

**COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 17, 2003**

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

Present: Kristopher W. Jordan, Deborah B. Martin, James D. Ward

10:00 AM Bid Opening Date And Time For Aboveground Fuel Tanks For Delaware County

PUBLIC COMMENT

RESOLUTION NO. 03-1472

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

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held November 13, 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. 03-1473

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR114:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve payment of warrants in batch numbers CMAPR114 and Purchase Orders and Vouchers as listed below:

PO's

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Vouchers			
BBC & M Engineering Inc.	Subsurface Project	65511918-5415	\$ 9,277.63
Ben Bro Enterprises Inc.	Rental N. Sandusky	10011105-533533502	\$ 14,625.00

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

RESOLUTION NO. 03-1474

IN THE MATTER OF CHANGING THE START TIME OF THE COMMISSIONERS SESSION FOR MONDAY NOVEMBER 24, 2003 TO 8:30AM:

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

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

RESOLUTION NO. 03-1475

IN THE MATTER OF CANCELING THE COMMISSIONERS SESSION FOR THURSDAY NOVEMBER 27, 2003:

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

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

RESOLUTION NO. 03-1476

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Clerk of Courts Office is requesting that Jan Antonoplos attend an Ohio Clerk of Courts Winter Conference in Columbus, Ohio December 2 to 4, 2003, at the cost of \$150.00.

The Department of Job and Family Services is requesting that Jena Kitchen attend an Abuse Training Seminar in Reynoldsburg, Ohio December 15 to 16, 2003, at the cost of \$220.40.

The Prosecutor's Office is requesting that Marianne Hemmeter attend a Ethics CLE Seminar in Columbus, Ohio

**COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 17, 2003**

November 19, 2003, at the cost of \$166.80.

The Environmental Services Department is requesting that Joe Scherler attend a Managing Code Compliance Programs Seminar in Madison, Wisconsin December 9 to 12, 2003, at the cost of \$1,405.00.

The Prosecutors Office is requesting that Leontyne Pounds Alexander attend a Training Seminar on How to Handle Conflict in Delaware, Ohio November 18, 2003, at the cost of \$158.00

The Prosecutors Office is requesting that Dave Yost, William Owen and Christopher Betts attend an Ohio Prosecuting Attorney Annual Meeting in Columbus, Ohio December 4 to 6, 2003, at the cost of \$607.80.

The Prosecutors Office is requesting that the Staff, Volunteers and Interns of the Victim Services Department attend the Ohio Coalition on Sexual Assault Annual Conference in Columbus, Ohio December 11 to 12, 2003, at the cost of \$675.00.

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

RESOLUTION NO. 03-1477

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR AFRICA ROAD EXTENSION NORTH, THE VILLAGE AT SCIOTO RESERVE AND COPPERFIELD CONDOMINIUMS:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve sanitary sewer plans for Africa Road Extension North, The Village At Scioto Reserve And Copperfield Condominiums for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 03-1478

IN THE MATTER OF APPROVING AN EASEMENT PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND SUSAN AND KEVIN DOHERTY:

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

AGREEMENT

THIS AGREEMENT made at Delaware, Ohio, this 17th day of November 2003, by and between Susan and Kevin Doherty, SELLER, and the Delaware County Commissioners, BUYER;

WITNESSETH:

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

The purchase price of said Easement is Three Thousand Dollars (\$3,000.00), plus Nine Thousand Four Hundred and Fifty Dollars (\$9,450.00) for tree reimbursement, and one sanitary sewer capacity fee (\$5,900.00) to be paid upon the execution of the Deed of Easement.

This transaction is to be closed at the SELLERS convenience, on or before October 20, 2003 at which time the SELLER will execute and deliver to the BUYER the attached Deed of Easement for the above-described real estate. (Available in the Sanitary Engineer Department).

Further Be It Resolved, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$18,350.00 to Susan and Kevin Doherty.

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

RESOLUTION NO. 03-1479

IN THE MATTER OF APPROVING AN EASEMENT PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND DAVID A. TANNER:

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

AGREEMENT

COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 17, 2003

THIS AGREEMENT made at Delaware, Ohio, this 17th day of November 2003, by and between David A. Tanner, SELLER, and the Delaware County Commissioners, BUYER;

WITNESSETH:

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

The purchase price of said Easement is Twenty Thousand Dollars (\$20,000.00) and One (1) sanitary sewer capacity fee (\$5,900.00), upon the execution of the Deed of Easement.

Furthermore, the BUYER agrees that all manholes located on the said property will be buried at least 18 inches below final grade in order for agricultural use of the property to continue.

In the event that the SELLER'S water well no longer functions due to the construction of the sewer, the BUYER will reimburse the SELLER the cost of renovating the well to pre-construction working conditions.

This transaction is to be closed at the SELLERS convenience, on or before October 20, 2003 at which time the SELLER will execute and deliver to the BUYER the attached Deed of Easement for the above-described real estate. (Available in the Sanitary Engineer Department).

Further Be It Resolved, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$25,900.00 to David A. Tanner.

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

RESOLUTION NO. 03-1480

IN THE MATTER OF APPROVING THE NEW JOB POSITION OF THE LEAD PLANS EXAMINER FOR THE CODE COMPLIANCE DEPARTMENT:

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve the new job position of the Lead Plans Examiner for The Code Compliance Department.

(Job description on file in the Administrative Services Department).

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

RESOLUTION NO. 03-1481

IN THE MATTER OF APPROVING THE WAGE CHART FOR LEAD PLANS EXAMINER FOR THE CODE COMPLIANCE DEPARTMENT:

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

Lead Plans Examiner

SAM 1 OVER	Grade G	Grade F	Grade E	Grade D	Grade C	Grade B	Grade A
Hourly	\$ 23.11	\$24.26	\$ 25.47	\$ 26.75	\$ 28.09	\$ 29.49	\$ 30.96
Bi-weekly	\$ 1,849.00	\$1,941.00	\$ 2,038.00	\$ 2,140.00	\$ 2,247.00	\$ 2,359.00	\$ 2,477.00
Annually	\$ 48,061.00	\$ 50,464.00	\$ 52,988.00	\$ 55,637.00	\$ 58,419.00	\$ 61,340.00	\$64,407.00

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

RESOLUTION NO. 03-1482

IN THE MATTER OF ADOPTING A RESOLUTION APPROVING THE PURCHASE OF MEALS AND BEVERAGES FOR THE LOCAL EMERGENCY PLANNING COMMITTEE MEETINGS:

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

WHEREAS, the Delaware County Board of Commissioners appointed a Local Emergency Planning Committee (L.E.P.C.) that meets every two months; and

WHEREAS, the L.E.P.C. members are composed of volunteers and conducts its meetings during normal week day lunch hours to ensure maximum participation; and,

COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 17, 2003

WHEREAS, these meetings normally last for at least two hours;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby resolve to approve the purchase of meals and beverages for the members during these meetings at a not to exceed cost of \$120.00 per the remainder of year 2003, and

BE IT FURTHER RESOLVED: The Board of Commissioners approve a Purchase Order Increase Request in the amount of \$120.00 To Patty O's Deli.

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

RESOLUTION NO. 03-1483

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE BOARD OF MRDD:

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

TRANSFER OF APPROPRIATION		
FROM	TO	AMOUNT
29552501-5801 Developmental Disabilities/Transfers	29552501-5301 Developmental Disabilities/Prof Services	\$ 50,000.00
29552501-5801 Developmental Disabilities/Transfers	29552501-5328 Developmental Disabilities/Maint & Repair	\$ 20,000.00
29552501-5801 Developmental Disabilities/Transfers	29552501-5342 Developmental Disabilities/Med Services	\$ 15,000.00
29552501-5801 Developmental Disabilities/Transfers	29552501-5350 Developmental Disabilities/Human Services	\$ 15,000.00

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

RHONDA LEASURE - OHIO WORKS FIRST PRESENTATION

RESOLUTION NO. 03-1484

IN THE MATTER OF APPROVING PLAT AND DITCH MAINTENANCE PETITION FOR OAKS AT HIGHLAND LAKES PHASE 5:

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

Oaks At Highland Lakes Phase 5

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, In Section 2, Township 3, Range 17, United States Military District, Containing 37.612 Acres More Or Less, (With 15.889 Acres In Farm Lot 11 And 21.723 Acres In Farm Lot 12), Including 3.096 Acres Of Right-Of-Way, Said 37.612 Acres Being Out Of The 108.239 Acre Tract Conveyed To M/I Homes Of Central Ohio, LLC, An Ohio Limited Liability Company, By Deed Of Record In Official Record 428 Page 1363, Records Of The Recorder's Office, Delaware County, Ohio. Cost \$132.00.

Ditch Maintenance Petition- Oaks At Highland Lakes Phase 5

We the undersigned owners of 37.612 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as **Oaks At Highland Lakes Phase 5** 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

COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 17, 2003

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 **Oaks At Highland Lakes Phase 5** Subdivision.

The cost of the drainage improvements is \$89,129.00 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. Forty-Four (44) 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, \$2,025.66 per lot. An annual maintenance fee equal to 2% of this basis \$40.51 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 \$1,782.58 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 Aye Mrs. Martin Aye Mr. Ward Aye

RESOLUTION NO. 03-1485

IN THE MATTER OF APPROVING ROAD NUMBER CHANGE IN BERLIN TOWNSHIP FOR HARBOR POINTE:

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

Harbor Pointe

In August, 2003, your Board approved this office's recommendation to accept an addition of 0.06 mile to Township Road Number 1234, Bayside Ridge Drive, for Section 2, Phase 2 of the referenced project. In October 2003, an addition of 0.07 mile was approved to be accepted to this same road for Section 3, Phase A of this project. Since that time, the staff has discovered that the actual road number should be 1232. The Engineer, therefore, request that the change be made to show the additional mileage be added to **Township Road Number 1232, Bayside Ridge Drive**, and that you advise the Berlin Township Trustees of this action.

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

RESOLUTION NO. 03-1486

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR NORTHPOINTE MEADOWS SECTION 1:

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

Northpointe Meadows Section 1

The roadway construction has been completed for the referenced subdivision and, as the results of the Engineer recent field review, he has determined that minor remedial work will be required during the 2004 construction season.

In accordance with the Subdivider's Agreement, the Engineer recommends that the maintenance bond be set at **\$46,380** for the duration of the one year maintenance period. A Letter of Credit in that amount is available. He also request approval to return the Letter of Credit being held as construction surety to the developer, Maronda Homes.

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

RESOLUTION NO. 03-1487

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

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

Permit #	Applicant	Location	Type of Work
U03176	American Electric Power	Cheshire Road	Push bore ducts
U03177	Columbia Gas	Redbank Road	Tie into existing gas main

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

RESOLUTION NO. 03-1488

IN THE MATTER OF APPROVING THE CONTRACT MODIFICATION BETWEEN THE DELAWARE

COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 17, 2003

**COUNTY COMMISSIONERS, AND E.L. ROBINSON ENGINEERING COMPANY FOR ADDITIONAL
DESIGN AND RIGHT-OF-WAY ENGINEERING RELATED TO THE TUSSIC STREET ROAD
RECONSTRUCTION PROJECT:**

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

MODIFICATION AGREEMENT

MODIFICATION AGREEMENT made and entered into this 17TH day of November 2003, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **E.L. Robinson Engineering Co.**, hereinafter designated as **SECOND PARTY**.

THIS MODIFICATION AGREEMENT herein after modifies the original agreement dated **December 3, 2001**, by and between the **DELAWARE COUNTY COMMISSIONERS and E.L. Robinson Engineering Co.**

That said **FIRST AND SECOND PARTY**, hereby agree to increase the current contract amount of **\$562,469.00** ("**Basic Services Task**" \$275,244.00; "**Contract Modification #1**" 287,225) by **\$94,560.00** for additional Design and Right-of-Way engineering related to the Tussic Street Road Reconstruction project, and deemed necessary by the Delaware County Engineer. The revised contract amount is, therefore, increased to a **TOTAL** of **SIX HUNDRED FIFTY SEVEN THOUSAND, TWENTY-NINE DOLLARS AND ZERO CENTS, (\$657,029.00)** to be paid as specified in the terms of the original agreement.

Said Consultant further agrees to perform the said work promptly, in a skillful and competent manner in accordance with the normally accepted standards, under the direction of the Delaware County Engineer's Office. A time extension is hereby granted to December 31, 2003 for completion of the Engineering plans at which time all work shall be complete and submitted to The Delaware County Engineer's Office.

The consultant hereby agrees to hold the County harmless from loss, damage, injury, or liability arising directly from the negligent acts or omissions of the Consultant, its employees, agents, subcontractors, and their employees and agents' subcontractors and their employees agents but only to the extent that the same is actually covered and paid under their foregoing policies of insurance.

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

UPDATE ON NPDES PHASE II STORMWATER PROGRAM IMPLEMENTATION

There being no further business the meeting adjourned.

Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners