

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 21, 2003

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

Present: Kris Jordan, Deborah B. Martin, James D. Ward

9:30 AM Delaware Community Housing Improvement Program (DCHIP) Public Hearing # 2

9:45 AM Delaware County's FY 2003 CDBG And RLF Programs Public Hearing # 1

PUBLIC COMMENT

RESOLUTION NO. 03-72

IN THE MATTER OF APPOINTMENT OF THE BOARD'S REPRESENTATIVE TO VARIOUS BOARDS AND COMMISSIONS:

It was moved by Mrs. Martin, seconded by Mr. Ward to appoint the following to the following boards and commissions:

- Regional Planning - All 3 Commissioners
- Reg. Planning Executive Committee - Jim Ward
- Central Ohio Regional Forum (CORF) – Kris Jordan
- Records Commission –Jim Ward
- Investment Committee - Deborah Martin & Kris Jordan
- Job and Family Services - Deborah Martin
- Five County Joint Detention Center -Jim Ward & Kris Jordan
- DKMM Solid Waste District - All 3 Commissioners
- EMA/LEPC – Jim Ward
- DKMM Solid Waste District Executive Committee – Jim Ward
- Correction Planning – Jim Ward
- CIC - All 3 Commissioners
- Children's First - Deborah Martin
- 9-1-1 Board of Governors - Jim Ward
- Data Processing Board – Kris Jordan
- Council for Older Adults - Deborah Martin & Kris Jordan
- Main Street Delaware – Kris Jordan
- MORPC-All 3 Commissioners
- MORPC – Policy Advisory Committee – All 3 Commissioners and Dave Cannon
- Regional Planning Alternate-Dave Cannon
- Chamber of Commerce- Dave Cannon
- Heart of Ohio Resource Conservation and Development– Deborah Martin (Alternate Dave Hall)
- DKMM Policy Board – Kris Jordan
- Local Workforce Investment Board- Deborah Martin
- One Stop Employment–Deborah Martin
- WIB Youth Council – Deborah Martin
- Community Action Organization- Deborah Martin
- Delaware-Knox County WIB- Deborah Martin
- Railroad Task Force-Kris Jordan
- Domestic Violence Task Force-Deborah Martin
- Bi-Centennial Committee- Deborah Martin & Letha George

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

RESOLUTION NO. 03-73

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 16, 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 January 16, 2003 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 03-74

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR117:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve payment of warrants in batch numbers

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CMAPR117 and Purchase Orders and Vouchers as listed below:

PO's

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Villa Angela Care Center	Cluster/Residential Treatment	22511608-5342	\$ 50,000.00
Delaware County Fair	Grant	10011102-5601	\$ 10,000.00
Main Street Delaware	Grant	10011102-5601	\$ 5,000.00
Sherry Hughes	Board & Care	22511607-5350	\$ 14,000.00
Diane Fox	Board & Care	22511607-5350	\$ 7,000.00
Tony & Tammy McWherter	Board & Care	22511607-5350	\$ 5,000.00
Marilyn Skinner	Board & Care	22511607-5350	\$ 6,000.00
Teri Shellhouse	Home Based	22511607-5348	\$ 12,000.00
United Methodist Childrens Home	Residential Treatment	22511607-5342	\$ 7,000.00
Family Connections	Residential Treatment	22511607-5342	\$ 25,000.00
Buckeye Boys Ranch	Residential Treatment	22511607-5342	\$ 25,000.00
Oakwood Youth Services	Residential Treatment	22511607-5342	\$ 7,000.00
House of New Hope Inc.	Residential Treatment	22511607-5342	\$ 25,000.00
Boy's Village Inc	Residential Treatment	22511607-5342	\$ 50,000.00
Presbyterian Child welfare Agency	Residential Treatment	22511607-5342	\$ 40,000.00
Oasis Therapeutic Foster Care Net	Residential Treatment	22511607-5342	\$ 20,000.00
Office City Inc.	Office Supplies	22411605-5201	\$ 10,000.00
Modern Office Methods Inc.	Maintenance Agreement	22411605-5325	\$ 8,000.00
Liberty Community Center	Foster Day Care	22511607-5348	\$ 7,000.00
Simco	Interior Electrical	40111402-5410	\$ 50,957.76
Countryside Companies Inc.	Carpentry/109	40111402-5410	\$ 49,316.40
Countryside Companies Inc.	Drywall/109	40111402-5410	\$ 142,749.04
Comfort Express Inc.	HVAC/109	40111402-5410	\$ 29,987.81
Office City Inc.	Office Supplies	10011301-5201	\$ 5,000.00
Quickprint Co.	Copy Checklists	10011301-5313	\$ 7,500.00
Nextel Communications	Phone Services	10011301-5330	\$ 15,500.00
Board of Building Standards	State Fee	10011301-5348	\$ 13,325.00

Vouchers

Ben Bro Enterprises Inc.	Bldg/Land/Rental	10011105-533533502	\$ 14,625.00
County Commissioners Assoc of OH	Gas/Utilities	10011105-533833810	\$ 7,166.24
Todays Learning Child	Child Care	22411606-5348	\$ 5,461.00
Childrens World Westerview Dr.	Child Care	22411606-5348	\$ 5,920.00
Noah's Ark Learning Center	Child Care	22411606-5348	\$ 6,167.00
Liberty Community center	Child Care	22411606-5348	\$ 10,504.00
DMG Maximus	2001 Allocation Costs	10011102-5301	\$ 9,800.00
Regional Planning	2003 Membership	10011102-5308	\$ 82,915.00
CCAO	2003 Membership	10011202-5380	\$ 7,853.16
EMA	Apportionment	10011102-5380	\$ 23,690.00
Presbyterian Child Welfare Agency	Residential Treatment	22511607-534234215	\$ 18,160.00
Presbyterian Child Welfare Agency	Residential Treatment	22511607-534234215	\$ 20,920.00
Family Connections	Residential Treatment	22511607-534234215	\$ 10,233.00

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

RESOLUTION NO. 03 -75

IN THE MATTER OF AMENDING RESOLUTION NUMBER 01-822 (ORDER OF COMMISSIONERS FOR ANNEXATION OF 245.71 ACRES OF LAND FROM DELAWARE TOWNSHIP TO THE CITY OF DELAWARE) TO CORRECT ACREAGE FROM 245.71 TO 245.15 ACRES OF LAND:

It was moved by Mrs. Martin, seconded by Mr. Ward to amend resolution number 01-822 to correct acreage from 245.71 to 245.15 acres of land.

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

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RESOLUTION NO. 03 -76

IN THE MATTER OF DENYING ANNEXATION REQUEST FOR ANNEXATION FILED BY TONI MONTONEY, REQUESTING ANNEXATION OF 0.92 ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

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

Whereas, petition to annex was filed pursuant to O.R.C. Section 709.023 and is for an “Expedited Type 2: annexation;

Whereas, O.R.C. 709.023, (C) requires that within 20 days after the date the petition is filed the legislative authority of the municipal corporation to which the annexation is proposed shall adopt an ordinance or resolution stating what services the municipal corporation will provide, and approximate date by which it will provide them, to the territory proposed for annexation, upon annexation. The clerk of the legislative authority of the municipal corporation to which annexation is proposed shall file the ordinance or resolution adopted under section 709.023 (C) with the board of county commissioners within twenty days following the date that the petition is filed;

Whereas, the petition was filed on December 20, 2002, more than twenty days have passed and the clerk of the board of commissioners has not received said ordinance or resolution from the municipality;

Whereas the Board of Commissioners finds that condition (6) of section 709.023(E) of the revised code has not been met;

Therefore, be it resolved, the Delaware County Board of Commissioners does hereby deny the petition to annex 0.92 acres of land in Delaware Township to the City of Delaware Pursuant to section 709.023(F) of the Revised Code.

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

RESOLUTION NO. 03-77

IN THE MATTER OF REVISING THE TIME AND DATE OF VIEWING FOR CONSIDERATION OF REQUEST TO VACATE THE RIGHT OF WAY IN THE REAR OF THE PROPERTY LOCATED AT 4341 STATE ROUTE 203 RADNOR, OHIO:

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

The Delaware County Commissioners revise the date of the viewing for the proposed vacation from *Tuesday, February 18, 2003*, at 1:00PM to Wednesday February 19, 2003 at 10:00AM.

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

RESOLUTION NO. 03 -78

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Administrative Services Department is requesting that Gina Fasone and Kevin Williams attend an Ohio Public Employer Labor Relations Association Conference at the Cherry Valley Lodge Center February 3 and 4, 2003, at the cost of \$390.00.

The Department of Job and Family Services is requesting that Angela Thomas attend a CCAO HIPAA Training in Delaware, Ohio January 31, 2003, at the cost of \$50.00.

The Economic Development Department is requesting that Dottie Brown FY2003 CHIP Application Training in Columbus, Ohio February 3, 2003, at no cost.

The Economic Development Department is requesting that Dottie Brown FY2003 Formula Application Training in Columbus, Ohio May 9, 2003, at no cost.

The Environmental Services Department is requesting that Marshall Yarnell attend a S.E. Lab Analyst Meeting in Columbus, Ohio February 4, 2003, at the cost of \$25.00.

The Environmental Services Department is requesting that James A. Carey attend a S.E. Lab Analyst Meeting in Columbus, Ohio February 4, 2003, at the cost of \$25.00.

The Engineer’s Office is requesting that Chris Bauserman attend an Ohio County Engineer’s Conference in Columbus, Ohio February 12 and 13, 2003, at the cost of \$271.00.

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

RESOLUTION NO. 03-79

IN THE MATTER OF APPROVING PLAT FOR HARVEST WIND PHASE 7, SECTION 2, PART 1 AND DITCH MAINTENANCE PETITION FOR HARVEST WIND PHASE 7, SECTION 2, PART 1:

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

Harvest Wind Phase 7, Section 2, Part 1

Situated In The Township Of Genoa, County Of Delaware And State Of Ohio, Being A Part Of Farm Lot 4, Section 4, Township 3, Range 17, United States Military Lands. Being A 18.265 Acre Subdivision , Consisting Of 1.777 Acre Out Of A 23.749 Acres Tract Conveyed To WEBB Ventures V. LTD As Recorded In Deed Book 657, Page 821, 15.832 Acres Out Of A 51.329 Acre Tract Conveyed To WEBB Ventures V, LTD (U1/2 INT.) As Recorded In Deed Book 665, Page 304; WEBB Ventures V. LTD. (U1/4 INT.) As Recorded In Official Record Volume 24, Page 541; WEBB Ventures V, LTD (U1/4INT), As Recorded In Official Record Volume 71, Page 1106; .0198 Acres Out Of A 0.350 Acre Tract Conveyed To WEBB Ventures V, LTD., As Recorded In Official Record Volume 105, Page 719, 0.458 Acres Out Of A 30.698 Acre Tract (0.458 Acre Remainder) Conveyed To Davidson-Webb Ventures, L.L.C., As Recorded In Official Record Volume 2, Page 1457. Cost \$126.00.

Ditch Maintenance Petition- Harvest Wind Phase 7, Section 2, Part 1

We the undersigned owners of 26.719 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as **Harvest Wind Phase 7, Section 2, Part 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 conjunction with the approval of the **Harvest Wind Phase 7, Section 2, Part 1** Subdivision.

The cost of the drainage improvements is \$319,345.00 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. Sixty-nine (69) 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, \$4,628.19 per lot. An annual maintenance fee equal to 2% of this basis \$92.56 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 \$6,386.64 has been paid to Delaware County.

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

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

RESOLUTION NO. 03-80

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMEND SPEED LIMITS FOR VILLAGES OF OAK CREEK PHASE 10A AND VILLAGES OF OAK CREEK PHASE 11A:

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

Villages of Oak Creek Phase 10A

In January, 2001, your Board approved the acceptance of the improvements made for the referenced project into the public system. In preparation of accepting the improvements for another phase of this project, the Engineer has found that a portion of a road in this phase was not included with our recommendation. The Engineer is, therefore, requesting acceptance of the following road in Villages of Oak Creek Phase 10A and ask that you notify the Orange Township Trustees of your action:

- **Crescent Drive**, to be known as **Township Road Number 1326**

The Engineer recommends that your Board approve the establishment of a 25 mile per hour speed limit for this

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road.

Villages of Oak Creek Phase 11A

The roadways to be accepted are as follows:

- An addition of 0.20 mile to **Township Road Number 734, Royal Oak Drive**
- An addition of 0.08 mile to **Township Road Number 1326, Crescent Drive**

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

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

RESOLUTION NO. 03-81

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR VILLAGES OF OAK CREEK PHASE 10A AND VILLAGES OF OAK CREEK PHASE 11A:

It was moved by Mr. Jordan, seconded by Mrs. Martin to establish stop conditions:

Stop Conditions –Villages Of Oak Creek Phase 10A

- On Township Road Number 1326, Crescent Drive, at its intersection with Township Road Number 734, Royal Oak Drive

Stop Conditions –Villages Of Oak Creek Phase 11A

- On Township Road Number 1326, Crescent Drive, at its south intersection with Township Road Number 734, Royal Oak Drive

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

RESOLUTION NO. 03 -82

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
U03001	Sprint Telephone	Various	Blanket Permit for buried services
U03002	Columbia Gas	Rutherford Road	Install gas main
U03003	Ameritech	Big Walnut Road	Bury cable
U03004	Del-Co Water	Fancher Road	Install waterline
U03005	Del-Co Water	Hyatts Road	Install bore
U03006	Del-Co Water	Fancher Road	Install waterline and bore
U03007	Del-Co Water	Liberty Road	Install waterline and bore
	Del-Co Water	Bean Oller Road	Install bore

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

RESOLUTION NO. 03 -83

IN THE MATTER OF APPROVING AN UNPAID LEAVE OF ABSENCE FOR A DEPARTMENT OF JOB AND FAMILY SERVICES EMPLOYEE:

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

Rosemary Halterman is requesting an unpaid leave of absence from the Department Of Job And Family Services from January 21, 2003 thru February 21, 2003.

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

RESOLUTION NO. 03-84

IN THE MATTER OF ACCEPTANCE OF A SUBGRANT AWARD FROM THE OFFICE OF CRIMINAL JUSTICE SERVICES, BRYNE MEMORIAL GRANT:

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

Grant Period: January 1, 2003 to December 31, 2003

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Byrne Funds:	\$ 114,997.00
Local Match:	<u>38,332.00</u>
Project Total:	\$ 153,329.00

The Grant is to reduce the jail population in the Delaware County Jail, the Day Reporting Center Program will divert misdemeanor and felony offender. It will combine comprehensive treatment and close field supervision.

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

RESOLUTION NO. 03-85

**IN THE MATTER OF APPROPRIATING FUNDS FOR WEAPONS OF MASS
DESTRUCTION/TERRORISM GRANTS RECEIVED BY THE DELAWARE COUNTY
EMERGENCY MANAGEMENT AGENCY:**

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

WHEREAS, the Delaware County Emergency Management Agency (DCEMA) has received Weapons of Mass (WMD)/Terrorism grants from the Federal Government for FY1999, FY2000/2001, and FY2002 totaling than \$267,208.75, and;

WHEREAS, these grant funds will provide the DCEMA with the capability to purchase equipment and plan for the protection of all Public Safety personnel who may deal with WMD/Terrorist incidents, and;

WHEREAS, the County appropriated and expended \$29,066.00 on equipment from the first grant;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve the renaming of the Homeland Security Organization Key to Weapons of Mass Destruction and the appropriation of \$238,530.22 in the EMA fund as follows:

Homeland Security Org Key	21511312	Re-Named WMDFY1999	\$ 21,321.47
New Org Key	21511309	WMDFY0001	\$ 51,328.75
New Org Key	21511310	WMDFY02	\$120,050.00
New Org Key	21511314	FY2002	\$ 45,830.00
		TOTAL:	\$238,530.22

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 03-86

**IN THE MATTER OF APPROVING THE STATE EMERGENCY RESPONSE COMMISSION
(SERC) CHEMICAL EMERGENCY PLANNING AND RIGHT-TO-KNOW FUND GRANT
APPLICATION:**

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

WHEREAS, the Delaware County Local Emergency Planning Committee (LEPC) approved the Chemical Emergency Planning and Right-to-Know fund grant application for forwarding to the Board of Commissioners, and

WHEREAS, this grants assists with the training and operations of the Emergency Management Agency and LEPC within Delaware County;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby approve the forwarding of this grant application to the SERC.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 03-87

**IN THE MATTER OF AWARDDING THE POLYMER BID FOR THE ENVIRONMENTAL SERVICES
DEPARTMENT TO POLYDYNE:**

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

Five vendors submitted bids and provided in-plant trials.

- Bonded Chemicals
- Tidewater
- Applied Specialties
- Polydyne
- WaterSolve

Two were rejected, Bonded and WaterSolve, due to average cost greater than \$20.00 per dry ton. This is higher than specified in the equipment manual.

Applied Specialties price was \$17.05 per dry ton.

Of the two remaining vendors, Polydyne provided a better performance than Tidewater.

Polydyne Cost is \$0.72 per Lb. Performance was \$10.92 per dry ton.

Tidewater Cost is \$1.12 per Lb. Performance was \$11.57 per dry ton.

Recommended Polydyne be awarded the bid for product Ne495 at \$0.72 per Lb. for the two year contract.

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

RESOLUTION NO. 03-88

IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER'S AGREEMENT FOR GOLF VILLAGE COMMERCIAL SECTION 1:

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

Golf Village Commercial Section 1

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

THIS AGREEMENT executed on this 21st day of January 2003, by and between **Triangle Real Estates, Inc. Subdivider**, as evidenced by the **Golf Village Commercial Section 1** sanitary sewer improvements and the **Board Of County Commissioners** of Delaware County, Ohio is governed by the following considerations and conditions, to wit:

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT; said SUBDIVIDER is to execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$26,508.00) 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 \$1,900.00, 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

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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 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 Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 03- 89

IN THE MATTER OF ACCEPTING WARRANTIES, AS-BUILT DRAWINGS, O&M MANUALS, CONTRACTOR AFFIDAVIT, PREVAILING WAGE AFFIDAVIT, PUNCHLIST CERTIFICATION AND PAYING RETAINAGE FOR BID PACKAGE 14 (THOMAS GLASS) FOR THE RUTHERFORD B. HAYES SERVICES BUILDING:

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

THOMAS GLASS	\$ 19,275.20
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Further Be It Resolved that the Commissioners approve a Purchase Order and Voucher to Thomas Glass in the amount of \$19,275.20.

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

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

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WHEREAS, the Ohio Department of Development provides financial assistance to Delaware County under the Community Development Block Grant (CDBG) Program; and

WHEREAS, Delaware County has a Revolving Loan Fund, which is capitalized with Community Development Block Grant (CDBG) funds, with use of these funds having a National Objective of assisting eligible low-moderate income households; and

WHEREAS, Office of Housing and Community Partnerships (OHCP) in the Ohio Department of Development (ODOD) has requested that Delaware County significantly reduce its Revolving Loan Fund (RLF) balance by spending said funds on eligible CDBG activities meeting a CDBG National Objective; and

WHEREAS, assistance to provide roadway, water and sewer infrastructure for a proposed 16 lot single family residential development, to be developed by Delaware County Habitat for Humanity, to provide owner-occupied private housing opportunities for eligible low-moderate income households, is considered a National Objective under the CDBG Program.

WHEREAS, the Delaware County Board of Commissioners approved on January 3, 2002, Resolution #02-10, the use of Delaware County Revolving Loan Fund (RLF) in an amount not to exceed \$150,000 to assist the Delaware County Habitat For Humanity (DCHFH) with the cost of constructing roadway, water, and sewer infrastructure for DCHFH's proposed 16 lot development on Wilder Street in the City of Delaware.

WHEREAS, since the Wilder Street Project is no longer going forward, the County's Revolving Loan Funds are no longer required for this project.

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 Commissioners hereby rescind Resolution No. 02-10 and withdraw the encumbered RLF funds in the amount of \$150,000 intended to assist the Delaware County Habitat For Humanity (DCHFH) with the cost of constructing roadway, water, and sewer infrastructure for DCHFH's proposed 16 lot development on Wilder Street in the City of Delaware.

Section 2. That this resolution shall take effect and be in force immediately after passage.

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

RESOLUTION NO. 03-92

IN THE MATTER OF AUTHORIZING FUNDS FROM THE DELAWARE COUNTY REVOLVING LOAN FUND (RLF) TO ASSIST THE VILLAGE OF OSTRANDER CDBG FORMULA FY 2001 STORM DRAINAGE FACILITY PROJECT:

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

WHEREAS, the Ohio Department of Development provides financial assistance to local governments under the Community Development Block Grant (CDBG) Formula Program to Delaware County; and

WHEREAS, funding, in the amount of \$58,000 has been provided to Delaware County through the FY01 CDBG Formula Program, and funding in the amount of \$66,000 has been provided through the Delaware County Revolving Loan Fund by the Delaware County Board of Commissioners; and

WHEREAS, the project was bid out and bids were received on April 8, 2002; and

WHEREAS, after the Village of Ostrander reviewed the bids received, and the bid submitted by Badger Excavating & Leasing, Inc. in the amount of \$98,367.04 was determined to be the lowest and best bid, and

WHEREAS, the budgeted amount for this project (based on the engineer's estimate and grant application) is \$124,000, and on July 8, 2002, the Delaware County Board of Commissioners passed resolution No. 02-884, which authorized releasing up to \$98,367.04, plus 10% (\$108,203.74) in CDBG and RLF funds for said project; and

WHEREAS, after change orders and conflicts in the field, the total final cost of the project is now \$122,546.46, an increase of \$24,179.42.

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 Commissioners authorize the use of the remaining RLF funds to assist the Village of Ostrander in paying the added cost of \$24,179.42 for the Storm Drainage Improvement Project.

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Section 2. That this resolution shall take effect and be in force immediately after passage.

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

RESOLUTION NO. 03-93

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DONALD EAGER AND ASSOCIATES FOR THE PROVISION OF FY02 FORMULA CDBG FAIR HOUSING CDBG CONSULTING SERVICES:

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) Formula Program to Delaware County, and

WHEREAS, participation in the CDBG program requires that efforts be made to affirmatively further fair housing locally, and

WHEREAS, funding, in the amount of Three Thousand Dollars (\$3,000) has been provided to Delaware County through the FY02 CDBG Formula Program for Fair Housing activities.

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 Donald Eager and Associates submitted the lowest and best qualifications to provide fair housing consulting services to Delaware County.

Section 2. That the Board of Commissioners authorizes the President of the Board to execute an Agreement for Fair Housing Consulting Services with Donald Eager & Associates for the FY02 CDBG Program in an amount not to exceed Three Thousand Dollars (\$3,000).

The contract is on file at the Economic Development Department.

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

RESOLUTION NO. 03-94

9:30 AM - IN THE MATTER OF PUBLIC HEARING # 2 FOR THE DELAWARE COUNTY HOUSING IMPROVEMENT PROGRAM (DCHIP):

It was moved by Mrs. Martin, seconded by Mr. Jordan to open the hearing.

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

RESOLUTION NO. 03-95

IN THE MATTER OF CLOSING THE PUBLIC HEARING # 2 FOR THE DELAWARE COUNTY HOUSING IMPROVEMENT PROGRAM (DCHIP):

It was moved by Mr. Jordan, seconded by Mrs. Martin to close the hearing.

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

RESOLUTION NO. 03-96

9:45 AM - IN THE MATTER OF PUBLIC HEARING # 1 FOR DELAWARE COUNTY'S FY 2003 CDBG AND RLF PROGRAMS:

It was moved by Mrs. Martin, seconded by Mr. Jordan to open the hearing.

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

RESOLUTION NO. 03-97

IN THE MATTER OF CLOSING THE PUBLIC HEARING # 1 FOR DELAWARE COUNTY'S FY 2003 CDBG AND RLF PROGRAMS:

It was moved by Mr. Jordan, seconded by Mrs. Martin to close the hearing.

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

RESOLUTION NO. 03-98

A RESOLUTION RE-AUTHORIZING THE USE OF DELAWARE COUNTY REVOLVING LOAN FUNDS (RLF) TO ASSIST IN FUNDING THE VILLAGE OF ASHLEY DOWNTOWN STREETScape IMPROVEMENTS PROJECT FOR THE DELAWARE COUNTY RLF PROGRAM YEAR 2003:

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

WHEREAS, the Ohio Department of Development provides financial assistance to Delaware County under the Community Development Block Grant (CDBG) Program; and

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

WHEREAS, the CDBG/RLF funds may be utilized to assist various projects designed to meet the needs of the community's low and moderate-income households and the National Objectives established for the CDBG Program, and

WHEREAS, via Resolution 01-704, the Delaware County Commissioners approved an initial \$119,414 RLF infrastructure grant to the Village of Ashley, Ohio to assist in the construction of Downtown Streetscape Improvements, and

WHEREAS, the Village of Ashley has also received \$251,000 in TEA-21 program funding through the Ohio Department of Transportation in order to partially fund the Ashley Downtown Streetscape Project, and

WHEREAS, via Resolution 02-396 the Village of Ashley was granted and additional \$36,635.00 in County Revolving Loan Fund (RLF) funding to acquire additional right-of-way in the Downtown for proper utility placement, and for associated fees relating to this acquisition, totaling \$51,135, in order for the Streetscape Project to proceed with construction. The Village will be providing an additional \$14,500 toward these additional costs; and

WHEREAS, via Resolution 02-1388 the Board of Commissioners of Delaware County re-authorized the use of up to \$156,049 for construction of public improvements and associated acquisition costs and fees associated with the Village of Ashley Downtown Streetscape Project.

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 hereby re-authorizes the use of County RLF funds for RLF Program Year 2003 for an infrastructure grant in the amount of \$156,049 to the Village of Ashley, with \$119,414 allocated for construction of associated Village of Ashley Downtown Streetscape improvements and \$36,635 to be used for the acquisition of additional right-of-way and associated fees to further assist in the construction of the Village of Ashley Downtown Streetscape project. Said grant shall be available for this Project until the established date by which all funds shall be expended.

Section 2. That **December 31, 2005** shall hereby be established, as the date by which all acquisition and construction associated with the Ashley Downtown Streetscape Project must be completed. All requests for payment must be submitted by the Village of Ashley to the Delaware County Department of Economic Development by **January 8, 2006**. All payment processing associated with the Streetscape Project shall be completed and all grant funds shall be expended by **January 31, 2006**. Final inspection and closeout of the Project shall be completed by the Delaware County Department of Economic Development by **February 28, 2006**. If the Ashley Downtown Streetscape project is not completed by this grant completion date, then the Village of Ashley may be required to repay a portion of or all of the RLF infrastructure grant funds expended on the project to the Delaware County Revolving Loan Fund as determined by Delaware County and/or the State of Ohio Department of Development. The Village of Ashley may request an extension of the completion dates noted above, however, any such request must be submitted by **October 1, 2005**, and the Delaware County Board of Commissioners and the State of Ohio Department of Development must approve any such extension.

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. 03-99

A RESOLUTION RE-AUTHORIZING THE USE OF THE DELAWARE COUNTY REVOLVING LOAN FUND (RLF) FOR ECONOMIC DEVELOPMENT PURPOSES TO ASSIST WITH THE

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CONSTRUCTION OF ROADWAY, WATER, AND SANITARY SEWER INFRASTRUCTURE ASSOCIATED WITH THE KROGER COMPANY DISTRIBUTION CENTER PROJECT IN THE CITY OF DELAWARE FOR THE DELAWARE COUNTY RLF PROGRAM YEAR 2003:

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

WHEREAS, the Ohio Department of Development provides financial assistance to Delaware County under the Community Development Block Grant (CDBG) Program; and

WHEREAS, Delaware County has a Revolving Loan Fund, which is capitalized with Community Development Block Grant (CDBG) funds, with use of these funds having a National Objective of assisting eligible low-moderate income households; and

WHEREAS, The Kroger Company desires to construct and own a 750,000+ square foot distribution center to be located along US 36/SR 37 in the City of Delaware which will result in the creation of 276 new jobs, of which a minimum of 51% or 141 jobs must be provided to qualifying low-moderate income (LMI) individuals; and

WHEREAS, via Resolution 02-425 and the associated Agreement, The Kroger Co. has entered into a Commitment Agreement establishing job creation, CDBG, and Federal Prevailing Wage requirements for the use of RLF Infrastructure Grant funds for the construction of public improvements associated with The Kroger Co. Distribution Center Economic Development Project; and

WHEREAS, assistance is required for the construction of public roadway, water and sewer infrastructure improvements to support the proposed Kroger Company Distribution Center economic development project, and without said assistance the proposed project would not be constructed; and

WHEREAS, such assistance for public infrastructure in support of an economic development project creating significant numbers of new LMI jobs is considered a National Objective under the CDBG 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 re-authorizes the use of the Delaware County Revolving Loan Fund for RLF Program Year 2003 in an amount not to exceed \$200,000 to assist the Kroger Company Distribution Center economic development project with the cost of constructing public roadway, water, and sewer infrastructure in support of said project in the City of Delaware. Said grant funds shall be available for this Project until the established date by which all funds shall be expended.

Section 2. That **December 31, 2005** shall hereby be established, as the date by which all construction associated with The Kroger Co. Distribution Center Economic Development Project must be completed. All requests for payment must be submitted by the City of Delaware to the Delaware County Department of Economic Development by **January 8, 2006**. All payment processing associated with the Project shall be completed and all grant funds shall be expended by **January 31, 2006**. Final inspection and closeout of the Project shall be completed by the Delaware County Department of Economic Development by **February 28, 2006**. If The Kroger Co. Distribution Center Economic Development Project is not completed by this grant completion date, then The Kroger Co. may be required to repay a portion of or all of the RLF infrastructure grant funds expended on the project to the Delaware County Revolving Loan Fund as determined by Delaware County and/or the State of Ohio Department of Development. The Kroger Co. or the City of Delaware may request an extension of the completion dates noted above, however, any such request must be submitted by **October 1, 2005**, and the Delaware County Board of Commissioners and the State of Ohio Department of Development must approve any such extension.

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

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

RESOLUTION NO. 03-100

IN THE MATTER OF APPROVING MID-OHIO REGIONAL PLANNING COMMISSION FOR THE DELAWARE COUNTY HOUSING IMPROVEMENT PROGRAM (DCHIP) FOR HOUSING REHABILITATION SPECIALIST AND ADMINISTRATIVE AND LEAD HAZARD CONTROL CONSULTING SERVICES:

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

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

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

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under the Delaware County Housing Improvement Program (DCHIP) for the purpose of addressing these needs; and

WHEREAS, Delaware County Commissioners approved on Resolution #02-1649 in the amount of \$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, Mid-Ohio Regional Planning Commission (MORPC), has submitted qualifications and a proposal to provide housing rehabilitation and administrative and lead hazard control consulting services to the County for the 2003 DCHIP 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 determine that on the basis of price and experience and the proposal submitted, Mid-Ohio Regional Planning Commission, submitted the lowest and best bid to provide housing rehabilitation, administrative consulting and lead hazard control services for the DCHIP.

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 \$40,000 with Mid-Ohio Regional Planning Commission for the 2003 DCHIP in an amount not to exceed Forty thousand dollars (\$40,000.00).

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

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

There being no further business the meeting adjourned.

Kris Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners