

COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JANUARY 26, 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

**PUBLIC COMMENT**

**RESOLUTION NO. 04-107**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 22, 2004 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:**

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the resolutions and records of the proceedings from regular meeting held January 22, 2004 as contained in the county's official electronic recordings of the proceedings.

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

**RESOLUTION NO. 04-108**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0123:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR0123 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO's</b>			
Emergitech Inc.	Database Conversion Cost	21411306-5450	\$ 6,500.00
Treasurer, Delaware County	Real Estate Taxes Co. Properties	10011102-5380	\$ 13,500.00
Verizon	Radio Circuits for 9-1-1 Center	21411306-5335	\$ 7,500.00
Verizon	Radio Circuits for 9-1-1 Center	10011304-5335	\$ 7,500.00
Emergitech Inc.	8 Position EMD Interface	21411306-5450	\$ 20,425.00
Presbyterian Child Welfare	Residential Treatment	22511607-5342	\$ 150,000.00
Pomegranate Health Systems	Residential Treatment	22511607-5342	\$ 30,000.00
New Leaf Inc	Residential Treatment	22511607-5342	\$ 10,000.00
United Methodist Childrens	Residential Treatment	22511607-5342	\$ 20,000.00
Buckeye Ranch	Residential Treatment	22511607-5342	\$ 10,000.00
Oasis Therapeutic Foster	Residential Treatment	22511607-5342	\$ 5,000.00
Lifeway for Youth	Residential Treatment	22511607-5342	\$ 10,000.00
Starr Commonwealth	Board and Care	22511607-5350	\$ 15,000.00
<b>Vouchers</b>			
Turning Point	Domestic Violence	24911311-5301	\$ 13,256.73
EMA	EMA Apportionment	10011102-5380	\$ 24,149.00
Regional Planning	2004 Membership Dues	10011102-5308	\$ 87,491.00
3 SG Corporation	Software	40411413-5450	\$ 30,970.00

It was moved by Mr. Ward and seconded by Mr. Jordan to remove a Blue's Auto service Voucher from the list as originally presented.

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

**RESOLUTION NO. 04-109**

**SETTING DATE AND TIME FOR PUBLIC HEARING TO CONSIDER THE SUBMITTAL OF AN APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES, DIVISION OF MINERAL RESOURCES, FOR THE DELAWARE COUNTY AGRICULTURAL SOCIETY TO APPLY BRINE WATER TO THE DELAWARE COUNTY FAIR GROUNDS:**

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the 9<sup>th</sup> day of February 2004 at 9:50AM, as the date and time, for the Public Hearing To Consider The Submittal Of An Application To The Ohio Department Of Natural Resources, Division Of Mineral Resources, For The Delaware County Agricultural Society To Apply Brine Water To The Delaware County Fair Grounds. Hearing will take place in the Commissioners Hearing Room 101 North Sandusky Delaware, Ohio 43015.

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

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**RESOLUTION NO. 04-110****IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Court of Common Pleas is requesting that Doug Missman, Kara Clark, Jeff Vandeborne, Erin Cook, Mark Taglione, Scott Ritter and Eric Mosley attend Weapon Retention/Shot Avoidance Training, At the Ohio Peace Officers Academy, in London, Ohio June 1 to 2, 2004, at the cost of \$805.00.

The Court of Common Pleas is requesting that Eric Mosley attend ASP Weapons Training, At the Ohio Peace Officers Academy, in London, Ohio February 18 to 19, 2004, at the cost of \$100.00.

The Court of Common Pleas is requesting that Doug Missman, Mark Taglione Erin Cook, and Eric Mosley attend Use of Restraints Training, At the Ohio Peace Officers Academy, in London, Ohio June 1 to 2, 2004, at the cost of \$200.00.

The Court of Common Pleas is requesting that Mark Taglione attend a Sex Offenders and The Internet Training in Chicago, Illinois March 24 to 26, 2004, at the cost of \$994.00.

The Engineer's Office is requesting that Christian Bauserman attend Various NACE and NACO conferences at various locations throughout 2004; at the cost of \$6,675.00.

The Engineer's Office is requesting that Christian Bauserman attend an Ohio County Engineer's Conference in Columbus, Ohio February 11 and 12, 2004, at the cost of \$177.00.

The Engineer's Office is requesting that Scott Pike attend the NACC Annual Conference in Orlando, Florida April 4 to 7, 2004, at the cost of \$1,641.50.

The Engineer's Office is requesting that Steve Savon attend A Division of Safety and Hygiene Expo in Cincinnati, Ohio March 23 to 25, 2004, at the cost of \$488.90.

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

**RESOLUTION NO. 04-111****IN THE MATTER OF APPROVING PLATS FOR GLEN OAK SECTION 3, PHASE A; NORTH ORANGE SECTION 2, PHASE 3, PART A AND NORTH ORANGE SECTION 2, PHASE 3, PART B:**

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

**Glen Oak Section 3, Phase A**

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Lying In Farm Lots 22 And 23, Quarter Township 2, Township 3 North, Range 18 West, United States Military Lands, Containing 35.983 Acres, More Or Less, Including 4.660 Acres Of Right-Of-Way Area, (1.716 Acres Are In Farm Lot 22 And 34.267 Acres Are In Farm Lot 23), Said 35.983 Acres Being Comprised Of 0.942 Acres Out Of The 24.070 Acre Tract Conveyed To Dominion Homes Inc, An Ohio Corporation, By Deed Of Record In Official Record 454, Page 461, 0.774 Acres Out Of The 5.699 Acre Tract Conveyed To Dominion Homes, Inc, An Ohio Corporation By Deed Of Record In Official Record 214, Page 2359, And 34.267 Acres Out Of The 101.627 Acre Tract Conveyed To Dominion Homes, Inc. An Ohio Corporation, By Deed Of Record In Official Record 214, Page 2355, Records Of The Recorder's Office, Delaware County, Ohio. Cost \$96.00.

**North Orange Section 2, Phase 3, Part A**

Situated In The Township Of Orange, County Of Delaware, State Of Ohio, Located In Part Of Farm Lots 2 And 3, Section 2, Township 3, Range 18, United States Military Lands, Being A 16.115 Acre Subdivision There Being 9.693 Acres Out Of And Original 83.386 Acre Tract Conveyed To Planned Communities Llc In Official Record Volume 69, Page 248, And Official Record Volume 69, Page 253 Being 5.206 Acres Out Of And Original 92.987 Acre Tract (As Tract 1) Conveyed As Parcel 1 To Planned Communities Llc As Recorded In Official Record Volume 69, Page 217 Official Record Volume 69, Pages 221 (An Undivided 1/6 Interest), Official Record Volume 69, Pages 225, Official Record Volume 69, Pages 229 (An Undivided 1/6 Interest) And Being 1.216 Acres Out Of And Original 3.050 Acre Tract Conveyed To Planned Communities Llc In Official Record Volume 99, Page 2296. There Being 14.716 Acres In Farm Lot 2 And 1.399 Acres In Farm Lot 3, All References Being To The Records Of The Recorder's Office, Delaware County, Ohio. Cost \$108.00.

**North Orange Section 2, Phase 3, Part B**

Situated In The Township Of Orange, County Of Delaware, State Of Ohio, Located In Part Of Farm Lots 2 And

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3, Section 2, Township 3, Range 18, United States Military Lands, Being A 17.440 Acre Subdivision, All Being Out Of An Original 83.386 Acre Tract Conveyed To Planned Communities, Llc. In Official Record Volume 69, Page 248, And Official Record Volume 69, Page 253, There Being 9.474 Acres In Farm Lot 2 And 7.966 Acres In Farm Lot 3, All Referenced Being To The Records Of The Recorder's Office, Delaware County, Ohio. Cost \$90.00.

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

**RESOLUTION NO. 04-112**

**IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR NORTH ORANGE SECTION 2, PHASE 3, PART A; NORTH ORANGE SECTION 2, PHASE 3, PART B AND NORTH ORANGE SECTION 3, PHASE 2, PART A:**

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

**North Orange Section 2, Phase 3, Part 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 **\$52,400** 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, Planned Communities, Inc.

**North Orange Section 2, Phase 3, Part 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 **\$51,600** 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, Planned Communities, Inc.

**North Orange Section 3, Phase 2, Part 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 **\$21,300** 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, Planned Communities, Inc.

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

**RESOLUTION NO. 04-113**

**IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR GLEN OAK SECTION 3, PHASE A:**

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

**Glen Oak Section 3, Phase A**

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 **\$393,400** and a Bond in that amount is available to cover the bonding of this project.

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

**RESOLUTION NO. 04-114**

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**IN THE MATTER OF APPROVING THE TEMPORARY WEIGHT LIMIT REDUCTIONS ON VARIOUS COUNTY AND TOWNSHIP ROADS:**

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

**Weight Limit Reductions**

The Ohio Revised Code, **Section 5577.07**, provides for the reduction of the weight limits on roads when thaws or excessive moisture render roads insufficient to bear normal traffic. Therefore, the Engineering Staff is requesting that your Board reduce the load limits on the following list of County and Township Roads by 40 percent of the legal limit in accordance with **Section 5577.07** of the ORC based on the presence of excessive soil moisture and the detrimental effect of numerous freeze/thaw cycles.

COUNTY/TWP ROAD	#	ROAD NAME	BEGIN LIMIT	END LIMIT
TOWNSHIP	35	3B'S & K, S		
TOWNSHIP	33	ALEXANDER		
TOWNSHIP	102	ARMSTRONG		
TOWNSHIP	86	BAKER		
TOWNSHIP	107	BALE KENYON		
TOWNSHIP	140	BEAN OLLER		
TOWNSHIP	252	BEARD		
TOWNSHIP	581	BENT TREE		
TOWNSHIP	75	BERKSHIRE		
TOWNSHIP	67	BLUE CHURCH		
TOWNSHIP	92	BRAUMILLER	POLLOCK	BERLIN STATION
TOWNSHIP	141	BUNTY STATION	LIBERTY	S SECTION LINE
TOWNSHIP	165	BURNT POND	FONTANELLE	US ROUTE 36
TOWNSHIP	193	BUTTERMILK HILL		
TOWNSHIP	81	CAACKLER		
TOWNSHIP	152	CALHOUN		
TOWNSHIP	165	CARR		
TOWNSHIP	334	CARRIAGE		
TOWNSHIP	25	CENTER VILLAGE	HARLEM	RED BANK
COUNTY	48	CENTERBURG		
TOWNSHIP	139	CLARK SHAW		
TOWNSHIP	132	COOK		
COUNTY	51	COUNTY LINE, N	US ROUTE 36	STATE ROUTE 37
TOWNSHIP	89, 273	CURVE		
TOWNSHIP	271	DALE FORD		
TOWNSHIP	167	DEGOOD	OSTRANDER	UNION COUNTY
TOWNSHIP	35	DOMIGAN		
TOWNSHIP	135	DUFFY		
TOWNSHIP	104	DUSTIN		
TOWNSHIP	164	FONTANELLE	OSTRANDER	SMART
TOWNSHIP	142	FORD		
TOWNSHIP		FOUR WINDS		
COUNTY	49	FREDRICKS	OLIVE GREEN	CENTERBURG
TOWNSHIP	143	FRESHWATER		
TOWNSHIP	262	FRY		
TOWNSHIP	82	GIEHL		
TOWNSHIP	93	GLENN		
TOWNSHIP	33	GOLF COURSE		
TOWNSHIP	27	GORSUCH	HARLEM	STATE ROUTE 605
TOWNSHIP	29	GREEN COOK		
TOWNSHIP	87	HARRIS		
TOWNSHIP	76	HOGBACK		
TOWNSHIP	482	HOLLEYWOOD DRIVE		
COUNTY	124	HOME	STATE ROUTE 745	UNION COUNTY
TOWNSHIP	77	HOWARD		
TOWNSHIP	127	JEWETT		
TOWNSHIP	73	JOE WALKER		

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TOWNSHIP	85	JUMPER		
COUNTY/TWP ROAD	#	ROAD NAME	BEGIN LIMIT	END LIMIT
TOWNSHIP	103	KINGSBURY		
TOWNSHIP	149	KLONDIKE		
TOWNSHIP	155	LARCOMB	STOVER	UNION COUNTY
TOWNSHIP	38	LEWIS		
TOWNSHIP	133	MERCHANT		
TOWNSHIP	26	MONTGOMERY		
COUNTY	136	MOORE		
TOWNSHIP	23	NEEDLES		
TOWNSHIP	160	NEWHOUSE		
TOWNSHIP	114	ORANGE, E	S OLD STATE	BALE KENYON
TOWNSHIP	114	ORANGE, W	US ROUTE 23	STATE ROUTE 315
TOWNSHIP	142	OWEN FRALEY		
TOWNSHIP	196	PENRY	STATE ROUTE 203	TROY
TOWNSHIP	99	PIATT	PEACHBLOW	CHESHIRE
TOWNSHIP	263	PITTMAN		
TOWNSHIP	105	PLUMB	3B'S & K	OLD 3C HWY
TOWNSHIP	88	PLUNKETT		
TOWNSHIP	101	POLLOCK		
TOWNSHIP	253	PUGH		
TOWNSHIP	483	RENEE COURT		
TOWNSHIP	36	ROBINS		
TOWNSHIP	95	ROLOSON		
COUNTY	39	ROME CORNERS		
TOWNSHIP	69	ROSECRANS		
TOWNSHIP	161	RUSSELL		
TOWNSHIP	122	RUTHERFORD	SAWMILL PKWY	STATE ROUTE 257
TOWNSHIP	919	RYAN MEADOWS		
TOWNSHIP	119	SAWMILL ROAD		
COUNTY	5	SECTION LINE, S	US ROUTE 36	STATE ROUTE 37
COUNTY	5	SECTION LINE, S	US ROUTE 42	HOME
TOWNSHIP	121	SELDOM SEEN	SAWMILL PKWY	STATE ROUTE 257
TOWNSHIP	134	SHERMAN		
TOWNSHIP	258	SHORTCUT		
TOWNSHIP	85	SKINNER		
TOWNSHIP	168	SLOCUM		
TOWNSHIP	162	SMART		
TOWNSHIP	156	STOVER	DEAN	UNION COUNTY
TOWNSHIP	94	SWEENEY		
TOWNSHIP	71	TODD STREET		
COUNTY	108	TUSSIC STREET	BIG WALNUT	MAXTOWN
TOWNSHIP	70	TWIGG HUPP		
TOWNSHIP	265	WALTON		
TOWNSHIP	173	WARREN		
TOWNSHIP	56	WILSON	N GALENA	CARTER'S CORNER
COUNTY	23	WOODTOWN	STATE ROUTE 605	GREEN COOK

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

**RESOLUTION NO. 04-115**

**IN THE MATTER OF APPROVING THE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND KEVIN JUSTICE TRUCKING FOR STOCKPILE HAULING, ASPHALT HAULING AND STONE HAULING FOR THE DELAWARE COUNTY ENGINEER FOR 2004:**

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

**CONTRACT**

**AGREEMENT**, made and entered into this 26<sup>th</sup> day of January, 2004 by and between the **DELAWARE**

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**COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **KEVIN JUSTICE TRUCKING**, hereinafter designated as **SECOND PARTY**.

**WITNESSETH**, that said **SECOND PARTY**, for and in consideration of the sum as stated in Bidder's **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY** all the necessary labor and equipment required to complete the project known as **STOCKPILE HAULING, ASPHALT HAULING AND STONE HAULING FOR THE DELAWARE COUNTY ENGINEER FOR 2004**, General Specification and Invitation to Bid for same hereto attached, which General Specifications and Invitation to Bid are hereby declared a part of this **Contract**.

**SAID SECOND PARTY** further agrees to furnish said equipment and to do the work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **County Engineer**.

**THE SECOND PARTY** hereby agrees to hold the **County** free and harmless from any and all claims for damages, costs, expenses, judgments or decrees, resulting from any operations of said **SECOND PARTY**, his subcontractors, agents or employees.

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

**RESOLUTION NO. 04-116**

**IN THE MATTER OF APPROVING THE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND HENDERSON TRUCKING FOR STOCKPILE HAULING, ASPHALT HAULING AND STONE HAULING FOR THE DELAWARE COUNTY ENGINEER FOR 2004:**

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

**CONTRACT**

**AGREEMENT**, made and entered into this 26<sup>th</sup> day of January, 2004 by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **HENDERSON TRUCKING**, hereinafter designated as **SECOND PARTY**.

**WITNESSETH**, that said **SECOND PARTY**, for and in consideration of the sum as stated in Bidder's **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY** all the necessary labor and equipment required to complete the project known as **STOCKPILE HAULING, ASPHALT HAULING AND STONE HAULING FOR THE DELAWARE COUNTY ENGINEER FOR 2004**, General Specification and Invitation to Bid for same hereto attached, which General Specifications and Invitation to Bid are hereby declared a part of this **Contract**.

**SAID SECOND PARTY** further agrees to furnish said equipment and to do the work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **County Engineer**.

**THE SECOND PARTY** hereby agrees to hold the **County** free and harmless from any and all claims for damages, costs, expenses, judgments or decrees, resulting from any operations of said **SECOND PARTY**, his subcontractors, agents or employees.

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

**RESOLUTION NO. 04-117**

**IN THE MATTER OF APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND BOB WEBB HARVEST WIND LLC:**

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

**AGREEMENT**

**THIS AGREEMENT** made at Delaware, Ohio, this 26<sup>th</sup> day of January 2004, by and between **BOB WEBB HARVEST WIND LLC**, **SELLER** and the Delaware County Commissioners, **BUYER**:

**WITNESSETH:**

In consideration of the promises and covenants herein contained, the **SELLER** agrees to sell and convey and **BUYER** agrees to purchase road right of way across the real estate described on attached plat. (Available in the County Engineer's Office)

The purchase of said road right of way is Two Thousand One Hundred Seventy Dollars (\$2,170.00), plus Two Thousand Dollars (\$2,000.00) for improvements and Five Hundred Twenty Dollars (\$520.00) for

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temporary right of way to be paid upon the execution of the Contract of Sale and Purchase.

**Further Be It Resolved**, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$4,690.00 to Bob Webb Harvest Wind LLC.

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

**RESOLUTION NO. 04-118**

**IN THE MATTER OF APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND BOB WEBB HARVEST WIND LLC:**

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

**AGREEMENT**

THIS AGREEMENT made at Delaware, Ohio, this 26<sup>th</sup> day of January 2004, by and between BOB WEBB HARVEST WIND LLC, SELLER and the Delaware County Commissioners, BUYER:

WITNESSETH:

In consideration of the promises and covenants herein contained, the SELLER agrees to sell and convey and BUYER agrees to purchase road right of way across the real estate described on attached plat. (Available in the County Engineer's Office)

The purchase of said road right of way is One Thousand Three Hundred Sixty Three Dollars (\$1,363.00), plus Two Thousand Dollars (\$2,000.00) for improvements and Two Hundred Thirty Two Dollars (\$232.00) for temporary right of way to be paid upon the execution of the Contract of Sale and Purchase.

**Further Be It Resolved**, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$3,595.00 to Bob Webb Harvest Wind LLC.

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

**RESOLUTION NO. 04-119**

**IN THE MATTER OF APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND REAL ASSIST, INC.:**

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

**AGREEMENT**

THIS AGREEMENT made at Delaware, Ohio, this 26<sup>th</sup> day of January 2004, by and between REAL ASSIST, INC., SELLER and the Delaware County Commissioners, BUYER:

WITNESSETH:

In consideration of the promises and covenants herein contained, the SELLER agrees to sell and convey and BUYER agrees to purchase road right of way across the real estate described on attached plat. (Available in the County Engineer's Office)

The purchase of said road right of way is One Thousand Six Hundred Fifty One Dollars (\$1,651.00), plus Nine Hundred Fifty Dollars (\$950.00) for improvements and Two Hundred Nine Dollars (\$209.00) for temporary right of way to be paid upon the execution of the Contract of Sale and Purchase.

**Further Be It Resolved**, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$2,810.00 to Real Assist, Inc.

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

**RESOLUTION NO. 04-120**

**IN THE MATTER OF APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND R. DOUGLAS & JULIE A. TAYLOR:**

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

**AGREEMENT**

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THIS AGREEMENT made at Delaware, Ohio, this 26<sup>th</sup> day of January 2004, by and between R. DOUGLAS & JULIE A. TAYLOR, SELLER and the Delaware County Commissioners, BUYER:

WITNESSETH:

In consideration of the promises and covenants herein contained, the SELLER agrees to sell and convey and BUYER agrees to purchase road right of way across the real estate described on attached plat. (Available in the County Engineer's Office)

The purchase of said road right of way is One Thousand Six Hundred Fifty Two Dollars (\$1,652.00), plus Four Thousand Nine Hundred Eighty One Dollars (\$4,981.00) for improvements and One Hundred Ninety One Dollars (\$191.00) for temporary right of way to be paid upon the execution of the Contract of Sale and Purchase.

**Further Be It Resolved**, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$6,824.00 to R. Douglas & Julie A. Taylor.

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

**RESOLUTION NO. 04-121**

**IN THE MATTER OF APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND LEO M. & DOTTIE JILL WILHELM:**

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

**AGREEMENT**

THIS AGREEMENT made at Delaware, Ohio, this 26<sup>th</sup> day of January 2004, by and between LEO M. & DOTTIE JILL WILHELM, SELLER and the Delaware County Commissioners, BUYER:

WITNESSETH:

In consideration of the promises and covenants herein contained, the SELLER agrees to sell and convey and BUYER agrees to purchase road right of way across the real estate described on attached plat. (Available in the County Engineer's Office)

The purchase of said road right of way is Eight Hundred Ninety Eight Dollars (\$898.00), plus Two Thousand Five Hundred Seventy Six Dollars (\$2,576.00) for improvements and One Hundred Eighty One Dollars (\$181.00) for temporary right of way to be paid upon the execution of the Contract of Sale and Purchase.

**Further Be It Resolved**, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$3,655.00 to Leo M. & Dottie Jill Wilhelm.

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

**RESOLUTION NO. 04-122**

**IN THE MATTER OF APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND JEFF DAVID & LINDA RAE SMITH:**

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

**AGREEMENT**

THIS AGREEMENT made at Delaware, Ohio, this 26<sup>th</sup> day of January 2004, by and between JEFF DAVID & LINDA RAE SMITH, SELLER and the Delaware County Commissioners, BUYER:

WITNESSETH:

In consideration of the promises and covenants herein contained, the SELLER agrees to sell and convey and BUYER agrees to purchase road right of way across the real estate described on attached plat. (Available in the County Engineer's Office)

The purchase of said road right of way is One Thousand Eight Hundred One Dollars (\$1,801.00), plus Three Thousand Four Hundred Eighty Dollars (\$3,480.00) for improvements and One Hundred Sixty Four Dollars (\$164.00) for temporary right of way to be paid upon the execution of the Contract of Sale and Purchase.



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**Further Be It Resolved**, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$5,445.00 to Jeff David & Linda Rae Smith.

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

**RESOLUTION NO. 04-123**

**IN THE MATTER OF APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND LANCE & MINDY HOLMES:**

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

**AGREEMENT**

THIS AGREEMENT made at Delaware, Ohio, this 26<sup>th</sup> day of January 2004, by and between LANCE & MINDY HOLMES, SELLER and the Delaware County Commissioners, BUYER:

WITNESSETH:

In consideration of the promises and covenants herein contained, the SELLER agrees to sell and convey and BUYER agrees to purchase road right of way across the real estate described on attached plat. (Available in the County Engineer's Office)

The purchase of said road right of way is One Thousand Nine Hundred Sixty Four Dollars (\$1,964.00), plus Two Thousand Five Hundred Dollars (\$2,500.00) for improvements and Three Hundred Forty One Dollars (\$341.00) for temporary right of way to be paid upon the execution of the Contract of Sale and Purchase.

**Further Be It Resolved**, that the Commissioners approve a Purchase Order Request and Voucher in the amount of \$4,805.00 to Lance & Mindy Holmes.

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

**RESOLUTION NO. 04-124**

**IN THE MATTER OF ACCEPTING A TITLE II GRANT FOR THE JUVENILE DRUG COURT:**

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

Grant #	2003-JJ-DA1-0065
Source:	Title II Formula Grant/Ohio Department of Youth Services
Grant Period:	January 1, 2004 to December 31, 2004
Grant Amount:	\$ 24,874.00
Local Match:	\$ 0.00
Total Grant Amount:	\$ 24,874.00

The Title II Formula Grant Program funds one half of the Drug Court Coordinator position at the Court. The Drug Court Coordinator coordinates the design of the treatment program, supervises the clinicians, coordinates treatment services, and is a liaison with ancillary agencies. This person is a licensed Master Level clinician, responsible for clinical assessment of families, including assisting individuals and families by identifying needs and facilitating the delivery of holistic service.

No Matching funds are required.

General fund dollars are not required to provide the matching funds for this grant, as no local match is needed.

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

**RESOLUTION NO. 04-125**

**IN THE MATTER OF ACCEPTING A JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT FOR JUVENILE COURT:**

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

Grant #	2003-JB-013-A017
Source:	JAIBG/Ohio Department of Youth Services
Grant Period:	January 1, 2004 to December 31, 2004

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Grant Amount: \$ 16,017.00  
Local Match: \$ 1,780.00  
Total Grant Amount: \$ 17,797.00

The JAIBG funds 60% of total School Liaison personnel costs for one position budgeted for 2004. School Liaisons provide support services that ensure timely delivery of services to schools and effective communication among school personnel, law enforcement officials, the Court and the community. They also assure quick imposition of sanctions for offenses occurring in the schools. In the 2002-2003 school year, School Liaisons made over 300 visits to area high schools and over 150 visits to middle schools to ensure school safety, provide informal interventions preventing formal Court involvement, to assure effective communication between the schools and the Court, to provide support to schools by providing crisis intervention and to informally arraign and monitor youth with charges pending. In 2002, Two School Liaisons handled over 460 referrals and served a total of 1,163 youth in the five school district served.

Local match dollars are provided by local school districts. General Fund dollars are not required to provide the matching funds for this grant.

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

**RESOLUTION NO. 04-126**

**IN THE MATTER OF APPROPRIATING FUNDS FOR FEMA FY02 CBRNE GRANT:**

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

WHEREAS, the Delaware County Board of Commissioners approved the acceptance of the FY02 Homeland Security grant, and;

WHEREAS, \$33,349.45 remains in this grant;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve the appropriation of the \$33,349.45as follows:

Org Key 21511310 Obj Number 5250 Materials and Supplies \$33,349.45

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 Aye

**RESOLUTION NO. 04-127**

**IN THE MATTER OF APPROVING HARRIS CORPORATION AS THE VENDOR OF CHOICE FOR PROVIDING A DIGITAL MICROWAVE SOLUTION ON THE COUNTYWIDE DIGITAL 800 MHz RADIO SYSTEM:**

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

WHEREAS, the Delaware County Board of Commissioners requested and received proposals and bids on the purchase and installation of a digital microwave system for the countywide digital 800 MHz radio system, and;

WHEREAS, the proposals received have been reviewed by both the County Division of Emergency Services and RCC Consultants; and

WHEREAS, during the review by Emergency Services and RCC that the proposal by Harris Corporation represents the "lowest and best" bid for the microwave system;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve Harris Corporation as the vendor of choice and that the County go forward with final contract negotiations for the purchase and installation of the digital microwave system.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

**RESOLUTION NO. 04-128**

**IN THE MATTER OF AMENDING THE ADULT PROTECTIVE SERVICES CONTRACT BETWEEN THE**

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**DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICE, THE DELAWARE COUNTY COMMISSIONERS AND THE COUNCIL FOR OLDER ADULTS:**

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

**AMENDMENT TO COUNCIL FOR OLDER ADULTS CONTRACT  
AMENDMENT NO. 2**

This amendment, effective February 1, 2004, is to amend the Adult Protective Services Contract between the Delaware County Department of Job and Family Services and Council for Older Adults entered into on the 1st day of February 2002.

This agreement shall amend Article C. 7. Modifying the date covered by the agreement to February 1, 2004 through January 31, 2005 with a budget amount of \$48,267.

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

**RESOLUTION NO. 04 -129**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE CHILD CARE PROVIDER TRAINING FOR CALENDAR YEAR 2004:**

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure Of Public Funds For Proper "Public Purpose", and

WHEREAS, The October 20, 2003, State Auditor's ruling on payment of Expenditures Of Public Funds For Proper "Public Purpose" states that for persons who are employees or non-employees of the County, the Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities.

WHEREAS, the Delaware County Department of Job and Family Services has responsibility for providing training for child care providers certified by the Department; and

WHEREAS, training is scheduled throughout calendar 2004; and

WHEREAS, meetings vary in length with some occurring evenings and some on Saturdays; and

WHEREAS, the Department requests approval to purchase refreshments as appropriate; and

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 Department of Job and Family Services funds in an amount not to exceed \$120.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for Child Care Provider Training for Calendar Year 2004.

Further Be It Resolved, that the Commissioners approve a Purchase Order Request in the amount of \$120.00 to Buehler's.

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

**RESOLUTION NO. 04 -130**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE FOSTER PARENT TRAINING FOR CALENDAR YEAR 2004:**

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure Of Public Funds For Proper "Public Purpose", and

WHEREAS, The October 20, 2003, State Auditor's ruling on payment of Expenditures Of Public Funds For Proper "Public Purpose" states that for persons who are employees or non-employees of the County, the

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Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities.

WHEREAS, the Delaware County Department of Job and Family Services has responsibility for providing training for Foster Parents licensed by the Department; and

WHEREAS, training is scheduled throughout calendar 2004; and

WHEREAS, meetings vary in length with some occurring evenings and some on Saturdays; and

WHEREAS, the Department requests approval to purchase refreshments as appropriate; and

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 Department of Job and Family Services funds in an amount not to exceed \$345.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for Foster Parent Training for Calendar Year 2004.

Further Be It Resolved, that the Commissioners approve a Purchase Order Request in the amount of \$345.00 to Buehler's.

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

**RESOLUTION NO. 04 -131**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE PLANNING COMMITTEE MEETINGS FOR CALENDAR YEAR 2004:**

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure Of Public Funds For Proper "Public Purpose", and

WHEREAS, The October 20, 2003, State Auditor's ruling on payment of Expenditures Of Public Funds For Proper "Public Purpose" states that for persons who are employees or non-employees of the County, the Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities.

WHEREAS, the Planning Committee of the Delaware County Department of Job and Family Services meets on a monthly basis; and

WHEREAS, this Planning Committee is comprised of volunteers appointed by the County Board of Commissioners; and

WHEREAS, the Department requests approval to purchase refreshments as appropriate; and

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 Department of Job and Family Services funds in an amount not to exceed \$120.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for Planning Committee Meetings for Calendar Year 2004.

Further Be It Resolved, that the Commissioners approve a Purchase Order Request in the amount of \$120.00 to Buehler's.

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

**RESOLUTION NO. 04-132**

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

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

Barbara Thomas has resigned her position as Clerical Specialist with the Department of Job and Family Services; effective date January 28, 2004.

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Jonathan Packer has resigned his part-time Medic position with the EMS Department; effective date January 10, 2004.

Sabrina Leep has resigned her part-time Medic position with the EMS Department; effective date January 23, 2004.

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

**RESOLUTION NO. 04-133**

**IN THE MATTER OF ADOPTING RESOLUTION AUTHORIZING THE USE OF A COUNTY CREDIT CARD FOR MOTOR VEHICLE EXPENSES:**

It was moved by Mr. Ward seconded by Mr. Jordan, to adopt the following Resolution authorizing the use of Gasoline Credit Cards:

Whereas                        ,                        the Board of County Commissioners may authorize per Ohio Revised Code section 301.27 an officer or employee of an appointing authority to use a County credit card to pay for specific classes of work related expenses in lieu of submitting a monthly estimate of work related expenses, and

Whereas                        ,                        a County credit card includes a gasoline credit card and telephone credit card, and

Whereas,                        from time to time various county employees have need to charge gasoline and oil expenses, minor motor vehicle maintenance, and emergency motor vehicle repair expenses for motor vehicles owned or leased by the County, and

Whereas                        ,                        the Sheriff's Office and the Building Regulations Department have offices operating in the southern Delaware County needing to purchase gasoline in the area of their duties.

Now therefore be it Resolved, by the Board of County Commissioners of Delaware County, State of Ohio authorize the use of County credit cards without submitting an estimate for the work-related expenses for gasoline and oil expenses, minor motor vehicle maintenance, and emergency motor vehicle repair expenses, not to exceed the amount appropriated and encumbered for each County credit card, for the following appointing authorities officers and employees.

**Sheriff's Office**

Sheriff and all Sheriff's Office Employees

**County Engineer**

County Engineer and Assistant County Engineers

**Department of Building Regulations**

Department Supervisor, Chief Building Official, and Building Inspectors

**EMS**

Director, EMS Manager, Duty Supervisors, and Crew Chiefs

**EMA**

Director, EMA Supervisor, and Assistant EMA

**Facilities Management**

Facilities Supervisor and Lead Mechanic

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

**RESOLUTION NO. 04-134**

**IN THE MATTER OF ADOPTING RESOLUTION AUTHORIZING THE USE OF A COUNTY CREDIT CARD FOR TELEPHONE EXPENSES:**

It was moved by Mr. Jordan, seconded by Mr. Ward, to adopt the following Resolution authorizing the use of Telephone Credit Cards:

Whereas                        ,                        the Board of County Commissioners may authorize per Ohio Revised Code section 301.27 an officer or employee of an appointing authority to use a County credit card to pay for specific classes of work related expenses in lieu of submitting a monthly estimate of work related expenses, and

Whereas                        ,                        a County credit card includes a gasoline credit card and telephone credit card, and

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Whereas , from time to time various county employees have the need to charge telephone expenses, and

Now therefore be it Resolved, by the Board of County Commissioners of Delaware County, State of Ohio authorize the use of County credit cards without submitting an estimate for the work-related expenses for telephone expenses, not to exceed the amount appropriated and encumbered for each County credit card, for the following appointing authorities officers and employees.

**Job and Family Services**

Director, Assistant Director, Employment Services Supervisor, and Income Maintenance Supervisor.

**Commissioners Office**

Commissioners, and County Administrator

**Common Pleas Court**

Judges

**County Engineer**

County Engineer and Assistant County Engineers

**Data Center**

Director

**EMA**

Director, EMA Supervisor, and Assistant EMA

**Facilities**

Facilities Supervisor

**Prosecutor**

Prosecutor and Assistant Prosecutors

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

**PRESENTATION REGIONAL GROWTH STRATEGY –BILL HABIG AND KIMBERLY GIBSON**

**RESOLUTION NO. 04-135**

**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 Mr. Ward to adjourn into Executive Session at 10:05AM.

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

**RESOLUTION NO. 04-136**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn out of Executive Session at 11:35AM.

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

There being no further business the meeting adjourned.

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Deborah B. Martin

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James D. Ward

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Letha George, Clerk to the Commissioners