

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 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 One Road Widener (50 Channing Street)

10:00 AM Bid Opening Date And Time For The Wilson, Rosso, Lowe Ditch Improvement Project (50 Channing Street)

RESOLUTION NO. 03-215

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

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

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

RESOLUTION NO. 03-216

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mrs. Martin, seconded by Mr. Jordan to adjourn out of Executive Session at 8:57AM.

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

PUBLIC COMMENT

Mr. Ward talked about supporting the Men and Women of the Armed Forces and how it is not the place of local government to pass resolutions concerning decisions on War.

Mrs. Martin-The decision to go to War is not a County issue.

Mr. Jordan-The President has more information than the County Government. Decisions on going to War are not County issues.

RESOLUTION NO. 03-217

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 13, 2003 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve the resolutions and records of the proceedings from regular meeting held February 13, 2003 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 03-218

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0214A AND CMAPR0214B:

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR0214A AND CMAPR0214B and Purchase Orders and Vouchers as listed below:

PO's

| <u>Vendor</u> | <u>Description</u> | <u>Account Number</u> | <u>Amount</u> |
|-------------------------------|--------------------------|-----------------------|---------------|
| Synergy Mechanical Contractor | Annual Service Agreement | 10011105-5328 | \$ 7,670.00 |
| Helpline | Purchase Service Kinship | 22411601-5348 | \$ 23,000.26 |
| Delaware County Health Dept. | Administrative Outreach | 22411601-5301 | \$ 23,252.93 |
| McNaughton McKay | Repair Raw Pump/OECC | 65211905-5328 | \$ 5,818.00 |
| United Life Insurance | Premium | 60211902-537037030 | \$ 15,000.00 |
| Otis Elevator Co. | Hayes Building | 10011105-5325 | \$ 10,068.60 |
| Squire Sanders and Dempsey | Legal Fees | 21011113-5312 | \$ 6,618.25 |
| Today's Learning Child | Child Care | 22411606-5348 | \$ 50,000.00 |
| Child Care Unlimited | Child Care | 22411606-5348 | \$ 30,000.00 |

**COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 2003**

| | | | |
|---------------------------|------------|---------------|--------------|
| Toddler Inn | Child Care | 22411606-5348 | \$ 70,000.00 |
| Liberty Community | Child Care | 22411606-5348 | \$ 70,000.00 |
| Noahs Ark Learning Center | Child Care | 22411606-5348 | \$ 30,000.00 |

Increases

| | | | |
|--------------|------------|---------------|-------------|
| Nancy Lucas | Child Care | 22411606-5348 | \$ 8,000.00 |
| Lee Kitts | Child care | 22411606-5348 | \$ 8,000.00 |
| Carrie Burns | Child care | 22411606-5348 | \$ 8,000.00 |

Vouchers

| | | | |
|---------------------------|-----------------------------|--------------------|--------------|
| US Postal Service | Postage | 10011105-5331 | \$ 20,000.00 |
| Earl Liff And Assoc | Appraisal Services | 65511918-5301 | \$ 18,000.00 |
| Ohio Utilities Protection | Annual LBP Referral Fees | 65111904-5309 | \$ 7,056.75 |
| Malcolm Pirnie | Residuals Master Plan Study | 65211919-5301 | \$ 22,327.49 |
| Data | Transportation Services | 22411601-5355 | \$ 9,468.10 |
| Countryside Construction | Work On 109 | 40111402-5410 | \$ 5,326.50 |
| Sungard | Software-Training | 40411413-545045065 | \$ 6,947.01 |

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

RESOLUTION NO. 03-219

IN THE MATTER OF APPROVING THE TREASURER’S REPORT:

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

(Copy available for review at the Commissioner’s office until no longer of administrative use.)

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

RESOLUTION NO. 03-220

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR PUBLIC HEARING FOR A ZONING DISTRICT CHANGE FROM FARM RESIDENTIAL DISTRICT (FR-1) TO PLANNED INDUSTRIAL (PI) FOR A 4.95-ACRE TRACT IN RADNOR TOWNSHIP OWNED BY LARRY GARRETT:

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

The Board of Commissioners of Delaware County, Ohio, will hold a public hearing on the zoning district change application of Larry Garrett of DDP Mailing & Printing The application requests a zoning District Change from Farm Residence District (FR-1) to Planned Industrial (PI) for a 4.95 acre tract located on the south side of St. Rt. 37 West, approximately 1300 feet west of Section Line Road in Radnor Township. Mr. Garrett is proposing the development of a commercial mailing and printing facility

The hearing will be held **Monday, March 3, 2003, at 7:45 PM**, in the Hearing Room of the County Commissioners, 101 North Sandusky Street, Delaware, Ohio. A copy of the application is available for review at the Office of the Zoning Inspector – 50 Channing Street, Delaware, Ohio. Interested persons may appear and voice opinion in respect to this proposed zoning amendment.

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

RESOLUTION NO. 03-221

IN THE MATTER OF SETTING DATE AND TIME FOR VIEWING AND 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 adopt the following resolution:

WHEREAS, on this 18 day of February, 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 by Walter Neighbor, to:

Consider The Draining Improvements urgently needed in the Basinger # 336 watershed.

Commencing in the Basinger #336 watershed generally following, but not limited to, the course and location of existing improvements including surface drainage mains and the subsurface drainage mains and sum-mains.

To generally improve both surface and subsurface drainage to a good and sufficient outlet by either replacing or

**COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 2003**

repairing the existing improvements and/or creating new surface and subsurface drainage mains or sub-mains as required.

Petition signatory's parcels will be evaluated for drainage improvements to create a good and sufficient outlet from each, as described above. These potential improvements will not include parcel specific improvements, which remain the responsibility of the parcel owner. (e. g. surface grading, subsurface laterals or to the improvements beyond the scope of creating a good and sufficient outlet maintainable by the county.

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 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 **10th day of March, 2003, at 1:00 PM** at the upper terminus of the improvement, be and the same is hereby fixed as the time and place for the view thereon, and

BE IT FURTHER RESOLVED, That the **31st day of March, 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 Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 03-222

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, CRABBE, BROWN & JAMES, LLP, REQUESTING ANNEXATION OF 69.34 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mrs. Martin, seconded by Mr. Jordan to acknowledge that on February 12, 2003, the Clerk to the Board of Commissioners received an annexation petition request to annex 69.34 acres from Liberty Township to the City of Delaware.

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

RESOLUTION NO. 03 -223

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Administrative Services Department is requesting that Terry Lyn Conant attend an Ohio Humane Agents Association Training Seminar in Columbus, Ohio February 22 & 23, 2003, at the cost of \$50.00.

The Administrative Services Department is requesting that Robert Ferguson attend an Ohio Humane Agents Association Training Seminar in Columbus, Ohio February 22 & 23, 2003, at the cost of \$50.00.

The Administrative Services Department is requesting that Steve Savon attend the Delaware Safety Council Monthly Meetings for 2003, at the cost of \$100.00.

The Engineer's Office is requesting that Brian Dille and Jerry Ungashicks attend an Effective Construction Contract and Field Administration Course in Madison, Wisconsin March 10 to 13, 2003, at the cost of \$3,650.00.

The Emergency Service Department is requesting that Elissa Sessley attend a 911 Liability Shield Seminar in Dublin, Ohio April 4, 2003, at the cost of \$109.00.

The Emergency Service Department is requesting that Bob Fish and Brent Staley attend an EMS Today Annual Conference in Philadelphia, Pennsylvania March 20 to 22, 2003, at the cost of \$2,492.00

The Environmental Services Department is requesting that Marshall Yarnell attend a Wastewater Workshop in Columbus, Ohio February 27 to 28, 2003, at the cost of \$195.00.

The Environmental Services Department is requesting that Matthew Kiss attend a Wastewater Workshop in Columbus, Ohio February 27 to 28, 2003, at the cost of \$195.00.

The Environmental Services Department is requesting that Ken Rosenbaum attend a Wastewater Workshop in Columbus, Ohio February 27 to 28, 2003, at the cost of \$195.00.

**COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 2003**

The Environmental Services Department is requesting that Stacy Hyatt attend a How To Be A Better Communicator Seminar in Columbus, Ohio April 10, 2003, at the cost of \$159.00.

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

RESOLUTION NO. 03-224

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE CLERK OF COURTS OFFICE:

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

SUPPLEMENTAL APPROPRIATIONS

| FUND NUMBER: | FUND NAME: | AMOUNT: |
|---------------|--------------------------------|--------------|
| 24820101-5001 | Title Admin - Salaries | \$ 34,320.00 |
| 24820101-5101 | Title Admin - Health Insurance | \$ 7,100.00 |
| 24820101-5102 | Title Admin - Workers Comp | \$ 326.04 |
| 24820101-5120 | Title Admin - PERS | \$ 4,651.00 |
| 24820101-5131 | Title Admin - Medicare | \$ 498.00 |

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

RESOLUTION NO. 03-225

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Letha George, in the Commissioners Office, has accepted the promotion of Clerk to the Board of County Commissioners/Assistant to County Administrator; effective date February 18, 2003.

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

RESOLUTION NO. 03-226

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR PUBLIC HEARING FOR THE INCREASES IN FEES TO BE CHARGED TO OWNERS OF ANIMALS WHO ARE RESCUED AND HOUSED AT THE DELAWARE COUNTY ANIMAL SHELTER DUE TO VIOLATIONS OF THE OHIO REVISED CODE:

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

NOTICE is hereby given that the Board of County Commissioners of Delaware County, Ohio, will hold a public hearing in the Commissioners Hearing Room, 101 North Sandusky Street, Delaware, Ohio, on the **24th day of February, 2003 at 9:30 a.m.**, or as soon thereafter as the hearing can begin, relative to the increases in fees to be charged to owners of animals who are rescued and housed at the Delaware County Animal Shelter due to violations of the Ohio Revised Code.

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

RESOLUTION NO. 03-227

IN THE MATTER OF APPROVING A RESOLUTION TO PROVIDE PRACTICAL EMERGENCY MEDICAL SERVICE TRAINING TO PARAMEDIC STUDENTS AT MADISON ACADEMIC CENTER:

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

WHEREAS, the Delaware County Board of Commissioners desire to assist in furthering the education opportunities of students enrolled in approved emergency medical services training programs, and

WHEREAS, the Madison Academic Center in Mansfield, Ohio has an approved emergency medical training program and has requested an opportunity to work with Delaware County Emergency Medical Services personnel

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 2003

in a real world, supervised environment to provide practical experience to its students;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approves an agreement with Madison Academic Center to provide this mutually beneficial service.

**Agreement
Madison Academic Center
For Emergency Services (MACES)
And
The Delaware County EMS Department**

This contract is between the Madison Academic Center located at 1259 Eastview Drive, Mansfield, Ohio and the Delaware County EMS Department, located in Delaware, Ohio.

The heretofore mentioned Madison Academic Center will be represented by Robert G. Arthur, the program Coordinator for the program. Therefore any reference to the Program Coordinator refers back to the Madison Academic Center.

The purpose of this contract is to define the responsibility of the preceptors for students from our school. The preceptors for Delaware County EMS will be EMS workers, licensed to at least the student's level they are monitoring. They must be recommended by a ranking officer in said department, and approved by the program coordinator. The preceptor for the Delaware County EMS Department will allow the student to do only as much as the student's training will allow them to do.

It will be understood that a student will not be functioning on any run as the second EMT required by law to transport a patient nor will they be solely responsible for the care to be given to any patient. The student will be allowed to direct the care of the patient under the direct supervision of the preceptor.

The preceptor will monitor the actions of the student on runs that the student is trained to perform either basic or advanced life support on, consisting of the usual ALS criteria. It will be the preceptor's option as to whether the student will be allowed more than one attempt on any attempted procedure. It will be the responsibility of the preceptor to acquaint the student with the local protocol being used by their squad, as approved by their Medical Director.

The Delaware County EMS preceptors will return to the student a written assessment of each student's performance, before the student leaves their facility, using the forms that the program coordinator will supply the student with.

The preceptor will have the right to dismiss the student if a problem is encountered, with the understanding that they must justify in writing, the reason for the dismissal within ten days, to the program coordinator.

The preceptor will be allowed to offer any suggestion to a student, to improve technique as long as it is not contrary to the Department of Transportation (D.O.T.) training guidelines.

The preceptor will function under the understanding that they will not be reimbursed for their actions, but will be satisfied in knowing that they are being instrumental in the continuation of the perfection of their trade. The education program will require the intermediate (EMT-I) and Paramedic (EMT-P) student to have not only proof of liability insurance but proof of a physical and current Hepatitis B inoculations or refusal of them, and a current TB test, to be allowed to enter the program.

They will also function with the knowledge that the students they are precepting for is evaluating their performance as well, with an evaluation form that will be given to the program coordinator.

The Delaware County Commissioners acting on behalf of the Delaware County EMS, will by signing this contract state that they have read and approved all the stipulations of this contract. It will also be understood that either party may cancel this contract at their own discretion with a ninety (90) day notice to the other party.

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

RESOLUTION NO. 03-228

IN THE MATTER OF ACCEPTANCE OF A JUVENILE DRUG COURT GRANT:

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

Grant # 2002- JJ-DAI-0065
Source: Ohio Department Of Youth Services –Title II
Grant Period: February 1, 2003 to December 31, 2003

Federal Grant Amount: \$ 24,874.00

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 2003

No Local Match: 0.00
Total Grant Amount: \$ 24,874.00

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

RESOLUTION NO. 03-229

IN THE MATTER OF APPROVING MID-OHIO REGIONAL PLANNING COMMISSION FOR THE DELAWARE COUNTY FISCAL YEAR 2003 COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) FOR HOUSING REHABILITATION SPECIALIST AND LEAD HAZARD CONSULTING SERVICES CONTINGENT ON DELAWARE COUNTY RECEIVING APPROVAL OF THE CHIP GRANT FROM THE OHIO DEPARTMENT OF DEVELOPMENT (ODOD):

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

WHEREAS, the Ohio Department of Development provides financial assistance to local governments under the Community Development Block Grant (CDBG) Program and HOME Investment Partnership program; and

WHEREAS, the Community Housing Improvement Program (CHIP) is one program under the CDBG and HOME programs for the purpose of addressing local housing needs; and

WHEREAS, in anticipation that the County will submit an application to ODOD for funding under the CHIP FY2003 program, the Board of County Commissioners desire to seek a consulting firm to administer the FY 2003 CHIP grant contingent on Delaware County receiving funding through the FY 2003 CHIP Grant; and

WHEREAS, Mid-Ohio Regional Planning Commission (MORPC), has submitted qualifications and a proposal to provide housing rehabilitation and administrative consulting services to the County for the FY 2003 CHIP Program.

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 the Delaware County Board of Commissioners determines that on the basis of price and experience and the proposal submitted, the Mid-Ohio Regional Planning Commission (MORPC), submitted the lowest and best bid to provide housing rehabilitation and lead hazard consulting services for the FY 2003 CHIP.

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 administrative consulting and lead hazard control services in the amount of \$50,000 with Mid-Ohio Regional Planning Commission for the FY 2003 CHIP in an amount not to exceed Fifty thousand dollars (\$50,000.00).

Section 3. That this Resolution shall take effect and be in force immediately after the Ohio Department of Development awards the CHIP FY 2003 Grant to Delaware County.

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

RESOLUTION NO. 03-230

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR TRADITIONS OF HIGHLAND LAKES:

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

Traditions Of Highland Lakes 2,700 feet of 8 inch sewer 15 manholes

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

RESOLUTION NO. 03-231

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR COMMONS OF POWELL AND GOLF VILLAGE SECTION 1 PHASES C & D:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve sanitary sewer plans for Commons Of Powell And Golf Village Section 1 Phases C & D for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 03-232

**COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 2003**

**IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER'S AGREEMENT FOR
POWELL PLACE PHASE 4:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to accept the following Sanitary Subdivider's Agreement:

Powell Place Phase 4

**SUBDIVIDER'S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER**

THIS AGREEMENT executed on this 18th day of February 2003, by and between **Dunmoor Investment Company LLC**, as evidenced by the **Powell Place Phase 4** Subdivision Plat filed with the Delaware County Recorder and the **BOARD OF COUNTY COMMISSIONERS** of Delaware County, Ohio is governed by the following considerations and conditions, to wit:

The SUBDIVIDER shall upon executing this AGREEMENT pay to the DELAWARE COUNTY SANITARY ENGINEER \$20,650.00, representing the payment of fifty percent (50%) of the capacity charges then in effect for each single family residential connection for 7 (seven) equivalent single family residential connections. The remaining capacity charge shall be fifty percent (50) of the rate currently in effect at the time connection is made and shall be paid for each single family residential connection upon application to the Delaware county Sanitary engineer for a tap permit to connect the single family residence to the sanitary sewer. Ownership of more than one (1) lot will not cause aggregation of the payments.

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT; said SUBDIVIDER is to execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$15,500.00) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of any contractor or sub-contractor or from any material, method or explosive used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date of the approval of said SUBDIVIDER by the COUNTY COMMISSIONERS, but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be replaced by the SUBDIVIDER, when in the opinion of the COUNTY, his performance is deemed inadequate.

The SUBDIVIDER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the COUNTY shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this Subdivision.

SANITARY SEWER CONSTRUCTION

It is further agreed that upon execution of this AGREEMENT, the SUBDIVIDER shall deposit, with the DELAWARE COUNTY SANITARY ENGINEER the sum of \$500.00, estimated to be necessary to pay the cost of inspection by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall in his sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund, as a result of charges against the same at the rate of:

INSPECTOR \$60.00
CAMERA TRUCK \$150.00

per hour for time spent by said SANITARY ENGINEER or his staff has been depleted to a level of less than \$1,000.00, the SUBDIVIDER shall make an additional deposit of \$1,000.00 to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to \$0.50 per foot of sewer which will be deducted to cover a re-inspection.

The SUBDIVIDER, for a period of five (5) years after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

The SUBDIVIDER shall provide to the COUNTY all necessary easements or rights-of-way required to complete the IMPROVEMENTS, all of which shall be obtained at the expense of the SUBDIVIDER.

The COUNTY shall, upon certification in writing from the DELAWARE COUNTY SANITARY

**COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 2003**

ENGINEER that all construction is complete according to the plans and specifications, by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION:

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required, "as built" drawings on the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible MYLAR and 3.5" or 5.25" Diskettes in either Autocad DWG files or DXF files.

The SUBDIVIDER shall within thirty (30) days of completion of construction, furnish to the COUNTY an itemized statement showing the cost of IMPROVEMENTS and an Affidavit that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance Bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The SUBDIVIDER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

Should the SUBDIVIDER become unable to carry out the provisions of this AGREEMENT, the SUBDIVIDER'S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this AGREEMENT.

IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or his agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

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

RESOLUTION NO. 03-233

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE VILLAGE OF SHAWNEE HILLS AND THE DELAWARE COUNTY COMMISSIONERS TO PROVIDE PLAN REVIEW, PERMITTING AND INSPECTION SERVICES:

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

CONTRACT

This Contract, Entered Into By And Between The Village Of Shawnee Hills, Delaware County, Ohio (Hereafter Referred To As The Village, And The Delaware County Board Of Commissioners (Hereafter Referred To As The Board Of Commissioners), This 18th Day Of February 2003, Is As Follows:

Whereas, the Village is desirous of having the Delaware County Code Compliance Department (hereafter referred to as Department) perform all plan review, permitting and inspection duties within the Village of Shawnee Hills relative to both residential and commercial construction as addressed by the Building Code of Delaware County; and

Whereas, the Board of Commissioners acting through the Delaware County Code Compliance Department, are willing and able to provide such services for the Village;

Now therefore, be it agreed by and between the parties hereto as follows:

1. The Personnel of the Department shall perform all necessary plan review, permitting, and inspections as required by the Building Code for the Village.
2. The Department shall assess and collect all fees for permits required by the Building Code which are issued in the Village. The Department as full payment for its services shall retain said fees. The Department shall provide the Village with a report of all fees collected for all permits issued within the Village. Said report shall correspond with the Department's fiscal year and list all fees collected which are associated with permits issued with in the Village.
3. The Department agrees to issue no permits until the Village has issued a zoning certificate.
4. This Agreement shall become effective on the date listed above and shall remain in effect for two (2) years from said date unless revoked by either party.

**COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 2003**

5. This agreement may be revoked by either party hereto upon thirty (30) days written notice to the other party of intent to make such revocation.

6. Each party hereto shall remain liable for the acts or omissions of it own employees. At no time shall any employment or agency relationship be created between parties.

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

RESOLUTION NO. 03-234

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR INTENSIVE SUPERVISION:

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

SUPPLEMENTAL APPROPRIATIONS

| FUND NUMBER: | FUND NAME: | AMOUNT: |
|---------------|---|--------------|
| 25822305-5001 | Byrne Grant - Salaries | \$ 51,955.00 |
| 25822305-5101 | Byrne Grant - Health Insurance | \$ 18,400.00 |
| 25822305-5102 | Byrne Grant - Workers Comp | \$ 743.00 |
| 25822305-5120 | Byrne Grant - PERS | \$ 7,040.00 |
| 25822305-5131 | Byrne Grant - Medicare | \$ 753.00 |
| 25822305-5246 | Byrne Grant - Lab Materials | \$ 3,060.00 |
| 25822305-5260 | Byrne Grant - Equip < \$5,000 | \$ 1,600.00 |
| 25822305-5305 | Byrne Grant - Training/Staff Development | \$ 225.00 |
| 25822305-5310 | Byrne Grant - Travel- Out of County | \$ 2,641.00 |
| 25822305-5342 | Byrne Grant - Medical Health Related | \$ 60,000.00 |
| 25822305-5348 | Byrne Grant - Program Professional Services | \$ 6,240.00 |
| 25822305-5355 | Byrne Grant - Transportation Services | \$ 672.00 |

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

RESOLUTION NO. 03-235

IN THE MATTER OF APPROVING CHANGE ORDERS FOR BID PACKAGE 1 (COUNTRYSIDE CONSTRUCTION) FOR ALTERATIONS TO 109 NORTH SANDUSKY STREET DELAWARE COUNTY, OHIO:

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

Countryside Construction

| | | |
|---------------------------------|----------------------|---------------------------|
| Original Contract | \$ 159,420.00 | |
| Previous Change Orders-Decrease | (\$ 3,538.60) | |
| Change Order #2 BP 1 | \$ 3,504.60 | Regional Planning Funding |
| Change Order #3 BP 1 | \$ 1,618.00 | Regional Planning Funding |
| Change Order #4 BP 1 | \$ 2,495.00 | Regional Planning Funding |
| Change Order #5 BP 1 | \$ 3,867.00 | Regional Planning Funding |
| Change Order #6 BP 1 | \$ 1,390.00 | Commissioners Funding |
| Revised Contract Amount | \$ 168,756.00 | |

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

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 18, 2003

There being no further business the meeting adjourned.

Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners