

**COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 5, 2004**

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

9:00 AM Executive Session

7:30 PM Public Hearing For Consideration Of A Ditch Petition Filed By Patricia E. Rudolph For The Lake Forest Way Residents Association

8:00 PM Public Hearing To Consider The Replacement Of The Horseshoe Road Bridges, Troy Township, Delaware County

RESOLUTION NO. 04-1

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

It was moved by Mr. Jordan, seconded by Mrs. Martin to adjourn into Executive Session at 9:00AM.

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

RESOLUTION NO. 04-2

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mrs. Martin, seconded by Mr. Jordan to adjourn out of Executive Session at 10:30AM.

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

PUBLIC COMMENT

RESOLUTION NO. 04-3

IN THE MATTER OF APPOINTING FOR YEAR 2004 THE CLERK AND DEPUTY CLERKS FOR THE BOARD OF COMMISSIONERS:

It was moved by Mrs. Martin, seconded by Mr. Jordan to appoint Letha George, Clerk, Jennifer Walraven and Dottie Brown, Deputy Clerks to the Board of Commissioners for the year 2004.

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

RESOLUTION NO. 04-4

IN THE MATTER OF APPROVING RESOLUTION ESTABLISHING MEETING DAYS FOR THE BOARD OF COMMISSIONERS FOR YEAR 2004:

It was moved by Mr. Jordan, seconded by Mrs. Martin that in compliance with Section 121.22 Ohio Revised Code the following Resolution be adopted:

Resolved, that the Delaware County Board of Commissioners, shall meet in regular session at 9:00 AM on Monday and 9:30 AM on Thursday of each week at their Office at 101 N. Sandusky Street, Delaware, Ohio 43015, except when Monday or Thursday is a legal holiday, in which case, said Board of Commissioners shall meet at the scheduled time on the next regular working day thereafter. The Board of County Commissioners shall meet in regular session at 8:00 AM on the second Monday of each month with the Delaware County Prosecutor and shall hold Public Officials meeting the 1st Tuesday of each month at 9:30AM. The Board of County Commissioners shall meet in regular session on the 1st Monday in the month at 7:00 PM with no day session being held. Whenever there is a 5th Monday in the month, the Board of Commissioners will conduct a meeting to be held at night at 7:00 PM with no day meeting to be held. All those wishing to come before the Board must provide the purpose of such and schedule a time with the Clerk of the Board by 5:00 PM on the Wednesday preceding the Monday session and on the Tuesday at Noon preceding the Thursday session. A time will be scheduled during regular session whereas the Board will allow presentation and discussion of any matter not previously scheduled.

It is further Resolved, that notification of all special meetings except those requiring immediate emergency action of the Delaware County Board of Commissioners shall be publicly advertised at least 24 hours in advance by notifying media and posting on internet.

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

RESOLUTION NO. 04-5

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 29, 2003 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mrs. Martin, seconded by Mr. Ward to approve the resolutions and records of the proceedings from regular meeting held December 29, 2003 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 04-6

IN THE MATTER OF APPROVING PLATS FOR HUNTER'S POND AND WESTERVILLE CITY SCHOOLS DEDICATION OF MT. ROYAL AVENUE

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

Hunter's Pond

Situated In The Township Of Berkshire And Berlin, County Of Delaware, State Of Ohio And Being Part Of Farm Lot 2, West Tier, Q-T 2, T4 , R 17, And Being Part Of Farm Lot 2 Of Quarter Township 1, Township 4, Range 18 In The United States Military Lands. Being A Subdivision Of 8.575 Acres, Being All Of An Original 8.575 Acre Tract Owned By David B. Holbert And Virginia L. Holbert As Recorded In Official Record Volume 425, Page 1361 In The Delaware County Recorder's Office. Cost \$9.00.

Westerville City Schools Dedication Of Mt. Royal Avenue

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, Lying In Farm Lots 3 And 4, Quarter Township 3, Township 3, Range 17, United States Military District, Containing 64.165 Acres, More Or Less, (25.075 Acres Lying In Farm Lot 3) And (39.089 Acres Lying In Farm Lot 4) Including 3.40 Acres Of Right-Of-Way Area, Being All Of The 59.174 Acres Tract Conveyed To Westerville City Schools Board Of Education By Deed Of Record In Official Record 65, Page 622 And The 4.991 Acre Tract Part Of Lot 4354 Of The Sherbrook Phase 4, Conveyed To Westerville City Schools Board Of Education In Official Record 218, Page 1794, And The 0.043 Acre Tract Official Record 437, Page 86, Records Of The Recorder's Office, Delaware, County, Ohio. No Cost.

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

RESOLUTION NO. 04-7

IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENT FOR SOUTH OLD 3C HIGHWAY WIDENING FOR VINMAR FARMS:

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

South Old 3c Highway Widening For Vinmar Farms

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT made and entered into this 5th day of January 2004 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 Engineering and Construction Plan entitled "**SOUTH OLD 3C HIGHWAY WIDENING FOR VINMAR FARMS**" 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 **FOUR HUNDRED THIRTY THOUSAND SIX 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**".

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4. The **SUBDIVIDER** shall deposit **TWENTY-FIVE THOUSAND EIGHT 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 30, 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. The **SUBDIVIDER** further agrees that any violation of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvement.
10. If the **SUBDIVIDER** should become unable to carry out the provisions of this **AGREEMENT**, the **SUBDIVIDER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.
11. Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.
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 Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 04-8

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR SCIOTO HIGHLANDS NO. 3:

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

Scioto Highlands No. 3

The roadways to be accepted are as follows:

- An addition of 0.28 mile to **Township Road Number 796, Highlands Drive**
- **Winterberry Court**, to be known as **Township Road Number 1391**
- **Crooked Elm Court**, to be known as **Township Road Number 1392**

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

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

RESOLUTION NO. 04-9

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR SCIOTO HIGHLANDS NO. 3:

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

Stop Conditions – Scioto Highland No. 3

- On Township Road Number 1391, Winterberry Court, at its intersection with Township Road Number 796, Highlands Drive
- On Township Road Number 1392, Crooked Elm Court, at its intersection with Township Road Number 796, Highlands Drive

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

RESOLUTION NO. 04-10

IN THE MATTER OF AUTHORIZING A REQUEST THAT ODOT ENACT A SPEED LIMIT REVISION ON HARDIN LANE (TR#267):

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It was moved by Mr. Jordan, seconded by Mrs. Martin to request a speed limit revision as follows:

Hardin Lane (TR#267)-Speed Limit Reduction Request

At the request of Liberty Township (REA and Township Resolution copies available), the Engineer’s office has prepared a speed limit reduction request to submit to the Ohio Department of Transportation. This request will suggest that ODOT consider lowering the speed limit on Hardin Lane from the current unposted 55 mph to 45 mph. The Township’s original request of 25 mph has been determined to be unrealistic and would not be considered by ODOT. Upon completion of a complete study preformed by the Engineer’s office, a reduction to 45 mph is likely warranted.

Therefore, The Engineer is recommending that a Resolution be passed by your Board to request the Director of the Ohio Department of Transportation to determine and declare a **45 MPH** speed limit for the entire length (approximately 1 mile) of **Hardin Lane (TR #267)**. Upon receipt of your Resolution, the Engineer’s Office Staff will send a letter of request and the Resolution to the Ohio Department of Transportation for their action.

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

RESOLUTION NO. 04-11

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
U03197	Columbia Gas	Scioto Reserve Section 4 Phase 11	Install gas main

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

RESOLUTION NO. 04-12

IN THE MATTER OF APPROVING THE CONTRACT WITH BURGESS & NIPLE, LIMITED FOR THE PROJECT KNOWN AS SAWMILL PARKWAY EXTENSION CORRIDOR STUDY:

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

CONTRACT

AGREEMENT, made and entered into this 5th day of January 2004 by and between the **Delaware County Commissioners**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **Burgess & Niple, Limited**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of a fee amount of **\$1,135,200.00** (\$744,800 in scoped engineering services, plus \$390,400 in “as authorized” items), based on a Cost Proposal for Engineering Services dated December 2,2003, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, engineering services including planning, engineering and environmental activities as specified in the Proposal submitted by the **SECOND PARTY** for the project known as **Sawmill Parkway Extension Corridor Study**, Delaware County, Ohio. Compensation is to be paid on a monthly basis as the estimated percentage of total work completed. Said estimated completion percentage shall be submitted by the Second Party and approved by the Delaware County Engineer.

SAID SECOND PARTY further agrees to perform the said work promptly, in a skillfully and competent manner in accordance with the normally accepted standards applicable to this work, and under the direction of the Delaware County Engineer. Contract shall be terminated at the time of final acceptance of the scoped documents and mutually agreed upon by both First and Second Parties.

THE SECOND PARTY hereby agrees to hold **Delaware County** free and harmless from any and all claims for loss, damages, injury, liability, costs, expenses, judgments or decrees, resulting from any negligent acts or omissions of the **SECOND PARTY**, 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 the foregoing polices of the insurance.

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

RESOLUTION NO. 04-13

IN THE MATTER OF ACCEPTING AND AWARDING THE BIDS FOR CONCRETE MATERIALS; CONTRACT HAULING; CORRUGATED METAL PIPE; CORRUGATED POLYETHYLENE TUBING AND

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PIPE; GUARDRAIL MATERIALS; GUARDRAIL INSTALLED; LIMESTONE AND BITUMINOUS COLD MIX; PRECAST REINFORCED CONCRETE ARCH CULVERT; PRECAST REINFORCED CONCRETE BOX CULVERT; PRECAST REINFORCED CONCRETE THREE-SIDED FLAT TOPPED CULVERT; REINFORCED CONCRETE PIPE; REINFORCING STEEL; ROLLED STEEL SHAPES; SEEDING AND MULCHING; STEEL BEAM BRIDGES (DESIGN/BUILD); AND TREATED WOOD FLOORING FOR USE DURING 2004:

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

Bid Award Recommendations-Bids Opened December 15, 2003

As a result of the bids opened December 15, 2003 for various materials to be used during 2004, the following are The Engineer's recommendations for bid awards:

Concrete Materials:

The Engineer recommends a non-exclusive bid award be made to Ellis Brothers and Buckeye Ready Mix.

Contract Hauling:

The Engineer recommends that a non-exclusive bid award be made to Kevin Justice Trucking and Henderson Trucking.

Corrugated Metal Pipe:

The Engineer recommends that an exclusive bid award be made to Edwards Culvert Company, the only bidder for this material.

Corrugated Polyethylene Tubing and Pipe:

The Engineer recommends that a non-exclusive bid award be made to Hughes Supply and Advanced Drainage Supply.

Guardrail Materials:

The Engineer recommends that a non-exclusive bid award be made to Superior Steel Corporation and Paul Peterson Company.

Guardrail Installed:

The Engineer recommends that a non-exclusive bid award be made to Paul Peterson Company, the only bidder for this item.

Limestone and Bituminous Cold Mix:

The Engineer recommends that a non-exclusive bid award be made to National Lime and Stone, and Shelly Materials.

Precast Reinforced Concrete Arch Culvert:

The Engineer recommends that a non-exclusive bid award be made to Bridgetek, LLC.

Precast Reinforced Concrete Box Culvert:

The Engineer recommends that a non-exclusive bid award be made to Mack Industries, Inc. and Rinker Materials/Hydro Conduit.

Precast Reinforced Concrete Three-Sided Flat Topped Culvert:

The Engineer recommends that a non-exclusive bid award be made to Rinker Materials/Hydro Conduit.

Reinforced Concrete Pipe:

The Engineer recommends that a non-exclusive bid award be made to Rinker Materials, the only bidder for this material.

Reinforcing Steel:

The Engineer recommends that a non-exclusive bid award be made to Superior Steel Corporation, the only

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bidder for this material.

Rolled Steel Shapes:

The Engineer recommends that a non-exclusive bid award be made to Superior Steel Corporation, the only bidder for this material.

Seeding and Mulching:

The Engineer recommends that a non-exclusive bid award be made to Deitering Landscape and S&H Enterprises.

Steel Beam Bridges (design/build):

The Engineer recommends that a non-exclusive bid award be made to Ohio Bridge Corporation.

Treated Wood Flooring:

The Engineer recommends that a non-exclusive bid award be made to Ohio Bridge Corporation, the only bidder for this material.

Bid tabulations for these materials are available for your information.

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

RESOLUTION NO. 04-14

IN THE MATTER OF ACCEPTING FROM THE OHIO DEPARTMENT OF DEVELOPMENT, OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS, THE AWARDING OF FISCAL YEAR 2003 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR THE SMALL CITIES FORMULA PROGRAM:

It was moved by Mr. Jordan, seconded by Mrs. Martin to accept the grant:

WHEREAS, the Ohio Department of Development has awarded \$177,000 in Fiscal Year 2003 Small Cities Community Development Block (CDBG) grant funds under the Formula Program to Delaware County, and

WHEREAS, funding to Delaware County through the FY03 CDBG Formula Program, is intended to assist communities within the Delaware County with necessary and useful public programs, which are responsive to State and National program objectives and qualification criteria for this 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 accepts the FY03 CDBG Formula Grant Program for Delaware County as follows:

Community Name	Proposed Project	Proposed CDBG Formula Funding
Village of Ashley	Parks & Rec. Facilities	\$ 15,000
Village of Ashley	Water & Sewer Facilities	\$ 36,600
Village of Ostrander	Flood & Drainage	\$ 37,000
Village of Galena	Flood & Drainage	\$ 35,000
Village of Sunbury	Public Rehabilitation	\$ 30,000
Village of Ashley	ADA Private Rental Rehab	\$ 13,400
Fair Housing	Countywide	\$ 3,000
CHIS Planning	Countywide	\$ 4,000
Administrative	General	\$ 3,000
Totals		\$177,000

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

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

RESOLUTION NO. 04-15

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION AND A TRANSFER OF FUNDS FOR THE DAY REPORTING GRANT:

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

Transfer of Appropriation		AMOUNT
10011102-5801 General Fund/Transfers	10022202-5801 Common Pleas/ISP/Transfers	\$34,233.00
 Transfer of Funds		
10022202-5801 Common Pleas/ISP/Transfers	25822305-4601 Day Report Grant/ Transfer In	\$34,233.00
Vote on Motion	Mr. Ward Aye Mr. Jordan Aye Mrs. Martin Aye	

RESOLUTION NO. 04-16

IN THE MATTER OF APPROVING THE 4th QUARTER REPORT OF THE BYRNE GRANT:

It was moved by Mr. Jordan, seconded by Mrs. Martin, to approve the quarterly Report of the Bryne Grant.

(A copy of the report is available in the Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 04-17

IN THE MATTER OF ADOPTING RESOLUTION PROVIDING FOR RETAINING CERTAIN LEGAL SERVICES OF SCOTT, SCRIVEN AND WAHOFF IN CONNECTION WITH MATTERS RELATING TO LABOR RELATIONS:

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

Be It Resolved, by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. This Board of County Commissioners in conjunction with the Prosecuting Attorney of this County, desires to retain the legal services of the law firm of Scott, Scriven & Wahoff (the "Firm") for advice and assistance in matters relating to labor relations and employment. For reasonable fees as shall be approved by this Board, plus reimbursement for actual out of pocket expenses (including but not limited to travel, long-distance telephone, and duplicating expenses) incurred in rendering the legal services as may from time to time be requested by this Board, the Firm will provide advice and representation: in court or administrative investigations or proceedings, such as representation and unfair labor practice matters before the State Employment Relations Board, equal employment opportunity charges, workers' compensation, and unemployment compensation claims; in labor arbitration; in preparing for and participating in collective bargaining; in on-site consultation as necessary for preparation of employees handbooks and management training; and advice requiring office research time or consultation with other Firm attorneys.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, Scott, Scriven and Wahoff shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by this Board or this Firm by written notice to the other.

Section 3. This Board of County Commissioners shall join with the Prosecuting Attorney of this County in application pursuant to Section 305.14 Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the Firm for the purpose stated in Section 1 hereof and for authority to pay the Firm for those legal services as provided for in Section 1 hereof from funds appropriated, or that may be appropriated, by this Board from time to time for such purpose. The County Auditor is hereby authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and the issue an appropriate order for the payment of same as they shall become payable.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such format action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. This Resolution shall be in full force and effect immediately upon its passage.

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

RESOLUTION NO. 04-18

IN THE MATTER OF ADOPTING RESOLUTION PROVIDING FOR RETAINING LEGAL SERVICES OF SQUIRE, SANDERS & DEMPSEY L.L.P. IN CONNECTION WITH LEGAL MATTERS RELATING TO ECONOMIC DEVELOPMENT AND CAPITAL FACILITIES OR OPERATIONS FOR THE BENEFIT OF THE COUNTY OR OTHERS:

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

Section 1. That the Board of Commissioners of Delaware County desires, in conjunction with the Prosecuting Attorney of the County, to retain the legal services of the law firm of Squire, Sanders & Dempsey L.L.P., such legal services to be in the nature of legal advice, recommendations, preparation of recommended documents and proceedings, and legal opinions in connection with legal matters relating to economic development and capital facilities or operations for the benefit of the County or others as the same may from time to time be requested by this Board.

Section 2. In rendering such legal services, as an independent contractor and in an attorney-client relationship, the law firm shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by the Board or the law firm by written notice to the other.

Section 3. That the Board of County Commissioners of Delaware County shall join with the Prosecuting Attorney of said County in application pursuant to Section 305.14, Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the law firm for the purposes stated in Section 1 and for authority to pay the law firm for those legal services reasonable fees as approved by the Board, and to reimburse it for actual out-of-pocket expenses (including, but not limited to, travel, delivery, long-distance telephone, facsimile transmission, and duplicating expenses) incurred in rendering those legal services, from funds appropriated, or that may be appropriated, by the Board from time to time for such purpose.

Section 4. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Resolution shall be in full force and effect immediately upon its passage.

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

RESOLUTION NO. 04-19

IN THE MATTER OF GRANTING SIGNATURE AUTHORITY FOR PURCHASE ORDER AND VOUCHER REQUESTS AND/OR APPROVAL:

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

- Whereas, Chapter 5705 of the Ohio Revised Code governs expenditure procedures for county governments, and
- Whereas, the Board of County Commissioners are required to make annual appropriations to fund the various expenditures of county government, and
- Whereas, each expenditure must be made by warrant against the appropriate fund and the warrant must show the appropriation, authorized by the Board of Commissioners, that authorizes the expenditure and the fund against which the warrant is drawn, and
- Whereas, Ohio Revised Code 305.30 permits a Board of Commissioners to delegate authority to pay claims for goods received and services rendered within limits provided by resolution of the board,

Now Therefore be it resolved, that the Board of County Commissioners of Delaware County, State of Ohio, grant signature authority to the following list of individuals to request expenditure of the indicated funds within the appropriated amounts,

	<u>Authorized to Request</u>	
Payroll	P.O.	Vouchers

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ADMINISTRATIVE SERVICESPersonnel

	Director of Administrative Services	X	X	X
#10011108	Personnel Coordinator	X	X	X
#10011109	Personnel Coordinator		X	X

Insurance & Risk

	Director of Administrative Services	X	X	X
#60211902	Insurance & Risk Technician		X	X
#60111901	Insurance & Risk Technician		X	X
#75010901	Insurance & Risk Technician		X	X
#75110903	Insurance & Risk Technician		X	X

Safety

	Director of Administrative Services	X	X	X
#10011302	Safety Officer	X	X	X

Animal Control (Dog & Kennel)

	Director of Administrative Services	X	X	X
#20411305	Dog Warden	X	X	X

Records Center

	Director of Administrative Services	X	X	X
#10011103	Records Center Coordinator	X	X	X

ECONOMIC DEVELOPMENT

#210	Director of Economic Development	X	X	X
#230	Director of Economic Development		X	X
#231	Director of Economic Development		X	
#408	Director of Economic Development		X	X

EMERGENCY SERVICES9-1-1 Center

	Director of Emergency Services	X	X	X
#21411306	Operations Manager	X	X	X
#10011304	Operations Manager	X	X	X

EMA

	Director of Emergency Services	X	X	X
#215	EMA Supervisor	X	X	X

EMS

	Director of Emergency Services	X	X	X
#10011303	EMS Supervisor	X	X	X

EMS Construction

	Director of Emergency Services		X	X
#402	Facilities Supervisor		X	X
#411	Director of Emergency Services		X	X

ENVIRONMENTAL SERVICESCode Compliance

	Director of Environmental Services	X	X	X
#10011301	Code Compliance Supervisor	X	X	X
#10011107	Code Compliance Supervisor		X	X

Sanitary Engineering

	Director of Environmental Services	X	X	X
#671	Sanitary Engineer		X	X
#655	Sanitary Engineer	X	X	X
#651	Sanitary Engineer		X	X
#652	Sanitary Engineer	X	X	X
#654	Sanitary Engineer		X	X
#660	Sanitary Engineer	X	X	X
#670	Sanitary Engineer		X	X

Operations

	Director of Environmental Services	X	X	X
#654	Treatment Plant Manager	X	X	X

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#660	Treatment Plant Manager	X	X	X
#652	Treatment Plant Manager	X	X	X
<u>Transfer Station</u>				
#680	Director of Environmental Services	X	X	X
FACILITIES				
<u>Building & Grounds</u>				
	Facilities Supervisor	X	X	X
#10011105	Maintenance Supervisor	X	X	X
<u>Service Center</u>				
	Facilities Supervisor	X	X	X
#10011106	Lead Mechanic		X	X
JOB AND FAMILY SERVICES				
	Director of Job and Family Services	X	X	X
#10011110	Asst. Director of Job and Family Services	X	X	X
	Fiscal Supervisor/Office Manager		X	X
#10011501	Asst. Director of Job and Family Services	X	X	X
	Fiscal Supervisor/Office Manager		X	X
#224	Asst. Director of Job and Family Services	X	X	X
	Fiscal Supervisor/Office Manager		X	X
#225	Asst. Director of Job and Family Services	X	X	X
	Fiscal Supervisor/Office Manager		X	X
CSEA				
#23711630	Dir. Child Support Enforcement Agency	X	X	X
DAY REPORTING GRANT				
#25822305	Office Manager ISP	X	X	X
COMMISSIONERS				
<u>Administrative</u>				
#10011101	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X
<u>General</u>				
#10011102	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X
CORONER				
#10030301	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X
PERMANENT IMPROVEMENT				
#401	Facilities Supervisor		X	X
	Clerk to Commissioners		X	X
	Asst. Clerk to Commissioners		X	X
20/20 PROJECTS				
#404	Facilities Supervisor		X	X
	Clerk to Commissioners		X	X
	Asst. Clerk to Commissioners		X	X
COURTS/LAW LIBRARY				
#10011201	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X
#10029202	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X
#10029203	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X
PUBLIC DEFENDER/ADULT PROBATION				
#10011202	Public Defender Secretary		X	X

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BOARD OF EDUCATION

#209	Director of Facilities		X	X
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BOND RETIREMENT

#501	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X

LODGING TAX

#730	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X

MARRIAGE LICENSES

#249	Clerk to Commissioners	X	X	X
	Asst. Clerk to Commissioners	X	X	X

DRAINAGE IMPROVEMENT

#40311409	Clerk to Commissioners		X	X
	Asst. Clerk to Commissioners		X	X

The County Administrator may make purchase order and/or voucher requests from any of the above listed funds, and in the extended absence of the County Administrator, the Director of Administrative Services shall become the acting County Administrator; and in the absence of the Director of Administrative services, the Assistant to the County Administrator shall become acting County Administrator for the specific purpose of this resolution to make purchase order and/or voucher requests, and

The County Administrator may make purchase order and/or voucher requests from any of the above listed funds, and in the extended absence of the County Administrator, the Director of Administrative Services shall become the acting County Administrator; and in the absence of the Director of Administrative services, the Assistant to the County Administrator shall become acting County Administrator for the specific purpose of this resolution to make purchase order and/or voucher requests, and

Further be it resolved, that the Board of Commissioners of Delaware County, State of Ohio, grant signature authority to the following list of individuals to approve purchase orders and expenditure vouchers, not requested by the same individual, at the indicated amounts:

- A. County Administrator up to \$5,000.00
The only exception to the \$5,000 limit is the EFT payment for health insurance claims in which the County Administrator, and in the extended absence of the County Administrator, the Director of Administrative Services shall become the acting County Administrator and in the absence of the Director of Administrative services, the Assistant to the County Administrator shall become acting County Administrator for the specific purpose of this resolution and may approve processing of the voucher.
- B. In the extended absence of the County Administrator, the Director of Administrative Services will become acting County Administrator and in the absence of the Director of Administrative services, the Assistant to the County Administrator shall become acting County Administrator to approve purchase orders and expenditure vouchers up to \$5,000.00

Vote on Motion	Mr. Jordan	Aye	Mrs. Martin	Aye	Mr. Ward	Aye
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RESOLUTION NO. 04-20

IN THE MATTER OF DELEGATING AUTHORITY TO SPECIFIC STAFF FOR THE ADMINISTRATION OF PERSONNEL MATTERS, PAYROLL ITEMS, AND VARIOUS AGREEMENTS:

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

Whereas, under Ohio Revised Code Section 305.30 the Board of County Commissioners may delegate contracting authority, authority to pay claims for goods received and services rendered, and authority to perform any and all personnel functions otherwise conferred or incumbent upon the board of commissioners, and

Whereas, first year employees of Delaware County, who are not eligible for vacation, request unpaid leaves of absence from time-to-time for personal matters, and

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Whereas, the Family & Medical Leave Act (FMLA) requires employers to provide up to twelve weeks of unpaid leave to employees who meet the requirements of the FMLA, and

Whereas, the Delaware County Auditor's Office allows offices to electronically submit payrolls which requires timeliness of approval and submission of the hard copy, and

Whereas, many contracts and agreements are administrative in nature and need timely execution to achieve the optimal result,

Now Therefore be it resolved, that the Board of County Commissioners of Delaware County, State of Ohio, grant authority to the County Administrator to:

- I. Approve departmental payrolls for all departments under the Board of Commissioners
- II. In the extended absence of the County Administrator, the Director of Administrative Services shall become the acting County Administrator, and in the absence of the Director of Administrative services, the Assistant to the County Administrator shall become acting County Administrator for the specific purpose of this resolution:
- III. Approve unpaid leaves of absence for up to 2 weeks
- IV. Negotiate, approve, and execute contracts and agreements and change orders under \$5,000 and for one (1) year or less (with advance notice to the Board of Commissioners)
- V. The County Administrator shall have the authority, and in the extended absence of the County Administrator, the Director of Administrative Services and in the absence of the Director of Administrative services, the Assistant to the County Administrator shall have the authority to approve the specific purpose of this resolution:
 - 1. Property and liability claim settlement agreements for amounts less than or equal to \$5,000 with follow-up written notice within three business days to the Board of Commissioners
 - 2. Merit, Educational, Certification, Probationary, Bargaining Agreement, Market Review wage increases or otherwise that have been approved indirectly by the Board of Commissioner resolution
 - 3. Mortgages Final Payment

Further be it resolved that the Board of Commissioners of Delaware County, State of Ohio, assign the following individuals the duty of prevailing wage officer for the assigned areas:

- I. Delaware County Engineer for Motor & Gas Fund and Road & Bridge Issue II Projects
- II. Director of Environmental Services for Environmental Services Funds Projects
- III. Director of Economic Development for all Economic Development Grants and Funds
- IV. Facilities Supervisor for all other Funds

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

RESOLUTION NO. 04-21

7:30 PM - PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY PATRICIA E. RUDOLPH FOR THE LAKE FOREST WAY RESIDENTS ASSOCIATION:

It was moved by Mr. Jordan, seconded by Mrs. Martin to open the hearing at 7:30PM.

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

RESOLUTION NO. 04-22

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY PATRICIA E. RUDOLPH FOR THE LAKE FOREST WAY RESIDENTS ASSOCIATION:

It was moved by Mr. Jordan, seconded by Mrs. Martin to close the hearing at 7:42PM.

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

RESOLUTION NO. 04-23

IN THE MATTER OF DIRECTING THE DELAWARE COUNTY ENGINEER TO PROCEED WITH PREPARATION OF PLANS, REPORTS, AND SCHEDULES FOR THE HIGHLAND LAKES EAST SECTION

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4 PARTS 2, 3, 4, 5 SUBDIVISION DITCH PETITION FILED BY PATRICIA E. RUDOLPH FOR THE LAKE FOREST WAY RESIDENTS ASSOCIATION:

It was moved by Mrs. Martin, seconded by Mr. Jordan to go forward with the project.

Whereas, on August 11, 2003, a Ditch Petition to purposed Highland Lakes East Section 4 Parts 2, 3, 4, 5 Subdivision Ditch was filed with the Delaware County Commissioners, and

Whereas, the Board of Commissioners of Delaware County on January 5, 2004, held a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the purposed Highland Lakes East Section 4 Parts 2, 3, 4, 5 Subdivision Ditch, and

Whereas, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, the Board of Commissioners find the action is necessary, conducive to the public welfare, and the benefits exceed the estimated cost.

Therefore, Be It Resolved, The Delaware County Commissioners directs the Delaware County Engineer to proceed with the preparation of plans, reports and schedules as presented for the purposed Highland Lakes East Section 4 Parts 2, 3, 4, 5 Subdivision Ditch. Said information to be presented to the Commissioners at the end of this process.

Further be it Resolved, upon receipt of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

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

RESOLUTION NO. 04-24

8:00PM PUBLIC HEARING TO CONSIDER THE REPLACEMENT OF HORSESHOE ROAD BRIDGES:

It was moved by Mrs. Martin, seconded by Mr. Jordan to open the Hearing at 8:00PM.

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

RESOLUTION NO. 04-25

CLOSING THE PUBLIC HEARING TO CONSIDER THE REPLACEMENT OF HORSESHOE ROAD BRIDGES:

It was moved by Mr. Jordan, seconded by Mrs. Martin to close the Hearing at 8:05PM.

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

RESOLUTION NO. 04-26

IN THE MATTER OF ESTABLISHING THE NEED TO AND DECLARING NECESSARY BY VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO THE REPLACEMENT OF HORSESHOE ROAD BRIDGES:

WHEREAS, Section 5553.04 of the Ohio Revised Code, provides that when the Board of County Commissioners is of the opinion that it will be necessary for the public convenience and welfare to locate, establish, alter, widen, straighten, vacate or change the direction of a public road, it shall so declare by Resolution;
now, therefore, upon motion of Commissioner Martin, seconded by Commissioner Jordan.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONER OF DELAWARE COUNTY, OHIO:

Section 1) That the Clerk of the Board of County Commissioners of Delaware County, Ohio, did cause legal publication on December 5 and on December 12, 2003, in accordance with the law.

Section 2) That on December 15, 2003, at 2:30 PM the above project, was viewed by the Delaware County Commissioners on the line of said proposed improvements The public hearing on this matter was held on January 5, 2004, at 8:00 PM.

Section 3) That it is necessary for the public convenience and welfare that proceedings be initiated to proceed with the above projects.

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

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RESOLUTION NO. 04-27

IN THE MATTER OF INSTRUCTING THE ENGINEER TO PREPARE SURVEYS, PLANS ESTIMATES, SPECIFICATIONS AND PLATS FOR REPLACEMENT OF HORSESHOE ROAD BRIDGES AS VIEWED ON DECEMBER 15, 2003, AT 2:30 PM:

THE COUNTY ENGINEER SHALL FILE ALL NECESSARY PLANS, ESTIMATES, SPECIFICATIONS, SURVEYS AND PLATS AT THE EARLIEST DATE POSSIBLE.

WHEREAS, on December 1st, 2003, by Resolution No. 03-1536, the Board of County Commissioners did fix the public viewing for December 15, at 2:30 PM and the final public hearing, for January 5, 2004, at 8:00 PM.

WHEREAS, legal notice was published in a newspaper of general circulation in said County; and

WHEREAS, on January 5, 2004, the Board of County Commissioners of Delaware County, Ohio, adopted a Resolution declaring it necessary for the above projects.

WHEREAS, the Board of County Commissioners of Delaware County, Ohio, did on December 15, 2003, view said proposed improvement of the above projects, met on the line thereof as described in said Resolution of Necessity to go over and along the line of said proposed improvements and the premises adjacent thereto, which are affected thereby and does find the proposed improvements are of sufficient importance to require that the Engineer of Delaware County, Ohio be instructed and directed to make all necessary surveys, plans, estimates, specifications and plats;

Now, therefore, upon motion of Commissioner Jordan, seconded by Commissioner Martin.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

Section 1) That the Engineer of Delaware County, Ohio, be and hereby is authorized and instructed to make all necessary, plans, estimates, specifications, surveys, and plats of the proposed improvements to the projects, an accurate and detailed description of each tract of land which will be necessary to be taken, together with the names of each owner, to set stakes at the termini of each right-of-way line and at all angles between such termini and at sufficient other points in the right-of-way lines so that the bounds of the proposed herein described road improvement may be discernible in the property owners' property.

The Engineer's plans, estimates, specifications, surveys and plats of the proposed improvements shall be submitted to the County Commissioners at the earliest date possible.

Section 2) That the Delaware County Engineer, by his request, is hereby authorized and directed to investigate and recommend to this Board a consulting engineer to be employed to assist him in the preparation of plans and all other related documents for the above mentioned improvement.

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

RESOLUTION NO. 04-28

IN THE MATTER OF APPROVING THE CONTRACT WITH R.D. ZANDE & ASSOCIATES, INC FOR THE PROJECT KNOW AS HORSESHOE ROAD BRIDGES:

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

CONTRACT

AGREEMENT, made and entered into this 5th day of January 2004 by and between the **Delaware County Commissioners**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **R.D. ZANDE & ASSOCIATES, INC.**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of a fee amount of **\$124,753.00**, (\$97,288.00 scoped engineering services, plus \$28,795.00 in "if authorized" items), based on a Cost Proposal for Engineering Services dated November 6, 2003, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, professional preliminary development and preliminary design services including preparation of construction contract plans and related engineering services as specified in the Proposal submitted by the **SECOND PARTY** for the project know as Horseshoe Road Bridges, Delaware County, Ohio. Compensation is to be paid on a monthly basis as the estimated percentage of total work completed. Said

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estimated completion percentage shall be submitted by the Second Party and approved by the Delaware County Engineer.

SAID SECOND PARTY further agrees to perform the said work promptly, in a skillfully and competent manner in accordance with the normally accepted standards applicable to this work, and under the direction of the Delaware County Engineer. Work is to be completed on or before May 21, 2004.

THE SECOND PARTY hereby agrees to hold **Delaware County** free and harmless from any and all claims for loss, damages, injury, liability, costs, expenses, judgments or decrees, resulting from any negligent acts or omissions of the **SECOND PARTY**, 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 the foregoing polices of the insurance.

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

There being no further business the meeting adjourned.

Kristopher W. Jordan

Deborah B. Martin

James D. Ward

Letha George, Clerk to the Commissioners