

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 5, 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

**1:00 PM Viewing For Consideration Of A Ditch Petition Filed By The Hidden Cove Homeowners Association (Eamonn Rooney-Trustee 3872 Hidden Cove Circle Lewis Center, Ohio 43035)**

**PUBLIC COMMENT**

**RESOLUTION NO. 03-696**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 29, 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 May 29, 2003 as contained in the county's official electronic recordings of the proceedings.

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

**RESOLUTION NO. 03-697**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR064A AND CMAPR064B:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve payment of warrants in Batch numbers CMAPR064A and CMAPR064B and Purchase Orders and Vouchers as listed below:

**PO's**

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Medtronic Physio Control	Annual Maintenance Agreement	10011303-5325	\$ 9,165.40

**Vouchers**

RCC Consultants	Professional Services	40211408-5301	\$ 16,372.80
Emergency Medical Products	Medical supplies for Training	10011303-5260	\$ 5,084.49
Office City	Furniture for Prosecutor	40111402-5450	\$ 5,073.00
BP Products N. America Inc.	Gas for Service Center	10011106-522822801	\$ 8,637.53
US Filter	Bioxide Chemical	65211905-5290	\$ 14,056.00

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

**RESOLUTION NO. 03-698**

**IN THE MATTER OF APPROVING A LIQUOR LICENSE TRANSFER OF STOCK REQUEST FOR AMERICAN GOLF CORPORATION; GOLF COURSE, PATIO, BALCONY AND CLUB HOUSE AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:**

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Harlem Township Trustees that American Golf Corporation has requested a transfer of stock for the D1, D2, D3 and D6 permits located at 3300 Miller Paul Road Harlem Twp. Galena, Ohio and

Whereas, the Harlem Township Trustees have stated they have no objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

**RESOLUTION NO. 03-699**

**IN THE MATTER OF APPROVING A LIQUOR LICENSE TRANSFER OF STOCK REQUEST FOR**

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**AMERICAN GOLF CORPORATION DBA BENT TREE GOLF COURSE & PATIO AND  
FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO  
REQUEST FOR A HEARING:**

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Berkshire Township Trustees that American Golf Corporation has requested a transfer of stock for the D5 permit located at 350 Bent Tree Road Berkshire Township Sunbury, Ohio 43074 and

Whereas, the Berkshire Township Trustees have stated they have no objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

**RESOLUTION NO. 03-700**

**IN THE MATTER OF ADOPTING RESOLUTION OF CONGRATULATIONS TO CHRISTOFFER  
STARKE JOHNSTON UPON EARNING HIS EAGLE SCOUT AWARD:**

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

WHEREAS, Christoffer Starke Johnston has been a member of Boy Scout Troop # 393; and

WHEREAS, Christoffer Starke Johnston has met all the requirements and been approved by the National Council of Boy Scouts to receive the Eagle Scout Award, and

WHEREAS, The Board of Commissioners of Delaware County wishes to express congratulations to Christoffer Starke Johnston on earning the Eagle Scout Award.

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby officially congratulates Christoffer Starke Johnston on attaining Scouting's highest rank - the Eagle Scout Award. Your diligence and hard work have earned you the distinction of being an Eagle Scout. You join company with a select group of individuals who are recognized as outstanding in all that Scouting represents, and

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. 03-701**

**IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM  
AGENT FOR THE PETITIONER, CRABBE, BROWN & JAMES LLP, REQUESTING  
ANNEXATION OF 25.372 ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF  
DELAWARE:**

It was moved by Mr. Jordan, seconded by Mrs. Martin to acknowledge that on May 28, 2003, the Clerk to the Board of Commissioners received an annexation petition request to annex 25.372 acres from Delaware Township to the City of Delaware.

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

**RESOLUTION NO. 03 -702**

**IN THE MATTER OF APPROVING THAT ACTION BE TAKEN AGAINST THE BOND OF  
WOODLANDS LTD. FOR CONSTRUCTION OF WOODLANDS AT LOCH LOMOND:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve taking action against the bond of Woodlands Ltd.:

**Woodlands at Loch Lomond**

In July, 2000, your Board entered into an agreement with Woodlands, Ltd., the developer for the above referenced project, for multiple sections of this project. Since that time, the Engineer has worked with the developer to

**IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND THE VILLAGE OF SHAWNEE HILLS WITH KINZELMAN KLINE GOSSMAN, LTD., ALSO DOING BUSINESS AS KINZELMAN KLINE, TO PREPARE A COMMERCIAL AREA DEVELOPMENT AND STREETScape PLAN FOR THE FY 2002 CDBG FORMULA PROGRAM:**

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

WHEREAS, the Ohio Department of Development provides financial assistance to local governments under the Community Development Block Grant (CDBG) Formula Program, and has awarded such assistance to Delaware County by approving the County's CDBG FY 2002 Formula grant application and by subsequently entering into a grant agreement with the County; and

WHEREAS, the Village has conducted a procurement process meeting all CDBG requirements, and, as a result, has selected Kinzelman Kline Gossman, Ltd., also doing business as Kinzelman Kline to provide professional consulting services to provide the Village with a Commercial Area Development & Streetscape Plan to be funded in part by the Delaware County CDBG FY 2002 Formula Program, a Delaware County Revolving Loan Fund Planning Grant, and by the Village; and

WHEREAS, funding for this Project, in the amount of Five Thousand Dollars (\$5,000) has been approved by Delaware County through the FY 2002 CDBG Formula Program, and funding for this Project, in the amount of Twenty-Six Thousand Five Hundred Dollars (\$26,500) has been approved for this Project through the Delaware County Revolving Loan Fund by the Delaware County Board of Commissioners, and funding for this Project, in the amount of Three Thousand Five Hundred Dollars (\$3,500) has been approved by the Village.

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 Board of Commissioners authorizes the President of the Board to execute an Agreement with the Village of Shawnee Hills and Kinzelman Kline Gossman, Ltd., also doing business as Kinzelman Kline for consulting services for the FY02 CDBG Program with the total amount of CDBG and RLF funding for the project not to exceed Thirty-one Thousand Five Hundred Dollars (\$31,500).

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

This Agreement made and entered into by and between **The Village of Shawnee Hills**, with its main offices located at 40 W. Reindeer Drive, Shawnee Hills, Ohio 43065 (hereinafter referred to as the "Village"), the **Board of County Commissioners of Delaware County**, Ohio with its main offices located at 101 North Sandusky Street, Delaware, Ohio 43015 (hereinafter referred to as the "County"), and **Kinzelman Kline Gossman, Ltd.**, also doing business as **Kinzelman Kline**, with its main offices currently located at 444 South Front Street, Columbus, Ohio 43215.

**Project Description:**

The Project consists of assessing the existing conditions of the commercial area of the Village and making recommendations as to physical improvements to be made to public and private properties of the commercial corridor of the Village to further its economic benefit to the community and minimize conflicts adversely affecting the quality of life in the village. The geographic limits of the project are both sides of Dublin Road to the rear property line of the frontage properties from Harriot Road on the north to the south side of the retail development at the southeast corner of Glick and Dublin Roads and both sides of Glick Road to the rear property line of the frontage properties within the corporation limits.

Based upon this understanding of the Project and the services requested by the Village, the scope of services for this Project is as follows:

**Task 1:Pre-Design**

- a. Contract negotiations and scope/schedule refinement, establish project communication network.
- b. Define project goals, products and confirm physical

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boundaries of study.

**Task 2: Research**

- a. Data collection from government and utility company sources including street plans, property ownership and aerial photography.
  - Obtain from the Village all currently available and relevant traffic volume data and accident report information for the corridor including key intersections.
  - Obtain from the Village roadway and intersection plans showing pavement widths and lane usages, traffic signal information, etc.
- b. Initial site visit and photo documentation of corridor frontage.
  - Review existing land uses, transitions between uses, building type and locations, vacant buildings/parcels.
  - Identify corridor design issues.
  - Identify potential “opportunity” sites.
  - Understand unique (if any) physical qualities of this corridor and any inherent themes that could be developed.
- c. Review traffic information provided by Village
- d. Review existing planning documents and other relevant past studies.
- e. Prepare project mapping database in CADD form from above-gathered information.
- f. Prepare site analysis plans of the entire corridor documenting the findings of the above research.
- g. Initial meeting with the Commercial Area Planning Committee to review all above information.
- h. Conduct and meet with small groups and committees (three meetings total) as determined by the Commercial Area Planning Committee to solicit input on corridor design and economic/market issues.
- i. Following group meetings, an initial public meeting will be conducted by Kinzelman Kline. The purpose of the first public meeting will be to outline the design process, present the corridor analysis, highlight key issues identified during the interview and small group meeting process, and solicit key input.
- j. Following the public meeting, Kinzelman Kline will conduct a debriefing/work session with the project Commercial Area Planning Committee to highlight key project issues and next steps.

**Work Products**

Formatted base map of corridor, site evaluation plans and summary memorandum, interim report including recorded comments from meetings and conclusions from this task.

**Task 3: Corridor Design**

During this task, the Design Team will generate specific design concepts for the corridor. These plans will illustrate corridor improvements within the public right-of-way and architectural improvements/land uses on privately-held property adjacent.

The theme or vision for the corridor will also be developed in this task and will include landscape treatments, lighting, banners, signage and other potential street furniture/fixtures as deemed appropriate.

- a. Develop concept plans, sketches, cross sections and site details as necessary to communicate potential theme and optional layouts. Layouts to consider vehicular pavements, service drive connections, bikeways, walks, transit stops, and lateral connections of the above into the larger community.
- b. Identify potential design improvements for public and private properties including setbacks, gateway features, landscape improvements, landscape screening, streetscapes, sign types and architectural massing.
- c. Develop preliminary guideline principles supporting the above street concepts including setbacks, planting, parking lot screening, fixture and furniture placement, signage, and preliminary architectural guidelines.
- d. Conduct working Design Team meeting including Commercial Area Planning Committee to participate in the preparation and to review above information, all in draft form, to solicit input and gain concurrence on design direction.
- e. Prepare draft presentation to community including refinements to design options, resulting from above Team meeting.
- f. Conduct public meeting to present design options and recommendations and solicit public comments on preferences. Presented materials to include plans, sections, sketches and supporting narratives as necessary.

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**Work Products**

Overall corridor plan depicting recommended public streetscape improvements, conceptual plans of key parcels, draft narrative illustrating guideline principles for the above, interim report documenting the above task.

**Task 4: Final Plan**

During this task, options previously considered are to be refined into an overall design approach. Design guidelines will be outlined and illustrated with diagrams and representative photographs to support this design will be developed.

- a. From all previously prepared design information and comments received, prepare final design plans with options/alternatives as may be evident.
- b. Prepare necessary supporting cross-sections, elevations, plan enlargements, and perspective sketches (up to three perspective views) to illustrate design.
- c. Prepare project budget estimates for implementation of the corridor design improvements.
- d. Prepare for and conduct public meeting to present final design and budget estimate and gain community concurrence on preferred options/alternatives and community "buy-in" to the corridor "vision".
- e. Prepare final design exhibits and outline design guidelines for public corridor improvements including setbacks, drive configuration, sign locations, landscaping, street furniture/fixtures.
- f. With assistance from Village counsel, prepare legislation language as necessary for village use in codifying the recommendations of the study.
- g. Presentation of above information to Commercial Area Planning Committee.

**Work Products**

Final Corridor plan, outline-form design guidelines, project budget estimates. This work will be synthesized into a Project Summary and Design Guidelines report. One final copy of the document will be delivered in PDF format. Multiple hard copies can be provided, if requested.

**Assumptions:**

- a. All base mapping information, including street plans, utilities, site plans, etc. to be utilized for this planning effort is to be provided by the village, county or by private utility companies at no cost to the Design Team. Detailed site survey of the project corridor is not to be provided as part of basic services and fees.
- b. Detailed roadway and intersection traffic capacity analysis to define minimum lane requirements at a certain desired level of service are to be provided as an additional service and cost if deemed necessary to the process.

**Optional Services:**

- a. Opportunity Parcel Site Planning: As a separate and additional service the Design Team will evaluate potential new land uses for specific "opportunity" or redevelopment uses along the corridor. Such sites may be determined based on their economic impact on the village as a whole and / or their specific affect on desired physical improvements or the streetscape.
- b. Special presentation graphics including but not limited to formatting and delivery of PowerPoint presentations, photo-realistic imaging, or promotional materials

**Services Not Included:**

- Comprehensive Traffic Engineering Analysis
- Right-of-way acquisition recommendation
- Preliminary engineering, including but not limited to pavement analysis, surface and subsurface drainage, and utilities relocation design.

For the previously outlined scope of services, Kinzelman Kline proposes a fixed fee amount **not to exceed** \$35,000 including expenses. Please find attached our standard Terms and Conditions, which are a part of this proposal.

Further Kinzelman Kline proposes to work within the schedule put forth below. This schedule assumes prompt and timely review by the Village and Commercial Area Planning Committee. Further, it assumes prompt response

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to any reasonable requests by Kinzelman Kline for information, design review and comment. Flexibility exists relative to specific milestone dates and modifications may be made to accommodate the Village schedule.

Selection/Contract Execution	May 30, 2003
Pre-Design Complete	June 15, 2003
Urban Audit & Analysis/Inventory & Review	June 30, 2003
Issues Identification & Vision Setting	July 15, 2003
Initial Public Meeting	July 30, 2003
Preliminary Corridor Design	August 15, 2003
Working Team Meeting	August 21, 2003
Second Public Meeting	September 15, 2003
Final Plan Complete	October 30, 2003

It is understood by all Parties that the Project must be completed in a format acceptable to the Village no later than December 31, 2003. If this Project is not completed by said date, then the Village may be required by the County to repay to the County all, or a portion of, the grant funding provided by the County through its FY 2002 CDBG Formula Program and through the County's Revolving Loan Fund (RLF) Planning Grant.

**Terms and Conditions:**

This agreement contains the terms and conditions governing the above stated proposal by Kinzelman Kline Gossman, Ltd., also doing business as Kinzelman Kline, and is governed by the laws of the State of Ohio.

**Payments** - All payments are due within fifteen (15) days of date of invoice. Amounts unpaid thirty days after the invoice date are subject to 1.5% per month interest (18% per annum) on unpaid balance. An initial payment of 10% of the total fee is payable upon execution of the contract. This amount will be applied to the final project invoice.

**Additional Services** – For work requested and performed beyond the basic scope of this agreement, Kinzelman Kline Gossman, Ltd. shall receive extra compensation at the prevailing rates plus reimbursable expenses at the time the work is authorized. Payments for such additional services are subject to the terms stated above.

**Subconsultants** – All necessary subconsultants will be hired by and be responsible to Kinzelman Kline Gossman Ltd. All coordination, planning and input to the subconsultant will be by Kinzelman Kline Gossman, Ltd. Compensation for additional services provided by the subconsultant will be at a multiple of 1.2 times the amounts billed to Kinzelman Kline Gossman, Ltd. for such services.

**Reimbursable Expenses** – In addition to compensation provided for professional services, Kinzelman Kline Gossman, Ltd. shall receive reimbursement for expenses incurred on behalf of the client towards the completion of the project. Expenses are to be billed at a multiple of 1.1 times net cost. Expenses are to include but are not limited to printing, photo processing, plotting, telephone calls, postage, travel, meals and lodging. The following standards are established for air travel distances relative to Columbus, Ohio:

1,000 mile radius or less: Coach, if given sufficient time for reservation; First Class, if Coach not available.

1,000 – 3,000 mile radius: Business Class, if given sufficient time for reservation; First Class if Business Class is not available.

Additional charges for insurance adjustments requested by the client over basic coverage, are reimbursable. Payments for all such reimbursable expenses are subject to the terms stated above.

**Delay of Schedule** – Should the project be delayed beyond the original scheduled completion dates through no fault of Kinzelman Kline Gossman, Ltd., compensation will be adjusted to rates prevailing at the time the project is expensed plus reimbursable expenses for all additional time spent on the project beyond the period scheduled.

**Limitation of Liability** – Neither Kinzelman Kline Gossman, Ltd. nor its officers, directors, members, partners, employees, agents or consultants shall be jointly, severally, individually or otherwise liable to the client or anyone claiming by, through or under the client, in excess of the compensation paid pursuant to this agreement, by reason of any act or omission (including breach of contract or negligence) not amounting to a willful or intentional wrong.

**Termination of Services** – This agreement may be terminated by either party upon not less than seven (7) days written notice should the other party fail substantially to perform in accordance with the terms of this agreement through no fault of the party initiating the termination. Kinzelman Kline Gossman, Ltd. reserves the right to cease all work production at such time that accounts remain unpaid thirty (30) days after the invoice date. Kinzelman Kline Gossman, Ltd. shall be compensated for all services performed prior to termination or work stoppage for reasons stated above plus reimbursable expenses.

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

**RESOLUTION NO. 03-704**

**IN THE MATTER OF APPOINTING WILLIAM CACKLER AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVES TO THE DELAWARE COUNTY HEART OF OHIO RESOURCE CONSERVATION & DEVELOPMENT 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 individual(s) to the Delaware County Heart of Ohio Resource Conservation & Development Board beginning, June 5, 2003, and ending, December 30, 2005

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, appoint William Cackler to the Delaware County Heart of Ohio Resource Conservation & Development Board.

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

**RESOLUTION NO. 03-705**

**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 9:43AM.

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

**RESOLUTION NO. 03-706**

**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 10:15AM.

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

**RESOLUTION NO. 03-707**

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

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

Susan Chronaberry, an Income Maintenance Worker 3, with the department of Job and Family Services, has requested a voluntary Disability Separation under ORC Chapter 123, effective May 29, 2003

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

**RESOLUTION NO. 03-708**

**IN THE MATTER OF PLACING JAMES LITTLE ON PAID ADMINISTRATION LEAVE PENDING AN INVESTIGATION:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve placing James Little on paid administration leave pending an investigation.

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

There being no further business the meeting adjourned.

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Kristopher W. Jordan

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Deborah B. Martin

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James D. Ward

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Letha George, Clerk to the Commissioners