

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 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

RESOLUTION NO. 05-420

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 11, 2005 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held April 11, 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. 05-421

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0413 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0413:

It was moved by Mr. Evans, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR0413, memo transfers in batch numbers MTAPR0413 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Bair Foundation	Residential Treatment	22511607-5342	\$ 15,000.00
County Risk Sharing Auth	CORSA Renewal	60111901-5370	\$ 357,286.00
State Wide Ford	Replacement Vehicle Sheriff	60111901-5370	\$ 12,825.00
Increases			
Grace Family Daycare	Child Care	22411610-5348	\$ 5,000.00
Buckeye Ranch Inc.	Residential Treatment	22511607-5342	\$ 10,000.00
Decrease			
Buckeye Ranch Inc.	Residential Treatment	22511608-5342	\$ 10,000.00
Vouchers			
Village of Galena	Reimb./ for Sewer Charges	65411907-5319	\$ 5,332.04
Quality Control Inspection	Service	65411904-5301	\$ 6,859.67
Delbert Crook	Rental of 94 Acres	65211919-533533515	\$ 5,875.00
Delbert Crook	Biosolid Land Application	65211905-533533515	\$ 5,875.00
AEP	Electric Service/Scioto Reserve	66011913-5338	\$ 6,644.58
AEP	Service/Alum Creek	65211919-533833802	\$ 30,669.83
AEP	Service/Alum Creek	65211905-533833802	\$ 40,614.87
Bovis Lend Lease	Construction Management/Jail	40411414-5410	\$ 46,851.81
Hollowcore	Precast Concrete/Jail	40411414-5410	\$ 88,509.52
The Altman Company	Concrete/Jail	40411414-5410	\$ 21,942.12
Bruner Corporation	Plumbing HVAC/Jail	40411414-5410	\$ 24,406.21
Wanner Metal Worx	Structural Steel/Jail	40411414-5410	\$ 84,986.88
Liberty Community Center	Day Care	22411610-5348	\$ 17,764.00
Buckeye Ranch Inc.	Residential Treatment	22511607-5342	\$ 6,552.00
State Treasurer	State Audit	10011102-5301	\$ 7,715.54
Ohio Cat inc.	Generator Hlth Department	21511309-5450	\$ 16,370.00
Liberty Twp Fire	March 2005 Runs	10011303-5345	\$ 6,653.50
Maddox	Professional Services	40211405-5410	\$ 10,040.50
Maddox	Professional Services Court	40111402-5410	\$ 29,564.00
Memo Transfer Voucher			
From	To		
Job and Family 22411605-5331	Facilities Management 10011105-5331	Postage	\$ 6,640.79

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

RESOLUTION NO. 05-422

IN THE MATTER OF REVISING SPECIFICATIONS, ESTIMATE AND BID OPENING DATE AND TIME FOR THE TUSSIC STREET ROAD WIDENING PROJECT:

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

Tussic Street Road Widening Bid

As the result of a pre-bid meeting with contractors interested in the above referenced project, several deficiencies in the plan were brought to attention. The Engineer, therefore, revised the specs, cost estimate and bid opening date to accommodate the recommended changes. The revised documents are available for your approval.

INVITATION TO BID

Sealed proposals will be received at the **Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 a.m. local time on Friday, April 22, 2005**, for furnishing all labor, materials and equipment necessary to complete the project known as **Tussic Street Road Widening Project**, and bids will be opened and read aloud. Contract documents, bid sheets, plans and specifications can be obtained at the **Office of the Delaware County Engineer. There will be a non-refundable \$250 charge for the bid packet and plans. Bidder must make arrangements to obtain bid packet; they will not be mailed.**

Each bidder is required to furnish with its proposal a Bid Guaranty and Contract Bond in accordance with **Section 153.54 of the Ohio Revised Code**. Bid security furnished in Bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

Each proposal must contain the full name of the party or parties submitting the proposal and all persons interested herein. Each bidder must submit evidence of its experiences on projects of similar size and complexity, and a complete listing of all subcontractors to be used. **The owner intends that this project be finished no later than August 12, 2006.**

Bidders must comply with the **Prevailing Wage Rates on Public Improvements in Delaware County** as determined by the Ohio Department of Industrial Relations.

A mandatory pre-bid meeting for any general/prime contractors will be held at 1:00 p.m. on Wednesday, April 6, 2005 at the Delaware County Engineer’s Office, 50 Channing Street, Delaware, Ohio to discuss any questions bidders may have regarding this bid and the project.

Bids shall be placed in a sealed envelope marked “SEALED BID FOR TUSSIC STREET ROAD WIDENING PROJECT”.

The Delaware County Commissioners reserve the right to waive irregularities and to reject any and/ or all bids.

Scope of work

This project consists of the widening of existing Tussic Street Road (DEL-CR-108) from the newly constructed intersection at Maxtown Road to the south, and Big Walnut Road to the north (approximately 2.5 miles). The project encompasses all roadway, drainage structures, and signal installation.

Revised Estimate \$5,307,166.74

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

RESOLUTION NO. 05-423

IN THE MATTER OF APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND THE THOMAS L. JOHNSTON TRUST UA 11/28/1995:

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

AGREEMENT

THIS AGREEMENT made at Delaware, Ohio, this 14TH day of April 2005, by and between THE THOMAS L. JOHNSTON TRUST UA 11/28/1995, 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 Three Thousand Four Hundred Forty Two Dollars

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(\$3442.00), plus Four Thousand Twenty Dollars (\$4020.00) for improvements and Six Hundred Seventy Dollars (\$670.00) 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 \$8132.00 to THE THOMAS L. JOHNSTON TRUST UA 11/28/1995.

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

RESOLUTION NO. 05-424

IN THE MATTER OF APPROVING A RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND THOMAS A. & ELIZABETH DAGES, HUSBAND & WIFE:

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

AGREEMENT

THIS AGREEMENT made at Delaware, Ohio, this 14TH day of April 2005, by and between THOMAS A. & ELIZABETH DAGES, 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 Twenty Seven Dollars (\$827.00), plus Six Hundred Fifty Three Dollars (\$653.00) for improvements and Fifty Dollars (\$50.00) 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 \$1530.00 to Thomas A. & Elizabeth Dages, Husband & Wife.

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

RESOLUTION NO. 05-425

IN THE MATTER OF AWARDING THE BID FOR ASPHALT MATERIAL:

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

Asphalt Materials Bid Opening of April 4, 2005

As the result of the referenced bid opening, The Engineer recommends that the following bid awards be made:

MC 30 as per ODOT Spec 702, FOB Jobsite:

Recommend that a non-exclusive bid award be made to Asphalt Materials, Inc.; Marathon Ashland Petroleum; and Asphalt Technologies, LLC.

MC 30 as per ODOT Spec 702, FOB Plant:

Recommend that a non-exclusive bid award be made to Asphalt Materials, Inc.; Marathon Ashland Petroleum; and Asphalt Technologies, LLC.

RS-2 as per ODOT Spec 702, FOB Jobsite:

Recommend that a non-exclusive bid award be made to Marathon Ashland Petroleum and Asphalt Technologies, LLC.

RS-2 as per ODOT Spec 702, FOB Plant:

Recommend that a non-exclusive bid award be made to Marathon Ashland Petroleum and Asphalt Technologies, LLC.

HFRS-2P as per ODOT Spec 902, FOB Jobsite:

Recommend that a non-exclusive bid award be made to Asphalt Materials, Inc. and Asphalt Technologies, Inc.

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HFRS-2P as per ODOT Spec 902, FOB Plant:

Recommend that a non-exclusive bid award be made to Asphalt Materials, Inc. and Asphalt Technologies, LLC.

SS-1 or SS-1H as per ODOT Spec 702, FOB Jobsite:

Recommend that a non-exclusive bid award be made to Asphalt Materials, Inc.; Marathon Ashland Petroleum; and Asphalt Technologies, LLC.

SS-1 or SS-1H as per ODOT Spec 702, FOB Plant:

Recommend that a non-exclusive bid award be made to Asphalt Materials, Inc.; Marathon Ashland Petroleum; and Asphalt Technologies, LLC.

Number 301, FOB Plant:

Recommend that a non-exclusive bid award be made to Shelly Materials, Kokosing, The Apple-Smith Corporation, and Shelly & Sands Mar-Zane.

Number 402, FOB Plant:

Recommend that a non-exclusive bid award be made to Shelly Materials, Kokosing, The Apple-Smith Corporation, and Shelly & Sands Mar-Zane.

Number 404, FOB Plant:

Recommend that a non-exclusive bid award be made to Shelly Materials, Kokosing, The Apple-Smith Corporation, and Shelly & Sands Mar-Zane.

2 Men and a Paver:

Recommend that a non-exclusive bid award be made to Shelly Materials, Kokosing and Shelly & Sands Mar-Zane.

Bid tabulation is available for your information.

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

RESOLUTION NO. 05-426

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Chris McKenzie has resigned his part-time paramedic position with the EMS Department; effective date April 15, 2005.

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

RESOLUTION NO. 05-427

IN THE MATTER OF APPOINTING MARK WOLFE AND AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVES TO THE DELAWARE - MORROW COUNTY MENTAL HEALTH & RECOVERY SERVICES BOARD:

It was moved by Mr. Evans, seconded by Mr. Ward 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 appoint individuals to the Delaware-Morrow County Mental Health and Recovery Services Board. Mark Wolfe will be appointed for a partial term beginning April 14, 2005 and ending June 3, 2006.

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, appoint Mark Wolfe to the Delaware-Morrow County Mental Health and Recovery Board.

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

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RESOLUTION NO. 05-428

IN THE MATTER OF APPROVING SETTLEMENT AGREEMENT WITH ROBERT J. BLACK:

It was moved by Mr. Ward, seconded by Mr. Evans to approve a settlement of a lawsuit with Robert J. Black, and

Further be it resolved, to approve the purchase requests and vouchers to execute the settlement in the amounts as follows:

Curtis J. Sybert, Attorney, and his client, Robert J. Black	\$15,000.00
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Further it be resolved, that the Commissioners authorize the Delaware County Prosecutor's Office to sign the settlement agreement on their behalf.

Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye
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RESOLUTION NO. 05-429

IN THE MATTER OF APPROVING SETTLEMENT AGREEMENT WITH DOUGLAS SCOTT RIGSBY, CAROLYN ALDRIDGE-RIGSBY, AND MASON RIGSBY:

It was moved by Mr. Evans, seconded by Mr. Ward to approve a settlement of a lawsuit with Douglas Scott Rigsby, Carolyn Aldridge-Rigsby, and Mason Rigsby, and

Further be it resolved, to approve the purchase requests and vouchers to execute the settlement in the amounts as follows:

James McNamara, Attorney, and his clients, Douglas Rigsby and Carolyn Rigsby, Guardian of Mason Rigsby, a minor	\$5,000.00
James McNamara, Attorney, and his clients, Douglas Rigsby and Carolyn Rigsby	\$65,000.00

Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye
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RESOLUTION NO. 05-430

A RESOLUTION AUTHORIZING THE USE OF THE DELAWARE COUNTY REVOLVING LOAN FUND (RLF) FOR ECONOMIC DEVELOPMENT PURPOSES TO ASSIST THE VILLAGE OF SUNBURY WITH THE CONSTRUCTION OF PUBLIC ROADWAY / INFRASTRUCTURE IMPROVEMENTS ON KINTNER PARKWAY; IMPROVEMENTS TO THE U.S. ROUTE 36 / STATE ROUTE 37 AND KINTNER PARKWAY INTERSECTION AT THE ENTRANCE TO THE SUNBURY INDUSTRIAL PARK; IMPROVEMENTS ALONG US-36 / SR-37 TO ~~CHESHIRE ROAD~~ MILLER DRIVE; AND FOR ACCESS IMPROVEMENT ALL ASSOCIATED WITH THE PROPOSED AMERICAN SHOWA, INC. EXPANSION PROJECT IN THE VILLAGE OF SUNBURY:

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

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

WHEREAS, American Showa, Inc. desires to undertake an expansion project in the Sunbury Industrial Park at 707 W. Cherry Street, in the Village of Sunbury, that is estimated to result in \$6,000,000 in new real property improvements, over \$18,000,000 in new personal property investment, and the creation of 100 new full-time equivalent job opportunities, of which a minimum of 51% must be provided to qualifying low-moderate income (LMI) individuals; and

WHEREAS, assistance is required for the construction of public roadway intersection infrastructure improvements along Kintner Parkway from Stelzer Court to US-36 / SR-37; improvements to the U.S. Route 36 / State Route 37 and Kintner Parkway Intersection at the entrance to the Sunbury Industrial Park; improvements to US-36 / SR-37 from Kintner Parkway to ~~Cheshire Road~~ Miller Drive including improved access to the American Showa facility and additional turning lanes all to support the proposed American Showa, Inc.

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economic development expansion project, and without said assistance the proposed project would not be constructed; and

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

WHEREAS, authorization to utilize the Delaware County RLF for similar improvements was previously approved by the Delaware County Board of Commissioners via Resolution 03-1370.

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

Section 1. That the Delaware County Board of Commissioners authorizes the use of the Delaware County Revolving Loan Fund, through grant and/or loan funds, in a total amount up to and not to exceed \$225,000, to assist the American Showa's economic development expansion project and the Village of Sunbury with the cost of constructing public roadway intersection infrastructure improvements along Kintner Parkway from Stelzer Court to US-36 / SR-37; improvements to the U.S. Route 36 / State Route 37 and Kintner Parkway Intersection at the entrance to the Sunbury Industrial Park; improvements to US-36 / SR-37 from Kintner Parkway to ~~Cheshire Road~~ Miller Drive including improved access to the American Showa facility and additional turning lanes in support of said American Showa, Inc. Expansion project in the Village of Sunbury.

Section 2. It is anticipated that said RLF funds used for constructing said public roadway intersection infrastructure improvements, shall be provided to the Village of Sunbury in the form of a grant and/or loan, subject to the Village of Sunbury entering into a RLF Loan / Grant Agreement with the Delaware County Board of Commissioners, and the financial and environmental approval of this RLF Grant and/or request by the Ohio Department of Development. If the RLF funds are provided as a grant, the funds shall be reimbursed to the County through a Tax Increment Financing (TIF) Agreement.

Section 3. Use of these funds is conditioned on American Showa, Inc. agreeing to construct their proposed expansion project in the Sunbury Industrial Park, in the Village of Sunbury, and create a minimum of 100 new full-time permanent jobs as part of the proposed expansion project, with a minimum of 51% of these new jobs to be filled by qualifying LMI individuals, and agreeing to follow all applicable CDBG rules and regulations during the project time period, including environmental review clearance, proper procurement procedures and payment of Federal Prevailing Wage Rates, as appropriate.

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

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

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

RESOLUTION NO. 05-431

IN THE MATTER OF SETTING DATE AND TIME FOR PUBLIC HEARING #2 FOR ROADWAY INTERSECTION/INFRASTRUCTURE IMPROVEMENTS ALONG KINTNER PARKWAY; AT THE U.S. ROUTE 36/STATE ROUTE 37 AND KINTNER PARKWAY ENTRANCE; AND ALONG US-36 IN SUPPORT OF THE AMERICAN SHOWA, EXPANSION PROJECT:

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

Whereas, a public hearing will be held on **Monday, April 25, 2005, at 9:30 am** in the County Commissioners Office located at 101 North Sandusky Street in Delaware, Ohio.

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

RESOLUTION NO. 05-432

RESOLUTION DETERMINING SUFFICIENCY OF THE APPLICATION TO ADD PROPERTY TO THE POWELL COMMUNITY INFRASTRUCTURE FINANCING DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE POWELL COMMUNITY INFRASTRUCTURE FINANCING AUTHORITY AS A NEW COMMUNITY AUTHORITY AND SETTING A DATE FOR PUBLIC HEARING UNDER CHAPTER 349 OF THE OHIO REVISED CODE:

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

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WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, a petition (the "Petition") for the establishment of the Powell Community Infrastructure Financing Authority (the "Authority") was filed with this Board by the developer of the Authority (the "Developer") on May 11, 2001; and

WHEREAS, the Petition generally described the boundaries of the related new community district (the "District"); and

WHEREAS, the "organizational board of commissioners," as that term is defined in Section 349.01(F) of the Ohio Revised Code, for the Authority is comprised solely of the Board of County Commissioners of Delaware County, Ohio (the "Board"); and

WHEREAS, pursuant to Resolution No. 01-567 and pursuant to Section 349.03(A) of the Ohio Revised Code, the Board, upon the filing of the Petition determined that the Petition was sufficient and complied with the requirements of Section 349.03 of the Ohio Revised Code; and

WHEREAS, the Board adopted Resolution No. 01-681 establishing the Authority pursuant to Chapter 349 of the Ohio Revised Code; and

WHEREAS, on March 23, 2005, the Developer filed an application (the "Application") with the Board requesting that certain land be added to the District which application was signed by the cities of Columbus, Ohio and Delaware, Ohio as the "proximate cities" pursuant to Chapter 349 of the Ohio Revised Code; and

WHEREAS, the Application further provided that the addition of such land will be conducive to the public health, safety, convenience and welfare, will be consistent with the development of the District, will not jeopardize the plan of development of the District and that such land to be added to the District is owned by, or under the control through leases of at least seventy-five years duration, options or contracts to purchase, of the Developer; and

WHEREAS, pursuant to Section 349.03(A) of the Ohio Revised Code, the Board has reviewed the Application and determined that the Application complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance; and

WHEREAS, the Board has further determined to fix a time and place of a public hearing on the Application which public hearing shall be held not less than thirty days nor more than forty-five days from the date of the filing of the Application and that notice of the public hearing shall be given by the Clerk of this Board, all as required by Section 349.03(A) of the Ohio Revised Code;

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

- 1. The Board finds and determines that the Application complies with the requirements of Section 349.03 of the Ohio Revised Code as to form and substance.
- 2. A public hearing on the Application shall be held on **Thursday May 5th 2005 at 9:45 a.m.** at the offices of the Board, 101 North Sandusky Street, Delaware, Ohio.
- 3. The clerk of this Board is directed to give notice of the public hearing on the Application by publication once each week for three consecutive weeks in The Delaware Gazette.
- 4. This Board finds and determines that all formal actions of the 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.
- 5. That this Resolution shall be in full force and effect immediately upon its adoption.

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

RESOLUTION NO. 05-433

IN THE MATTER OF DETERMINING THE NECESSITY OF EXTENDING SAWMILL PARKWAY FROM A POINT COMMENCING AT THE INTERSECTION OF HOME ROAD AND SAWMILL PARKWAY AND PROCEEDING NORTHERLY FOR APPROXIMATELY 5,000 LINEAR FEET BY EXCAVATING, GRADING, PAVING, DRAINAGE, STREET LIGHTING, CONDUIT, CURBS AND GUTTERS, TRAFFIC PAVEMENT MARKINGS, AND STREET SIGNS, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES, AND ACKNOWLEDGING RECEIPT OF A PETITION FOR SPECIAL ASSESSMENTS IN CONNECTION THEREWITH:

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

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WHEREAS, this Board has determined the necessity of extending Sawmill Parkway, from a point commencing at the intersection of Home Road and Sawmill Parkway and proceeding northerly for approximately 5,000 linear feet by excavating, grading, paving, drainage, street lighting, conduit, curbs and gutters, traffic pavement markings, and street signs, together with all necessary and related appurtenances (the "*Improvement*") pursuant to Section 5555.06 of the Ohio Revised Code; and

WHEREAS, on March 25, 2005 this Board received a Petition for Special Assessments and Affidavit (a copy of which is on file in the office of the Clerk of this Board and referred to herein as the "*Petition*") requesting the County to construct the Improvement, and requesting that a portion of the compensation, cost, damages and expenses of such Improvement be assessed against certain real property identified in the Petition; and

WHEREAS, this Board has determined that the Petition is signed by the owner of 100% of the real property identified in the Petition and to be assessed for Improvement and that real property is abutting and situated within two miles of the Improvement; and

WHEREAS, this Board has determined that \$2,100,000 of the compensation, cost, damages and expenses of the Improvement shall be assessed in the manner set forth in the Petition and the balance of the compensation, cost, damages and expenses of the Improvement shall be paid out of the proceeds of any levies for road purposes upon the grand duplicate of all the taxable property in the County or from any funds in the County treasury available therefor; and

WHEREAS, this Board has determined to order the County Engineer to prepare the necessary surveys, plans, profiles, cross sections, estimates of cost and specifications for the Improvement, together with the estimated assessments, based upon the estimates of cost, compensation, damages, and expenses of the Improvement to be assessed, upon the real property identified in the Petition;

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

Section 1. The Board has determined that the public convenience and welfare require the Improvement and it is therefore deemed necessary by this Board to extend Sawmill Parkway from a point commencing at the intersection of Home Road and Sawmill Parkway and proceeding northerly for approximately 5,000 linear feet by excavating, grading, paving, drainage, street lighting, conduit, curbs and gutters, traffic pavement markings, and street signs, together with all necessary and related appurtenances (the "*Improvement*").

Section 2. The Board has received the Petition which is on file with the Clerk of this Board. The Petition requests the construction of the Improvement as described in Section 2 and further requests that the Property (as defined and described in the Petition) be assessed for the Improvement and that all of the Property is abutting and located within two (2) miles of either side of the Improvement. The Board finds that the Petition provides that \$2,100,000 of the compensation, damages, cost and expenses of the Improvement (plus any interest on the special assessments to be computed at the same rate applicable to notes or bonds to be issued by the County in anticipation of the collection of the special assessments) be assessed against the Property.

Section 3. The Board finds and determines that the Improvement constitutes a "continuous road improvement" within the meaning of Section 5555.01 of the Ohio Revised Code, and therefore, the Improvement shall be treated as a single improvement and included in the same legislation and contract.

Section 4. The Board hereby determines that, in accordance with Section 5555.41 of the Ohio Revised Code, \$2,100,000 of the compensation, damages, cost and expenses of the Improvement (plus any interest on the special assessments to be computed at the same rate applicable to notes or bonds to be issued by the County in anticipation of the collection of the special assessments) shall be assessed in the manner described in the Petition against the Property. The balance of the compensation, cost, damages and expenses of the Improvement shall be paid out of the proceeds of any levies for road purposes upon the grand duplicate of all the taxable property in the County or from any funds in the County treasury available therefor.

Section 5. The special assessments to be levied shall be paid in 20 annual installments (each annual installment to be payable semi-annually at the time real estate taxes in Delaware County, Ohio are payable), together with interest on the unpaid principal amount of each special assessment as provided for by law or in the resolution levying the final special assessments. The County presently intends to issue securities in anticipation of the collection of the special assessments.

Section 6. The Board hereby directs the County Engineer to make and file with this Board the necessary surveys, plans, profiles, cross sections, estimates of cost, and specifications for the Improvement, together with the estimated assessments, based upon the estimates of cost, compensation, damages, and expenses of the Improvement to be assessed, upon the Property.

Section 7. Upon the filing of the surveys, plans, profiles, cross sections, estimates of cost, and specifications for the Improvement, together with the estimated assessments, the Clerk of this Board is hereby directed to cause to be published in the *Delaware Gazette*, a newspaper published and of general circulation in this

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County, once a week for two consecutive weeks, the notice that the Improvement is to be made, that copies of the surveys, plans, profiles, cross sections, estimates, specifications and estimated assessments therefore are on file in the office of the Clerk of this Board for the inspection of all persons interested therein, and that objections to the Improvement and to the estimated assessments will be heard by the Board at the place, time and date specified in that notice.

Section 8. This Resolution shall be in full force and effect immediately upon its adoption.

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

RESOLUTION NO. 05 -434

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Commissioners Office is requesting a \$25.05 increase to the previously approved travel request for Glenn Evans to attend a CCAO training.

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

RESOLUTION NO. 05-435

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 AND FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 10:05AM.

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

RESOLUTION NO. 05-436

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 11:05AM.

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

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward