

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 28, 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

RESOLUTION NO. 03-950

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 AND PENDING LITIGATION:

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

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

RESOLUTION NO. 03-951

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 8:50 AM.

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

PUBLIC COMMENT -- Commissioner Ward suggested that signs be made to be placed on all the major highways at the county line acknowledging Delaware County to be the home of Ben Curtis, 2003 British Open Champion.

RESOLUTION NO. 03-952

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 24, 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 July 28, 2003, as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 03-953

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBER CMAPR0725 :

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve payment of warrants in batch number CMA0725 and Purchase Orders and Vouchers as listed below:

Increases

Delaware Area Career Center	Client Training	22411603-5348	\$ 11,250.00
New Horizons	Vocational Training	22411603-5348	\$ 4,000.00
AEP	Service	66011913-5338	\$ 10,000.00
US Filter	Bioxide Chemicals	65211919-5290	\$ 10,000.00
Sylvan	Misc.Foster Care	22511607-5350	\$ 2,500.00
Terrance Flahive	SSI Retro	22411601-5350	\$ 4,000.00
Presbyterian Child welfare			
Agency	Residential Treatment	22511607-5342	\$ 25,000.00
DATA	Professional		
	Transportation	22411601--5355	\$ 25,000.00
Terry Shellhouse	Homebased	22511607-5348	\$ 5,000.00
Step by Step Academy	Cluster/Residential		
	Treatment	22511608-534834850	\$ 20,000.00
Eastside Westside Childcare	Day Care	22411606-5348	\$ 3,000.00
Delaware JVS Child Care	Day Care	22411606-5348	\$ 2,000.00
Kindericare	<u>Day Care</u>	22411606-5348	\$ 1,000.00
Little Prep School	Day Care	22411606-5348	\$ 1,000.00
Children's World	Day Care	22411606-5348	\$ 4,000.00

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Delaware City Schools	Day Care	22411606-5348	\$ 10,000.00
Delaware City Schools	Day Care	22411607-5348	\$ 3,000.00
Children's World	Day Care	22411606-5348	\$ 4,000.00

Vouchers

Boys Village Inc.	Residential Treatment	22511607-5342	\$ 12,117.00
Olentangy Local Schools	Cluster Wrap services	22511608-534834835	\$ 6,704.73
US Filter	Bioxide Chemicals	65211919-5290	\$ 6,025.25
US Postal Service	Postage	10011105-5331	\$ 20,000.00
US Filter	Bioxide Chemicals	65211905-5290	\$ 3465.00

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

RESOLUTION NO. 03-954**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Emergency Management Department is requesting that Bob Lavender, Jr. attend a Homeland Security Conference at Huron, Ohio on August 24-Aug 27, 2003, at the cost of \$607.95.

The Department of Jobs and Family Services is requesting that Jacqueline Culbertson attend a Fiscal Meeting at Columbus at a cost of \$5.00.

The Department of Jobs and Family Services is requesting that Mona Reilly attend the OJFSDA Annual Summer Conference at Miamisburg on August 11-13, 2003, at a cost of \$375.00.

The Department of Jobs and Family Services is requesting that Thomas Fenner attend a CRIS-E Training Seminar at Columbus on September 8-12, 2003, at no cost.

Administrative Services is requesting that Dawn Huston attend a seminar on Basic Mediation Training at Columbus on September 16 – 17, 2003, at a cost of \$345.00.

The Commissioners Office is requesting that Letha George attend County Commissioners Days on August 19 and 20, 2003, at no cost.

Juvenile Court is requesting that Coco Kneisly attend a Personnel Law Seminar at Columbus on September 22, 2003, at a cost of \$209.00.

Emergency Services is requesting that Frank Meredith attend an Intermediate Transitional EMT Course at Columbus State Community College starting October 4, 2003, and ending November 1, 2003, at a cost of \$110.00.

County Auditor is requesting that Jane Tinker attend the Ohio GFOA Annual Conference at Cincinnati on September 16 and 17, 2003, at a cost of \$350.00.

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

RESOLUTION NO. 03-955**IN THE MATTER OF APPROVING PLATS FOR WILSHIRE SECTION 6, PHASE B; GLEN OAK SECTION 2, PHASE A AND MYER'S GLEN AND PLANS FOR WOODS OF DORNOCH, SECTION 4:**

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

The Woods of Dornoch

Sanitary Improvement Plans and Street, Storm, and Water Improvement for The Woods of Dornoch, Section 4, Section 1, Township 4, Range 19, USML, Delaware Township, Delaware County, Ohio. No cost

Myers Glen Subdivision

Situated in the Township of Delaware, County of Delaware, State of Ohio, being part of Farm Lot L and Farm Lot M, Section W, Township 4, Range 19, United States Military Lands, being a subdivision of 17.413 acres, being all of 17.177 acre, remainder of an original 39.682 acre tract conveyed to Frank L Goode in Deed Book 531, page 21 and official record volume 176, page 2406 and 0.236 acres of a common access drive as conveyed (as

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part of lot 809 of belt subdivision no. 3 as recorded in plat cabinet 1, slide 295 and revised in plat cabinet 1, slide 323) to Jennifer K. Price by deed book 643, page 829 and official record volume 17, page 782. There being 8.687 acres out of farm lot L and 8.26 acres out of farm lot M. All references are to the records of the Delaware County Recorder's Office . A cost of \$18.00

Glen Oak, Section 2, Phase A

Situated in the State of Ohio, County of Delaware, Township of Orange, lying in Farm Lot 23, Quarter Township 2, Township 3 north, Range 18 west, United States Military District, containing 9.849 acres, more or less, including 3.374 acres of right-of-way area. Said 9.849 acres being out of the 101.627 acre tract conveyed to Dominion Homes, Inc. and Ohio corporation, by deed of record in official record 214, page 2355, records of the Recorder's office, Delaware County, Ohio. At a cost of \$69.00

Wilshire Section 6, Phase B

Situated in the State of Ohio, County of Delaware, Township of Orange in Farm Lots 2 and 3, Quarter Township 4, Township 3, Range 18, United States Military Lands, containing 19.134 acres of land, more or less, (5.444 acres of land being in said Farm Lot 3), said 19.134 acres being all out of that 48.124 acres tract as the same is designated and described in the deed to CENTEX HOMES on record in Official Record 189, Page 1277, all being records of the Recorder's Office, Delaware County, Ohio . Cost of \$108.00

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

RESOLUTION NO. 03-956

IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENTS FOR CURVE ROAD AND DALE-FORD ROAD DITCH:

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

THIS AGREEMENT made and entered into this 28th day of July, 2003, by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **HOLBERT AND PAYKOFF**, hereinafter called the **SUBDIVIDERS**, as evidenced by the Engineering and Construction Plan entitled "**Curve Road and Dale-Ford Road Ditch Setback**" which was approved by the County Engineer, hereinafter called the **PLAN**, is governed by the following considerations, to wit:

- 1) The **SUBDIVIDER** is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the **PLAN**, which is a part of this **AGREEMENT**.
- 2) The **SUBDIVIDER** shall pay the entire cost and expenses of said improvements.
- 3) The **SUBDIVIDER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of **TWENTY FOUR THOUSAND DOLLARS (\$24,000)** payable to the **BOARD OF COUNTY COMMISSIONERS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current "**Delaware County Engineering and Surveying Standards for Subdivision Development**" and the current "**Subdivision Regulations of Delaware County, Ohio**".
- 4) The **SUBDIVIDER** shall deposit **TWO HUNDRED FIFTY DOLLARS (\$250.00)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**.
- 5) The **SUBDIVIDER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer**.
- 6) The **SUBDIVIDER** shall hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of the said improvements.
- 7) The **SUBDIVIDER** shall perform and complete all said improvements prior to **SEPTEMBER 30, 2003**.
- 8) The **SUBDIVIDER** will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site in accordance with the **Ohio Department of Transportation "Uniform Traffic Control Devices"** and "**Traffic Control for Construction and Maintenance**".
- 9) The **SUBDIVIDER** further agrees that any violation of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvement.
- 10) If the **SUBDIVIDER** should become unable to carry out the provisions of this **AGREEMENT**, the **SUBDIVIDER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.
- 11) Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.

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12) In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **SUBDIVIDER** or his agent the right and privilege to make the said improvements stipulated herein.

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

RESOLUTION NO. 03-957

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR TREEMONISHA SUBDIVISION AND OAKS AT HIGHLAND LAKES, PHASE 2:

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

Treemonisha Subdivision

The roadways to be accepted are as follows:

F Ivy Ridge Place, to be known as Township Road Number 1356

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

The Engineer also requests approval to return the Letter of Credit being held as maintenance surety to the developer, Vista Land Company

Oaks at Highland Lakes, Phase 2

F An addition of 0.18 mile to Township Road Number 1314, Thortonwood Drive

F An addition of 0.17 mile to Township Road Number 1315, Sierra Drive

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

The Engineer also requests approval to return the Bond being held as maintenance surety to the developer, M/I Schottenstein Homes

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

RESOLUTION NO. 03-958

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR OAKS AT HIGHLAND LAKES, PHASE 2 AND TREEMONISHA SUBDIVISION :

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

Stop Conditions –Oaks at Highland Lakes, Phase 2

It is hereby requested that a stop condition be established at the following roads within the above referenced subdivision:

- On Township Road Number 1314, Thortonwood Drive, at its intersection with Township Road Number 1315, Sierra Drive

Stop Conditions –Treemonisha Subdivision

- On Township Road Number 1356, Ivy Ridge Place, at its intersection with Township Road Number 27, Gorsuch Road

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

RESOLUTION NO. 03-959

IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR GLEN OAK SECTION 2, PHASE A AND WILSHIRE SECTION 6, PHASE B

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

Glen Oak Section 2, Phase A

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The construction of the above referenced project was started without bonding, thereby not allowing the developer to file the plat. They are now at a point where they would like to file the plat. The Engineer has, therefore, estimated the remaining construction costs to be **\$620,000** and a Bond in that amount is available to cover the bonding of this project.

Wilshire Section 6, Phase B

The construction of the above referenced project was started without bonding, thereby not allowing the developer to file the plat. They are now at a point where they would like to file the plat. The Engineer has, therefore, estimated the remaining construction costs to be **\$342,350** and a Bond in that amount is available to cover the bonding of this project

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

RESOLUTION NO. 03-960

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
U03105	Columbia Gas	Harbor Pointe 3B	Install gas main
U03108	SBC	Sunbury Road	Place buried cable
U03111	Suburban Natural Gas	Walnut Woods	Install gas main

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

RESOLUTION NO. 03-961

IN THE MATTER OF AUTHORIZING A REQUEST THAT ODOT ENACT A SPEED LIMIT REVISIONS ON KINGSBURY ROAD AND POLLOCK ROAD IN DELAWARE TOWNSHIP:

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

**Kingsbury Road Speed Limit Request
40 Mile Per Hour**

At the request of the Delaware Township Trustees, the county engineer has conducted a speed limit study for Kingsbury Road (Township Road Number 103). This road is presently not posted except with 35 mph advisory signs. The speed limit study has been completed and it indicates that a speed limit of **40 mph** is warranted.

The county engineer is recommending that your Honorable Board pass a resolution requesting the Director of the Ohio Department of Transportation establish and declare a safe prima facie speed limit for the entire length of Kingsbury Road to be **40 mph**.

**Pollock Road Speed Limit Request
35 Mile Per Hour**

At the request of the Delaware Township Trustees, the county engineer conducted a speed limit study for Pollock Road (Township Road Number 101). This road is presently not posted except with 35 mph advisory signs. The speed limit study has been completed and it indicates that a speed limit of **40 mph** is warranted.

Upon strictly following the procedure set forth by the Ohio Department of Transportation, the engineer finds that a speed limit of 45 mph is warranted in what we are calling the “southern section” (commencing at U.S. Highway 23 and extending north approximately .25 miles to the boundary between Farm Lots 9 and 10 of S1 T4 R19). This section is conspicuously different from the northern section. The southern section is very winding with dense trees and brush growing very close to the road. The pavement is narrow and trees arch over the road for a significant part of this section of road. The pavement is rough with much broken pavement and some potholes at the edge.

Although the engineer has considered the effect of the above conditions on the warranted speed limit, we find that there are additional considerations which we find compelling. The “winding” nature of Pollock Road. actually consists of alternating long straight stretches of road followed by sharp turns which have poor sight distance. The straight stretches tend to invite the motorist to speed up a bit only to find it necessary to “hit the brakes” when you realize that you cannot see very far ahead.

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The City of Delaware has annexed several sections along Pollock Road and intends to annex more in the near future. Although the southern section of Pollock Road cannot be regarded as having an urban character, never the less there are three separate sections of Pollock Road that are within the Corporation. Limits of the City and are correctly posted at 35 mph. Several of the abrupt curves have been posted with very low advisory speed limits and the City has placed "Enter Corporation" and "Leave Corporation" signs. Delaware Township has also placed some boundary signs.

In spite of the calculated speed limit of 45 mph, it seems that the unique nature of the southern section of Pollock Road would clearly call for a lower speed limit. The engineer finds that the safety of motorists along the southern section of Pollock Road and that of the residents in this section will be enhanced by establishing the speed limit of **35mph**.

The county engineer is recommending that your Honorable Board pass a resolution requesting the Director of the Ohio Department of Transportation to establish and declare a safe prima facie speed limit for the southern section of Pollock Road to be **35 mph**.

Upon receipt of said Resolution, the engineer's staff will send a request to the Ohio Department of Transportation for their action.

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

RESOLUTION NO. 03-962

IN THE MATTER OF AWARDING BID TO ALLIED TECHNICAL SERVICES FOR DIESEL DRIVEN WATER PUMP

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

As a result of the referenced bid opening, the engineer recommends that a bid award be made to Allied Technical Services, Inc. of Cincinnati, Ohio, the low bidder at a total cost of \$14,340. Other bidders were Machinery and Tool Rentals at a total cost of \$19,120 and Mersino Pump and Power at a total cost of \$16,349.

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

RESOLUTION NO. 03-963

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

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

Child Care		Basic Rates Full Time (25 Hrs. or More)	Part Time Rates	Adjustment to Basic Rates
Eastside Child Care Center 162 North Ohio Avenue Columbus, Ohio 43203	Toddler	\$ 131.00	\$88.00	None
	Preschool	\$114.00	\$76.00	
	Schoolage	\$103.00	\$69.00	
Children's World Learning Snouffer Road 3480 Snouffer Road Worthington, Ohio 43235	Infant	\$152.00	\$102.00	Registration Fee \$25.00
	Toddler	\$131.00	\$ 88.00	
	Preschool	\$114.00	\$ 76.00	
	Schoolage	\$103.00	\$ 69.00	
	Before School	\$ 52.00	\$ 52.00	
	After School	\$ 65.00	\$ 65.00	
Delaware Joint Vocational School Child Care 1610 St. Rt. 521 Delaware, Ohio 43015	Infant	\$100.00	\$ 67.00	Registration Fee \$25.00
	Toddler	\$100.00	\$ 67.00	
Children's World Learning Sawmill Parkway 10655 Sawmill Parkway Powell, OH 43065	Infant	\$138.00	\$ 93.00	Registration Fee \$25.00
	Toddler	\$123.00	\$ 82.00	
	Preschool	\$108.00	\$ 72.00	
	Schoolage	\$100.00	\$ 67.00	
	After School	\$ 50.00	\$ 50.00	
Kindercare Learning Center #1487 77 Caren Avenue	Infant	\$152.00	\$102.00	Registration Fee \$25.00
	Toddler	\$131.00	\$ 88.00	
	Preschool	\$114.00	\$ 76.00	

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Worthington, Ohio 43085	Schoolage	\$103.00	\$ 69.00	
	Before & After	\$ 84.00	\$ 69.00	
	Before or After	\$ 64.00	\$ 64.00	
Little Prep School, Inc. 2350 Fuji Drive Columbus, Ohio 43229	Infant	\$150.00	\$100.50	Registration Fee \$25.00
	Toddler	\$131.00	\$ 88.00	
	Preschool	\$114.00	\$ 76.00	
	Schoolage	\$103.00	\$ 69.00	
	Before & After School	\$ 65.00	\$ 65.00	
Delaware City School Age Child Care	Before or After School	\$ 55.00	\$ 55.00	
	Summer Program (Grades K-6)			Activity Fee \$30.00
	6:30 a.m. – 6:00 p.m.	\$95.00	\$63.65	
	7:00 a.m. – 5:30 p.m.	\$85.00	\$56.95	Registration Fee \$20.00
	Learning Center			
	Option # 1	\$77.00	\$51.59	
	Option # 2		\$40.00	
	Option # 3	\$87.00	\$58.29	
	Option # 4	\$97.00	\$64.99	
	(Grades 7 & 8)			
	8:00 a.m. – 4:30 p.m.	21 days or less	\$16.00 Per Day	
	8:00 a.m. – 4:30 p.m.	22 days or more	\$15.00 Per Day	
	6:30 a.m. – 6:00 p.m.	21 days or less	\$18.00 Per Day	
6:30 a.m. 0 6:00 p.m.	22 days or more	\$27.00 Per Day		
Jennifer Saunders 2841 Weyant Street Lewis Center, Ohio 43035		Rates per hour		None
	Infant	\$2.75		
	Toddler	\$2.75		
	Preschool	\$2.50		
	Schoolage	\$2.50		

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

RESOLUTION NO. 03-964

IN THE MATTER OF APPROVING CONTRACTS FOR LANDSCAPE MAINTENANCE SERVICES WITH MCCARTHY SYSTEMS FOR THE RUTHERFORD B. HAYES SERVICES BUILDING

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

This Contract made by and between:

**McCarthy Systems Company
2825 Jeanne Ct.
Lewis Center, OH 43035**

(the “Contractor”) and the Delaware County Board of Commissioners (the “Owner”).

In consideration of the mutual promises herein contained, the Delaware County Board of Commissioners and the Contractor agree as set forth below:

ARTICLE 1

- 1.1 The Contractor shall perform the entire work described in the Bid Documents and reasonably inferable by the Contractor as necessary to produce the results intended by the Bid Documents for:

**ITB #02B-03
Landscape Maintenance Services for the
Delaware County Rutherford B. Hayes Services Building
140 North Sandusky Street
Delaware, Ohio 43015**

ARTICLE 2

- 2. The Delaware County Board of Commissioners shall pay the Contractor for the performance of this Contract, subject to additions and deletions as provided in the Bid Documents, not to exceed annually Twelve Thousand, Five Hundred dollars (\$12,500.00), based upon the unit pricing set forth in the Bid Form, submitted by the Contractor and opened on May 5, 2003.

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Landscape Maintenance	\$8,620.00
Lawn Care	<u>\$3,498.00</u>
	\$12,118.00

- 2.2 The Contract Price shall be paid in current funds by the Owner upon payment requests issued by the Contractor as services are provided and approved by the Delaware County Board of Commissioners as provided in the Bid Documents.

ARTICLE 3

- 3.1 It is understood and agreed that should the contractor fail to provide the quality of service as specified in the bid instructions, such failure shall constitute a breach of this Contract. Upon a breach of the Contract, the Delaware County Board of Commissioners may, at its sole option, terminate this Contract with the contractor upon 30 days written notice of its intent to do so.

ARTICLE 4

- 4.1 This Contract shall embody the entire understanding of the parties and form the basis of the Contract between the Delaware County Board of Commissioners and the Contractor. The Bid Documents shall be considered to be incorporated by reference into this Contract as if fully rewritten herein, and made a part hereof.
- 4.2 The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be brought in a court of competent jurisdiction in the State of Ohio.
- 4.3 If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.
- 4.4 The Contract shall be binding on the Contractor and the Delaware County Board of Commissioners, their successors and assigns, in respect to all covenants and obligations contained in the Contract, but the Contract may not be assigned by the Contractor without the prior written consent of the Delaware County Board of Commissioners.

ARTICLE 5

- 5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Contract shall be valid and enforceable unless the Delaware County Auditor first certifies funds are available.
- 5.2 The Contract shall become binding and effective upon the completion of 5.1 and execution by the Delaware County Board of Commissioners.

ARTICLE 6

- 6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract, which may be introduced in evidence or used for any other purpose without production of any other counterparts.

Further Be It Resolved, that the Commissioners approve a Purchase Order Request in the amount of \$12,000.00 with McCarthy Systems

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

RESOLUTION NO. 03-965

IN THE MATTER OF APPROVING CONTRACTS FOR LANDSCAPE MAINTENANCE SERVICES WITH ROGERS LAWN CARE FOR EMS STATIONS:

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

This Contract made by and between:

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**Roger's Lawn Care & Services
6133 Houseman Rd.
Ostrander, OH 43061**

(the "Contractor") and the Delaware County Board of Commissioners (the "Owner").

In consideration of the mutual promises herein contained, the Delaware County Board of Commissioners and the Contractor agree as set forth below:

ARTICLE 1

- 1.1 The Contractor shall perform the entire work described in the Bid Documents and reasonably inferable by the Contractor as necessary to produce the results intended by the Bid Documents for:

**ITB #03-03
Lawn Care Services for
Delaware County Emergency Medical Services (EMS) Stations**

ARTICLE 2

- 2.1 The Delaware County Board of Commissioners shall pay the Contractor for the performance of this Contract, subject to additions and deletions as provided in the Bid Documents, not to exceed annually Eight Thousand, Five Hundred dollars (\$8,500.00), based upon the unit pricing set forth in the Bid Form, submitted by the Contractor and opened on May 5, 2003.

Lawn Mowing and Trimming	\$5,865.00
Turf Maintenance	\$900.00
Grubb Control	\$570.00
Turf Aeration	<u>\$600.00</u>
	\$7,935.00

- 2.2 The Contract Price shall be paid in current funds by the Owner upon payment requests issued by the Contractor as services are provided and approved by the Delaware County Board of Commissioners as provided in the Bid Documents.

ARTICLE 3

- 3.1 It is understood and agreed that should the contractor fail to provide the quality of service as specified in the bid instructions, such failure shall constitute a breach of this Contract. Upon a breach of the Contract, the Delaware County Board of Commissioners may, at its sole option, terminate this Contract with the contractor upon 30 days written notice of its intent to do so.

ARTICLE 4

- 4.1 This Contract shall embody the entire understanding of the parties and form the basis of the Contract between the Delaware County Board of Commissioners and the Contractor. The Bid Documents shall be considered to be incorporated by reference into this Contract as if fully rewritten herein, and made a part hereof.
- 4.2 The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be brought in a court of competent jurisdiction in the State of Ohio.
- 4.3 If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.
- 4.4 The Contract shall be binding on the Contractor and the Delaware County Board of Commissioners, their successors and assigns, in respect to all covenants and obligations contained in the Contract, but the Contract may not be assigned by the Contractor without the prior written consent of the Delaware County Board of Commissioners.

ARTICLE 5

- 5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Contract shall be valid and enforceable unless the Delaware County Auditor first

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certifies funds are available.

- 5.2 The Contract shall become binding and effective upon the completion of 5.1 and execution by the Delaware County Board of Commissioners.

ARTICLE 6

- 6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract, which may be introduced in evidence or used for any other purpose without

Further Be It Resolved, that the Commissioners approve a Purchase Order Request in the amount of \$8,000.00 with Roger's Lawn Care

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

RESOLUTION NO. 03-966

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR EMS CBRNE GRANT:

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

TRANSFER OF APPROPRIATION

FROM	TO	
21511310-5260	21511310-5450	
EMA WMD Training CBRNE/Inventoried Tools	EMA WMD Training CBRNE/Machinery & Equip	\$9,880.00

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

RESOLUTION 03-967

IN THE MATTER OF APPROVING A RECOMMENDATION BY THE DELAWARE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) TO APPROVE THE APPOINTMENT OF REPRESENTATIVES AND ALTERNATES.

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

WHEREAS, in accordance with the Ohio Revised Code Section 3750.03(b) the LEPC recommends to the Board of Commissioners to approve the re-appointments of representatives and alternates to the LEPC for the period July 30, 2003 through July 30, 2005.

Representatives:

<u>NAME</u>	<u>ORG</u>	<u>NAME</u>	<u>ORG</u>
Jim Ward	County Commissioner	Phil Packard	Red Cross
Paul Price	Township Trustee	Tonya Latto	Industry
Larry Fisher	EMA Director	Rick Varner	Environment
Marsha Jevas	Hospital	J. R. Maynard	Transportation
Tom Macklin	Delaware City	Pearline Howald	First Aid
Edward Crumb	Community/ARES	Gary Vest	Community
Francis Veverka	Health	John Bernans	Fire
Charles Sheets	Township Trustee	Gil Borchers	Law
Kevin Williams	Media Coordinator	Andy Thompson	Township
William Buckley	Citizen/Transportation		

Alternates:

<u>NAME</u>	<u>ORG</u>	<u>NAME</u>	<u>ORG</u>
Doug Sams	Health	Bob Lavender	EMA
Dwayne Mason	Industry	Steve Hrytzik	Community
Steve Robinson	Industry Rep	Joel Hogue	Industry
Kimberly Thompson	Hospital	Carol McConnel	ARES/Media
Steve Savon	Transportation	Lt. Ron Kuszmaul	Law
Murray Smith	First Aid/EMS	David Hall	EMA
Verna Walke	Red Cross	Sheila Perin	LEPC Secretary

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

RESOLUTION NO. 03-968

IN THE MATTER OF APPOINTING JULIE MILLER AND RE-APPOINTING STEVEN MARKS AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVES TO THE DELAWARE MORROW MENTAL HEALTH & RECOVERY SERVICES BOARD:

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

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, the Board of Commissioners of Delaware County shall appoint individuals to the Delaware-Morrow Mental Health and Recovery Services Board. Julie Miller's term will begin July 28, 2003 and end June 30, 2007. Steven Mark's term will begin July 28, 2003 and end June 30, 2007.

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, appoint Julie Miller and Steven Marks to the Delaware-Morrow Mental Health and Recovery Board.

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

Discussion – Parking Enforcement

There being no further business, the meeting adjourned.

Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners