

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 20, 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

**PUBLIC COMMENT**

**RESOLUTION NO. 03-1357**

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

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

**RESOLUTION NO. 03-1358**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1017:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR1017 and Purchase Orders and Vouchers as listed below:

**PO's**

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
John & Leann Hartung	Adoption Subsidy	22511607-5350	\$ 6,500.00
Regional Planning	Sewer Master Plan	65211919-5301	\$ 5,013.72
Regional Planning	Sewer Master Plan	65211905-5301	\$ 5,195.46
<b>Increases</b>			
US Filter	Bioxide Chemical	65211919-5290	\$ 6,500.00
The Dispatch Printing Company	Advertisements	10011108-5312	\$ 3,000.00
The Marion Star	Advertisements	10011108-5312	\$ 1,500.00
Scott, Scriven & Wahoff	Legal Services	10011108-530130107	\$ 5,000.00
Scott, Scriven & Wahoff	Legal Services	75110902-530130107	\$ 10,000.00
<b>Vouchers</b>			
Ben Bro Enterprises	Bldg/Land Rental	10011105-533533502	\$ 14,625.00
US Filter	Bioxide Chemical	65211919-5290	\$ 6,994.75
US Filter	Bioxide Chemical	65211905-5290	\$ 6,980.75
AEP	Electric Scioto Reserve	66011913-5338	\$ 5,515.30

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

**RESOLUTION NO. 03 -1359**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Department of Job and Family Services is requesting that Pam Pruett, Larry Hager and Angela Thomas attend a Performance Management Meeting in Green County, Ohio October 30, 2003.

The Prosecutor's Office is requesting that Candace Garrett attend a Continuing Legal Education Class In Dublin, Ohio October 13, 2003, at the cost of \$262.60.

The Auditor's Office is requesting that Seiji Killi attend a Auditor of State Structure 34 Training in Columbus, Ohio December 3, 2003, at the cost of \$75.00.

Juvenile Court is requesting that Judge Kenneth Spicer attend a National College of Probate Judges Conference in Hilton Head, South Caroline, November 12 to 15, 2003, at the cost of \$1,171.00.

The Commissioners Office is requesting that Dave Cannon attend a CCAO Service Corp Informational Meeting in Butler County October 22, 2003, at no cost.

The Administrative Services Department is requesting that Kevin Williams attend an Ohio Public Employer

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Labor Relations Association Fall Seminar in Mt. Sterling, Ohio November 4, 2003, at the cost of \$161.00.

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

**RESOLUTION NO. 03-1360**

**IN THE MATTER OF APPROVING PLATS FOR SHEFFIELD PARK SECTION 1 PHASE B; WEDGEWOOD SECTION 11 AND SHERMAN LAKES SECTION TWO AND DITCH MAINTENANCE PETITION FOR SHERMAN LAKES SECTION TWO:**

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

**Sheffield Park Section 1 Phase B**

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, In Farm Lot 14, Quarter Township 2, Township 3 North, Range 17 West, United States Military Lands, Containing 38.645 Acres Of Land, More Or Less, And Being 13.898 Acres Of A 31.011 Acre Tract Of Land Conveyed To Centex Homes By Deed Of Record In Official Record 216, Page 1088, 19.144 Acres Of An Original 101.260 Acre Tract Of Land Conveyed To Virginia Homes, Ltd. By Deed Of Record In Official Record 115, Page 565, And 5.603 Acres Of An Original 95.06 Acre Tract Of Land (94.821 Acres By Recent Survey (6.000 Acres Remaining)) Conveyed To Clay R. Rammelsberg By Deeds Of Record In Deed Book 374, Page 509, Deed Book 374, Page 511 And Deed Book 250, Page 285, All References Being To The Recorder's Office, Delaware County, Ohio. Cost \$108.00.

**Wedgewood Section 11**

Situated In The State Of Ohio, County Of Delaware, Township Of Liberty, In Farm Lot 19 And Farm Lot 20, Quarter Township 3, Township 3 North, Range 19 West, United States Military Lands, Containing 33.650 Acres Of Land Conveyed To Virginia Homes Ltd., By Deeds Of Record In Official Record 216, Page 123, Official Record 216, Page 126 And Official Record 216, Page 129, All References Being To The Recorder's Office, Delaware County, Ohio. Cost \$123.00.

**Sherman Lakes Section Two**

Situated In The State Of Ohio, County Of Delaware, Township Of Berlin, Being Part Of Farm Lot 31 And Farm Lot 32, Section 1, Township 4, Range 18, United States Military Lands, Being 42.816 Acres Of The Land Conveyed To T & R Land Development Company As Recorded In ORV 385, Page 563, ORV 385, Page 565, ORV 385, Page 567, ORV 385, Page 569, ORV 385 Page 574 And ORV Page 385 Page 976 Recorder's Office Delaware County, Ohio Of Which 12.732 Acres Are In Farm Lot 31 And 30.084 Acres Are In Farm Lot No. 32. Cost \$243.00

**Ditch Maintenance Petition- Sherman Lakes Section Two**

We the undersigned owners of 42.8 acres in Berlin Township, Delaware County, Ohio propose to create a subdivision known as Sherman Lakes Section Two 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 Sherman Lakes Section Two Subdivision.

The cost of the drainage improvements is \$254,130.40 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. Eighty-two (82) 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, \$3,099.15 per lot. An annual maintenance fee equal to 2% of this basis \$61.98 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 \$5,082.36 has been paid to Delaware 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            Aye

**RESOLUTION NO. 03-1361**

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**IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENT FOR WEDGEWOOD PARK 2, PHASES A&B:**

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

**Wedgewood Park 2, Phases A&B**

**SUBDIVIDER'S AGREEMENT**

**THIS AGREEMENT** executed on this 20<sup>th</sup> day of October 2003, between **VIRGINA HOMES**, as evidenced by the **WEDGEWOOD PARK 2, PHASES A&B** 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 8/6/03, 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 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 **SIXTY-FIVE THOUSAND 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**

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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.

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

**RESOLUTION NO. 03-1362**

**IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR ESTATES OF GLEN OAK SECTION 1, PHASE A; ESTATES OF GLEN OAK SECTION 1, PHASE B; WEDGEWOOD SECTION 11 AND SCIOTO RESERVE SECTION 4, PHASE 10:**

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

**Estates of Glen Oak Section 1, Phase A**

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer's 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 **\$34,590.38** for the duration of the one year maintenance period. A Bond in that amount is available. He also request approval to return the Bond being held as construction surety to the developer, Dominion Homes.

**Estates of Glen Oak Section 1, Phase B**

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer's 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 **\$20,389.65** for the duration of the one year maintenance period. A Bond in that amount is available. He also request approval to return the Bond being held as construction surety to the developer, Dominion Homes.

**Wedgewood Section 11**

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer's 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 **\$98,846** for the duration of the one year maintenance period. A Letter of Credit in that amount is available. **Scioto Reserve Section 4, Phase 10**

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer's 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 **\$73,660** 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,

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Home Road Ltd.

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

**RESOLUTION NO. 03-1363**

**IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR SHERMAN LAKES SECTION 2:**

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

**Sherman Lakes Section 2**

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 **\$547,000** and a Letter of Credit in that amount is available to cover the bonding of this project.

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

**RESOLUTION NO. 03-1364**

**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
U03154	Columbia Gas	Eagle Trace 3A	Install gas main
U03156	Columbia Gas	Sherman Lakes	Install gas main
U03157	Columbia Gas	Maxtown Road	Tie into existing gas main
U03158	Suburban Natural Gas	Winding Creek Estates Section 4	Install gas main
U03159	Suburban Natural Gas	Willow Springs North Section 2	Install gas main
U03160	Sprint	Gorsuch Road	Bury telephone cable

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

**RESOLUTION NO. 03-1365**

**IN THE MATTER OF ACCEPTING ADDITIONS TO THE DITCH INSPECTION REPORT FOR 2003 AND ESTABLISHING PERCENTAGE OF MAINTENANCE ASSESSMENTS FOR 2004:**

It was moved by Mr. Jordan, seconded by Mrs. Martin to accept the 2003 Ditch Inspection Report and establish percentage of maintenance assessments for 2004, as follows:

**COUNTY 2004 TAXES**

Ditch Name	Ditch #	Percent
Harvest Winds Ph 7 Sec 2 Pt 1	0301	2%
North Orange Sec 2 Ph 2	0302	2%
Sheffield Park Sec 1 A & B	0303	2%
River's Edge at Alum Creek Sec 2	0304	2%
North Point Meadow Sec 1	0305	2%
Scioto Reserve Sec 4 Ph 10	0306	2%
McCammon Chase 1-3	0307	2%
Willow Bend Sec 2	0308	2%
Glen Oak Sec 2 A & B	0309	2%
Woodland Glen	0310	2%
The Lakes at Silverleaf	0311	2%
Orange Twp & Park Place Village	0312	2%
Grand Oak Sec 2	0314	2%
Hidden Cove	0315	2%
Zimmerman	0317	5%
Wilson-Rosso-Lowe	0318	10%
Delaware Run	0319	5%

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

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**RESOLUTION NO. 03-1366**

**IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR EMERGENCY SERVICES:**

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

**TRANSFER OF APPROPRIATIONS**

FROM	TO	AMOUNT
21411306-5325 911/Maintenance Contracts and Agreements	21411306-5260 911/Materials and Supplies	\$ 5,500.00
40211408-5333 EMS Cap Imp 911Consolidation/Services and Charges	40211408-5260 Materials and Supplies	\$ 5,000.00

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

**RESOLUTION NO. 03-1367**

**IN THE MATTER OF AUTHORIZING THE ACCEPTANCE AND AWARDING OF THE BID AND APPROVING THE CONTRACT SUBMITTED BY OHIO TECHNICAL, INC., FOR DCHIP PRIVATE HOUSING REHABILITATION:**

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

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

WHEREAS, Delaware Revolving Loan Fund would provide funding for the rehabilitation of privately owned and rental housing units for the benefit of eligible Low-Moderate Income (LMI) households throughout the County under the Delaware Comprehensive Housing Improvement Program (DCHIP) for the purpose of addressing these needs; and

WHEREAS, Delaware County is requesting up to \$350,000 in County RLF funds to be used for rehabilitation of 7 units for Private Rehab and 3 units for Rental Rehab, and \$5,000 in Program Income to be use for Testing and Relocation, for the DCHIP Program.

WHEREAS, Ohio Technical Services, Inc., 1161 Rarig Avenue., Columbus, Ohio has submitted a bid to perform housing rehabilitation construction services at the residential property located at 19 Vine St., Ashley, Ohio in the amount of \$34,770 consistent with the requirements of the Delaware County DCHIP.

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 Steve Garnack, Housing Rehab Specialist, and the homeowner has determined that on the basis of price and experience, Ohio Technical Services, Inc, has submitted the lowest and best bid to provide housing rehabilitation construction services for the DCHIP consistent with the approved plans and specifications for the rehabilitation of the property located at 19 Vine St., Ashley, Ohio.

Section 2. That the Board of Commissioners authorizes the President of the Board to execute an agreement concurring in the awarding of a contract for housing rehabilitation construction services with Ohio Technical Service, Inc.. for the DCHIP in the amount of Thirty-Four Thousand and Seven Hundred Seventy Dollars (\$34,770.00).

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

Contract on file at Delaware Economic Development Department

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

**RESOLUTION NO. 03 -1368**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY ECONOMIC DEVELOPMENT INFRASTRUCTURE (FORMERLY ROADWAY) FUNDS TO ASSIST IN FUNDING THE VILLAGE OF SUNBURY'S PROPOSED U.S. ROUTE 36 / STATE ROUTE 37 AND KINTNER PARKWAY CORRIDOR TRAFFIC STUDY:**

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

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WHEREAS, the economic activity within the Sunbury Industrial Park is recognized as a major element of the County's economic base; and

WHEREAS, the Village of Sunbury is anticipating the need for certain roadway intersection infrastructure improvements at U.S. Route 36 / State Route 37 and Kintner Parkway at the entrance to the Sunbury Industrial Park to improve public safety, improve truck and vehicular access to and from said Industrial Park, and to promote economic development in the Village and County; and

WHEREAS, Oberfield's Inc. has proposed an expansion project in the Sunbury Industrial Park that is estimated to result in \$3,500,000 in new real property improvements, \$2,000,000 in new personal property investment, and the creation of between 5 – 10 new full-time equivalent job opportunities; and

WHEREAS, said Oberfield's Inc. expansion project would not be constructed without the construction of said roadway intersection infrastructure improvements; and

WHEREAS, the Village of Sunbury is in the process of authorizing a Traffic Study of the U.S. Route 36 / State Route 37 Corridor between Domigan Road / Carter's Corner Road and Miller Drive in the Village of Sunbury, to be prepared by EMH&T, Inc. in order to determine the need for, the extent of, and costs associated with future roadway intersection infrastructure improvements in the vicinity of Kintner Parkway at the entrance to the Sunbury Industrial Park; and

WHEREAS, the Village of Sunbury, various businesses in the Industrial Park, and the Delaware County Economic Development Department have coordinated efforts in order to devise a financing structure to fund said Traffic Study; and

WHEREAS, Delaware County has established an Economic Development Infrastructure (formerly Roadway) Fund capitalized with the payback from various economic development projects, to assist in the funding of public infrastructure projects that significantly promote economic growth and development within the County.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED, by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the Delaware County Board of Commissioners hereby authorizes the proposed use of Economic and Community Development Infrastructure funds as a grant in an amount not to exceed \$6,000, to assist in funding the proposed Traffic Study of the U.S. Route 36 / State Route 37 Corridor between Domigan Road / Carter's Corner Road and Miller Drive in the Village of Sunbury, to be prepared by EMH&T, Inc. in order to determine the need for, the extent of, and costs associated with future roadway intersection infrastructure improvements in the vicinity of Kintner Parkway at the entrance to the Sunbury Industrial Park.

Section 2. That said Economic and Community Development Infrastructure grant is contingent upon the Village of Sunbury entering into an Economic and Community Development Infrastructure grant agreement with the Delaware County Board of Commissioners.

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

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

**RESOLUTION NO. 03 -1369**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY ECONOMIC AND COMMUNITY DEVELOPMENT INFRASTRUCTURE (FORMERLY ROADWAY) FUNDS TO ASSIST IN FUNDING THE VILLAGE OF SUNBURY'S PROPOSED INTERSECTION IMPROVEMENTS AT THE U.S. ROUTE 36 / STATE ROUTE 37 AND KINTNER PARKWAY ENTRANCE TO THE SUNBURY INDUSTRIAL PARK:**

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

WHEREAS, the economic activity within the Sunbury Industrial Park is recognized as a major element of the County's economic base; and

WHEREAS, the Village of Sunbury is considering certain roadway intersection infrastructure improvements at U.S. Route 36 / State Route 37 and Kintner Parkway at the entrance to the Sunbury Industrial Park to improve public safety, improve truck and vehicular access to and from said Industrial Park, and to promote economic development in the Village and County; and

WHEREAS, Oberfield's Inc. has proposed an expansion project in the Sunbury Industrial Park that is estimated to result in \$3,500,000 in new real property improvements, \$2,000,000 in new personal property investment, and between 5 – 10 new full-time equivalent job opportunities; and

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WHEREAS, said Oberfield’s Inc. expansion project would not be constructed without the construction of said roadway intersection infrastructure improvements; and

WHEREAS, the Village Engineer for Sunbury has provided a preliminary estimate that said infrastructure improvements, including design, plans, specifications, profile, bidding documents, materials and labor will cost approximately \$350,000; and

WHEREAS, the Village of Sunbury, various businesses in the Industrial Park, and the Delaware County Economic Development Department have coordinated efforts in order to devise a proposed financing structure to fund said improvements; and

WHEREAS, Delaware County has established an Economic Development Infrastructure (formerly Roadway) Fund capitalized with the payback from various economic development projects, to assist in the funding of public infrastructure projects that significantly promote economic growth and development within the County.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED, by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the Delaware County Board of Commissioners hereby approves the proposed use of Economic and Community Development Infrastructure funds as a future grant to fund up to 19% of the total cost, in an amount not to exceed \$65,000, of the public intersection roadway improvements associated with the U.S. Route 36 / State Route 37 and Kintner Parkway Project at the entrance to the Sunbury Industrial Park to improve public safety, improve truck and vehicular access to and from said Industrial Park, and to promote economic development in the Village and County.

Section 2. That said Economic and Community Development Infrastructure grant is contingent upon the Village of Sunbury and Oberfield’s, Inc. entering into Economic and Community Development Infrastructure grant agreements with the Delaware County Board of Commissioners, with said agreements defining the amount of funding to be provided by the Village of Sunbury, which is estimated to be up to 14%, not to exceed \$50,000, and establish Oberfield’s commitment to locate their proposed economic development project in the Sunbury Industrial Park.

Section 3. That said Economic and Community Development Infrastructure grant is further contingent upon the approval of the Ohio Department of Development and the Delaware County Board of Commissioners of the use of Delaware County Revolving Loan Funds (RLF) to provide up to 17% of the total cost of the U.S. Route 36 / State Route 37 and Kintner Parkway Project, in an amount not to exceed \$60,000, in loan and grant funds to be provided to the Village of Sunbury for the U.S. Route 36 / State Route 37 and Kintner Parkway Project.

Section 4. That said Economic and Community Development Infrastructure grant is further contingent upon the use of special assessments and/or Tax Increment Financing agreements, or other similar economic development programs, between participating Sunbury Industrial Park Businesses and the Village of Sunbury in order to fund up to 50%, in an amount not to exceed \$175,000, in costs associated with the U.S. Route 36 / State Route 37 and Kintner Parkway Project, subject to the review and approval of the Delaware County Board of Commissioners.

Section 5. That this resolution shall take effect and be in force immediately after its passage.

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

**RESOLUTION NO. 03-1370**

**A RESOLUTION AUTHORIZING THE USE OF THE DELAWARE COUNTY REVOLVING LOAN FUND (RLF) FOR ECONOMIC DEVELOPMENT PURPOSES TO ASSIST THE VILLAGE OF SUNBURY WITH THE CONSTRUCTION OF PUBLIC ROADWAY INTERSECTION / INFRASTRUCTURE IMPROVEMENTS AT THE U.S. ROUTE 36 / STATE ROUTE 37 AND KINTNER PARKWAY ENTRANCE TO THE SUNBURY INDUSTRIAL PARK ASSOCIATED WITH THE PROPOSED OBERFIELD’S, INC. EXPANSION PROJECT IN THE VILLAGE OF SUNBURY:**

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

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

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



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WHEREAS, Oberfield’s, Inc. desires to undertake an expansion project in the Sunbury Industrial Park, in the Village of Sunbury, that is estimated to result in \$3,500,000 in new real property improvements, \$2,000,000 in new personal property investment, and between 5 – 10 new full-time equivalent job opportunities, of which a minimum of 51% must be provided to qualifying low-moderate income (LMI) individuals; and

WHEREAS, assistance is required for the construction of public roadway intersection infrastructure improvements at the U.S. Route 36 / State Route 37 and Kintner Parkway entrance to the Sunbury Industrial Park, to support the proposed Oberfield’s Inc. economic development expansion project, and without said assistance the proposed project would not be constructed; and

WHEREAS, such assistance for public infrastructure in support of an economic development project creating significant numbers of new LMI jobs is considered a National Objective under the CDBG Program.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the Delaware County Board of Commissioners authorizes the use of the Delaware County Revolving Loan Fund, through a combination of loan and grant funds, in a total amount up to and not to exceed \$60,000 to assist the Oberfield’s economic development expansion project and the Village of Sunbury with the cost of constructing public roadway intersection infrastructure improvements at the U.S. Route 36 / State Route 37 and Kintner Parkway entrance to the Sunbury Industrial Park in support of said project in the Village of Sunbury.

Section 2. That 50% of the RLF funds used for constructing said public roadway intersection infrastructure improvements, up to \$30,000, shall be provided to the Village of Sunbury in the form of a loan to the Village, and 50% of the RLF funds used for constructing said public roadway intersection infrastructure improvements, up to \$30,000, shall be provided to the Village of Sunbury in the form of a grant to the Village, subject to the Village of Sunbury entering into a RLF Loan / Grant Agreement with the Delaware County Board of Commissioners, and the approval of this RLF loan and grant request by the Ohio Department of Development.

Section 3. Use of these funds is conditioned on Oberfield’s Inc. agreeing to construct their proposed expansion project in the Sunbury Industrial Park, in the Village of Sunbury, and create a minimum of 5 – 10 new full-time permanent jobs as part of the proposed expansion project, with a minimum of 51% of these new jobs to be filled by qualifying LMI individuals, and agreeing to follow all applicable CDBG rules and regulations during the project time period, including environmental review clearance, proper procurement procedures and payment of Federal Prevailing Wage Rates.

Section 4. Use of these funds is conditioned on the Village of Sunbury agreeing to follow all applicable CDBG rules and regulations during the construction of the proposed roadway intersection infrastructure improvements, including environmental review clearance, proper procurement procedures and payment of Federal Prevailing Wage Rates.

Section 5. That this resolution shall take effect and be in force immediately after its passage.

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

**RESOLUTION NO. 03 -1371**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY ECONOMIC DEVELOPMENT PLANNING FUNDS TO ASSIST IN FUNDING THE CITY OF POWELL’S DOWNTOWN REVITALIZATION PLAN / AFFORDABLE HOUSING MARKET STUDY:**

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

WHEREAS, Delaware County completed a Countywide Affordable Housing Market Study in 2002 which, among other recommendations, encouraged the development of more affordable housing in the County, and cooperation with municipalities and townships in the County to attain this goal; and

WHEREAS, Delaware County utilized Economic and Community Development Planning funds to assist in the funding of the Countywide Affordable Housing Market Study; and

WHEREAS, facilitating the economic activity in and efforts to encourage more affordable housing within the Downtown Area of the City of Powell are recognized as strategic economic and Community Development goals by Delaware County; and

WHEREAS, the City of Powell is engaged in Downtown Revitalization Planning for Downtown Powell, with a major emphasis of this planning to be an affordable housing market study of the Downtown, and additional funds are needed to complete this project.

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NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED, by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. That the Delaware County Board of Commissioners hereby authorizes the use of Economic and Community Development Planning funds as a grant in an amount not to exceed \$5,000, to assist in funding the City of Powell Downtown Revitalization Plan in order to further facilitate the economic health of and to determine the viability of more affordable housing within the Downtown Area of the City of Powell.

Section 2. That said Economic and Community Development Infrastructure grant is contingent upon the City of Powell entering into an Economic and Community Development Planning grant agreement with the Delaware County Board of Commissioners.

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

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

**RESOLUTION NO. 03-1372**

**IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR GENOA FARMS SECTION 3 PHASE B; WILSHIRE ESTATES SECTION 6 B AND POWELL PLACE PHASE 4:**

It was moved by Mr. Jordan, seconded by Mrs. Martin to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

<b>Genoa Farms Section 3 Phase B</b>	2,839 feet of 8 inch sewer	11 manholes
<b>Wilshire Estates Section 6 B</b>	0 feet of 8 inch sewer	0 manholes
<b>Powell Place Phase 4</b>	304 feet of 8 inch sewer	1 manholes

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

**RESOLUTION NO. 03-1373**

**IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLAN FOR VILLAS AT WOODCUTTER:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve the sanitary sewer plan for Villas at Woodcutter 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            Aye

**RESOLUTION NO. 03-1374**

**IN THE MATTER OF APPROVING TRANSFER OF FUNDS, APPROPRIATIONS, AND SUPPLEMENTAL APPROPRIATIONS FOR THE WATER RECLAMATION DEPARTMENT:**

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

<b>SUPPLEMENTAL APPROPRIATION</b>		<b>AMOUNT</b>
66011913-5338	Scioto Reserve Pkg./Utilities	\$ 18,000.00
 <b>TRANSFER OF APPROPRIATION</b>		
<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
66011910-5319	66011910-5001	\$ 2,000.00
Hoover Woods/Reimbursements-Refunds	Hoover Woods/Compensation	
66011911-5460	66011911-5001	\$ 500.00
Bentree/Unanticipated Emergencies	Bentree/Compensation	
66011909-5460	66011909-5001	\$ 500.00
Shawnee Square/Unanticipated Emergencies	Shawnee Square/Compensation	

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