns. The below-signed covenants that they are the owners of the above-described lands, or have authority to act on the owner's behalf, and said lands are free and clear of all encumbrances, except mortgages, leases, easements, and restrictions of record.

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

**RESOLUTION NO. 03-1546**

**IN THE MATTER OF APPROVING AN EASEMENT PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND THORNWOOD DEVELOPMENT COMPANY, LLC:**

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

**AGREEMENT**

THIS AGREEMENT made at Delaware, Ohio, this 1st day of December, 2003, by and between Thornwood Development Company, LLC., SELLER, and the Delaware County Board of County Commissioners, BUYER;

WITNESSETH:

In consideration of the promises and covenants herein after contained, the SELLER agrees to sell and convey and the BUYER agrees to purchase and to pay for an Easement across the real estate described on attached Exhibit A. (Available in the Sanitary Engineer Department).

The purchase price of said Easement is Five Thousand Dollars (\$5,000.00), to be paid upon the execution of the Deed of Easement.

This transaction is to be closed at the SELLERS convenience, on or before December 31, 2003 at which time the SELLER will execute and deliver to the BUYER the attached Deed of Easement for the above-described real estate. (Available in the Sanitary Engineer Department).

**Further Be It Resolved**, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$5,000.00 to Thornwood Development Company, LLC.

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

**RESOLUTION NO. 03-1547**

**IN THE MATTER OF APPROVING AN EASEMENT PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND THORNWOOD DEVELOPMENT COMPANY, LLC:**

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

**AGREEMENT**

THIS AGREEMENT made at Delaware, Ohio, this 1<sup>st</sup> day of December 2003, by and between Thornwood Development Company, LLC., SELLER, and the Delaware County Board of County Commissioners, BUYER;

WITNESSETH:

In consideration of the promises and covenants herein after contained, the SELLER agrees to sell and convey and the BUYER agrees to purchase and to pay for an Easement across the real estate described on attached Exhibits A, B, C, and D. (Available in the Sanitary Engineer Department).

The purchase price of said Easement is Thirty One Thousand, Nine Hundred and Eighty Two Dollars and 28 Cents (\$31,982.28), to be paid upon the execution of the Deed of Easement.

This transaction is to be closed at the SELLERS convenience, on or before December 31, 2003 at which time the SELLER will execute and deliver to the BUYER the attached Deed of Easement for the above-described real estate. (Available in the Sanitary Engineer Department).

**Further Be It Resolved**, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$31,982.28 to Thornwood Development Company, LLC.

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



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67011914-5801	Sanitary Engineer Capital/Transfers	5,000,000.00
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Transfer of Funds

FROM	TO	
67011914-5801	50111107-4601	5,000,000.00
Sanitary Engineer Capital/Transfers	Bond Retirement/Interfund Revenue	

Supplemental Appropriation

50111107-5725	Bond Retirement/Principal Payments	5,000,000.00
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Approval of New Fund

Fund Number 41111421	Countywide Radio Communication
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Further Be It Resolved, that the Commissioners approve a Purchase Order Request and Voucher and authorize the Delaware County Treasurer to wire the funds to Fifth Third Bank in the amount of 5,000,000.00.

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

There being no further business the meeting adjourned.

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 Kristopher W. Jordan

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 Deborah B. Martin

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

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 Letha George, Clerk to the Commissioners