

COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 24, 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
Absent: James D. Ward

RESOLUTION NO. 03-1500

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

It was moved by Mr. Jordan, seconded by Mrs. Martin to adjourn into Executive Session at 8:00AM.

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

RESOLUTION NO. 03-1501

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

PUBLIC COMMENT

RESOLUTION NO. 03-1502

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 20, 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 November 20, 2003 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 03-1503

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1121:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve payment of warrants in batch numbers CMAPR1121 and Purchase Orders and Vouchers as listed below:

PO's

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Increases			
Kindercare Neverland	Child Care	22411606-5348	\$ 22,000.00
Buckeye Ranch Inc.	Cluster	22511608-5342	\$ 20,700.00
Vouchers			
Del Co. Health Dept	Wellness Program	22411601-5301	\$ 10,431.39
Upper Valley Medical Center	Cluster	22511608-5342	\$ 8,016.00
State of Ohio Treasurer	Discharge Fee	65211919-5380	\$ 5,600.00
State of Ohio Treasurer	Discharge Fee	65211919-5380	\$ 5,200.00

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

RESOLUTION NO. 03-1504

IN THE MATTER OF ADOPTING RESOLUTION OF CONGRATULATIONS TO SEAN DAVID ROOKS UPON EARNING HIS EAGLE SCOUT AWARD:

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

WHEREAS, Sean David Rooks has been a member of Boy Scout Troop # 318; and

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WHEREAS, Sean David Rooks 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 Sean David Rooks on earning the Eagle Scout Award.

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby officially congratulates Sean David Rooks 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 Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Absent

RESOLUTION NO. 03-1505

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Court of Common Pleas is requesting that Mark Taglione attend a Managing Sex Offender's Computer Use Course in Golden, Colorado January 21 to 22, 2004, at the cost of \$1,005.00.

The Department of Job and Family Services is requesting to reimburse Jacqueline Culbertson for attending a Quarterly Fiscal Meeting in Pickway County, Ohio, at the cost of \$10.00.

Juvenile Court is requesting that Judge Kenneth Spicer attend a Juvenile Court Judges Winter Seminar in Newark, Ohio December 11, 2003, at the cost of \$50.00.

Juvenile Court is requesting that Lisa Risinger and Mary Cagnina attend a Training on Supporting and Nurturing Girls in Westerville, Ohio December 2, 2003, at the cost of \$100.00.

The Auditor's Office is requesting an increase to the previously approved travel request for the County Auditor's Winter Conference in the amount of \$290.00 (county car was not available and new employee Mark Potts registration).

The Administrative Services Department is requesting that Steve Savon attend an Electrical Safety Training in Columbus, Ohio December 2 to 5, 2003, at the cost of \$40.00.

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

RESOLUTION NO. 03-1506

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, HARRISON W. SMITH JR., REQUESTING ANNEXATION OF 48.44 ACRES OF LAND IN ORANGE TOWNSHIP TO THE CITY OF COLUMBUS:

It was moved by Mr. Jordan, seconded by Mrs. Martin to acknowledge that on November 20, 2003, the Clerk to the Board of Commissioners received an annexation petition request to annex 48.44 acres from Orange Township to the City of Columbus.

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

RESOLUTION NO. 03-1507

IN THE MATTER OF APPROVING A NEW LIQUOR LICENSE REQUEST FROM THOMAS AND KING INC. DBA APPLEBEES NEIGHBORHOOD BAR AND GRILL 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 Liberty Township Trustees that Thomas and King Inc. DBA Applebees Neighborhood Bar and Grill has requested a new D5I permit located at 9762 Sawmill PKY Liberty TWP Powell, Ohio 43065, and

Whereas, the Liberty 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

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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 Absent Mr. Jordan Aye Mrs. Martin Aye

RESOLUTION NO. 03-1508

IN THE MATTER OF APPROVING DITCH MAINTENANCE PETITIONS FOR SCIOTO RESERVE SECTION 4, PHASE 11, PARTS A & B AND VILLAGES OF OAK CREEK PHASE 12:

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

Ditch Maintenance Petition- Scioto Reserve Section 4, Phase 11, Parts A & B

We the undersigned owners of 20.69 acres in Concord Township, Delaware County, Ohio propose to create a subdivision known as **Scioto Reserve Section 4, Phase 11, Parts A & B** 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 **Scioto Reserve Section 4, Phase 11, Parts A & B** Subdivision.

The cost of the drainage improvements is \$224,849.85 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. Fifty-Six (56) 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, \$2344.84 per lot. An annual maintenance fee equal to 2% of this basis \$46.90 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 \$2,626.23 has been paid to Delaware County.

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

Ditch Maintenance Petition-Villages Of Oak Creek Phase 12

We the undersigned owners of 8.32 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **Villages Of Oak Creek Phase 12** 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 **Villages Of Oak Creek Phase 12** Subdivision.

The cost of the drainage improvements is \$18,298.00 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. Twenty-nine (29) 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, \$630.37 per lot. An annual maintenance fee equal to 2% of this basis \$12.62 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 \$365.96 has been paid to Delaware

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County.

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

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

RESOLUTION NO. 03-1509

IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENTS FOR ESTATES OF GLEN OAK SECTION 4; VINMAR FARMS SECTION 1 AND VILLAGE AT SCIOTO RESERVE:

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

Estates Of Glen Oak Section 4

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT made and entered into this 24th day of November 2003, by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **DOMINION HOMES**, hereinafter called the **SUBDIVIDER**, as evidenced by the Pre-Grading Plan for "**ESTATES OF GLEN OAK SECTION 4**" which was approved by the County Engineer, hereinafter called the **PLAN**, is governed by the following considerations, to wit:

1. The **SUBDIVIDER** is to perform said work 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** shall deposit **THIRTY-FIVE THOUSAND NINE HUNDRED DOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **SUBDIVIDER** shall replenish the account, upon notice by the **Delaware County Engineer**. Upon completion and acceptance of the construction, the remaining amount in the fund shall be returned to the **SUBDIVIDER**.
4. The **SUBDIVIDER** is to complete all work to the satisfaction of the **COUNTY**.
5. 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.
6. 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**".
7. 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.
8. 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**.
9. 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**.
10. 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.

Vinmar Farms Section 1

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT executed on this 24th day of November 2003, between **DOMINION HOMES**, as evidenced by the **VINMAR FARMS SECTION 1** Construction plans filed with the **Delaware County Engineer**, Delaware County, Ohio and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** is governed by the following considerations, 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** shall, at the time of plat approval, execute bond, certified check, irrevocable letter of credit or other approved financial warranties equal to the cost of any remaining construction as shown in the Engineer's Estimate approved 11/12/03, 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 all improvements.

The **SUBDIVIDER** shall indemnify and save harmless the **County, Townships and/or Villages** and all of their officials, employees or 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

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of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method 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 year from the date of the approval of said subdivision by the **COUNTY COMMISSIONERS**. But an 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 plans and specifications and shall have the 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.

If no bonding or performance surety has been filed, then no subdivision plat will be approved until a performance bond has been approved or until all public improvements have been made. In either case, the **SUBDIVIDER** further agrees that any violations or non-compliance 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.

If a subdivision plat has been approved with the necessary bonding, then the **COUNTY** shall have the right to act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

ROADWAY AND STORM DRAINAGE

It is further agreed that upon execution of the **AGREEMENT**, the **SUBDIVIDER** shall deposit **FORTY-TWO THOUSAND TWO HUNDRED FORTY DOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer** and, if deemed necessary by the **Delaware County Engineer**, testing by an independent laboratory. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **SUBDIVIDER** shall replenish the account, upon notice by the **Delaware County Engineer**. Upon completion and acceptance of the construction, the remaining amount in the fund shall be returned to the **SUBDIVIDER**, with the exception of a nominal amount for the final inspection at the end of the maintenance period.

The **County** reserves the right during construction and thereafter to permit connection of adjoining properties within the original drainage basin to the storm sewer system.

Upon completion of construction, the **SUBDIVIDER** shall be responsible for the maintenance, repair or reconstruction of any and all defective materials or workmanship for a period of one year. Said **SUBDIVIDER'S** bond or certified check or irrevocable letter of credit may be reduced to an amount estimated by the **County Engineer** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer's** satisfaction. All work is to be done in accordance to the **Ohio Department of Transportation Specifications**.

Acceptance of the roads and drainage structures in said subdivision into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **SUBDIVIDER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

Any snow and ice removal or other safety requirements deemed necessary by the **County Engineer** during the period of construction or maintenance shall be the responsibility of the **SUBDIVIDER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

CONSTRUCTION

The **SUBDIVIDER** shall, within thirty (30) days following the completion of construction and prior to final acceptance, furnish to **Delaware County**, as required, "as-built" drawings of the improvements, which plans shall become the property of the **County** and remain in the office of the **Delaware County Engineer**.

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 material incident to said construction of improvements.

The **SUBDIVIDER** shall, during 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 the improvements and for their continued operation. The **SUBDIVIDER** shall be responsible for all utility charges and installation costs. 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 **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **SUBDIVIDER** or his agent the right and privilege to make the improvements stipulated herein.

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SUBDIVIDER'S AGREEMENT

THIS AGREEMENT made and entered into this 24th day of November 2003, by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **VILLAGE COMMUNITIES**, hereinafter called the **SUBDIVIDER**, as evidenced by the Engineering and Construction Plan entitled "**VILLAGE AT SCIOTO RESERVE**" 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 **FORTY-FOUR THOUSAND NINE HUNDRED DOLLARS** 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 **THREE THOUSAND SIX HUNDRED DOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **SUBDIVIDER** shall replenish the account, upon notice by the **Delaware County Engineer**. Upon completion and acceptance of the construction, the remaining amount in the fund shall be returned to the **SUBDIVIDER**.
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, 2004**.
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. **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. 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**.
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. Jordan Aye Mrs. Martin Aye Mr. Ward Absent

RESOLUTION NO. 03-1510

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR NORTH ORANGE SECTION 2, PHASE 2, PARTS 1&2 AND WEDGEWOOD PLACE SECTION 2:

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

North Orange Section 2, Phase 2, Parts 1&2

The roadways to be accepted are as follows:

- An addition of 0.40 mile to **Township Road Number 1351, Overland Trail**
- **Tack Court**, to be known as **Township Road Number 1380**
- **Harness Way**, to be known as **Township Road Number 1381**
- **Wayside Avenue**, to be known as **Township Road Number 1382**
- **Coachmen Lane**, to be known as **Township Road Number 1383**
- **Hickock Court**, to be known as **Township Road Number 1384**
- **Cody Lane**, to be known as **Township Road Number 1385**

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

Wedgewood Place Section 2

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The roadways to be accepted are as follows:

- An addition of 0.04 mile to **Township Road Number 699, Manchester Drive**
- An addition of 0.04 mile to **Township Road Number 732, Delwood Drive**
- **Dexter Court**, To be known as **Township Road Number 1386**

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

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

RESOLUTION NO. 03-1511

IN THE MATTER OF APPROVING A CORRECTION TO THE NAME OF ROAD NUMBER 1366 IN WOODLAND HALL SECTION 1:

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

Woodland Hall Section 1

On August 25, 2003, your Board approved the acceptance of Township Road Number 1366 as Red Emerald Way for the above referenced project. It has come to The Engineering staff's attention that the name was changed prior to the actual recording of the plat to Pillion Way. The Engineer is, therefore, requesting that your journals be changed to show the name of **Township Road Number 1366 to be Pillion Way**. He also request a change in the established stop conditions to show a stop condition established on Township Road Number 1366, Pillion Way, at its intersection with Township Road Number 1364, Woodland Hall Drive. The Liberty Township Trustees should also be notified of this change.

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

RESOLUTION NO. 03-1512

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR NORTH ORANGE SECTION 2, PHASE 2, PARTS 1&2 AND WEDGEWOOD PLACE SECTION 2:

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

Stop Conditions –North Orange Section 2, Phase 2, Parts 1&2

- On Township Road Number 1380, Tack Court, at its intersection with Township Road Number 1351, Overland Trail
- On Township Road Number 1381, Harness Way, at its intersection with Township Road Number 1351, Overland Trail
- On Township Road Number 1382, Wayside Avenue, at its intersection with Township Road Number 1351, Overland Trail
- On Township Road Number 1383, Coachmen Lane, at its intersection with Township Road Number 1351, Overland Trail
- On Township Road Number 1384, Hickock Court, at its intersection with Township Road Number 1351, Overland Trail
- On township Road Number 1385, Cody Lane, at its intersection with Township Road Number 1384, Hickock Court

Stop Conditions –Wedgewood Place Section 2

- On Township Road Number 1386, Dexter Court, at its intersection with Township Road Number 699, Manchester Drive

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

RESOLUTION NO. 03 -1513

IN THE MATTER OF APPROVING THAT ACTION BE TAKEN AGAINST THE BOND OF HOMEWOOD CORPORATION FOR CONSTRUCTION OF CROSS CREEK SECTION 2, PHASE B:

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

Cross Creek Section 2, Phase B

In April, 2002, your Board entered into an Agreement with Homewood Corporation for the above referenced

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project. In July of this year, a Pre-final Punchlist was sent to Homewood, outlining the items remaining to complete the construction of this project. On November 6, 2003, a letter was sent via Certified Mail, advising of the items still outstanding to complete the project to avoid action against their maintenance bond. As of this date Homewood has still failed to complete the remaining remedial items. As their bond is due to expire December 3, 2003, The Engineer ask approval to take action against their surety should they fail to complete these items by that date.

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

RESOLUTION NO. 03 -1514

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
U03178	Del-Co Water	Penry Road	Install road bore
U03179	Columbia Gas	Daventry Lane	Install gas main
U03181	American Electric Power	Windbrush Avenue	Push conduits

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

RESOLUTION NO. 03-1515

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR CORRUGATED METAL PIPE MATERIALS; CORRUGATED POLYETHYLENE TUBING & PIPE MATERIALS (INCLUDING SMOOTH LINED PIPE); OHIO DEPARTMENT OF TRANSPORTATION ITEM 606 GUARDRAIL ITEMS; CRUSHED LIMESTONE MATERIAL ITEMS AND SS921 COLD MIX; VARIOUS SIZES, LENGTHS AND SHAPES OF REINFORCING STEEL FOR CONCRETE REINFORCEMENT; REINFORCED CONCRETE PIPE MATERIALS; VARIOUS ROLLED STEEL SHAPES; VARIOUS SIZES AND LENGTHS OF TREATED WOOD FOR BRIDGE FLOORING AND READY MIX CONCRETE:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve specifications and set bid opening date and time for **Monday, December 15, 2003, at 10:00 AM (50 Channing Street, Delaware, Ohio 43015)** for the above mentioned items.

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

RESOLUTION NO. 03-1516

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR HAULING TO VARIOUS JOBSITES FROM ESTABLISHED SOURCES FOR THE YEAR 2004:

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

Sealed proposals will be received by the **Delaware County Engineer at 50 Channing Street, Delaware, Ohio 43015 until 10:00 a.m. local time on Monday, December 15, 2003** for hauling to various jobsites from established sources for the year 2004, and at said time and place, publicly opened and read aloud. Contract Documents, Bid Sheets and Specifications can be obtained at the **Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015.**

Each Proposal must contain the full name of the party or parties submitting the Proposal and all persons interested therein as well as submit evidence of Bidder's experiences on projects of a similar nature.

The Delaware County Commissioners reserve the right to waive irregularities and to reject and or all bids.

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

RESOLUTION NO. 03-1517

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR SEEDING AND MULCHING:

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

Sealed bids will be received by the **Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015 for Seeding and Mulching.** Said bid shall be based upon unit price sheet. The County reserves the right to make non-exclusive bid awards. Bids will be received at **10:00 a.m. on Monday, December 15, 2003,** at

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which time said bids shall be opened for review. Bids shall be awarded at the discretion of the Delaware County Commissioners, and all bidders shall be notified accordingly.

All work and materials shall meet the Specifications which may be obtained at the Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015.

Bids shall be submitted in a sealed envelope and marked **SEALED BID FOR SEEDING AND MULCHING**.

This Invitation to Bid is hereby a part of the specifications. The Delaware County Commissioners reserve the right to reject any and/or all bids.

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

RESOLUTION NO. 03-1518

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR VARIOUS SIZES OF 3-SIDED FLAT TOPPED PRECAST CONCRETE CULVERTS; VARIOUS SIZES OF 3-SIDED ARCH TOPPED PRECAST CONCRETE CULVERTS; VARIOUS SIZES OF 4-SIDED PRECAST CONCRETE BOX CULVERTS AND GALVANIZED STEEL BEAM BRIDGE, (DESIGN/BUILD):

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve specifications and set bid opening date and time for **Monday, December 15, 2003, at 10:00 AM (50 Channing Street, Delaware, Ohio 43015)** for the above mentioned items.

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

DELAWARE GENERAL HEALTH DISTRICT

RESOLUTION NO. 03-1519

IN THE MATTER OF ADOPTING A RESOLUTION TO PLACE A SEVEN TENTHS OF ONE MILL TAX LEVY REPLACEMENT ON THE MARCH 2, 2004, PRIMARY ELECTION BALLOT FOR THE BENEFIT OF THE DELAWARE GENERAL HEALTH DISTRICT PURSUANT TO OHIO REVISED CODE SECTION 3709.29:

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

WHEREAS, the residents of Delaware County did in 1994, approve a seven tenths of one mill tax levy to provide sufficient funds for the Board of Health to carry out health programs of the health department for a period of ten years, and

WHEREAS, the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of said Delaware General Health District; and

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Delaware County, Ohio two-thirds vote of all the members elected thereto concurring that it is necessary to levy a tax in excess of the ten mill limitation for the benefit of The Delaware General Health District for the purpose of providing The Delaware General Health District with sufficient funds to continue services including the control of communicable disease, protecting the health of infants, children, adults, and the elderly, environmental and food safety, nursing services, health and AIDS education at a rate not exceeding seven tenths mills for each one dollar of valuation, which amounts to 7 cents for each one hundred dollars of valuation for ten years. Such levy being a replacement of an existing levy.

BE IT FURTHER RESOLVED, that the question of levying a replacement levy be submitted to the electors of Delaware County at the Primary Election to be held at the usual voting places within the County of Delaware on the 2nd day of March 2004,

FURTHER BE IT FURTHER RESOLVED, that said levy be placed upon the tax list of the current year after the February settlement next succeeding the election if the majority of electors voting thereon vote in favor thereof

BE IT FURTHER RESOLVED, that the Clerk of this Board of County Commissioners be and hereby is directed to certify a copy of this Resolution to the Board of Elections, Delaware County, Ohio not less than seventy-five (75) days before the election upon which it will be voted and notify said Board of Elections to cause notice of election on the question of levying said tax to be given as required by law.

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

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RESOLUTION NO. 03-1520

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS ARLEEN SUNKLE, KIMBERLY REA, CHRIS GREENWALT, KIDS ACADEMY AND 3 ENCHANTED CARE LEARNING CENTERS:

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

Child Care		Basic Rates Full Time (25 Hrs. or More)	Part Time Rates	Adjustment to Basic Rates
Arleen Sunkle 165 Fair Ave. Delaware, Ohio 43015	Infant Toddler Preschool Schoolage	\$2.75 \$2.75 \$2.50 \$2.50		None
Kimberly Rea 8582 Mink St. Rd. Ostrander, Ohio 43061	Infant Toddler Preschool Schoolage	\$2.75 \$2.75 \$2.50 \$2.50		None
Chris Greenwalt 302 Water Street Cardington, Ohio 43315	Infant Toddler Preschool Schoolage	\$2.50 \$2.50 \$2.50 \$2.50		None
Kids Academy 1012 High Street Worthington, Ohio 43085	Infant Toddler Preschool	\$152.00 \$131.00 \$114.00	\$102.00 \$ 88.00 \$ 76.00	\$25.00 Registratio n Fee
Enchanted Care Learning Center 7810 Graphics Way Lewis Center, Ohio 43035	Infant Toddler Preschool Schoolage	\$138.00 \$123.00 \$108.00 \$100.00	\$ 93.00 \$ 82.00 \$ 72.00 \$ 67.00	\$25.00 Registratio n Fee
Enchanted Care Learning Center 160 E. Olentangy St. Powell, Ohio 43065	Infant Toddler Preschool Schoolage	\$138.00 \$123.00 \$108.00 \$100.00	\$ 93.00 \$ 82.00 \$ 72.00 \$ 67.00	\$25.00 Registratio n Fee
Enchanted Care Learning Center 4370 Dale Dr. Dublin, Ohio 43016	Infant Toddler Preschool Schoolage	\$152.00 \$131.00 \$114.00 \$103.00	\$102.00 \$ 88.00 \$ 76.00 \$ 69.00	\$25.00 Registratio n Fee

(A Copy of each of these contacts is available in the Commissioners' Office until no longer of Administrative Value).

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

RESOLUTION NO. 03-1521

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLAN FOR GLEN OAK SECTION 4:

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve sanitary sewer plan for Glen Oak Section 4 for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 03-1522

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

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James Little has resigned his position with the Department of Job and Family Services; effective date December 19, 2003.

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

RESOLUTION NO. 03-1523

IN THE MATTER OF APPROVING A SHORT TERM ADVANCE TO THE DAY REPORTING GRANT:

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

Transfer of Funds		Amount
10011102-5850	25822305-4650	\$18,758.00
Commissioners General/Advances	Day Report Grant/Short Term Advance	

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

RESOLUTION NO. 03-1524

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Jordan, seconded by Mrs. Martin to adjourn into Executive Session at 9:10AM.

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

RESOLUTION NO. 03-1525

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mrs. Martin to adjourn out of Executive Session at 9:15AM.

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

RESOLUTION NO. 03-1526

IN THE MATTER OF ADOPTING A RESOLUTION TO DIRECT THE DELAWARE COUNTY PROSECUTOR'S OFFICE TO PURSUE LEGAL ACTION REGARDING JONG JIN CHOI:

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

WHEREAS, the Delaware County Department of Job and Family Services has permanent custody of Jong Jin Choi through a Planned Permanent Living Arrangement; and

WHEREAS, Delaware County has a subrogation interest in any direct judgments rendered in respect of Choi's injuries;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Delaware County, Ohio, two-thirds vote of all the members elected thereto concurring that the Delaware County Prosecutor's office is directed to take any legal action necessary to protect Delaware County's interest relating to Jong Jin Choi.

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

There being no further business the meeting adjourned.

Kristopher W. Jordan

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Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners