COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 6, 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

10:00 AM Bid Opening Date And Time For Janitorial Services For The Delaware County Engineers Complex

1:00 PM Prosecutor Session

7:30 PM Reconvening Of Final Hearing For The Chadwick Ditch No. 135 Ditch Project

RESOLUTION NO. 05-1186

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Ward, seconded by Mr. Evans to adjourn into Executive Session at 1:10PM.

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

RESOLUTION NO. 05-1187

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 2:10PM.

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

PUBLIC COMMENT

RESOLUTION NO. 05-1188

IN THE MATTER OF DECLARING SEPTEMBER WORKFORCE SERVICES MONTH:

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

WHEREAS, a qualified and well-trained workforce is critical to sustained growth, competitiveness, and prosperity; and

WHEREAS, Delaware's Workforce Development System is successfully connecting workers and employers to meet the demands of a changing world economy; and

WHEREAS, Delaware 's business-driven and customer-centered Workforce Development System helps employers meet their workforce needs and provides Delaware residents with the ability to plan their careers and find employment to which they are best suited; and

WHEREAS, events and activities will be underway throughout the month of September showcasing the local resources available to connect job seekers, employers and community partners; and

WHEREAS, through partnerships that comprise Delaware JobNetwork services, Delaware is creating a premier Workforce Development System contributing to Ohio's economic competitiveness in the world economy;

NOW, BE IT THEREFORE, RESOLVED the Delaware County Commissioners do hereby designate SEPTEMBER 2005 WORKFORCE SERVICES MONTH.

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

Recognition of Workforce Board Members

RESOLUTION NO. 05 -1189

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE WORKFORCE DEVELOPMENT MONTH BREAKFAST:

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

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

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

WHEREAS, the Delaware County Department of Job and Family Services has responsibility for workforce development activities; and

WHEREAS, the month of September has been declared Workforce Development Month; and

WHEREAS, Delaware County has been awarded State funds for the purpose of recognizing workforce development activities in Delaware County; and

WHEREAS, a breakfast has been organized for the purpose of recognizing and showing appreciation to businesses working in partnership with the One Stop, providing internships, work experience and employment opportunities to job seekers utilizing the One Stop; and

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

Section 1. That the Delaware County Board of Commissioners hereby authorizes the use of Department of Job and Family Services funds in an amount not to exceed $440.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for The Workforce Development Breakfast.

Further Be It Resolved, that the Commissioners approve the following Purchase Order Request:

Eckel's Lake in the amount of $440.00.

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

RESOLUTION NO. 05-1190

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND BOY'S VILLAGE; ADRIEL SCHOOL AND A NEW LEAF 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**
Boy's Village **P.O. Box 518** **Smithville, Ohio 44677**	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)
Adriel School **P.O. Box 188** **West Liberty, Ohio 43357**	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 New Leaf **221 Tarlton Road** **Circleville, Ohio 43113**	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 each of these contacts 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:

Boy's Village Residential Treatment	22511607-5342	$210,005.76	line 1
	22511608-5342	$ 20,000.00	line 2
Adriel Residential Treatment	22511607-5342	$ 34,185.00	
A New Leaf	22511607-5342	$ 18,000.00	

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

RESOLUTION NO. 05-1191

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS CHILD CARE PROVIDERS DELAWARE AREA CAREER CENTER AND FLYING DOZER:

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

BASIC RATES

Full-time Week for Licensed Center and Type A Providers: 25 to 60 hours
Hourly: Paid after 60 hours

Part-time Week for Center and Type A Providers: 8 hours to 24.9 hours
Hourly Paid for .1 hour to 7.9 hours

Full-time Week for Certified Type B Home Providers: 25 hours to 50 hours
Hourly: Paid after 50 hours

Part-time Week for Home Providers: 8 hours to 24.9 hours
Hourly Paid for .1 hour to 7.9 hours

Child Care Provider		Full	Part Time	Hourly
Delaware Area Career Center 1610 SR #521 Delaware, Ohio 43015	Infant Toddler Preschool Schoolage	$138.00 $123.00 $108.00 $100.00	$ 93.00 $ 8200 $ 72.00 $ 67.00	$ 8.76 $ 6.39 $ 5.84 $ 5.39
Flying Dozer 316 N. Main Street Johnstown, Ohio 43031	Infant Toddler Preschool Schoolage Before or After	$169.90 $149.42 $133.89 $102.38 $ 55.00	$134.21 $108.70 $ 94.80 $ 71.99 $ 55.00	$ 8.76 $ 6.39 $ 5.84 $ 5.39 $ 5.39

Further Be It Resolved, that the Commissioners approve the following Purchase Order Request:

Delaware Area Career Center	22411610-5348	$3,000
Flying Dozer	22411610-5348	$1,000

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

RESOLUTION NO. 05-1192

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 1, 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 September 1, 2005 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 05-1193

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR092:

It was moved by Mr. Evans, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR092 and Purchase Orders and Vouchers as listed below:

Vendor	Description	Account Number	Amount
PO's			
Endicott Microfilm Inc.	Serv Agreement/Replenisher System	10011103-5325	$ 6,482.00
Increases			
Kindercare Neverland	Day Care	22411610-5348	$ 4,000.00
BP Products North America	Gasoline/County Vehicles	10011106-5228	$ 15,000.00
Floyd Brown Group	Construction Surveying/Perry Taggart	65511919-5410	$ 10,000.00
Vouchers			
AEP	Monthly Service	65211919-5338	$ 8,723.12
Quality Control Inspection	Various Locations	65111904-5301	$ 34,216.12
Status Control & Integration	Service & Repair/Scada Monitoring	65211919-5270	$ 3,025.00
Status Control & Integration	Service & Repair/Scada Monitoring	65211905-5270	$ 6,050.00
Kokoma Academy	Residential Treatment	22511608-5342	$ 5,456.00
Noahs Ark Learning Center	Day Care	22411610-5348	$ 6,815.36
Don-A-Del East	Day Care	22511607-5348	$ 4,000.00

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

RESOLUTION NO. 05-1194

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Auditor's Office is requesting that Freida Maxey attend a Women's Conference in Reynoldsburg, Ohio October 18, 2005, at the cost of $149.00.

The Auditor's Office is requesting that Shoreh Elhami and Nelda Sisler attend an URISA Annual Conference in Kansas City, Missouri October 9-13, 2005, at the cost of $2,455.00.

The Engineer's Office is requesting that Ryan Mraz, Rob Riley, Doug Riedel and Jessica Piatt attend the 59th Annual Ohio Transportation Engineer's Conference in Columbus, Ohio October 27-28, 2005, at the cost of $340.00.

The Administrative Services Department is requesting that Kevin Williams attend an OHPELRA Fall Seminar on Conducting Effective Internal Investigations in Columbus, Ohio September 28, 2005, at the cost of $228.00.

The Clerk of Courts Office is requesting a $12.00 reimbursement for Jennifer Tubaugh's travel to Columbus, Ohio on August 25-26, 2005.

The EMS Department is requesting that 28 Employees attend a Basic Trauma Life Support Refresher Course in Delaware County, at the cost of $1,100.00.

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

RESOLUTION NO. 05-1195

IN THE MATTER OF ADOPTING A RESOLUTION APPROVING THE DELAWARE COUNTY HAZARDOUS MATERIALS PLAN AS RECOMMENDED BY THE DELAWARE COUNTY OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT UNDER THE AUTHORITY OF ORC 3750.04:

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

WHEREAS, the Delaware County Local Emergency Planning Committee (LEPC) and Office of Homeland Security and Emergency Management has completed the required documentation for the County's SARA Title

III Chemical Emergency Preparedness Plan in accordance with NRT-1 and other pertinent guidance; and,

WHEREAS, the state Emergency Response Commission has directed the various County's to forward their plan directly to the Ohio Emergency Management Agency for all reviews; and,

WHEREAS, the Delaware County Office of Homeland Security and Emergency Management recommends approval of the updated Delaware County Hazardous Materials Plan for the protection of our citizens;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby resolve to forward the Delaware County Chemical Emergency Preparedness Plan for annual review to the State Emergency Response Commission and to the Ohio Emergency Management Agency.

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

RESOLUTION NO. 05-1196

IN THE MATTER OF APPROVING THE ACCEPTANCE OF CITIZEN CORPS PROGRAM GRANT FUNDS:

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

WHEREAS, the Delaware County Board of Commissioners support the effort of the Citizen Corps Council and its related projects, and;

WHEREAS, Delaware County has been offered a FY2005 Citizen Corps Program Grant in the amount of $4,300.00, and;

WHEREAS, this grant will provide funding to train at least 30 more residents in general fire fighting, first aid and other emergency skills for the Community Emergency Response Team (C.E.R.T.) program, for conducting a functional exercise with other service organizations and educational outreach to our public through fairs, open houses, etc.;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve acceptance of this FY2005 Citizen Corps Program Grant in the amount of $4,300.00 and appropriate the same amount into Account 21511314 as follows:

Object Code 5238 $ 1,000.00
Object Code 5301 $ 1,000.00
Object Code 5305 $ 2,300.00

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

RESOLUTION NO. 05-1197

IN THE MATTER OF APPROVING THE PURCHASE OF TWO GENERATORS FOR THE DELAWARE AREA RESPONSE TEAM DECONTAMINATION UNITS AS PART OF THE HOMELAND SECURITY FY04 GRANT:

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

WHEREAS, the Delaware County received an FY04 State Homeland Security Grant that allows for the purchase of equipment to facilitate the mitigation, planning, response and recovery during CBRNE incidents; and

WHEREAS, the Delaware Area Response Team (D.A.R.T.) has requested two generators to install on the Decontamination Team trailers and the Threat, Risk and Needs (TRN) Committee recommends the purchase of these items; and

WHEREAS, this purchase has been approved by appropriate Federal and State level agencies,

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby approve the purchase of and purchase order in Account 21511309, Object Code 5260 for two Onan 6 KW generator's from Shroyer's Trailer Sales at a not to exceed cost of $6,107.20.

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

Local information from Larry Fisher, Director of EMS on Hurricane relief effort.

RESOLUTION NO. 05-1198

IN THE MATTER OF APPROVING PLATS FOR DIVISION #1 OF MAXTOWN SUBDIVISION, LOT 3460 AND DIVISION #1 OF RIVER BEND SUBDIVISION SECTION 2, LOT 4266:

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

Division #1 Of Maxtown Subdivision, Lot 3460

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, Lying In Farm Lot 12 And Farm Lot 21, Section 3, Township 3 North, Range 17 West, United States Military District, And Being All Of Lot 3460 As Shown And Delineated On The Record Plat Of Maxtown Subdivision. A Subdivision Of Record In Plat Cabinet1, Slide 593, Said Lot 3460 Conveyed To Home Depot U.S.A. Inc. By Deed Of Record In Official Record 182, Page 2042, All Records Herein Of The Recorder's Office, Delaware County, Ohio. Cost $3.00.

Division #1 Of River Bend Subdivision Section 2, Lot 4266

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Being Part Of Lot 4266 Of River Bend Subdivision, Section 2, A Subdivision Of Record In Plat Cabinet 2, Slides 281-281a, Records Of The Recorder's Office, Delaware County, Ohio. Cost $3.00.

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

RESOLUTION NO. 05-1199

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR MYER'S GLEN SUBDIVISION AND VILLAGES OF OAK CREEK PHASE 12:

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

Myer's Glen Subdivision

The roadway to be accepted is as follows:

- **Myer's Glen Road,** to be known as **Township Road Number 1450**

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

Villages of Oak Creek Phase 12

The roadway to be accepted is as follows:

- An addition of 0.20 mile to **Township Road Number 1326, Crescent Drive**

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

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

RESOLUTION NO. 05-1200

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR MYER'S GLEN SUBDIVISION:
It was moved by Mr. Ward, seconded by Mr. Evans to establish stop conditions for the following:

Stop Conditions – Myer's Glen Subdivision

It is hereby requested that a stop condition be established at the following roads within the above referenced subdivision:

- On Township Road Number 1450, Myer's Glen Road, at its intersection with County Road Number 89, Curve Road

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

RESOLUTION NO. 05-1201

IN THE MATTER OF APPROVING THE RELEASE OF THE MAINTENANCE BOND FOR MCCAMMON ESTATES SECTION 1 PRE-GRADING AGREEMENT:

It was moved by Mr. Evans, seconded by Mr. Ward to release the maintenance bond for the McCammon Estates Section 1 Pre-Grading Agreement:

McCammon Estates Section 1 Pre-Grading Agreement

In September, 2004, your Board entered into agreement with M/I Homes, the developer for the above referenced project, for a Pre-Grading Plan. Since that time, M/I has executed an Agreement for the actual subdivision. Therefore, the bond posted for the Pre-Grading Plan is no longer required. The Engineer is, therefore, requesting approval to release the Bond posted for the Pre-Grading Plan. A copy of a letter authorizing approval of the release of this Bond is available for your signature.

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

RESOLUTION NO. 05-1202

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

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

Permit #	Applicant	Location	Type of Work
U05160	Consolidated Electric	Hoskins Road	Replace poles
U05161	Consolidated Electric	Taway Road	Replace poles
U05162	Verizon	E. Powell Road	Place buried cable
U05163	Columbia Gas	Africa Road	Bore road w/3" gas line
U05164	Columbia Gas	Steitz Road	Install gas main
U05165	American Electric Power	Estates at Cheshire Section 1	Bore under road
U05166	American Electric Power	Trenton Road	Relocate overhead facilities

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

Presentation from Senator Tim Grendell on eminent domain.

RESOLUTION NO. 05-1203

IN THE MATTER OF PROHIBITING THE USE OF EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES:

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

Whereas, the right to private property ownership is a right guaranteed to individuals under the Constitution of the United States and the Constitution of the State of Ohio, and

Whereas, protecting the private property rights of individuals has always been of vital interest to the Board of County Commissioners, and

Whereas, the United States Supreme Court in *Kelo v. City of New London* ruled that a government under its power of eminent domain may take the private property of an individual and transfer it to another private entity for the sole purpose of economic development, and

Whereas, the eminent domain power of government has historically been used only to take private property for public works projects, and

Whereas, private property owners in Delaware County should not be subject to the unreasonable use of eminent domain power by the Board of County Commissioners simply to further private economic development,

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio that the Board of County Commissioners will not use its eminent domain power to take properties for the sole purpose of private economic development, and

Be it further resolved that the Board of Commissioners urges the General Assembly of the State of Ohio to enact similar restrictions on their own power of eminent domain to further protect the right to private property ownership of every citizen in the State of Ohio.

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

Ohio Revised Code 6131.60 Commissioner personally interested shall not act.

If one or more members of a board of county Commissioners are petitioners for an improvement or own land that will be taken, benefited, or damaged by the improvement petitioned for, the clerk of the board of county Commissioners shall notify the Judge Of The Court Of Common Pleas of the county who shall within 10 days

appoint as may disinterested freeholder of the county as are necessary to take the place of the interested members. The appointees shall not be related by blood or affinity to the interested members. They shall before acting be sworn to perform faithfully and impartially the duties of the members in the matter of the improvement, which oath shall be signed by them and by the officer before whom the same is taken and filed with the clerk. Upon appointment and qualification the appointee shall, in the proceedings upon the improvement, perform all the duties of the disqualified members and shall receive from the general drainage improvement fund the same per diem rate as the disqualified members receives, as shown by the record for such services, and the amount so paid shall be costs taxed in the proceedings.

Mr. Merlin Sheets will be filling in for Commissioners Glenn Evans for the Chadwick Ditch Project

RESOLUTION NO. 05-1204

7:30 PM RECONVENING THE FINAL HEARING FOR THE CHADWICK DITCH NO. 135 DITCH PROJECT:

It was moved by Mr. Jordan, seconded by Mr. Ward to re-open the Hearing at 8:10PM.

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

RESOLUTION NO. 05-1205

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE CHADWICK DITCH NO. 135 DITCH PROJECT:

It was moved by Mr. Jordan, seconded by Mr. Sheets to close the Hearing at 9:10PM.

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

RESOLUTION NO. 05-1206

IN THE MATTER OF THE COMMISSIONERS' DISMISSING THE CHADWICK #135 DITCH PETITION PROJECT DUE TO THE COST EXCEEDING THE BENEFITS OF THE PROJECT:

It was moved by Mr. Sheets, seconded by Mr. Jordan to approve dismissing the Chadwick #135 ditch petition project due to the cost exceeding the benefits of the project.

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

RESOLUTION NO. 05-1207

IN THE MATTER OF APPROVING THAT THE COSTS, NOT TO EXCEED $15,000.00, FOR THE PROCEEDINGS OF THE CHADWICK #135 DITCH PETITION PROJECT, INCLUDING THE COST INCURRED BY THE BOARD OF COMMISSIONERS, THE COUNTY ENGINEER AND THE DELAWARE SOIL AND WATER CONSERVATION DISTRICT IN MAKING SURVEYS, PLANS, REPORTS AND SCHEDULES BE DISTRIBUTED TO THE LANDOWNERS IN THE SAME RATIO AS DETERMINED IN THE FINAL ESTIMATED ASSESSMENTS PRESENTED AT THE HEARING:

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

Whereas, the costs, not to exceed $15,000.00, for the proceedings of the Chadwick #135 ditch petition project, including the cost incurred by the Board Of Commissioners, The County Engineer And The Delaware Soil And Water Conservation District in making surveys, plans, reports and schedules will be distributed to the landowners in the same ratio as determined in the final estimated assessments presented at the hearing, and

THEREFORE BE IT RESOLVED, that the land owners shall be given the option to pay the cost in a single installment of over a two years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land in the watershed, to pay the cost incurred for the Chadwick #135 Ditch Petition process. No interest shall be charged on the installments.

FURTHER BE IT RESOLVED, THAT THE COMMISSIONERS APPROVE ESTABLISHING A NEW ORGANIZATION KEY FOR THE COST INCURRED DURING THE CHADWICK DITCH PROJECT 40311412.

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

RESOLUTION NO. 05-1208

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR SCIOTO RESERVE EXPANSION/RAVINES AT SCIOTO RESERVE:

It was moved by Mr. Evans, seconded by Mr. Ward to approve sanitary sewer plan for Scioto Reserve Expansion/Ravines At Scioto Reserve for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 05-1209

IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER'S AGREEMENT FOR SUMMERWOOD LAKES SECTION 1:

It was moved by Mr. Ward, seconded by Mr. Evans to accept the following Sanitary Subdivider's Agreement:

Summerwood Lakes Section 1

SUBDIVIDER'S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

THIS AGREEMENT executed on this 6th day of September 2005, by and between **HOMEWOOD CORPORATION**, as evidenced by the **SUMMERWOOD LAKES SECTION 1** Subdivision Plat filed with the Delaware County Recorder, Delaware County, Ohio and the BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio is governed by the following considerations and conditions, to wit:

The SUBDIVIDER shall upon executing this AGREEMENT pay to the DELAWARE COUNTY SANITARY ENGINEER $**94,400**, representing the payment of fifty percent (50%) of the capacity charges then in effect for each single family residential connection, for **32** equivalent single family residential connections. The remaining capacity charge shall be fifty percent (50%) of the rate currently in effect at the time connection is made and shall be paid for each single family residential connection upon application to the DELAWARE COUNTY SANITARY ENGINEER for a tap permit to connect the single family residence to the sanitary sewer. Ownership of more than one (1) lot will not cause aggregation of the payments.

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT; said SUBDIVIDER is to execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (**$170,401.10**) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of any contractor or sub-contractor or from any material, method or explosive used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date of the approval of said SUBDIVIDER by the COUNTY COMMISSIONERS, but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be replaced by the SUBDIVIDER, when in the opinion of the COUNTY, his performance is deemed inadequate.

The SUBDIVIDER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the COUNTY shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this Subdivision.

SANITARY SEWER CONSTRUCTION

It is further agreed that upon execution of this AGREEMENT, the SUBDIVIDER shall deposit, with the DELAWARE COUNTY SANITARY ENGINEER the sum of $**20,450**, estimated to be necessary to pay the cost of plan review and inspection by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall subtract from the above sum an amount equal to three and one-half percent (3½%) of the construction cost of the IMPROVEMENTS for plan review. The DELAWARE COUNTY SANITARY ENGINEER shall in his sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund, as a result of charges against the same at the rate of:

INSPECTOR $75.00
CAMERA TRUCK $150.00

per hour for time spent by said SANITARY ENGINEER or his staff has been depleted to a level of less than $1,000.00, the SUBDIVIDER shall make an additional deposit of $1,000.00 to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to $0.75 per foot of sewer which will be deducted to cover a re-inspection.

The SUBDIVIDER, for a period of five (5) years after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

The SUBDIVIDER shall provide to the COUNTY all necessary easements or rights-of-way required to complete the IMPROVEMENTS, all of which shall be obtained at the expense of the SUBDIVIDER.

The COUNTY shall, upon certification in writing from the DELAWARE COUNTY SANITARY ENGINEER that all construction is complete according to the plans and specifications, by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION:

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required, "as built" drawings on the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible MYLAR and 3.5" or 5.25" Diskettes in either Autocad DWG files or DXF files.

The SUBDIVIDER shall within thirty (30) days of completion of construction, furnish to the COUNTY an itemized statement showing the cost of IMPROVEMENTS and an Affidavit that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance Bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The SUBDIVIDER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

Should the SUBDIVIDER become unable to carry out the provisions of this AGREEMENT, the SUBDIVIDER'S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this AGREEMENT.

IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or his agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

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

RESOLUTION NO. 05-1210

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Jennifer Walraven will have a temporary assignment until the return of Letha George or 120 days; effective date August 27, 2005.

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

_____
Letha George, Clerk to the Commissioners