

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 14, 2005

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: Glenn A. Evans, Kristopher W. Jordan, James D. Ward

PUBLIC COMMENT

PRESENTATION REGIONAL GROWTH STRATEGY –BILL HABIG FROM MORPC

RESOLUTION NO. 05-164

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 10, 2005 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the resolutions and records of the proceedings from regular meeting held February 10, 2005 as contained in the county’s official electronic recordings of the proceedings.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-165

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0211:

It was moved by Mr. Ward, seconded by Mr. Evans to approve payment of warrants in batch numbers CMAPR0211, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Increases			
Gregory Keck	Therapy	22511607-5350	\$ 6,000.00
Kindercare-Caren	Day Care	22511607-5348	\$ 2,200.00
Vouchers			
Child Care Unlimited	Day Care	22411610-5348	\$ 7,265.00
BP Products	Fuel for Vehicles & Equipment	65211919-5228	\$ 5,500.80
US Filter Davis	Bioxide Chemicals	65211905-5290	\$ 14,000.00
Liberty Twp Fire	Remainder of Liberty Runs	10011303-5345	\$ 6,373.00
Henry P Thompson	Back-up Sensor Pump Station	65211919-5270	\$ 5,868.00
US Postal Service	Postal Service	10011105-5331	\$ 20,000.00
Toddler Inn	Day Care	22411610-5348	\$ 8,091.10
Todays Learning Child	Day Care	22411610-5348	\$ 6,924.00
Kindercare Neverland	Day Care	22411610-5348	\$ 16,542.00
Memo Transfer Vouchers			
From	To		
DJFS	Del Co. Bd. Of DD	Jan Board & Care Co Home	\$ 7,500.00
10011501-5350	29519000-4539		
DJFS	Commissioners	Indirect Cost	\$ 30,640.00
22411605-5380	10011101-4231		
DJFS	Commissioners	Indirect Cost	\$ 30,640.00
22411605-5380	10011101-4231		

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05 -166

IN THE MATTER OF REMOVING A TRAVEL EXPENSE REQUESTS FROM THE PRESENTED LIST:

It was moved by Mr. Ward, seconded by Mr. Evans to remove the following request from the Travel Expense List:

Veterans Services is requesting that Richard Bennett attend a National Certification Conference/school in Corpus Christi, Texas June 11-18, 2005.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05 -167

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IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Veterans Services is requesting that Valerie Crane attend a National Certification Conference/school in Corpus Christi, Texas June 9-18, 2005, at the cost of \$2,465.00.

Veterans Services is requesting that John Vandyck attend a National Certification Conference/school in Corpus Christi, Texas June 11-18, 2005, at the cost of \$2,168.28.

The Maintenance Department is requesting that Scott Gaines and Lance Hauersperger attend an Intellipak Packaged Rooftop Class in Columbus, Ohio February 17, 2005, at the cost of \$450.00.

The Court of Common Pleas is requesting that Kara Clark attend a Department of Justice Management Development Training in Longmont, Colorado March 13-19, 2005, at the cost of \$585.00.

The Prosecutor’s Office is requesting that William Owen attend a Workshop on The 7 Habits of Highly Effective Managers in Columbus, Ohio February 17, 2005, at the cost of \$331.21.

The Emergency Services Department is requesting that Cheryl Van Gundy, Cathy Jenkins and Michelle Treadway attend an APCO/NENA State Conference in Worthington, Ohio April 12, 2005, at the cost of \$105.00.

The Emergency Services Department is requesting that Larry Fisher and John Tracy attend an APCO/NENA State Conference in Worthington, Ohio April 13, 2005, at the cost of \$70.00.

The Emergency Services Department is requesting that Sharon Creamer, Kathy Coy and Elissa Sessley attend an APCO/NENA State Conference in Worthington, Ohio April 11-13, 2005, at the cost of \$300.00.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-168

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 3.999 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

Whereas on January 12, 2005, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by William D. Fergus, Jr., agent for the petitioners, of 3.999 Acres, more or less, in Liberty Township to the City of Powell.

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Powell or the Township of Liberty.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 3.999 Acres, more or less, in Liberty Township to the City of Powell.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-169

IN THE MATTER OF APPROVING PLAT AND DITCH MAINTENANCE PETITION FOR RAVINES OF ALUM CREEK:

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

Ravines Of Alum Creek

Situated In The State Of Ohio, County Of Delaware, Township Of Berlin, Range Eighteen (18), Township Four (4), Section One (1), Part Of Farm Lot 10, United States Military Lands, And Containing A Total Of 38.329 Acres Of Which 8.489 Acres Are Dedicated Right Of Way And Being A Portion Of The Lands Conveyed To T & R Properties Inc, And To JD Partnership Of Record In Official Record 604, Page 446, Recorder’s Records, Delaware County, Ohio. Cost \$201.00.

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Ditch Maintenance Petition- Ravines Of Alum Creek

We the undersigned owners of 38.329 acres in Berlin Township, Delaware County, Ohio propose to create a subdivision known as **Ravines Of Alum Creek** as evidenced by the attached subdivision plat (Exhibit “A” which is available at the County Engineer’s Office). This plat has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider’s agreement Exhibit “B” available at the County Engineer’s Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit “C” (available at the County Engineer’s Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Ravines Of Alum Creek** Subdivision.

The cost of the drainage improvements is \$267,842.95 and a detailed cost estimate is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. 67 lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$3,997.65 per lot. An annual maintenance fee equal to 2% of this basis \$79.95 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$5,356.85 has been paid to Delaware County.

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

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-170

IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR WOODLAND GLEN SECTION 1 AND WOODLAND GLEN SECTION 2:

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

Woodland Glen Section 1

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 2005 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$84,000** for the duration of the one-year maintenance period. A Bond in that amount is available. He also request approval to return the Bond being held as construction surety to the contractor, Corna/Kokosing Construction Company.

Woodland Glen 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 2005 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$70,000** for the duration of the one-year maintenance period. A Bond in that amount is available. He also request approval to return the Bond being held as construction surety to the contractor, Corna/Kokosing Construction Company.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-171

IN THE MATTER OF ACCEPTING PERFORMANCE CONSTRUCTION BONDS FOR RAVINES OF ALUM CREEK:

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

Ravines of Alum Creek

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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 **\$1,073,161** and a Letter of Credit in that amount is available to cover the bonding of this project.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-172

IN THE MATTER OF APPROVING THE RELEASE OF THE MAINTENANCE BONDS FOR OLD 3C HIGHWAY WIDENING FOR GENOA FARMS SUBDIVISION:

It was moved by Mr. Evans, seconded by Mr. Ward to release the maintenance bond for the Old 3C Highway Widening for Genoa Farms Subdivision:

Old 3C Highway Widening for Genoa Farms Subdivision

In June, 2002, your Board entered into an Agreement with Dominion Homes for the above referenced project. As the improvements for this project have been completed to the satisfaction of this office, The Engineering Staff is requesting your approval to release Dominion Homes from further obligation to this project and return the Bond being held as construction surety.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-173

IN THE MATTER OF ACCEPTING AND AWARDING THE BID AND APPROVING THE CONTRACT WITH EAGLE BRIDGE COMPANY FOR STOCKWELL ROAD BRIDGE REPLACEMENT:

It was moved by Mr. Ward, seconded by Mr. Evans to accept the following Bid and approving the following contract:

Stockwell Road Bridge Replacement-Bid Opening of February 9, 2005

As a result of the referenced bid opening, The Engineer recommends that a bid award be made to Eagle Bridge Company, the low bidder for the project. Bid tabulation is available for your information.

CONTRACT

AGREEMENT made and entered into this 14th day of February, 2005 by and between the **Delaware County Commissioners**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **EAGLE BRIDGE COMPANY**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of the sum of **EIGHT HUNDRED FORTY –FOUR THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS AND FORTY-NINE CENTS** (\$844,885.49), based on unit prices on the attached **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, all the necessary material, labor and equipment required to complete the project known as **STOCKWELL ROAD BRIDGE REPLACEMENT PROJECT**, in accordance with plans, **drawings**, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general specifications and Invitation to Bid are hereby declared to be a part of this **Contract**.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer**. Work is to be completed on or before **October 31, 2005**.

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 sub-contractors, agents or employees.

SECOND PARTY further agrees to pay the **Prevailing Wage Rate** in accordance with **Section 4115 of the Ohio Revised Code** and to furnish the **Delaware County Engineer** a certified copy of the Contractor's payroll. Contractor is also responsible providing any changes in the Prevailing Wage rates as furnished by the Delaware County Engineer during the course of this project to any and all Subcontractors employed by the Contractor.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05- 174

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**IN THE MATTER OF ADOPTING AN AMENDMENT TO THE BUILDING CODE OF DELAWARE COUNTY
AND AMENDMENT TO THE FEE SCHEDULE:**

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

WHEREAS, the Building Code of Delaware County was originally adopted in October of 1964 and most recently amended on July 15, 2002, and

WHEREAS, O. R. C. 307.37 was recently amended by an act of the 125TH General Assembly of the State of Ohio to permit counties to include regulations in their building codes to protect existing surface and subsurface drainage, and

WHEREAS, by virtue of O. R. C. 307.37, the Board of County Commissioners is authorized and empowered to adopt regulations outlined in this Section of the Code which now includes review and protection of existing surface and subsurface drainage; and

WHEREAS, this Board has determined to adopt such regulations:

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Delaware County, State of Ohio;

Section 1 That the said Drainage Protection Review Process is hereby adopted as part of the Building Code of Delaware County,

DRAINAGE REVIEW REQUIRED

No building permit application shall be accepted and no building permit shall be issued until a review of the specific effects of the proposed new construction on existing surface and subsurface drainage has been completed by the Board of Delaware County Commissioners and/or anyone they appoint for the purpose of conducting such reviews. Specifically, the Delaware Soil and Water Conservation District (DSWCD) has been appointed by the Board of Delaware County Commissioners to conduct the inspections required for these reviews and to make evaluations about what, if any alterations are necessary to prevent or correct any adverse effects that a proposed new construction may have on existing surface or subsurface drainage.

These regulations have been adopted pursuant to authority granted by Section 307.37 of the Ohio Revised Code.

Relevant plans and other documents submitted under these regulations may be prepared and submitted by a person registered under Chapter 4703 or 4733 of the Ohio Revised Code, provided that the person is authorized to prepare the plans and other documents pursuant to the person's registration.

This review process described in these regulations shall not apply to any property that has been approved by the county platting authority under section 711.05, 711.09, 711.10, or 711.131 of the Ohio Revised Code.

1. PROCEDURE

- A. Unless exempted as provided above, an applicant for a building permit in Delaware County shall submit an application, known as a Drainage Protection Review Application, for review of the specific effects of the proposed new construction on existing surface or subsurface drainage. Such application shall be requested from the DSWCD.
- B. No later than five (5) days after the Drainage Protection Review Application is filed, a meeting with the applicant shall be scheduled by the DSWCD. The meeting shall be held within thirty (30) days after the date on which a Drainage Protection Review Application is filed, unless the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time, or place. The meeting shall be for the purpose of examining the proposed new construction for effects on existing surface and/or subsurface drainage.
- C. Written notice of the date, time, and place of the meeting with the applicant, shall be sent by regular mail to the applicant at least seven (7) days before the scheduled meeting date.
- D. The review shall be completed no later than thirty (30) days after the date the Drainage Protection Review Application was filed, unless the applicant agrees in writing to extend that time period or to postpone the meeting to another date, time or place, in which case the review shall be completed not later than two (2) days after the date of the meeting.
- E. Upon completion of the review, the applicant will be provided a written report of the review, to be mailed or hand-delivered to the applicant within two (2) working days of the meeting, but no more than thirty (30) days after a Drainage Protection Review Application is filed.

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The written report shall indicate either the proposed new construction will have no adverse effects on existing surface and/or subsurface drainage or shall include the issuance of any order of the Board of Delaware County Commissioners regarding necessary reasonable drainage mitigation and necessary reasonable alterations to the proposed new construction to prevent or correct any adverse effects on existing surface an/or subsurface drainage.

- F. All necessary drainage mitigation and/or alterations shall be agreed upon in writing, signed by the applicant and presented to the DSWCD for acknowledgement and approval prior to receiving a building permit. All necessary drainage mitigation and/or alterations must be completed as outlined in the order of the Board of Delaware County Commissioners. This agreement signed by the applicant must be presented to Delaware County Code Compliance in order to apply for a building permit. Under no circumstance shall Delaware County Code Compliance issue and occupancy certificate until all drainage mitigation and/or alterations have been satisfactorily completed per the order
- G. If the review is not completed within thirty (30) days after the date upon which the Drainage Protection Review Application was filed or an extended or postponed period that the applicant has agreed to, the proposed new construction shall be deemed to have no adverse effects on existing surface an/or subsurface drainage, and those effects shall not be a valid basis for the denial of a building permit.
- H. A written statement shall be provided to the applicant at the meeting or in an order for alterations to a proposed new construction, informing the applicant of the right to seek appellate review of the denial of a building permit under these regulations by filing a petition in accordance with Chapter 2506 of the Ohio Revised Code.

2. NOTICE OF INSPECTION:

It shall be the responsibility of the applicant for Drainage Protection Review to notify the DSWCD official when surface or subsurface drainage mitigation or alteration work is ready for inspection as outlined in the written report of the review. Such notice shall be given within a reasonable time within which such inspection is desired but in no event shall it be less than 24 hours of the desired inspection time. Inspections will not be performed on a Saturday, Sunday, or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. It shall be the responsibility of the applicant for Drainage Protection Review to provide adequate access to all areas for inspection and to provide protection for areas subject to damage or disturbance while the inspector is performing an inspection.

3. ACTION ON NOTICE:

Upon receipt of notice from the applicant for Drainage Protection Review that the surface or subsurface drainage mitigation or alteration work is ready for inspection, the DSWCD official shall inspect or cause to be inspected such work as soon as reasonably practicable. Inspections will not be performed on a Saturday, Sunday, or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. Failure of the DSWCD official to make a prompt inspection shall not be deemed justification, for covering or burying work without inspection where such work is required, under the terms of the written report of the review and/or order, to be inspected before being covered or buried. After inspection, the DSWCD official shall issue a written report of the inspection, to be mailed or hand delivered to the applicant within two (2) working days after the inspection. The written report shall indicate that after inspection of the work performed either, compliance with the order of the Board of Delaware County Commissioners had been achieved and the proposed new construction will no longer cause any adverse effects on existing surface and/or subsurface drainage or shall it indicate that compliance has not bee achieved and to achieve compliance additional work must be done pursuant to the order of the Board of Delaware County Commissioners and further inspection for compliance is required.

4. DISCOVERY OF UNIDENTIFIED SUBSURFACE DRAINS:

It shall be the responsibility of the applicant for Drainage Protection Review to notify the DSWCD official upon the discovery of subsurface drainage tile not identified within the written report of the review. When subsurface drainage tile is discovered, the DSWCD official shall schedule an inspection as soon as reasonably practical. Inspections will not be performed on a Saturday, Sunday, or legal holiday, as legal holiday is defined in Section 1.14 of the Ohio Revised Code. Additional mitigation and/or alterations as a result of the newly discovered drainage tile may be necessary at the permit holder's expense, however no additional inspection fee shall be charged.

5. FEES

It shall be a violation of these regulations to cover or bury, prior to inspection, any work required to

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be inspected under the provisions of the written report of the review or any supplemental reports to such written report of the review. The applicant for Drainage Protection Review shall be required to uncover any such work for inspection, and the cost of uncovering such work and of replacing the cover after the work has been inspected and found satisfactory shall be borne by the applicant.

6. FEES
- A.

At the time of the adoption of these drainage review regulations, the Board of Delaware County Commissioners shall establish a fee schedule. These fees will be effective immediately and may be amended at the Delaware Board of County Commissioner’s annual organizational meeting.
- B.

Fees shall be collected along with building permit fees by Delaware County Code Compliance.
- C.

Fees shall have a three-tiered organization:
- ?

Application Fee – initial charge for all Drainage Protection Review applications.
- ?

Inspection Fee – charge for all sites requiring drainage alterations or mitigation.
- ?

Reinspection Fee – charge for repeated inspections for a specific drainage alteration or mitigation practice due to failure of installer to complete the work satisfactorily.
- D.

All fees must be paid in full prior to the issuance of an occupancy certificate.

7. PENALTIES

Whenever the Soil and Water Conservation District Official or any other officer charged with the enforcement of this Code is satisfied that any provision he is charged to enforce has been violated or is about to be violated in any respect, or that any order or direction made in pursuance of the enforcement of this Code had not been complied with, or is being disregarded, and whenever he is satisfied that civil proceedings are necessary for the enforcement of this Code to restrain or correct the violation thereof, he shall apply to the County or Municipal Prosecuting Attorney, who is hereby authorized to institute civil proceedings. Such civil proceedings shall be brought in the name of the County or Municipality, provided however, that nothing in this Section and no action taken thereunder, shall be held to exclude such criminal proceedings as may be authorized by the Ohio Revised Code, or any of the laws or resolutions in force in the County or Municipality or to exempt any one violating these regulations or any part of said laws from any penalty which may be incurred.

Pursuant to Section 307.99 [c] of the Ohio Revised Code, whoever violates Section 307.37 of the Ohio Revised Code shall be fined not more than three hundred dollars per offense. Each day during which an illegal location, erection, construction, flood proofing, repair, alteration, development, redevelopment, or maintenance continues may be considered a separate offense.

Section 2 That the following fee schedule is hereby adopted

Application Fee	\$75.00
Inspection Fee	\$75.00
Reinspection Fee	\$50.00

Section 3 That this resolution shall be effective on April 1, 2005

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-175

IN THE MATTER OF APPROVING AN ADJUSTMENT TO THE RATES FOR FOSTER PARENT REIMBURSEMENTS:

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

WHEREAS, the Delaware County Department of Job and Family Services and the Delaware County Commissioners license foster parents who provide placement services for children of the Delaware County Department of Job and Family Services, and

WHEREAS, the Delaware County Commissioners set rates for foster parent reimbursements and adjusts those rates from time to time, and

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WHEREAS, the current per diem rate for foster parents of the Delaware County Department of Job and Family Services is based on the age of the foster child and is as follows: birth to twelve of \$15 per day, and thirteen to twenty-one of \$20 per day, and the current rate for mileage reimbursement is \$0.30 per mile, and

WHEREAS, the Department of Job and Family Services is requesting that the per diem be increased by \$1.50 per day to include clothing reimbursements and mileage reimbursement increase by \$0.05.

BE IT NOW THEREFORE RESOLVED, that the per diem reimbursement rates for foster parents shall be set at: birth to twelve of \$16.50 per day, and thirteen to twenty-one of \$21.50 per day and mileage reimbursement is set at \$0.35 effective March 1, 2005.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-176

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND KOKOMO ACADEMY FOR CHILD PLACEMENT SERVICES:

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

Child Placement Service	Per diem cost and per diem reimbursement for the following categories
Kokomo Academy 623 Berkley Road Kokomo, Indiana 46901	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare G. Other costs - (any other cost the Agency has agreed to participate in)

(A Copy of this contact is available in the Commissioners’ Office until no longer of Administrative Value).

Further Be It Resolved, that the Commissioners approve the following Purchase Order Request:
Kokomo Academy 22511608 5342 \$35,000

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-177

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR WEDGEWOOD PARK SECTION 2 PHASE C AND OFFSITE MCCAMMON TRACT:

It was moved by Mr. Evans, seconded by Mr. Ward to approve sanitary sewer plans for Wedgewood Park Section 2 Phase C and Offsite Mccammon Tract for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 05-178

IN THE MATTER OF APPROVING AN AGREEMENT AND NOTICE TO PROCEED LETTER BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND QUALITY CONTROL INSPECTION INC FOR DELAWARE COUNTY SANITARY ENGINEER INSPECTION SERVICES FOR SANITARY SEWERS:

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

AGREEMENT

THIS AGREEMENT, MADE THIS 14th day of February, 2005,By and between DELAWARE COUNTY, hereinafter called “OWNER” and Quality Control Inspection, Inc. doing business as (individual, partnership, or corporation) hereinafter called “CONTRACTOR”. WITNESSETH: That for and inconsideration of the payments and agreements hereinafter Mentioned:

- 1. The CONTRACTOR will furnish, install and deliver INSPECTION SERVICES

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2. The CONTRACTOR will furnish all of the services described herein.
3. The CONTRACTOR will commence the work required by the CONTRACT.
4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of \$32.90 per hour per inspector and not to exceed \$100,000.00 per year of the contract.
5. The term "CONTRACT DOCUMENTS" means and includes the following:
 - A. Advertisement for BIDS
 - B. Information for BIDDERS
 - C. BID
 - D. Form of Non-collusion Affidavit
 - E. Agreement
 - F. Legal and Fiscal Officer
 - G. NOTICE OF AWARD
 - H. NOTICE TO PROCEED
 - I. CHANGE ORDER
 - J. SPECIFICATIONS
 - K. ADDENDA:

(A complete copy of Contract documents is available for review in the Sanitary Engineer's Department)

6. The OWNER will pay the CONTRACTOR in full within 30 days after delivery and acceptance of the invoice.

In the event the OWNER or the CONTRACTOR desires to terminate this AGREEMENT, it may be terminated upon 30 days written notice by the party desiring to terminate. The CONTRACTOR shall be paid for services performed up to the time of termination.

7. This Agreement shall become effective on February 14, 2005, and remain in effect through December 31, 2006, and shall not be construed to provide for the exclusive use of the CONTRACTOR of to guarantee utilization of the above stated services.

NOTICE TO PROCEED

To: Quality Control Inspection Inc.
579 Charring Cross Road Suite A
Westerville, Ohio 43081

Project Description: **Delaware County Sanitary Engineer Inspection Services for Sanitary Sewers.**
You are hereby notified to commence WORK in accordance with the Agreement dated February 14, 2005, on February 14, 2005. The date of completion of all WORK is December 31, 2006.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-179

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NOTES IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,000,000 IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING A NEW PUBLIC ROADWAY FROM A POINT NORTH OF THE INTERSECTION OF U.S. ROUTE 23 AND LEWIS CENTER ROAD AND EXTENDING EASTERLY TO THE WESTERLY BOUNDARY OF THE OLENTANGY HIGH SCHOOL SITE, BY EXCAVATING, GRADING, PAVING, DRAINAGE, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, TRAFFIC PAVEMENT MARKINGS AND STREET SIGNS TOGETHER WITH ALL NECESSARY AND RELATED APPURTIENANCES THERETO:

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

WHEREAS, pursuant to Resolution No. 04-1565 adopted December 20, 2004, (the "TIF Resolution") and Ohio Revised Code Section 5709.78, this Board has exempted from taxation certain Improvements (as that term is defined in Ohio Revised Code Section 5709.77) to certain parcels of real property located within the County, required the owners of those parcels to pay service payments in lieu of real property taxes (the "PILOTs") in respect of those Improvements, and identified certain public improvements that will directly benefit those parcels of real property; and

WHEREAS, pursuant to the TIF Resolution and Ohio Revised Code Section 5709.80, the PILOTs received by the County shall be deposited in the Olentangy Crossings Redevelopment Tax Equivalent Fund and used to pay

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debt charges on the notes and bonds issued to finance the public improvements identified in the TIF Resolution; and

WHEREAS, the County Auditor as fiscal officer of this County has certified to this Board that the estimated life or period of usefulness of the Improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 20 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is two hundred forty (240) months;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Delaware, State of Ohio, that:

Section 1. It is necessary to issue bonds of this County in the maximum principal amount of \$2,000,000 (the “*Bonds*”) for the purpose of paying the costs of constructing a new public roadway from a point north of the intersection of U.S. Route 23 and Lewis Center Road and extending easterly to the westerly boundary of the Olentangy high school site, by excavating, grading, paving, drainage, street lighting, conduit, curbs and gutters, traffic pavement markings and street signs together with all necessary and related appurtenances thereto (the “*Improvement*”).

Section 2. The Bonds shall be dated approximately March 1, 2006, shall bear interest at the now estimated rate of 6.00% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 20 annual principal installments on December 1 of each year and in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable shall be substantially equal. The first principal payment of the Bonds is estimated to be December 1, 2006.

Section 3. It is necessary to issue and this Board determines that notes in the maximum principal amount of \$2,000,000 (the “*Notes*”) shall be issued in anticipation of the issuance of the Bonds to pay the costs of the Improvement and any financing costs. The principal amount of Notes to be issued (not to exceed the stated maximum amount) shall be determined by the County Administrator in the certificate awarding the Notes in accordance with Section 6 of this Resolution (the “*Certificate of Award*”) as the amount necessary to pay the costs of the Improvement and any financing costs. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance, provided that the County Administrator may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is up to fifteen days less than one year from the date of issuance by setting forth that maturity date in the Certificate of Award. The Notes shall bear interest at a rate or rates not to exceed 6.00% per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the County Administrator in the Certificate of Award in accordance with Section 6 of this Resolution.

Section 4. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the County Administrator in the Certificate of Award, and shall be payable, without deduction for services of the County’s paying agent, at the office of a bank or trust company designated by the County Administrator in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the County and that proper procedures and safeguards are available for that purpose (the “*Paying Agent*”).

Section 5. The Notes shall be signed by at least two members of the Board of County Commissioners and by the County Auditor, in the name of the County and in their official capacities, provided that all but one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the County Auditor, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the County Auditor will serve as note registrar) in accordance with Section 133.40 of the Revised Code and in book-entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the County Administrator that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the County Administrator and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this section and this Resolution:

“*Book entry form*” or “*book entry system*” means a form or system under which (i) the ownership of beneficial interests in the Notes and the principal of, and interest on, the Notes may be transferred only through a book entry, and (ii) a single physical Note certificate is issued by the County and payable only to a Depository or its nominee, with such Notes “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Notes and that principal and interest.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Notes or the principal of, and interest on, the Notes and to effect transfers of the Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New

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York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single Note made payable to the Depository or its nominee and immobilized in the custody of the Depository or its agent for that purpose; (ii) the beneficial owners in book entry form shall have no right to receive the Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the County Auditor may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the County Auditor does not or is unable to do so, the County Auditor, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and shall cause the Notes in bearer or payable form to be signed by the officers authorized to sign the Notes and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The County Auditor is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the County.

Section 6. The Notes shall be sold at not less than par plus accrued interest (if any) at private sale by the County Administrator in accordance with law and the provisions of this Resolution. The County Administrator shall sign the Certificate of Award referred to in Section 3 fixing the interest rate or rates which the Notes shall bear and evidencing that sale to the original purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the original purchaser, to the original purchaser upon payment of the purchase price. Any member of this Board, the County Auditor, the County Prosecuting Attorney, the County Administrator, the Clerk of this Board, and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution. The County Administrator is authorized, if it is determined to be in the best interest of the County, to combine the issue of Notes with one or more other note issues of the County into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 7. The proceeds from the sale of the Notes, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Bond Retirement Fund.

Section 8. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 9. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the County, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of those years are certified, levied, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment of the debt charges on the Notes or the Bonds when and as the same fall due.

In each year to the extent money from PILOTs deposited into the Olentangy Crossings Redevelopment Tax Equivalent Fund created pursuant to Section 5709.80 of the Revised Code and the TIF Resolution is available for the payment of the debt charges on the Notes and the Bonds and is appropriated for that purpose, the amount of the tax shall be reduced by the amount of the money so available and appropriated in compliance with the following covenant. To the extent necessary, the debt charges on the Notes and Bonds shall be paid from PILOTs lawfully available therefore under the Constitution and laws of the State of Ohio; and the City hereby covenants, subject and pursuant to such authority, including particularly Section 133.04(B)(8), Revised Code, to appropriate annually from such PILOTs such amount as is necessary to meet such annual debt charges.

Nothing in this section in any way diminishes the irrevocable pledge of the full faith, credit and revenues

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of the County to the prompt payment of the debt charges on the Notes.

Section 10. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Auditor, as the fiscal officer, or any other officer of the County having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Notes as the County is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Section 11. The Clerk of this Board is directed to deliver a certified copy of this Resolution to the County Auditor of Delaware County, Ohio.

Section 12. This Board determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the County are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 13. 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 committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 14. This Resolution shall be in full force and effect immediately upon its adoption.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 05-180

IN THE MATTER OF EXECUTING A FULL AND FINAL DISABILITY/WORKERS' COMPENSATION SETTLEMENT AGREEMENT AND GENERAL RELEASE OF CLAIMS WITH CONNIE CURRY:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the general release of claims and the disability/workers' compensation settlement agreement by and among Connie Curry and The Delaware County Board Of Commissioners.

(A Copy of the agreement is available in the Commissioners Office until no longer of Administrative Value).

Further be it resolved, that the Board of Commissioners of Delaware County, State of Ohio, authorizes the encumbrance (purchase request) and expenditure (voucher) of \$20,000 from the self-insurance fund (60111901-5370) for payment as follows:

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Connie Curry	\$11,334 (accompanied by IRS form 1099-MISC)
Kennedy & Knoll	\$8,666 (accompanied by IRS form 1099-MISC).

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Nay
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RESOLUTION NO. 05-181

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. Evans to adjourn into Executive Session at 9:40AM.

Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye
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RESOLUTION NO. 05-182

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Evans to adjourn out of Executive Session at 10:10AM.

Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye
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There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners