

**COMMISSIONERS JOURNAL NO. 45 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 9, 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

- 8:00 AM Prosecutor Session**
- 9:30 AM Public Hearing To Consider The Replacement Of The Dent Road Bridges In Trenton Township, Delaware County**
- 9:40 AM Public Hearing To Consider The Request By Absolute Impressions, Inc. For A Delaware County Revolving Loan (RLF)**
- 9:50 AM 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**
- 10:00 AM Bid Opening Date And Time For Janitorial Services For The Delaware County Wolf Building (149 N. Sandusky Street) And The One Stop Shop (12-B Troy Road)**
- 3:00 PM Executive Session**

PUBLIC COMMENT

Mr. Steve Watson, head of a committee against the Olentagy School Levy, referred to as Committee For Effective Actions To Spending Efficiently (C.E.A.S.E.), asked the Board Of Commissioners to pass a development moratorium.

Mrs. Martin explained that the Commissioners do not make laws. By Ohio Revised Code the Commissioners may only take actions that the ORC says they may take. Unless the ORC says the Commissioners can do it they cannot.

Mr. Ward mentioned that municipalities are able to make such laws. But Counties and townships cannot.

RESOLUTION NO. 04-176

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 5, 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 February 5, 2004 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 04-177

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR026:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR026, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Bruce Builders	DCHIP/Martin Anderson/Sunbury	23111711-5365	\$ 28,000.00
Defense Technology Corporation	201 Law Enforcement PPE Kits	21511310-5260	\$ 17,091.03
St. Vincent Childrens Center	Cluster/Residential Treatment	22511608-5342	\$ 25,000.00
Air Force One Inc	Cooling System	40111402-5410	\$ 17,990.00
United Life Insurance	Premium Jan. Thru, Dec. 2004	60211902-5370	\$ 18,300.00
Increases			
Delaware Cab	Client Residential Travel	22411601-5355	\$ 58,000.00
Vouchers			
Delaware JVS	Professional Program Service	22411601-5348	\$ 5,643.27
Healthy Edge LLC	EAP Monthly Fee for Jan-July 04	60211902-5301	\$ 10,951.20
Child Care Unlimited	Day Care	22411606-5348	\$ 5,284.00
Office City	OSU Extension	40111402-5450	\$ 17,665.14

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AEP	Alum Creek Electric	65211919-533833802	\$	47,094.58
US Filter Davis	Bioxide Chemical	65211919-5290	\$	6,809.25
AEP	OECC Electric	65211905-533833802	\$	35,988.51

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

RESOLUTION NO. 04-178

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Administrative Services Department is requesting that Steve Savon attend Monthly Delaware County Safety Council Meetings at various locations in the County, at the cost of \$90.00.

Juvenile Court is requesting that Byron Brown, Howard Heston, Lisa Risinger, Stephanie Diaz, and Kristin Camac attend the 20th Annual Inter-Court Conference at the Salt Fork Conference Center in Cambridge, Ohio, February 26 and 27, 2004, at the cost of \$551.75.

Juvenile Court is requesting that Coco Kneisly attend 16 Human Resources University Curriculum Training Sessions in Columbus, Ohio February 9 to December 31, 2004, at the cost of \$1,600.00

The Department of Job and Family Services is requesting an increase of \$15.00 to Tracy Merrin's previously approved travel request for a Peer-to-Peer WIA Meeting in Columbus, Ohio.

The Environmental Services Department is requesting that Matthew Kiss attend a Wastewater Workshop in Columbus, Ohio March 16 to 17, 2004, at the cost of \$225.00.

The Environmental Services Department is requesting that John Faust attend a Collections Systems Workshop in Columbus, Ohio February 24, 2004, at the cost of \$165.00.

The Commissioners' Office is requesting that James D. Ward attend a State of the Region Conference in Sandusky, Ohio April 2, 2004, at the cost of \$35.00.

The Commissioners' Office is requesting that Dave Cannon attend a Mid Ohio Administrators Group Meeting in Columbus, Ohio February 11, 2004, at no cost.

The Commissioners' Office is requesting that Kris Jordan attend a NACO Legislative Conference in Washington D.C. February 28 to March 1, 2004, at the cost of \$1,280.00.

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

RESOLUTION NO. 04-179

IN THE MATTER OF APPROVING PLATS FOR ABBEY KNOLL SECTION 4, PHASE B; NORTH ORANGE SECTION 1 PHASE 2, PART A; NORTH ORANGE SECTION 1, PHASE 2, PART B AND NORTH ORANGE SECTION 1, PHASE 3:

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

Abbey Knoll Section 4, Phase B

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, And In Farm Lots 14 (12.329 Acres) And 15 (1.847 Acres), Quarter Township 1, Township 3, Range 18, United States Military Lands, Containing 14.176 Acres Of Land, More Or Less, Said 14.176 Acres Being Comprised Of A Part Of Each Of Those Tracts Of Land Conveyed To Rockford Homes, Inc. By Deeds Of Record In Official Record 89, Page 1030 (0.130 Acre) And Official Record 194, Page 1018 (14.046 Acres), Recorder's Office, Delaware County, Ohio. Cost \$93.00.

North Orange Section 1 Phase 2, Part A

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Located In Part Of Farm Lots 2, 3 And 4, Section 2, Township 3, Range 18, United States Military Lands, Being A 18.131 Acre Subdivision, There Being 6.743 Acres Out Of A 21.110 Acre Tract Conveyed To North Orange Development, L.L.C By Official Record Volume 283, Page 912, All Of A 4.00 Acre Tract Conveyed To North Orange Development LLC In Official Record Volume 457, Page 2121, 6.388 Acres Out Of A 35.686 Acre Tract Conveyed To North Orange Development, LLC In Official Record Volume 283, Page 916, And All Of A 1.000 Acre Tract Conveyed To North Orange Development LLC By Official Record Volume 457, Page 2124, There Being 2.675 Acres In Farm Lot 2, 5.257 Acres In Farm Lot 3 And 10.199 Acres In Farm Lot 4. All References Being To The Record Of The

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Recorder's Office, Delaware County, Ohio. Cost \$6.00.

North Orange Section 1, Phase 2, Part B

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Located In Part Of Farm Lots 4, 5 And 6, Section 2, Township 3, Range 18, United States Military Lands, Being A 16.854 Acre Subdivision, There Being 1.490 Acres Out Of A 35.686 Acre Tract Conveyed To North Orange Development, L.L.C By Official Record Volume 283, Page 916 And 15.364 Acres Out Of A 17.271 Acre Tract Conveyed To North Orange Development, L.C.C. In Official Record Volume 283, Page 924. There Being 1.190 Acres In Farm Lot 4, 7.540 Acres In Farm Lot 5, And 7.824 Acres In Farm Lot 6. All References Being To The Record Of The Recorder's Office, Delaware County, Ohio. Cost \$3.00.

North Orange Section 1, Phase 3

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Located In Part Of Farm Lot 2, Section 2, Township 3, Range 18, United States Military Lands, Being A 15.863 Acre Subdivision, Being All Of Lot 5576 Of North Orange Section 1, Phase 1 (A Subdivision) As Recorded In Plat Cabinet 2, Slide 753, The Same Being Split As Follows; There Being All Of A 0.939 Acre Tract Conveyed To Riverside Radiology Associates Inc. (As Parcel 1) By Official Record Volume 273, Page 2487, All Of A 1.224 Acre Tract Conveyed To North Orange Medical Building, Ltd. (As Parcel 2) By Official Record Volume 273, Page 2503, All Of A 4.164 Acre Tract Conveyed To North Orange Development, LLC By Official Record Volume 283, Page 926, Also Being All Of A 4.946 Acre Tract Conveyed To North Orange Development, LLC By Official Record Volume 283, Page 920, All Of A 2.049 Acre Tract Conveyed To The Board Of Township Trustees Of Orange Township, Delaware County, Ohio, (As Tract 1) By Official Record Volume 273, Page 2483, And Being All Of A 2.541 Acre Tract Conveyed To The Board Of Trustees Of Orange Township, Two Parcels Conveyed To The Board Of Township Trustees Of Orange Township, Delaware County, Ohio Combine To Contain 3.099 Acres Out Of Lot 5580 Of Said North Orange Section 1, Phase 1. All References Being To The Record Of The Recorder's Office, Delaware County, Ohio. Cost \$27.00.

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

RESOLUTION NO. 04-180

IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR RIVER'S EDGE AT ALUM CREEK SECTION 2, ABBEY KNOLL SECTION 4, PHASE A AND ABBEY KNOLL SECTION 4, PHASE B:

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

River's Edge at Alum Creek Section 2

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 **\$76,250** for the duration of the one year maintenance period. A Letter of Credit in that amount is available.

Abbey Knoll Section 4, Phase A

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

In accordance with the Subdivider's Agreement, The Engineer recommends that the maintenance bond be set at **\$37,700** for the duration of the one year maintenance period. A Bond in that amount is available. The Engineer also request approval to return the Bond being held as construction surety to the developer, Rockford Homes.

Abbey Knoll Section 4, Phase B

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

In accordance with the Subdivider's Agreement, The Engineer recommends that the maintenance bond be set at **\$41,400** for the duration of the one year maintenance period. A Bond in that amount is available.

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

RESOLUTION NO. 04-181

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

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

Permit #	Applicant	Location	Type of Work
U04012	Verizon	Tyler Road	Place telephone cable
U04013	Verizon	Cook Road	Bore road and bury cable
U04014	Columbia Gas	Africa Road	Install gas line

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

RESOLUTION NO. 04-182

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR ADULT PROBATION/INTENSIVE SUPERVISION PAROLE:

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

Supplemental Appropriations	AMOUNT
25822305-5101	Byrne Grant/Insurance -2,880.00
25822305-5102	Byrne Grant/Workers Comp 338.63
25822305-5201	Byrne Grant/Office Supplies 1,000.00
25822305-5215	Byrne Grant/Program Supplies 11,902.80
25822305-5250	Byrne Grant/Minor Tools -300.00
25822305-5246	Byrne Grant/Lab Materials 5,000.00
25822305-5342	Byrne Grant/Medical & Health Related -40,000.00
25822305-5348	Byrne Grant/Professional Services 6,000.00
25822305-5850	Byrne Grant/Advance Refund 18,758.00
25422301-5001	CCA Grant/Salaries -322.00
25422301-5101	CCA Grant/Insurance -2,250.00
25422301-5102	CCA Grant/Workers Comp -343.53
25422301-5120	CCA Grant/PERS -55.00
25422301-5131	CCA Grant/Medicare 5.00
25422301-5246	CCA Grant/Lab Materials 2,333.00
25422301-5328	CCA Grant/Maint & Repair -215.00
25422301-5330	CCA Grant/Telephone 150.00
25422301-5331	CCA Grant/Freight & Postage 180.00

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

RESOLUTION NO. 04-183

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLAN FOR THE OAKS AT HIGHLAND LAKES PHASE 4:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve sanitary sewer plan for The Oaks At Highland Lakes Phase 4 for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 04-184

IN THE MATTER OF APPROVING THE FINANCIAL SUMMARY AND 4th QUARTER REPORT OF THE RECYCLE OHIO GRANT FOR 2003:

It was moved by Mr. Ward, seconded by Mr. Jordan, to approve the financial summary and 4th quarter report of the Recycle Ohio Grant 2003.

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

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

RESOLUTION NO. 04-185

IN THE MATTER OF REMOVING STANLEY BRECHTEL AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE DELAWARE COUNTY BOARD OF ZONING APPEALS:

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

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, the Board of Commissioners of Delaware County shall remove an individual from the Delaware County Board of Zoning Appeals effective February 9, 2004 and

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, remove Stanley Brechtel from the Delaware County Board of Zoning Appeals.

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

RESOLUTION NO. 04-186

SETTING BID OPENING DATE AND TIME FOR OFFICE SUPPLIES FOR DELAWARE COUNTY:

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

**PUBLIC NOTICE
INVITATION TO BID**

Notice to bidders are posted on the internet and may be viewed on Delaware County's web page at <http://www.co.delaware.oh.us> under the heading Current Bids.

Sealed bids will be received by the Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 at **10:00 AM on Monday, March 8, 2004**, at which time they will be publicly opened and read and the contract awarded as soon as possible, for Office Supplies for Delaware County.

Each bid must contain the full name of every person or company interested in same, and be accompanied by an acceptable bid bond or certified check in the amount of \$500 made payable to the Delaware County, Ohio. Bid specifications may be obtained from Delaware County Commissioners Office, 101 N. Sandusky St., Delaware County Facilities Management Office, 1405 US 23 North, Delaware, Ohio during normal business hours, or off the internet at www.demandstar.com.

The County reserves the right to reject any and all bids, in whole or in part, to waive any defect in any or all bids, to accept the bid or part it deems to be the lowest and best. Bids shall be submitted in a sealed envelope marked "Sealed Bid for Office Supplies." No bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read.

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

RESOLUTION NO. 04-187

SETTING BID OPENING DATE AND TIME FOR CONSUMABLE PRINTER SUPPLIES FOR DELAWARE COUNTY:

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

**PUBLIC NOTICE
INVITATION TO BID**

Notice to bidders are posted on the internet and may be viewed on Delaware County's web page at <http://www.co.delaware.oh.us> under the heading Current Bids.

Sealed bids will be received by the Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 at **10:00 AM on Monday, March 8, 2004**, at which time they will be publicly opened and read and the contract awarded as soon as possible, for Consumable Printer Supplies for Delaware County.

Each bid must contain the full name of every person or company interested in same, and be accompanied by an acceptable bid bond or certified check in the amount of \$500 made payable to the Delaware County, Ohio. Bid specifications may be obtained from Delaware County Commissioners Office, 101 N. Sandusky St., Delaware County Facilities Management Office, 1405 US 23 North, Delaware, Ohio during normal business hours, or off the internet at www.demandstar.com.

The County reserves the right to reject any and all bids, in whole or in part, to waive any defect in any

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or all bids, to accept the bid or part it deems to be the lowest and best. Bids shall be submitted in a sealed envelope marked "Sealed Bid for Printer Supplies." No bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read.

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

RESOLUTION NO. 04-188

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR LANDS AND BUILDING:

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

Transfer of Appropriation		AMOUNT
From	To	
10011105-5801	10011105-5338	\$11,951.91
Lands & Buildings/Transfers	Lands & Buildings/Utilities	

Further Be it Resolved that the Commissioners approve a Memo Transfer to the Engineer's Office (29214001-4725) in the amount of \$11,951.91. from Lands and Buildings (10011105-5338).

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

KEITH BAILEY, SOLID WASTE SURVEY PRESENTATION

RESOLUTION NO. 04-189

9:30AM PUBLIC HEARING TO CONSIDER THE REPLACEMENT OF THE DENT ROAD BRIDGES IN TRENTON TOWNSHIP:

It was moved by Mr. Ward, seconded by Mr. Jordan to open the hearing at 9:30AM.

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

RESOLUTION NO. 04-190

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO CONSIDER THE REPLACEMENT OF THE DENT ROAD BRIDGES IN TRENTON TOWNSHIP:

It was moved by Mr. Jordan, seconded by Mr. Ward to close the hearing at 9:34AM.

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

RESOLUTION NO. 04-191

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 THE DENT ROAD BRIDGES IN TRENTON TOWNSHIP:

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 Ward, 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 January 23 and on January 30, 2004, in accordance with the law.
- Section 2) That on February 2, 2004 at 1:30 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 February 9, 2004 at 9:30 AM.
- Section 3) That it is necessary for the public convenience and welfare that proceedings be initiated to proceed with the above projects.

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

RESOLUTION NO. 04-192

IN THE MATTER OF INSTRUCTING THE ENGINEER TO PREPARE SURVEYS, PLANS ESTIMATES, SPECIFICATIONS AND PLATS FOR REPLACEMENT OF THE DENT ROAD BRIDGES IN TRENTON TOWNSHIP AS VIEWED ON FEBRUARY 2, 2004 AT 1:30 PM:

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

WHEREAS, on January 15, 2004, by Resolution No. 04-61, the Board of County Commissioners did fix the public viewing for February 2, 2004 at 1:30 PM and the final public hearing, for February 9, 2004 at 9:30 AM.

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

WHEREAS, on February 9, 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 February 2, 2004, 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 Ward.

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. 04-193

9:40 AM - IN THE MATTER OF PUBLIC HEARING TO CONSIDER THE REQUEST BY ABSOLUTE IMPRESSIONS, INC. FOR A DELAWARE COUNTY REVOLVING LOAN (RLF):

It was moved by Mr. Ward, seconded by Mr. Jordan to open the hearing.

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

RESOLUTION NO. 04-194

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR THE REQUEST BY ABSOLUTE IMPRESSIONS, INC. FOR A DELAWARE COUNTY REVOLVING LOAN (RLF):

It was moved by Mr. Jordan, seconded by Mr. Ward to close the hearing.

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

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RESOLUTION NO. 04-195

9:50AM PUBLIC HEARING TO CONSIDER THE USE OF BRINE WATER AND 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 open the hearing at 9:50AM.

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

RESOLUTION NO. 04-196

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO CONSIDER THE USE OF BRINE WATER AND 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. Ward, seconded by Mr. Jordan to close the hearing at 9:57AM.

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

RESOLUTION NO. 04-197

IN THE MATTER OF AUTHORIZING THE APPROVAL OF BRINE WATER APPLICATION ON THE DELAWARE COUNTY FAIR GROUNDS:

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

Whereas, the Delaware County Agricultural Society has submitted a plan for review by the Board of Delaware County Commissioners, and

Whereas, the plan contains the following minimum standards:

1. The surface application of brine shall be subject to the following standards:
 - A. "Brine" shall mean all saline geological formation water resulting, obtained, or produced in connection with the exploration, drilling, or production of oil or gas.
 - B. Surface application of brine is permitted only for the purpose of dust or ice control.
 - C. Brine shall not be applied:
 - i. To a water-saturated surface
 - ii. Directly to vegetation near or adjacent to surfaces being treated
 - iii. Within twelve (12) feet of structures crossing bodies of water or drainage ditches
 - iv. Between sundown and sunrise, except for ice control.
2. Source of brine: Fishburn #5 Permit #3559
Fishburn Leo, Permit #4037
Beltz Permit #3436
Bertani, Permit #3484
3. Transporters of brine Fishburn Services, Inc
5012 St. Rt. 229
P.O. Box 278
Marengo, Ohio

Registration Certificate No. UIC-3
4. Places to which brine will be applied:

To Private roads or similar surfaces within the property boundaries of the Delaware County Fairgrounds, for the purpose of dust control.
5. Method, rate and frequency of application:
 - A. The discharge of brine through the spreader bar shall stop when the application stops.
 - B. The applicator vehicle shall be moving at least (5) miles per hour at all times while

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- brine is being applied.
- C. The maximum spreader bar nozzle opening shall be three-quarters (3/4") of an inch in diameter.
- D. The maximum uniform application rate of brine shall be three thousand (3,000) gallons per mile on a twelve (12) foot wide road, or three (3) gallons per sixty (60) square feet on unpaved lots.
- E. The applicator vehicle discharge valve shall be closed between the brine collection point and the specific surfaces that have been approved for brine application.
- F. Any valves that provide for tank drainage other than through the spreader bar shall be closed during the brine application and transport.
- G. The angle of discharge from applicator vehicle spreader bar shall not be greater than (60) degrees from the perpendicular to the unpaved surface.
- H. Only the last twenty-five (25) percent of an applicator vehicle's contents shall be allowed to have a pressure greater than atmospheric pressure: therefore, the first seventy-five (75) percent of the applicator vehicle's contents shall be discharged under atmospheric pressure.
- I. Frequency of application: Dependent upon weather conditions, estimated application would be; light to no rainfall surface application once every ten (10) days, medium rainfall surface application once every two (2) weeks, overall application would be twice a month.

6. Other terms: The Delaware County Agricultural Society is responsible for monitoring the applications and submitting the annual report to Ohio Department of Natural Resources on following the proper regulations for BRINE water application.

Now therefore be it resolved, that the Delaware County Commissioners authorizing the approval of brine water application on The Delaware County Fair Grounds.

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

RESOLUTION NO. 04-198

IN THE MATTER OF APPROVING 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. Ward, seconded by Mr. Jordan that the following resolution be adopted:

Whereas on February 9, 2004 the Delaware County Board of Commissioners held a hearing to approve a Brine Water Permit for the Delaware County Agricultural Society.

Whereas, Delaware County desires to utilize the application of brine water for dust control on the Delaware County Fair Grounds, and

Whereas, the Board of County Commissioners on February 9, 2004 passed resolution No. 04-197 authorizing the approval of brine water application, and

Whereas, The Delaware County Agricultural Society has submitted an application and plan for spreading brine water on private property,

Now, Therefore be it resolved that this plan having been reviewed and found to be compliant in all areas that the aforementioned Delaware County Agricultural Society be issued a permit for brine water application.

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

RESOLUTION NO. 04-199

3:00PM IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR LAND ACQUISITION:

It was moved by Mrs. Martin, seconded by Mr. Ward to adjourn into Executive Session at 3:05PM.

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

RESOLUTION NO. 04-200

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mrs. Martin to adjourn out of Executive Session at 3:27PM.

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Vote on Motion Mrs. Martin Aye Mr. Jordan Absent 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