

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 17, 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. 05-1383

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 13, 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 October 13, 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. 05-1384

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1014:

It was moved by Mr. Evans, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR1014, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO’s</b>			
<b>Increases</b>			
Child Care Unlimited	Day Care	22411610-5348	\$ 33,000.00
Delaware Motive Parts	Vehicle Parts & Supplies	10011106-5228	\$ 4,800.00
Downes, Hurst & Fishel	Legal Services	10011102-5301	\$ 20,000.00
<b>Vouchers</b>			
Downes Hurst & Fishel	Legal Services	10011102-5301	\$ 7,605.66

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

RESOLUTION NO. 05 -1385

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Child Support Enforcement Agency is requesting that Brett Bratton attend a TPOC Skills Assessment Workshop in Columbus, Ohio October 26, 2005, at no cost.

The Child Support Enforcement Agency is requesting that Bridgette DeCastro, Teresa Farlee, Kelly Mills, Regina Prouty and Wendy Shannon attend an OCDA Fall Conference in Columbus, Ohio October 24-26, 2005, at the cost of \$750.00.

The EMS Department is requesting that personal attend a Pediatric Advanced Life Support Refresher Course at the Rutherford B. Hayes Building October 28, 2005, at the cost of \$700.00.

The EMS Department is requesting instructor fees for a Pediatric Advanced Life Support Refresher Course that took place at the Rutherford B. Hayes Building March 11, 2005, at the cost of \$700.00.

The EMS Department is requesting instructor fees for an Advanced Cardiac Life Support Refresher Course that took place at the Rutherford B. Hayes Building March 15, 2005, at the cost of \$700.00.

The Treasurer’s Office is requesting that Dale M. Wilgus attend a Treasurer’s Conference in Dublin, Ohio November 15-17, 2005, at the cost of \$242.50.

The Prosecutor’s Office is requesting that Marianne Hemmeter attend an Ohio Ethics Professionalism Substance Abuse Seminar in Columbus, Ohio December 6, 2005, at the cost of \$149.87.

The Court of Common Pleas is requesting that Kara Clark and Erin Cook attend an Operation Street Smart Program in Delaware, Ohio October 20, 2005, at the cost of \$20.00.

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The Code Compliance Department is requesting that Chris Bean and Mark Howard attend an International Mechanical Code Seminar in Grove City, Ohio October 19, 2005, at the cost of \$185.00.

The Department of Job and Family Services is requesting that Kathy Butler attend a Statewide Child Welfare Managers Meeting in Reynoldsburg, Ohio October 27, 2005, at the cost of \$25.90.

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

RESOLUTION NO. 05-1386

IN THE MATTER OF ADOPTING RESOLUTION OF CONGRATULATIONS TO JEREMIAH PARKER WILLIAMS UPON EARNING HIS EAGLE SCOUT AWARD:

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

Whereas, Jeremiah Parker Williams has been a member of Boy Scout Troop #184, and

Whereas, Jeremiah Parker Williams has met all the requirements and been approved by the National Council of Boy Scouts to receive the Eagle Scout Award, and

Whereas, The Board of Commissioners of Delaware County wishes to express congratulations to, Jeremiah Parker Williams on earning the Eagle Scout Award.

Now Be It Resolved, That the Board of County Commissioners of Delaware County hereby officially congratulates, Jeremiah Parker Williams on attaining Scouting’s highest rank - the Eagle Scout Award. Your diligence and hard work have earned you the distinction of being an Eagle Scout. You join company with a select group of individuals who are recognized as outstanding in all that Scouting represents.

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

RESOLUTION NO. 05-1387

IN THE MATTER OF SUPPORTING THE PROPOSED AMENDMENT TO THE OHIO CONSTITUTION (ISSUE 1) TO EXTEND THE STATE CAPITAL IMPROVEMENT PROGRAM:

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

WHEREAS, Issue 1 will create and preserve jobs, enhance education opportunities, and improve the quality of life and general well-being of people and business in all areas of Ohio by improving local government public infrastructure, expanding Ohio’s research capabilities to promote product innovation, development and commercialization, and prepare economic development sites and facilities in Ohio, and

WHEREAS, Issue 1 will authorize the State of Ohio to issue up to \$1.35 billion in bonds to help local governments pay for the cost of public infrastructure capital improvements of local governments, including roads and bridges, wastewater treatment systems, water supply systems, solid waste disposal facilities, storm water and sanitary collection, storage and treatment facilities, and

WHEREAS, Issue 1 will authorize the State of Ohio to issue up to \$500 million in bonds to provide financial assistance for research and development in support of Ohio industry, commerce, and business, including research and product innovation, development, and commercialization, and

WHEREAS will authorize the state of Ohio to issue up to \$150 million in bonds to pay costs or assist other payment of costs of projects for the purpose of developing local sites and facilities in Ohio communities for and in support of industry, commerce, distribution, and research and development, including constructing and improving facilities, site preparation and cleanup, the acquisition of real estate, and providing public infrastructure improvements, and

WHEREAS, Issue 1 will foster job creation through infrastructure projects, job ready sites, and creating new products and services based on science and technology research and development and ensuring Ohio’s ability to create and compete for jobs, now and I the future

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

That the said investment will improve the quality of life for all Ohioans and that Delaware County supports and endorses the passage of State Issue 1 and that a copy of this endorsement be addressed to the Jobs for Ohio Committee.

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

RESOLUTION NO. 05-1388

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR THE SHERIFF’S OFFICE:

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

Supplemental Appropriation		Amount
10031303-5345	Sheriff Jail /Inmate Housing for Sept.	\$ 72,515.00
10031303-5342	Sheriff Jail/Inmate Medical for Sept.	\$ 18,450.00
10031303-5243	Sheriff Jail/Inmate Drugs	\$ 3,925.00
Transfer of Appropriation		
From:	To:	
10031301-5260	10031301-5338	\$ 10,000.00
Sheriff /Deputies/Tools & Equip >Greater Than \$500.00 <\$4,999.00	Sheriff /Deputies /Utilities	
10031301-5260	10031301-5325	\$ 10,000.00
Sheriff/ Deputies/Tools & Equip >Greater Than \$500.00 <\$4,999.00	Sheriff/Deputies /Maintenance Contracts	
10031301-5260	10031301-5301	\$ 5,000.00
Sheriff /Deputies/Tools & Equip >Greater Than \$500.00 <\$4,999.00	Sheriff /Deputies /Contracted Professional	
10031301-5228	10031301-5301	\$ 5,000.00
Sheriff /Deputies/Vehicle Maintenance	Sheriff /Deputies / Contracted Professional	
10031301-5238	10031301-5301	\$ 5,000.00
Sheriff /Deputies/Safety Security	Sheriff/Deputies / Contracted Professional	

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

RESOLUTION NO. 05-1389

IN THE MATTER OF APPROVING PLAT FOR SHEFFIELD PARK SECTION 2 PHASE A AND DITCH MAINTENANCE PETITIONS FOR SHEFFIELD PARK SECTION 2 PHASES A AND B AND LIBERTY VILLAGE SECTION 1:

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

Sheffield Park Section 2 Phase A

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, Farm Lot 14, Quarter Township 2, Township 3, Range 17, United States Military Lands, Containing 25.959 Acres Of Land, More Or Less, Said 25.959 Acres Being Part Of Those Tracts Of Land Conveyed To Virginia Homes Ltd By Deed Of Record In Official Record 169, Page 2632 (16.214 Acres), And Official Record 115, Page 565, (8.111 Acres) And To Centex Homes By Deed Of Record In Official Record 259, Page 1834, (1.634 Acres) All Being Of Record In The Recorder’s Office, Delaware County, Ohio Cost. \$78.00.

Ditch Maintenance Petition- Sheffield Park Section 2 Phases A And B

We the undersigned owners of 58.2 acres in Genoa Township, Delaware County, Ohio propose to create a subdivision known as **Sheffield Park Section 2 Phases A And B** 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.

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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 **Sheffield Park Section 2 Phases A and B** Subdivision.

The cost of the drainage improvements is \$381,401.00 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. 78 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, \$4,889.76 per lot. An annual maintenance fee equal to 2% of this basis \$97.80 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 \$7,628.40 has been paid to Delaware County.

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

**Ditch Maintenance Petition-Liberty Village Section 1**

We the undersigned owners of 36.3 acres in Liberty Township, Delaware County, Ohio propose to create a subdivision known as **Liberty Village Section 1** 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 **Liberty Village Section 1** Subdivision.

The cost of the drainage improvements is \$251,807.00 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. 34 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, \$7,406.09 per lot. An annual maintenance fee equal to 2% of this basis \$148.12 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 \$5,036.08 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 -1390**

**IN THE MATTER OF APPROVING AN EXTENSION TO THE LETTER OF CREDIT OF VIRGINIA HOMES FOR CONSTRUCTION OF WEDGEWOOD PARK SECTION 2, PHASES A&B:**

It was moved by Mr. Evans, seconded by Mr. Ward to approve an extension to the bond of Virginia Homes:

**Wedgewood Park Section 2, Phases A&B**

Due to various circumstances, Virginia Homes, the developer for the above referenced project, has not been able to complete the project to the satisfaction of this office prior to the expiration of their Maintenance Bond, which was September 30, 2005. The Engineer is , therefore, requesting an extension of time be granted for the completion of the project and that your Board approve the acceptance of the amended Letter of Credit which extends their surety until December 31, 2005.

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

**RESOLUTION NO. 05 -1391**

**IN THE MATTER OF APPROVING THAT ACTION BE TAKEN AGAINST THE BOND OF SOVEREIGN DEVELOPMENT CORPORATION FOR CONSTRUCTION OF WINDSONG SUBDIVISION:**

It was moved by Mr. Ward, seconded by Mr. Evans to approve taking action against the bond of Sovereign Development Corporation:

**Windsong Subdivision**

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In November, 2004, your Board entered into agreement with Sovereign Development Corporation, the developer for the referenced project. The construction surety posted for this project is due to expire October 28, 2005, but the project is not at the point to be placed on maintenance. The Engineer has requested that the developer either finish the construction work required to place the project on maintenance and submit a maintenance bond, or extend their construction surety until such time as the project is ready to be placed on maintenance. However, should they fail to take appropriate action prior to the expiration of their surety, The Engineer request approval to take action against their construction surety so the project can be finalized.

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

RESOLUTION NO. 05 -1392

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

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

Permit #	Applicant	Location	Type of Work
U05175	Suburban Natural Gas	Alum Crossings Sections 1 & 2	Install gas mains
U05176	American Electric Power	Home Road	Install pole and primary
U05177	American Electric Power	Home Road	Install pole
U05178	Southeastern Natural Gas	Concord Road	Bore under road
U05179	Verizon	S. Old State Road	Place buried cable
U05180	Consolidated Electric	Ashley Road	Set new pole
U05181	Columbia Gas	Trenton Road	Bore road

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

RESOLUTION NO. 05 -1393

IN THE MATTER OF APPROVING A LICENSE AGREEMENT WITH THE ARMY CORPS OF ENGINEERS TO ALLOW DELAWARE COUNTY TO INSTALL AND MAINTAIN A CULVERT ON COUNTY ROAD 10 WHICH WILL OUTLET INTO ALUM CREEK:

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

Department of Army License-Alum Creek Lake Project

For execution there are two copies of a License Agreement with the Army Corps of Engineers. This Agreement is to allow Delaware County to install and maintain a culvert on County Road 10 which will outlet into Alum Creek.

DEPARTMENT OF THE ARMY LICENSE  
ALUM CREEK LAKE PROJECT  
DELAWARE COUNTY, OHIO  
TRACT NO. 1104

THE SECRETARY OF THE ARMY, hereinafter referred to as the Secretary, acting under his general administrative powers, hereby grants to DELAWARE COUNTY ENGINEER, 50 Channing Street, Delaware, Ohio 43015 hereinafter referred to as the grantee, a license for the installation, maintenance and removal of a 24” culvert pipe, over, across, in and upon lands of the United States as identified in Exhibit A, attached hereto and made a part hereof hereinafter referred to as the premises.

THIS LICENSE is granted subject to the following conditions:

1. TERM

This license is granted for a tem of twenty-five (25) years, beginning October 1, 2005, and ending September 30, 2030, but revocable at will by the Secretary.

2. CONSIDERATION

The consideration for this license is the operation and maintenance of the premises by the grantee for the benefit of the United States and the general public in accordance with the conditions herein set forth.

3. NOTICES

All notices and correspondence to be given pursuant to this license shall be addressed, if to the grantee,

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to Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015; and if to the United States, to the District Engineer, Attention: Chief, Real Estate Division, U.S. Army Corps of Engineers, 502 Eighth Street, Huntington, West Virginia 25701-2070; of as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.

**4. AUTHORIZED REPRESENTATIVES**

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer", "Installation Commander", or "said officer" shall include their duly authorized representatives. Any reference to "grantee" shall include any duly authorized representatives.

**5. SUPERVISION BY THE DISTRICT ENGINEER**

The use and occupation of the premises shall be subject to the general supervision and approval of the District Engineer, Huntington District hereinafter referred to as said officer, and to such rules and regulations as may be prescribed from time to time by said officer.

**6. APPLICABLE LAWS AND REGULATIONS**

The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

**7. CONDITIONAL USE BY GRANTEE**

The exercise of the privileges herein granted shall be:

- a. without cost or expense to the United States;
- b. subject to the right of the United States to improve, use or maintain the premises
- c. subject to other outgrants of the United States on the premises;
- d. personal to the grantee, and this license, or any interest herein, may not be transferred or assigned.

**8. CONDITIONS OF PREMISES**

The grantee acknowledges that it has inspected the premises, knows its condition, and understands that the same is granted without any representations or warranties whatsoever and without any obligation on the part of the United States.

**9. COST OF UTILITIES**

The grantee shall pay the cost, as determined by the officer having immediate supervision over the premises, of producing and/or supplying any utilities and other services furnished by the Government or through Government-owned facilities for the use of the grantee, including the grantee's proportionate share of the cost of operation and maintenance of the Government-owned facilities by which such utilities or services are produced or supplied. The Government shall be under no obligation to furnish utilities or services. Payment shall be made in the manner prescribed by the officer having such jurisdiction.

**10. PROTECTION OF PROPERTY**

The grantee shall keep the premises in good order and in a clean, safe condition by and at the expense of the grantee. The grantee shall be responsible for any damage that may be caused to property of the United States by the activities of the grantee under this license, and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefore by the grantee in an amount necessary to restore the property to a condition satisfactory to said officer.

**11. INDEMNITY**

The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property of the grantee, or for damages to the property or injuries to the person of the grantee's officers, agents, or employees or others who may be on the premises at their invitation or the invitation of any one of them,

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and the grantee shall hold the United States harmless from any and all such claims not including damages due to the fault or negligence of the United States or its contractors.

**12. RESTORATION**

On or before the expiration of this license or its termination by the grantee, the grantee shall vacate the premises, remove the property of the grantee, and restore the premises to a condition satisfactory to said officer. If, however, this license is revoked, the grantee shall vacate the premises, remove said property and restore the premises to the aforesaid condition within such time as the District Engineer may designate. In either event, if the grantee shall fail or neglect to remove said property and restore the premises, then, at the option of said officer, the property shall either become the property of the United States without compensation therefor, or said officer may cause the property to be removed and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work. The grantee shall also pay the United States on demand any sum which may be expended by the United States after the expiration, revocation, or termination of this license in restoring the premises.

**13. NON-DISCRIMINATION**

The grantee shall not discriminate against any person or persons or exclude them from participation in the grantee's operations, programs or activities because of race, color, religion, sex, age, handicap or national origin in the conduct of operations on the premises. The grantee will comply with the Americans with Disabilities Act and attendant Americans with Disabilities Act Accessibility Guidelines (ADAAG) published by the Architectural and Transportation Barriers Compliance Board.

**14. TERMINATION**

This license may be terminated by the grantee at any time by giving the District Engineer at least ten (10) days notice in writing provided that no refund by the United States of any consideration previously paid shall be made and provided further, that in the event said notice is not given at least ten (10) days prior to the rental due date, the grantee shall be required to pay the consideration for the period shown in the Condition on **CONSIDERATION**.

**15. ENVIRONMENTAL PROTECTION**

**a.** Within the limits of their respective legal powers, the parties to this license shall protect the premises against pollution of its air, ground and water. The grantee shall comply with any laws, regulations, conditions, or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is specifically prohibited. Such regulations, conditions or instructions in effect or prescribed by said Environmental Protection Agency, or any Federal, state, interstate or local government agency are hereby made a condition of this license. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

**b.** The grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs from the grantee's activities, the grantee shall be liable to restore the damaged resources.

**c.** The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

**16. HISTORIC PRESERVATION**

The grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archaeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and the material from further disturbance until said officer gives clearance to proceed.

**17. DISCLAIMER**

This license is effective only insofar as the rights of the United States in the premises are concerned; and the grantee shall obtain any permit or license which may be required by Federal, state, or local statute in connection with the use of the premises. It is understood that the granting of this license does not preclude the necessity of obtaining a Department of the Army permit for activities which involve the discharge of dredge or fill material or the placement of fixed structures in the waters of the United States, pursuant to the provision of Section 10 of the Rivers and Harbors Act of 3 March 1899 (33 U.S.C. 403), and Section 404 of the Clean Waters Act (33 U.S.C. 1344).

**18. SPECIAL CONDITIONS**

The culvert shall be placed above flood pool elevation at elevation 901 MSL.

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THIS LICENSE is not subject to Title 10, United States Code, Section 2662, as amended.

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

RESOLUTION NO. 05-1394

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Rhonda Griffith will be required to take 80 hours of leave without pay for the pay period of 0501022.

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

RESOLUTION NO. 05-1395

IN THE MATTER OF APPROVING THE QUARTERLY REPORT OF THE BYRNE GRANT FOR ADULT COURT SERVICES:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the quarterly Report of the Byrne Grant.

(Copy of report available in the Commissioners office until no longer of Administrative Value).

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

RESOLUTION NO. 05-1396

IN THE MATTER OF APPOINTING JOHN KIRKHAM AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE DELAWARE COUNTY BOARD BUILDING APPEALS:

It was moved by Mr. Ward, seconded by Mr. Evans 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 an individual to the Delaware County Board of Building Appeals for the following term beginning October 17, 2005, and ending December 31, 2010, and

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, appoint John Kirkham to the Delaware County Board of Building Appeals.

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

RESOLUTION NO. 05-1397

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS KIMBERLY BYERLY AND COME-N-PLAY:

It was moved by Mr. Ward, seconded by Mr. Evans 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
Come-N-Play	Infant	\$155.00	\$ 0.00	\$ 8.76



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158 Imperial Gahanna, Ohio 43230	Toddler	\$135.00	\$ 0.00	\$ 6.39
	Preschool	\$130.00	\$ 0.00	\$ 5.84
	Schoolage	\$102.38	\$ 0.00	\$ 5.39
	Before or After	\$ 55.00	\$ 55.00	\$ 5.39
	Before & After	\$ 80.00	\$ 71.99	\$ 5.39

Child Care Provider	Infants	Toddlers	Preschool	School
Kimberly Byerly	\$132.08 Full	\$ 124.52 Full	\$118.78 Full	\$104.96 Full
112 Kettering Bend	\$ 86.16 Part	\$ 82.62 Part	\$ 76.94 Part	\$ 70.82 Part
Delaware, Ohio 43015	\$ 5.09 Hourly	\$ 4.85 Hourly	\$ 4.63 Hourly	\$ 3.37 Hourly

(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:

Come N Play                      22411610-5348    \$5,000  
Kimberly Byerly                22411610-5348    \$5,000

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

**RESOLUTION NO. 05-1398**

**IN THE MATTER OF AMENDING THE PURCHASE OF CHILD CARE SERVICES CONTRACT BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDER FLYING DOZER CHILD CARE:**

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

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT  
AMENDMENT NO. 1

This amendment, effective September 1, 2005, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Flying Dozer Child Care entered into on the 5th day of August, 2005.

Article 4. Cost and Delivery of Purchased Services:

Payment Rates:

(1) Basic Rates:

	Full Time	Part Time	Hourly
School age (5-6 yr olds)	\$102.38	\$71.99	\$5.39
(6-10 yr olds)	\$92.00	\$71.99	\$5.39
Non-School days -	\$28.00 per day		
Before or After School	\$65.00	\$65.00	\$5.39

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

**RESOLUTION NO. 05-1399**

**IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND CORNELL ABRAXAS GROUP INC. AND PARENTHESIS FAMILY ADVOCATES FOR CHILD PLACEMENT SERVICES:**

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

Child Placement Service	Per diem cost and per diem reimbursement for the following categories
Cornell Abraxas Group Inc. 2775 State Route 39 Shelby, Ohio 44875	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare

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	G. Other costs - (any other cost the Agency has agreed to participate in)
Parenthesis Family Advocates 2242 S. Hamilton Road Suite 200 Columbus, Ohio 43232	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:

Cornell Abraxus 22511607-5342 \$10,000  
Parenthesis 22511607-5342 \$10,000

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

**RESOLUTION NO. 05-1400**

**IN THE MATTER OF APPROVING A DELAWARE COUNTY FAMILY & CHILDREN FIRST COUNCIL  
GRANT AGREEMENT FOR OHIO CHILDREN’S TRUST FUND SFY 06 WITH ACTION FOR CHILDREN:**

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

**Delaware County Family & Children First Council  
Grant Agreement for Ohio Children’s Trust Fund SFY 06  
With  
Action for Children**

The Grant Agreement between Family & Children First Council (FCFC) and Action for Children (Agency) is for the time period of July 1, 2005 through June 30, 2006. The amount of award for State Fiscal Year 2006 (SFY 06) is \$6,646.00, payable as follows. Upon receipt of this signed agreement, FCFC will release 50% of the monies, being \$3,323.00. On or about March 1, 2006 or upon receipt by the FCFC of the Ohio Children’s Trust Fund (OCTF) monies from the state, whichever is later, and when a quarterly invoice is submitted to FCFC, 30% of the award will be released to the agency, being \$1,993.80. On or about July 30, 2006, or upon receipt of the Agency’s submission of the Annual Report showing evidence of satisfactory achievement of the service deliverables, and when an invoice for the balance of the reward is received, the final 20% of the award (\$1,329.20) will be released to the agency provided that all service delivery and reporting requirements have been met.

**Service delivery:** Agency will provide the services described below. Grantees are expected to achieve no less than 40% of service delivery by December 31, 2005 and no less than 90% service delivery by June 30, 2006. Service delivery and budget details are further described in the grant application, attached to this contract. All attachments are deemed to be part of this contract as fully as if set forth herein.

**Deliverable #1:** Provide six-session series of parent education classes based on the TAPP curriculum four times a year. Each series will serve 10 parents (or those in a parental role) of children aged 17 and under.  
Unit of service = 1 parent attending 1 class session  
Projected units of service = 192 units (80% of potential)

**Deliverable # 2:** Meet with eight prospective or current referral sources each year.  
Unit of service = 1 meeting with one referral source (agency, group, school, etc.)  
Projected units of service = 8 units

**Reporting requirements:** Quarterly Fiscal Reports as well as quarterly invoices for services provided are due October 2005, January 10, 2006, April 10, 2006 and July 10, 2006. A Semi-Annual Program Report is due January 10, 2006 and an Annual Report is due July 10, 2006.

**Cancellation Clause:** Grantees agree to comply with requirements of the Ohio Children’s Trust Fund and to use monies awarded only to support primary and secondary child abuse/neglect prevention efforts as approved in the application or written addendum. OCTF monies will not be targeted to families or individuals case managed by the public children services agency, nor will they be used to supplant existing funding. Non-compliance or unsatisfactory achievement of above specified service units may result in reduced funding or cancellation of this

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award.

Your signature below indicates that you have authority to sign this Agreement on behalf of the Agency and bind the Agency to all of its terms and conditions. Your signature below also indicates you and the Agency agree to be bound by all the terms and conditions of this Agreement and to comply with all requirements of OCTF.

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

RESOLUTION NO. 05-1401

IN THE MATTER OF APPROVING A DELAWARE COUNTY FAMILY & CHILDREN FIRST COUNCIL  
GRANT AGREEMENT FOR OHIO CHILDREN'S TRUST FUND SFY 06 WITH DELAWARE GENERAL  
HEALTH DISTRICT:

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

Delaware County Family & Children First Council  
Grant Agreement for Ohio Children's Trust Fund SFY 06  
With  
Delaware General Health District

The Grant Agreement between Family & Children First Council (FCFC) and Delaware General Health District (Agency) is for the time period of July 1, 2005 through June 30, 2006. The amount of award for State Fiscal Year 2006 (SFY 06) is \$12,193.86, payable as follows. Upon receipt of this signed agreement, FCFC will release 50% of the monies, being \$6,096.93. On or about March 1, 2006 or upon receipt by the FCFC of the Ohio Children's Trust Fund (OCTF) monies from the state, whichever is later, and when a quarterly invoice is submitted to FCFC, 30% of the award will be released to the agency, being \$3,658.16. On or about July 30, 2006, or upon receipt of the Agency's submission of the Annual Report showing evidence of satisfactory achievement of the service deliverables, and when an invoice for the balance of the reward is received, the final 20% of the award (\$2,438.77) will be released to the agency provided that all service delivery and reporting requirements have been met.

**Service delivery:** Agency will provide the services described below. Grantees are expected to achieve no less than 40% of service delivery by December 31, 2005 and no less than 90% service delivery by June 30, 2006. Service delivery and budget details are further described in the grant application, attached to this contract. All attachments are deemed to be part of this contract as fully as if set forth herein.

**Deliverable #1:** Provide ongoing home visiting services, 12 visits per family, to 8 families with children under the age of three.

Unit of service = 1 parent participating in one home visit  
Planned units of service = (8 families receiving 12 visits) = 96 visits

**Reporting requirements:** Quarterly Fiscal Reports as well as quarterly invoices for services provided are due October 2005, January 10, 2006, April 10, 2006 and July 10, 2006. A Semi-Annual Program Report is due January 10, 2006 and an Annual Report is due July 10, 2006.

**Cancellation Clause:** Grantees agree to comply with requirements of the Ohio Children's Trust Fund and to use monies awarded only to support primary and secondary child abuse/neglect prevention efforts as approved in the application or written addendum. OCTF monies will not be targeted to families or individuals case managed by the public children services agency, nor will they be used to supplant existing funding. Non-compliance or unsatisfactory achievement of above specified service units may result in reduced funding or cancellation of this award.

Your signature below indicates that you have authority to sign this Agreement on behalf of the Agency and bind the Agency to all of its terms and conditions. Your signature below also indicates you and the Agency agree to be bound by all the terms and conditions of this Agreement and to comply with all requirements of OCTF.

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

RESOLUTION NO. 05-1402

IN THE MATTER OF APPROVING A DELAWARE COUNTY FAMILY & CHILDREN FIRST COUNCIL  
GRANT AGREEMENT FOR OHIO CHILDREN'S TRUST FUND SFY 06 WITH HELPLINE OF DELAWARE  
& MORROW COUNTIES, INC.:

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

Delaware County Family & Children First Council

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Grant Agreement for Ohio Children’s Trust Fund SFY 06  
With  
HelpLine of Delaware & Morrow Counties, Inc.

The Grant Agreement between Family & Children First Council (FCFC) and HelpLine (Agency) is for the time period of July 1, 2005 through June 30, 2006. The amount of award for State Fiscal Year 2006 (SFY 06) is \$15,203.00, payable as follows. Upon receipt of this signed agreement, FCFC will release 50% of the monies, being \$7,601.50. On or about March 1, 2006 or upon receipt by the FCFC of the Ohio Children’s Trust Fund (OCTF) monies from the state, whichever is later, and when a quarterly invoice is submitted to FCFC, 30% of the award will be released to the agency, being \$4,560.90. On or about July 30, 2006, or upon receipt of the Agency’s submission of the Annual Report showing evidence of satisfactory achievement of the service deliverables, and when an invoice for the balance of the reward is received, the final 20% of the award (\$3,040.60) will be released to the agency provided that all service delivery and reporting requirements have been met.

**Service delivery:** Agency will provide the services described below. Grantees are expected to achieve no less than 40% of service delivery by December 31, 2005 and no less than 90% service delivery by June 30, 2006. Service delivery and budget details are further described in the grant application, attached to this contract. All attachments are deemed to be part of this contract as fully as if set forth herein.

**Deliverable #1:** Provide child safety training workshops in five elementary schools and three summer programs to 670 children. Unit of service= 1 child attending 1 classroom session; Units planned = 670 units

**Deliverable #2:** Provide child abuse prevention information with face-to-face contact/training to 50 parents from Delaware City Elementary Schools and Buckeye Valley East and West and the SACC summer programs between July and June. Unit of service = 1 parent received literature/face to face contact; Units planned=50 units

**Deliverable #3:** Provide 18 hours of child safety training and Child Abuse Prevention training to 5 new volunteers by January and one hour of returning/supervision to 8 returning volunteers. Unit of service = 1 new volunteer attending 18 hours of training and 1 returning volunteer receiving 1 hour refresher/supervision; Units planned= 5 new volunteers attending 18 hours of training and 8 returning volunteers receiving one hour = 98 units

**Deliverable #4:** Provide child safety training/Child Abuse Prevention training to 50 school staff in five Delaware City elementary schools and three after school programs between July 1 and June 30. Unit of Service = 1 school staff member attended 1 session; Units planned = 50 units

**Deliverable #5:** Print and distribute child abuse education flyers targeting 300 parents with multiple risk factors. Unit of service = 1 at-risk parent receiving 1 child abuse education; Units planned = 300 parents receive 1 child abuse education flyer = 300 units

**Deliverable # 6:** Design and hang “Safe, Strong, Free” CAP bulletin board displays in 8 schools. Unit of service = One day of display in one school; Units planned = 30 days x 8 schools = 240 units

**Reporting requirements:** Quarterly Fiscal Reports as well as quarterly invoices for services provided are due October 2005, January 10, 2006, April 10, 2006 and July 10, 2006. A Semi-Annual Program Report is due January 10, 2006 and an Annual Report is due July 10, 2006.

**Cancellation Clause:** Grantees agree to comply with requirements of the Ohio Children’s Trust Fund and to use monies awarded only to support primary and secondary child abuse/neglect prevention efforts as approved in the application or written addendum. OCTF monies will not be targeted to families or individuals case managed by the public children services agency, nor will they be used to supplant existing funding. Non-compliance or unsatisfactory achievement of above specified service units may result in reduced funding or cancellation of this award.

Your signature below indicates that you have authority to sign this Agreement on behalf of the Agency and bind the Agency to all of its terms and conditions. Your signature below also indicates you and the Agency agree to be bound by all the terms and conditions of this Agreement and to comply with all requirements of OCTF.

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

RESOLUTION NO. 05-1403

IN THE MATTER OF APPROVING THE RENAMING OF A FUND AND ORGANIZATIONAL KEYS AND  
SUPPLEMENTAL APPROPRIATIONS FOR THE ECONOMIC DEVELOPMENT DEPARTMENT:

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

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RENAME FUND	From	To
23011705	CDBG FY'98	CDBG FY'05
23011710	CDBG 2002	CHIP 04 OHTF -Habitat

ORGANIZATIONAL KEY/  
SUPPLEMENTAL APPROPRIATIONS

23011710-5365	CHIP 04 OHTF-Habitat	\$ 50,000.00
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Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 05-1404

IN THE MATTER OF APPROVING THE AMENDMENT TO THE DELAWARE COUNTY’S COMMUNITY HOUSING IMPROVEMENT STRATEGY (CHIS) AND THE POLICY AND PROCEDURE MANUAL FOR THE COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP) FOR THE TENANT BASED RENTAL ASSISTANCE PROJECT:

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

WHEREAS, the State of Ohio, Department of Development (ODOD), provides financial assistance to local governments under the Community Development Block Grant (CDBG) program and the Ohio Housing Trust Fund (OHTF) for the purpose of addressing local housing needs for low income households countywide; and

WHEREAS, Delaware County received FY 2004 Community Housing Improvement Program (CHIP) funding by ODOD, consisting of CDBG and OHTF funds for the purpose of implementing a Tenant Based Rental Assistance Program in coordination with the Delaware Metropolitan Housing Authority (DMHA) to assist eligible low income tenant households; and

WHEREAS, the Tenant Based Rental Assistance Program (TBRA) is intended to enable 15 low income households, whose gross income is at or below 80% of the area median income, assistance with rental payments, and

WHEREAS, the Policy and Procedure Manual and the Community Housing Improvement Strategy (CHIS) amendment is to add security deposits to the Tenant Based Rental Assistance Program.

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 agrees to the amendment to the Policy and Procedure Manual and Community Housing Improvement Strategy (CHIS) to assist qualified household with security deposits administer by Delaware Metropolitan Housing Authority.

SECTION 2. That an amount up to \$45,000 of CHIP funding will be provided to the DMHA to be used to make monthly rental assistance payments or security deposits for participating low-income tenant households, and an amount up to \$4,500 of CHIP funding will be provided to the DMHA to be used for administration of the Tenant Based Rental Assistance Program. Such funds shall be provided upon receipt and approval of required supporting documentation detailing program activities.

SECTION 3. That this resolution shall take effect and be in force immediately after its passage.

SECTION 4: Upon passage of this resolution, a copy shall be forwarded to the Ohio Department of Development and Delaware Metropolitan Housing Authority.

Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye
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RESOLUTION NO. 05-1405

IN THE MATTER OF AUTHORIZING THE ACCEPTANCE AND AWARDING OF THE BID AND APPROVING THE CONTRACT SUBMITTED BY VITTOE CONSTRUCTION FOR CDBG FY'04 STREET DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the Ohio Department of Development provides financial assistance to local governments under the Community Development Block Grant (CDBG) Formula Program to Delaware County; and

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WHEREAS, funding, in the amount up to \$12,000 has been provided to Delaware County through the FY'04 CDBG Formula Program, and Delaware County Revolving Loan Fund (RLF) has been approved in the amount up to \$50,800 by the Delaware County Board of Commissioners, and the Village contribution of \$7,500, and

WHEREAS, the Village of Ostrander has received Issue 2 funds from Ohio Public Works Commission (OPWC) to pay 74% of the total project cost, and

WHEREAS, the project was bid out and bids were received September 27, 2005; and

WHEREAS, Floyd Browne Group, the engineering firm for the Village of Ostrander, has reviewed the bids received, and the bid submitted by Vititoe Construction in the amount of \$269,133.70 has been determined to be the lowest and best bid, and

WHEREAS, The Village of Ostrander is responsible for the cost over the CDBG Grant of \$12,000 and RLF grant in the amount up to \$50,800.

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 awards the bid to Vititoe Construction for the Drainage Improvement Project in the amount of \$269,133.70.

Section 2. That this resolution shall take effect and be in force immediately after its passage.

**AGREEMENT FORM  
Contract**

THIS AGREEMENT made this 17<sup>th</sup> day of October 2005, by and between Vititoe Construction Company, Inc. hereinafter called the "Contractor" and Delaware County, hereinafter called the "Owner".

WITNESSETH, that the Contractor and the owner for the considerations stated herein mutually agree as follows:

**ARTICLE 1.**      **Statement of Work.**

The Contractor is a corporation organized under the laws of the State of Ohio shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services including utility and transportation services, and perform and complete all work required for the construction of the Improvements embraced in the project; namely Drainage Improvements, and required supplemental work for supplemental work for the Fy'04 CDBG Grant all in strict accordance the N/A all in strict accordance with the Contract Documents including all addenda thereto, numbered 1, dated September 22, 2005, all as prepared by Floyd Browne Group, acting and in these Contract documents preparation, referred to as the "Engineer".

Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as followed.

The proposed work includes the installation of approximately 370 L.F. of 24-inch RCP storm drains, 420 L.F. of 18-inch RCP Storm drains, 205 L.F. of 15-inch RCP storm drains, 178 L.F. of 15-inch HDPE storm drains, 546 L.F. of 12-inch RCP storm drains, 821 L. F. of 12-inch HDPE storm, along with manholes, catch basins, and asphalt overlay, pavement replacement, and seeding.

**ARTICLE 2.**      **The Contract Price**

The Owner will pay the Contractor for the total quantities of work performed at the unit price stipulated in the Bid for the respective items of work completed for the sum of **Two Hundred Sixty-Nine Thousand One Hundred and Thirty-Three 70/00 (Dollars) \$269,133.70** subject to additions and deductions as provided in Section 109 hereof.

1 Choose term most applicable: a corporation organized and existing under the laws of the State of Ohio: a partnership consisting of \_\_\_\_\_: and individual trading as \_\_\_\_\_.

2 Supply principal items of Contract such as electrical, earthwork, flexible conduit, conductors and connectors, street lighting handholes, poles, luminaries and foundations, installation street lighting and controllers, etc.

**ARTICLE 3.**      **Contract.**

The executed contract documents shall consist of the following:

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- a. This Agreement
- b. Addenda
- c. Invitation for Bids
- d. Instructions to Bidders
- e. Signed copy of Bid
- f. General Conditions, Parts I and II
- g. Special Conditions
- h. Technical Specifications
- i. Drawings (as listed in the Schedule of Drawings)

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

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

**RESOLUTION NO. 05-1406**

**A RESOLUTION IMPLEMENTING SECTIONS 3735.65 THROUGH 3735.70 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF BERLIN TOWNSHIP COMMUNITY REINVESTMENT AREAS “A” AND “B” LOCATED IN BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO, AND DESIGNATING A HOUSING OFFICER TO ADMINISTER THE PROGRAM AND CREATING A COMMUNITY REINVESTMENT AREA HOUSING COUNCIL AND TAX INCENTIVE REVIEW COUNCIL:**

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

WHEREAS, the Delaware County Board of Commissioners (hereafter “Board”) desire to pursue all reasonable and legitimate incentive measures to assist and encourage development in specific areas of Berlin Township that have not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, a survey of housing as required by Ohio Revised Code (ORC) Section 3735.66, has been prepared for the areas to be included in the proposed Community Reinvestment Areas (CRA’s) “A” and “B”, indicating that a lack reinvestment or investment in housing is occurring in said areas, and said survey is on file with the Berlin Township Zoning Office and Delaware County Economic Development Department; and

WHEREAS, the maintenance of existing and construction of new commercial and industrial structures in these areas would serve to encourage economic stability, maintain real property values, and generate employment opportunities; and

WHEREAS, the remodeling of existing or the construction of new commercial and industrial structures in these Community Reinvestment Areas constitutes a public purpose for which real property exemptions may be granted;

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

- Section 1. The areas designated as Berlin Township Community Reinvestment Areas “A” and “B” constitutes areas in which housing facilities or structures of historical significance are located and new housing construction and / or repair of existing facilities or structures has been discouraged. The creation of Berlin Township Community Reinvestment Areas “A” and “B” will encourage development in these areas and provide job and economic growth activities.
- Section 2. Pursuant to ORC 3735.66, Berlin Township Community Reinvestment Areas “A” and “B” are hereby established as represented on the maps and in the areas described in the attached **Exhibit “A”**:
- Section 3. Only commercial and industrial properties consistent with the applicable zoning regulations within the designated Community Reinvestment Areas will be eligible for exemptions under this Program. Properties used for residential purposes shall be explicitly excluded from eligibility for exemptions under this Program.
- Section 4. All property zoned for industrial and commercial purposes and identified in Exhibit “A” as being within the designated Community Reinvestment Areas are eligible for this incentive. This proposal is a public/private partnership intended to promote and expand conforming uses in the designated area.
- Section 5. Within the Community Reinvestment Areas, the percentage of tax exemption on the increase in the assessed valuation resulting from improvements to industrial and commercial real property and the term of those exemptions shall be negotiated on a case-by-case basis in advance of construction or

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remodeling occurring according to the rules outlined in the ORC Section 3735.67, and as follows:

- a) For remodeling of every industrial and / or commercial structure located within a designated Community reinvestment Area of at least five thousand dollars (\$5,000.00), an exemption period of up to 12 years may be granted. The term and percentage of exemptions for existing industrial and commercial facilities shall be negotiated on a case-by-case basis in advance of construction or remodeling occurring.
- b) For construction of every industrial and / or commercial structure located within a designated Community Reinvestment Area, an exemption period of up to 15 years may be granted. The term and percentage of exemptions for construction of new industrial and commercial facilities shall be negotiated on a case-by-case basis in advance of construction occurring.

The Board agrees to consider and take action on final approval on the recommendations of the Board of Trustees, Berlin Township on applications for exemptions submitted for eligible improvements within the designated Community Reinvestment Areas. The results of the negotiations as approved by the Trustees and the Delaware County Commissioners will be set in writing in a Community Reinvestment Area Agreement as outlined in ORC 3735.671.

Section 6. It is anticipated that the level of incentives available under the Community Reinvestment Area Program in Berlin Township shall be provided at a level that is acceptable to the affected school board of education. As such, the Berlin Township Trustees and the Delaware County Board of Commissioners shall adopt, within 90 days of the passage of this resolution, a set of guidelines and procedures to guide the use of tax incentives in each established CRA.

Section 7. All industrial and commercial projects are required to comply with the State of Ohio Department of Development CRA application fee requirements of ORC Section 3735.672 (C) and the local annual monitoring fee of one percent of the amount of taxes exempted under the agreement – a minimum of \$500 up to a maximum of \$2,500 annually.

Section 8. To administer and implement the provisions of this Resolution, the Berlin Township Zoning Inspector is designated as the Housing Officer as described in Sections 3735.65 through 3735.70.

Section 9. The a Community Reinvestment Area Housing Council for CRA “A” and CRA “B” shall be created consisting of three members appointed by the Board of County Commissioners of Delaware County and two members appointed by the Delaware County Regional Planning Commission. The majority of the foregoing members shall then appoint two additional members who shall be residents of Berlin Township. Terms of the members of the council shall be for three years. An unexpired term resulting from a vacancy in the council shall be filled in the same manner as the initial appointment was made.

A Tax Incentive Review Council (TIRC) shall be established pursuant to ORC Section 5709.85 and shall consist of three representatives appointed by the Board of County Commissioner of Delaware County; two representatives of Berlin Township, appointed by the Board of Township Trustees of Berlin Township; the County Auditor or designee; and a representative of each affected board of education. At least two members must be residents of Berlin Township. The Tax Incentive Review Council shall review annually the compliance of all agreements involving the granting of exemptions for commercial or industrial real property improvements under Section 3735.671 of the ORC and make written recommendations to the Commissioners as to continuing, modifying, or terminating said agreement based upon the performance of the agreement.

A Tax Incentive Negotiating Committee (TINC) shall be established and shall consist of a representative of the Olentangy Local School District, Berlin Township (to be appointed by the Berlin Township Trustees), and the Delaware County Administrator. The Tax Incentive Negotiating Committee shall meet with all applicants for tax incentives within a designated CRA for the purpose of negotiating an acceptable incentive package with the applicant. The TINC shall convey their recommendations on all proposed tax incentive agreements to the Berlin Township Trustees and Delaware County Commissioners prior to consideration of said agreements by the Township and County.

Section 10. The Berlin Township Trustees and the Delaware County Board of Commissioners each reserve the right to re-evaluate the designation of the Berlin Township Community Reinvestment Areas annually after December 31, 2005, at which time the Commissioners may direct the Housing Officer not to accept any new applications for exemptions as described in Section 3735.67 of the ORC.

Section 11. The Housing Council for the designated Community Reinvestment Areas, or designee, shall make an annual inspection of the properties within the Areas for which an exemption has been granted under Section 3735.67 of the ORC. The Housing Council shall also hear appeals under 3735.67 of the ORC.

Section 12. The Board hereby finds and determines that all formal actions relative to the passage of this



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resolution were taken in an open meeting of this Board, that all deliberations of the Board and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the ORC.

Section 13. That this resolution shall take effect and be in force from and after the earliest period allowed by law, and upon confirmation by the Board of Commissioners for Delaware County, and the Director of the Ohio Department of Development of the findings in this Resolution.

Section 14. Upon the approval of this request the Board of County Commissioners of Delaware County, the Director of the Delaware County Economic Development Department is hereby requested and authorized by the Board to petition the State of Ohio Director of Development to confirm the findings contained within this Resolution.

**Berlin Township, Delaware County, Ohio  
Enterprise Zone and Community Reinvestment Area - #1 – “A”  
Boundary Description**

Beginning at the intersection of Sweeney Road and US-36 / SR 37 in Berlin Township, which is the Point of Beginning (POB) for the Enterprise Zone and Community Reinvestment Area #1 – “A”; then proceeding eastward along the centerline of Baker Road to a point approximately 580 feet east of the intersection of Baker Road and Dunham Road; then proceeding along a line in a generally southerly direction along the westerly property line of Alum Creek State Park to a point of intersection with US-36 / SR-37; then heading in a south easterly direction along US-36 / SR-37, a distance of approximately 4160 feet, to a point at the southwest corner of Delaware County Tax parcel # 41811001048000; then proceeding along the westerly property line of said Tax parcel # to a point at the northwest corner of said parcel, a distance of approximately 670 feet; then proceeding in an easterly direction, a distance of approximately 2400 feet to a point located at the eastern boundary line of Berlin Township; then proceeding in a southerly direction for a distance of approximately 4150 feet along Three B's & K Road / which is the easterly boundary line of Berlin Township to a point; then proceeding westward to a point approximately 1285 feet to the southwest corner of Delaware County Tax parcel # 41814001059000; then proceeding north a distance of approximately 1675 feet to a point at the northwest corner of Delaware Tax parcel # 41814001060000; then west, a distance of approximately 700 feet to a point at the southwest corner of Delaware County Tax parcel # 41814001005000; then proceeding north a distance of approximately 1200 feet to a point at the southeast corner of Delaware County tax parcel # 41814001010000; then proceeding in a westerly then northwesterly direction along the westerly boundary of Alum Creek State Park to a point at the intersection of the park and US-36 / SR-37; then proceeding northwesterly along US-36 / SR-37 to a point approximately 3500 feet to the westerly boundary of Alum Creek State Park; then proceeding generally in a southerly direction to a point at the southernmost terminus of Dunham Road (Delaware County tax parcel # 41813001020000); then proceeding northward a distance of approximately 275 feet to the northwest corner of said Delaware County Tax parcel #; then proceeding westward a distance of approximately 250 feet to the southwest corner of Delaware County Tax parcel # 41813001021000; then proceeding northward a distance of approximately 3600 feet to a point located at the southeast corner of Delaware County Tax parcel # 41813001029000; then proceeding around 1350 feet west to the southwest corner of said Delaware County tax parcel #; then proceeding around 2365 feet north to the southeast corner of Delaware County tax parcel # 41812001050000; then proceeding west to the southwest corner of said Delaware County tax parcel #; then proceeding northerly around 580 feet to the southwest corner of Delaware County tax parcel # 41812001046001; then proceeding west to the southwest corner of Delaware County tax parcel # 41812001046000; then proceeding north to the northwestern corner of said Delaware County tax parcel # at a point intersecting at US-36 / SR-37; then proceeding in a northwesterly direction along US-36 / SR-37 a distance of approximately 1000 feet; then proceeding south, west, south and then west again along the southeastern boundary of Delaware County tax parcel # 41812001035001 to a point intersecting with Lackey Old State Road; then proceeding southward along Lackey Old State Road a distance of approximately 2530 feet to a point at the intersection of Curve Road; then proceeding west around 4520 feet along Road to a point of intersection with Roloson Road; then proceeding along a line southward through the intersection of said line with Berlin Station Road to a point of intersection to a point approximately 8675 feet south of this intersection at the southeast corner of Delaware Tax parcel # 41824001070000; then proceeding southwesterly around 1775 feet along a line to a point located at the northeast corner of Delaware County tax parcel # 41832001006000; then proceeding south around 12225 feet along a line to a point located at the eastern terminus of Shanahan Road at the southeast corner of Delaware County tax parcel # 41834001055009; then proceeding in a westerly direction around 8075 feet along Shanahan Road, through its intersection with US-23 and continuing to a point at the western boundary of Berlin Township; then proceeding northward along the western Berlin Township line to a point of intersection with Peachblow Road; the proceeding east a distance of approximately 2720 feet to a point at the southeast corner of Delaware County Tax parcel # 41833001032000; then proceeding northward for a distance of approximately 7030 feet to a point located at the northwest corner of Delaware County Tax parcel # 41832001016000; then proceeding eastward to a point of intersection with the Norfolk Southern Railroad; then proceeding northwest along said railroad to a point located at the southeast corner of Delaware County Tax parcel # 41823001031000; then proceeding west at a distance around 2000 feet along a line to a point at the northeast corner of Delaware Tax parcel # 41832001029000; then proceeding south then west along the property line of said tax parcel to a point of intersection with the westerly boundary line of Berlin Township; then proceeding north along a line along the westerly boundary line of Berlin Township, a distance of approximately 13330 feet, to a point of intersection with the railroad tracks; then proceeding southwesterly along said railroad tracks, a distance of approximately 5880 feet to a point at the intersection of

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Curve Road and Sweeney Road; then proceeding north along Sweeney Road to the Point Of Beginning; encompassing an area of approximately 6483.604 acres.

Berlin Township, Delaware County, Ohio  
Community Reinvestment Area - #2 – “B”  
Boundary Description

Beginning at the intersection of Cheshire Road and Africa Road which is the Point of Beginning (POB) for Community Reinvestment Area #2 – “B”. Then proceeding easterly along Cheshire Road, a distance of approximately 300 feet to a point at the southwest corner of Delaware Tax parcel # 41841001022000; then proceeding north at a distance around 300 feet to the northwest corner of said Delaware County tax parcel #; then proceeding east at a distance around 175 feet to the northeast corner of said Delaware County tax parcel #; then proceeding north at a distance around 100 feet to the northwest corner of Delaware County tax parcel # 41841001021000, then proceeding east at a distance around 1500 feet along the boundary line of Alum Creek State Park to a point located at the northeastern corner of Delaware County Tax parcel # 41841001018000; then proceeding south at a distance around 430 feet to a point of intersection with Cheshire Road; then proceeding east along Cheshire Road at a distance around 385 feet to a point located at the northwest corner of Delaware County Tax parcel # 41841001070000; then proceeding south at a distance around 450 feet along this tax parcel to a point located at the southwest corner of said tax parcel; then proceeding in a westerly direction at a distance around 1725 feet to a point located at the northeast corner of Delaware County Tax parcel # 41841001067001; then proceeding south at a distance around 210 feet, then east at a distance around 110 feet, then south at a distance around 200 feet to the southeast corner of Delaware County tax parcel # 41841001067001; then proceeding west at a distance around 725 feet along said tax parcel to the southwest corner of Delaware County tax parcel # 41842001001000; then proceeding north along Africa Road at a distance around 925 feet to a point of intersection with the Point Of Beginning; encompassing an area of approximately 48.473 acres.

(Maps are on file with the Economic Development Department until no longer of administrative value).

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

RESOLUTION NO. 05-1407

A RESOLUTION IMPLEMENTING SECTIONS 5709.61 THROUGH 5709.69 OF THE OHIO REVISED CODE, ESTABLISHING AND DESCRIBING THE BOUNDARIES OF THE BERLIN TOWNSHIP ENTERPRISE ZONE LOCATED IN BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO, AND CREATING A TAX INCENTIVE REVIEW COUNCIL:

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

WHEREAS, the Ohio Enterprise Zone Act (the “Act”), under Ohio Revised Code (ORC) Sections 5709.61 through 5709.69 has authorized counties, with the consent and agreement of affected townships therein, to designate areas as Enterprise Zones and to execute agreements with certain enterprises for the purpose of establishing, expanding, renovating or occupying facilities and hiring new employees and preserving jobs within said zone in exchange for specified local tax incentives granted by the County; and

WHEREAS, the Board of County Commissioners, Delaware County, Ohio (the “Board”) upon due consideration desire to implement said Act to designate an Enterprise Zone within the boundaries of Delaware County (“The County”) and Berlin Township to promote the economic welfare of said County; and

WHEREAS, Delaware County has heretofore designated an Enterprise Zone in Delaware County that consists of a portion of Orange Township and that the Director of the Ohio Department of Development certified this Enterprise Zone No. 247C on May 21, 1993, and that Berlin Township is adjacent to Orange Township, and that the County desires to expand Enterprise Zone No. 247C to include a portion of Berlin Township, and that the portion of Orange Township that is in said Enterprise Zone is adjacent to the portion of Berlin Township that the County desires to include in said Enterprise Zone, and that the population of this enlarged zone continues to meet the population requirements for Enterprise Zones as stated in the Ohio Revised Code; and

WHEREAS, the Board finds and determines that designation of the zone pursuant to ORC Section 5709.632 will promote the economic welfare of the residents of the Delaware County by creating new jobs and retaining and preserving existing jobs and employment opportunities within such areas and is in the best interest of said county and township; and

WHEREAS, the Board of County Commissioners has agreed to administer all Enterprise Zones and agreements within the County and will therefore appoint a designee to be responsible for 1) the establishment and operation of the Tax Incentive Review Council as specified in ORC Section 5709.85, 2) to ensure that the Enterprise Zone Agreements contain the information required in ORC Section 5709.631, including but not limited to a description of the project, the amount to be invested, the number of jobs created and / or retained, the annual new payroll associated with these jobs, and the specific percentage and term of the tax exemptions being granted toward real and / or personal property, 3) to forward copies of all Enterprise Zone Agreements to both the Ohio Department of

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Development and the Ohio Department of Taxation within fifteen days after the agreement is entered into, as specified in the ORC, 4) to notify affected school boards of proposed projects a minimum of fourteen days prior to formal local legislative consideration and to include comments by the school boards as part of the review process as required under ORC Section 5709.83, 5) to maintain a centralized record of all aspects of the Zone, including copies of the agreements, a list of the members of the Tax Incentive Review Council, and a summary of the Tax Incentive Review Council's annual review of each agreement, and 6) to submit a comprehensive annual report of the status of all Enterprise Zone activities on or before March 31 of each year pursuant to Section 5709.68; and

WHEREAS, the Board is requesting designation of an Enterprise Zone which includes all or a part of the Township area and meets the population and boundary requirements to be certified as a limited authority Enterprise Zone under Section 5709.632; and

WHEREAS, the Board of County Commissioners will have primary responsibility for negotiating and administering Enterprise Zone Agreements. It is the intention of the Board to involve affected Townships in the negotiation process and to receive the consent and approval of the affected Township prior to formal approval by the Board; and

WHEREAS, the Board by this Resolution hereby agrees to form a Tax Incentive Review Council or Councils having the characteristics set forth in ORC Section 5709.85 and this Tax Incentive Review Council shall be formed within two months of the state development director's certification of the zone; and

WHEREAS, a Tax Incentive Negotiating Committee (TINC) shall be established and shall consist of representatives of the Olentangy Local School District, Berlin Township (to be appointed by the Berlin Township Trustees), and the Delaware County Administrator. The Tax Incentive Negotiating Committee shall meet with all applicants for tax incentives within a designated Enterprise Zone for the purpose of negotiating an acceptable incentive package with the applicant. The TINC shall convey their recommendations on all proposed tax incentive agreements to the Berlin Township Trustees and Delaware County Commissioners prior to consideration of said agreements by the Township and County.

WHEREAS, it is anticipated that the level of incentives available under the Enterprise Zone Program in Berlin Township shall be provided at a level that is acceptable to the affected school board of education. As such, the Berlin Township Trustees and the Delaware County Board of Commissioners shall adopt, within 90 days of the passage of this resolution, a set of guidelines and procedures to guide the use of tax incentives in this Enterprise Zone.

WHEREAS, the Zone as proposed will be the only Enterprise Zone in the Township, but will expand an existing Enterprise Zone in Orange Township, an adjacent township.

WHEREAS, the Trustees hereby find and determine that all formal actions relative to the passage of this resolution were taken in an open meeting of this board, that all deliberations of the Trustees and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the ORC.

NOW THEREFORE, BE IT HEREBY RESOLVED that based upon the factual data, reports, and conditions of the area designated as an Enterprise Zone, the Board of County Commissioners, County of Delaware, State of Ohio hereby finds and determines that the zone has a population of at least one thousand (1,000) persons according to the best and most recent data available to the Director of the Department of Development and the zone meets the characteristics outlined in ORC Section 5709.632. The development of the area proposed as the Enterprise Zone, described and illustrated in **Exhibit "A"**, would create and preserve employment opportunities in the zone and would improve the economic climate of Berlin Township; and

BE IT FURTHER RESOLVED, that the Clerk of the Board of County Commissioners of Delaware County, Ohio is hereby authorized to include this resolution in the petition to the Director of the Department of Development of the State of Ohio.

**Berlin Township, Delaware County, Ohio  
Enterprise Zone and Community Reinvestment Area - #1 – "A"  
Boundary Description**

Beginning at the intersection of Sweeney Road and US-36 / SR 37 in Berlin Township, which is the Point of Beginning (POB) for the Enterprise Zone and Community Reinvestment Area #1 – "A"; then proceeding eastward along the centerline of Baker Road to a point approximately 580 feet east of the intersection of Baker Road and Dunham Road; then proceeding along a line in a generally southerly direction along the westerly property line of Alum Creek State Park to a point of intersection with US-36 / SR-37; then heading in a south easterly direction along US-36 / SR-37, a distance of approximately 4160 feet, to a point at the southwest corner of Delaware County Tax parcel # 41811001048000; then proceeding along the westerly property line of said Tax parcel # to a point at the northwest corner of said parcel, a distance of approximately 670 feet; then proceeding in an easterly direction, a distance of approximately 2400 feet to a point located at the eastern boundary line of Berlin Township; then proceeding in a southerly direction for a distance of approximately 4150 feet along Three B's & K Road / which is

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the easterly boundary line of Berlin Township to a point; then proceeding westward to a point approximately 1285 feet to the southwest corner of Delaware County Tax parcel # 41814001059000; then proceeding north a distance of approximately 1675 feet to a point at the northwest corner of Delaware Tax parcel # 41814001060000; then west, a distance of approximately 700 feet to a point at the southwest corner of Delaware County Tax parcel # 41814001005000; then proceeding north a distance of approximately 1200 feet to a point at the southeast corner of Delaware County tax parcel # 41814001010000; then proceeding in a westerly then northwesterly direction along the westerly boundary of Alum Creek State Park to a point at the intersection of the park and US-36 / SR-37; then proceeding northwesterly along US-36 / SR-37 to a point approximately 3500 feet to the westerly boundary of Alum Creek State Park; then proceeding generally in a southerly direction to a point at the southernmost terminus of Dunham Road (Delaware County tax parcel # 41813001020000); then proceeding northward a distance of approximately 275 feet to the northwest corner of said Delaware County Tax parcel #; then proceeding westward a distance of approximately 250 feet to the southwest corner of Delaware County Tax parcel # 41813001021000; then proceeding northward a distance of approximately 3600 feet to a point located at the southeast corner of Delaware County Tax parcel # 41813001029000; then proceeding around 1350 feet west to the southwest corner of said Delaware County tax parcel #; then proceeding around 2365 feet north to the southeast corner of Delaware County tax parcel # 41812001050000; then proceeding west to the southwest corner of said Delaware County tax parcel #; then proceeding northerly around 580 feet to the southwest corner of Delaware County tax parcel # 41812001046001; then proceeding west to the southwest corner of Delaware County tax parcel # 41812001046000; then proceeding north to the northwestern corner of said Delaware County tax parcel # at a point intersecting at US-36 / SR-37; then proceeding in a northwesterly direction along US-36 / SR-37 a distance of approximately 1000 feet; then proceeding south, west, south and then west again along the southeastern boundary of Delaware County tax parcel # 41812001035001 to a point intersecting with Lackey Old State Road; then proceeding southward along Lackey Old State Road a distance of approximately 2530 feet to a point at the intersection of Curve Road; then proceeding west around 4520 feet along Road to a point of intersection with Roloson Road; then proceeding along a line southward through the intersection of said line with Berlin Station Road to a point of intersection to a point approximately 8675 feet south of this intersection at the southeast corner of Delaware Tax parcel # 41824001070000; then proceeding southwesterly around 1775 feet along a line to a point located at the northeast corner of Delaware County tax parcel # 41832001006000; then proceeding south around 12225 feet along a line to a point located at the eastern terminus of Shanahan Road at the southeast corner of Delaware County tax parcel # 41834001055009; then proceeding in a westerly direction around 8075 feet along Shanahan Road, through its intersection with US-23 and continuing to a point at the western boundary of Berlin Township; then proceeding northward along the western Berlin Township line to a point of intersection with Peachblow Road; the proceeding east a distance of approximately 2720 feet to a point at the southeast corner of Delaware County Tax parcel # 41833001032000; then proceeding northward for a distance of approximately 7030 feet to a point located at the northwest corner of Delaware County Tax parcel # 41832001016000; then proceeding eastward to a point of intersection with the Norfolk Southern Railroad; then proceeding northwest along said railroad to a point located at the southeast corner of Delaware County Tax parcel # 41823001031000; then proceeding west at a distance around 2000 feet along a line to a point at the northeast corner of Delaware Tax parcel # 41832001029000; then proceeding south then west along the property line of said tax parcel to a point of intersection with the westerly boundary line of Berlin Township; then proceeding north along a line along the westerly boundary line of Berlin Township, a distance of approximately 13330 feet, to a point of intersection with the railroad tracks; then proceeding southwesterly along said railroad tracks, a distance of approximately 5880 feet to a point at the intersection of Curve Road and Sweeney Road; then proceeding north along Sweeney Road to the Point Of Beginning; encompassing an area of approximately 6483.604 acres.

(Maps are on file with the Economic Development Department until no longer of administrative value).

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

**RESOLUTION NO. 05-1408**

**IN THE MATTER OF APPROVING THE REQUEST TO THE OHIO DEPARTMENT OF DEVELOPMENT  
FOR AN EXTENSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY'04 AND  
REVOLVING LOAN FUND (RLF) FOR THE VILLAGE OF ASHLEY WATER AND SEWER PROJECT:**

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

**WHEREAS**, the Ohio Department of Development awarded \$176,000 in Fiscal Year 2004 Small Cities Community Development Block (CDBG) grant funds under the Formula Program to Delaware County, and

**WHEREAS**, funding to Delaware County through the FY'04 CDBG Formula Program, is intended to assist communities within the Delaware County with necessary and useful public programs, which are responsive to State and National program objectives and qualification criteria for this program

**WHEREAS**, Village of Ashley Water & Sewer Project was awarded CDBG FY'04 funds in the amount of \$12,500, and Delaware Revolving Loan (RLF) in the amount up to \$77,070, and

**WHEREAS**, the Village of Ashley has had several unforeseen events occur which required immediate funding, and

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**WHEREAS**, the delay to the Project has made it necessary to request a six month extension, and

**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 President of the Board as the official representative of the County FY’04 Formula CDBG program to approve a request to the Ohio Department of Development for a six month extension.

Section 2. That this resolution shall take effect and be in force immediately after passage

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

**RESOLUTION NO. 05-1409**

**IN THE MATTER OF APPROVING THE AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY 2004 FOR THE VILLAGE OF ASHLEY WATER AND SEWER PROJECT:**

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

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments under the Community Development Block Grant (CDBG) Program for the purpose of addressing local government needs; and

WHEREAS, Delaware County has been awarded FY 2004 funds by the Department of Development to facilitate the implementation of activities in the County, and

WHEREAS, Village of Ashley, Water & Sewer Project is one project currently approved for funding in the amount of \$12,500 under the CDBG FY 2004 Grant, the Delaware Revolving Loan Fund (RLF) in the amount up to \$77,070, and the Village of Ashley contribution in the amount of \$10,000, and

WHEREAS, The Village of Ashley request that their cost share for the project be the project design, construction documents, and construction administration in the amount of \$12,000, and

WHEREAS, the Village has revised the specifications on the project to add the rehabilitation of 9 manholes, and the removal of the testing and supplemental cleaning of the gravity sewer pipes to decrease the cost of the project.

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

SECTION I. That the Board of Commissioners approves the amendment to the Community Development Block Grant FY 2004 work specification and the Village of Ashley shared cost to be the \$12,000 they paid for the project design, construction documents, and construction administration.

Section II: The Village of Ashley will be responsible for any cost over the approved grant amount of \$89,570.

Section 3. 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. 05-1410**

**IN THE MATTER OF AUTHORIZING THE ACCEPTANCE AND AWARDED OF THE BID AND APPROVING THE CONTRACT SUBMITTED BY TFH-EB, INC. DBA WATERWORKS FOR CDBG FY’04 WATER AND SEWER IMPROVEMENT PROJECT:**

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

WHEREAS, the Ohio Department of Development provides financial assistance to local governments under the Community Development Block Grant (CDBG) Formula Program to Delaware County; and

WHEREAS, funding, in the amount up to \$12,500 has been provided to Delaware County through the FY’04 CDBG Formula Program, Delaware County Revolving Loan Fund (RLF) has been approved in the amount up to \$77,070 by the Delaware County Board of Commissioners, and

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WHEREAS, the project was bid out and bids were received September 8, 2005; and

WHEREAS, Tara Lee, the Engineer, for the Village of Ashley, has reviewed the bids received, and the bid submitted by Waterworks. in the amount up to \$88,999.19 has been determined to be the lowest and best bid, and

WHEREAS, the Village of Ashley is responsible for cost that exceeds the approved amount by the Delaware County Commissioners.

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 awards the bid to TFH-EB, Inc. dba Waterworks for the Water and Sewer Improvements as approved.

Section 2. That the Delaware County Board of Commissioners agrees to the funding up to \$12,500 from CDBG FY 04 funds, and up to \$77,070 from the Delaware County RLF.

Section 3. That this resolution shall take effect and be in force immediately after its passage.

**AGREEMENT FORMS**

THIS AGREEMENT made this 17<sup>th</sup> day of October 2005, by and between TFH-EB Inc., dba Waterworks hereinafter called the "Contractor" and Delaware County, hereinafter called the "Owner".

WITNESSETH, that the Contractor and the owner for the considerations stated herein mutually agree as follows:

**ARTICLE 1.**      **Statement of Work.**

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services including utility and transportation services, and perform and complete all work required for the construction of the Improvements embraced in the project; namely **Ashley Water & Sewer Improvements**

Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as followed.

The proposed work includes the Mobilization/Demobilization, Manholes Rehabilitation #144-152, Pump Station Rehabilitation, Pump Station Electrical and Clean & Televis 15" Sewer.

**ARTICLE 2.**      **The Contract Price**

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum of **Eight-Eight Thousand and Nine Hundred Ninety-Nine Dollars and Nineteen cent \$88,999.19** subject to additions and deductions as provided in Section 109 hereof.

1 Choose term most applicable: a corporation organized and existing under the laws of the State of Ohio: a partnership consisting of \_\_\_\_\_: and individual trading as \_\_\_\_\_.

2 Supply principal items of Contract such as electrical, earthwork, flexible conduit, conductors and connectors, street lighting handholes, poles, luminaries and foundations, installation street lighting and controllers, etc.

**ARTICLE 3.**      **Contract.**

The executed contract documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation for Bids
- d. Instructions to Bidders
- e. Signed copy of Bid
- f. General Conditions, Parts I and II
- g. Special Conditions
- h. Technical Specifications
- i. Drawings (as listed in the Schedule of Drawings)

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the

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parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

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

RESOLUTION NO. 05-1411

IN THE MATTER OF APPROVING THE REQUEST TO THE OHIO DEPARTMENT OF DEVELOPMENT FOR AN EXTENSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY’04 AND REVOLVING LOAN FUND (RLF) FOR OSTRANDER DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the Ohio Department of Development awarded \$176,000 in Fiscal Year 2004 Small Cities Community Development Block (CDBG) grant funds under the Formula Program to Delaware County, and

WHEREAS, funding to Delaware County through the FY’04 CDBG Formula Program, is intended to assist communities within the Delaware County with necessary and useful public programs, which are responsive to State and National program objectives and qualification criteria for this program

WHEREAS, Ostrander Drainage Improvements Project was awarded CDBG FY’04 funds in the amount of \$12,000, and Delaware Revolving Loan (RLF) in the amount up to \$50,800, and the Village contribution of \$7,500, and

WHEREAS, the Village has received a grant from the Ohio Public Works Commission (OPWC) to expand the area of work for the drainage improvement, which has delay the start of the CDBG Project, and

WHEREAS, the delay to the Project has made it necessary to request a six month extension, and

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 President of the Board as the official representative of the County FY’04 Formula CDBG program to approve a request to the Ohio Department of Development for a six month extension.

Section 2. That this resolution shall take effect and be in force immediately after passage

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

RESOLUTION NO. 05-1412

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. Ward to adjourn into Executive Session at 10:27AM.

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

RESOLUTION NO. 05-1413

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 11:23AM.

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

There being no further business the meeting adjourned.

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\_\_\_\_\_  
Glenn A. Evans

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Kristopher W. Jordan

\_\_\_\_\_  
James D. Ward

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Letha George, Clerk to the Commissioners