

**COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006**

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

Steve Hedge, Presentation Mental Health Recovery Services Levy Renewal

RESOLUTION NO. 06-1208

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 18, 2006 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held September 18, 2006 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. 06-1209

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR922:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve payment of warrants in batch numbers CMAPR922, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Commissioners	Rent	23711630-5335	\$ 30,211.40
Commissioners	Indirect Cost/CSEA	23711630-5380	\$ 19,026.48
Tri Township Firefighters	Purchase of Trailer	21511312-5238	\$ 5,271.73
B & C Communications Inc.	MTR2000 Base Station/ Battery	21411306-5270	\$ 31,323.04
Juvenile Court	Court Cost	23711630-5360	\$ 30,000.00
Del. Union Educational	TANF After School Demo	22411601-5348	\$ 75,684.50
Increases			
D.A.T.A.	Client Travel	22411601-5355	\$ 30,000.00
Boundtree Medical	Medical Supplies for EMS	10011303-5243	\$ 15,000.00
Jack Carney-Debord	Public Defender	10011202-5301	\$ 2,000.00
Sandra Disantis	Public Defender	10011202-5301	\$ 1,000.00
Saia & Piatt	Public Defender	10011202-5301	\$ 5,000.00
Treasurer, State of Ohio	Public Def Office	10011202-5301	\$ 8,000.00
Decreases			
D.A.T.A.	Client Travel	22411601-5355	\$ 5,779.50
D.A.T.A.	Client Travel	22511607-5355	\$ 10.00
D.A.T.A.	Client Travel	22511607-5355	\$ 30,000.00
Thomas Clark II	Public Defender	10011202-5301	\$ 2,000.00
Keith Boger	Public Defender	10011202-5301	\$ 2,000.00
Shawn Dominy	Public Defender	10011202-5301	\$ 2,000.00
Thomas Vatsures	Public Defender	10011202-5301	\$ 2,000.00
Close			
Don A Del East	Day Care	22411610-5348	\$ 43,954.82
Don A Del East	Day Care	22511607-5348	\$ 9,856.02
Vouchers			
Prudential Group Life	September 06 Premiums	60211902-5370	\$ 7,384.69
A.E.P.	Monthly Service	10011105-533833802	\$ 11,679.33
Treasurer, State of Ohio	BCMh Crippled Children	10011102-5319	\$ 5,680.32
Case Construction	Waterways Co. Home	40111402-5410	\$ 24,050.75
2081 Rt 23 Company Ltd.	Bldg/Land Rental	10011105-533533502	\$ 7,700.00
Ben Bro Enterprises Inc.	Bldg/Land Rental	10011105-533533502	\$ 14,625.00
T & J Junior Academy	Day Care	22411610-5348	\$ 5,698.70
T & J Junior Academy	Day Care	22511607-5348	\$ 981.42
Advantage Adoption	Residential Treatment	22511607-5342	\$ 8,277.00
JC & Son Builders	Chip 2004 Private Rehab	23011714-5365	\$ 18,266.00
George Parker	Design for Senior Center	43111424-5410	\$ 73,692.83

Further Be It Resolved, that the Commissioners approve a correction to a previously approved Voucher to

**COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006**

Williams Insurance Agency. Correct amount is \$7,790.00 (43111424-5410) not \$7,800.00

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

RESOLUTION NO. 06 -1210

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Juvenile/Probate Court is requesting that Jan Crohen and Sharon Rush attend a Probate Clerks Training in Columbus, Ohio October 16, 2006, at the cost of \$160.00.

The Department of Job and Family Services is requesting that Barb Minnick, Jackie Walters and April Riley attend a Maximus PET Users Group Meeting in Newark, Ohio October 2-3, 2006, at the cost of \$300.00.

The Engineer's Office is requesting that Pat Blayney attend a 2006 OTEC Conference in Columbus, Ohio October 24-25, 2006, at the cost of \$125.00.

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

RESOLUTION NO. 06-1211

IN THE MATTER OF APPROVING A LIQUOR LICENSE TRANSFER REQUEST FROM MORETTIS RESTAURANT INC. TO BIGELOW AND CUSICK LTD AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Liberty Township Trustees that Bigelow and Cusick Ltd 9852 Brewster Lane Liberty Township Powell, Ohio 43065 has requested a transfer of D1, D2, D3, D3A and D6 permits from Morettis Restaurant INC. 10121 Riverside Drive Liberty Township Powell, Ohio 43065, and

Whereas, the Liberty Township Trustees have stated they have no objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

RESOLUTION NO. 06-1212

IN THE MATTER OF APPROVING CENTERLINE ALIGNMENT PLANS FOR SAWMILL PARKWAY EXTENSION AND DITCH MAINTENANCE PETITION FOR SRI SAIBABA TEMPLE:

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

Centerline Alignment For Sawmill Parkway Extension

Liberty Township, Section 2, Township 3, Range 19 And Section 3, Township 4, Range 19, Delaware Township Section 2, Township 4 Range 19, Delaware City Delaware County, Ohio

Ditch Maintenance Petition- Sri Saibaba Temple

We the undersigned owners of 7.73 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **Sri Saibaba Temple** 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 Drainage 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.

**COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006**

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.

The cost of the drainage improvements is \$31,320.00 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 their Development. The Developed commercial area of 7.73 acres will receive benefit (cost) of the project as a per acre basis. The basis for calculating the assessment for each lot is therefore, \$4,049.12 per acre. An annual maintenance fee equal to 2% of this basis \$626.40 will be collected for each developed 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 \$626.40 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. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 06-1213

IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENT FOR NORTH ORANGE SECTION 1 STORM IMPROVEMENTS:

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

North Orange Section 1 Storm Improvements

SUBDIVIDER'S AGREEMENT

THIS AGREEMENT made and entered into this 25th day of September 2006 by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **PLANNED COMMUNITIES, INC.**, hereinafter called the **SUBDIVIDER**, as evidenced by the Engineering and Construction Plan entitled "**NORTH ORANGE SECTION 1 STORM IMPROVEMENTS**" plan which was approved by the County Engineer, hereinafter called the **PLAN**, is governed by the following considerations, to wit:

1. The **SUBDIVIDER** is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the **PLAN**, which is a part of this **AGREEMENT**.
2. The **SUBDIVIDER** shall pay the entire cost and expenses of their portion of said improvements.
3. The **SUBDIVIDER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of **TWENTY-SIX THOUSAND NINE HUNDRED DOLLARS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current "**Delaware County Engineering and Surveying Standards for Subdivision Development**" and the current "**Subdivision Regulations of Delaware County, Ohio**".
4. A credit of **TWO THOUSAND TWO HUNDRED DOLLARS** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer** will be given to the **SUBDIVIDER** as reimbursement for improvements made to South Old State Road in conjunction with Avonlea Subdivision for the benefit of the Delaware County Engineer in accordance with correspondence on record with the Delaware County Engineer's Office. Should this amount be depleted as a result of said inspections, additional credit will be given to the **SUBDIVIDER** with the total amount of all credits not to exceed \$41,638.00.
5. The **SUBDIVIDER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer**.
6. The **SUBDIVIDER** shall hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of the said improvements.
7. The **SUBDIVIDER** shall perform and complete all said improvements prior to **MAY 31, 2007**.
8. The **SUBDIVIDER** will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site in accordance with the **Ohio Department of Transportation "Uniform Traffic Control Devices"** and "**Traffic Control for Construction and Maintenance**".
9. The **SUBDIVIDER** further agrees that any violation of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvement.
10. If the **SUBDIVIDER** should become unable to carry out the provisions of this **AGREEMENT**, the **SUBDIVIDER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.
11. Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.
12. In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **SUBDIVIDER** or his agent the right and privilege to make the said improvements stipulated herein.

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

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

RESOLUTION NO. 06-1214

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR ESTATES OF GLEN OAK SECTION 4, PHASE A AND VINMAR FARMS SECTION 1:

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

Estates of Glen Oak Section 4, Phase A

The roadways to be accepted are as follows:

- An addition of 0.16 mile to **Township Road Number 1432, Summersweet Circle**
- An addition of 0.12 mile to **Township Road Number 1454, Sunflower Street**

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

Vinmar Farms Section 1

The roadways to be accepted are as follows:

- **Vinmar Way**, to be known as **Township Road Number 1496**
- **Marrisey Loop**, to be known as **Township Road Number 1497**
- **Chimera Loop**, to be known as **Township Road Number 1498**

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

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

RESOLUTION NO. 06-1215

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR VINMAR FARMS SECTION 1:

It was moved by Mr. Evans, seconded by Mr. Jordan to establish stop conditions for the following:

Stop Conditions – Vinmar Farms Section 1

- On Township Road Number 1496, Vinmar Way, at its intersection with County Road Number 24, South Old 3C Highway
- On Township Road Number 1496, Vinmar Way, at its intersection with Township Road Number 1497, Marrisey Loop
- On Township Road Number 1498, Chimera Loop, at its three intersections with Township Road Number 1497, Marrisey Loop

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

RESOLUTION NO. 06 -1216

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

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

Permit #	Applicant	Location	Type of Work
U06132	American Electric Power	Tussic Street Road	Bore 4” ducts
U06135	SBC	Tussic Street Road	Bore 4” ducts
U06136	SBC	Sawmill Parkway	Trench cable in right-of-way
U06137	American Electric Power	Worthington Road	Install transformer
U06038	Columbia Gas	South Section Line Road	Install gas line
U06139	Columbia Gas	Olentangy Falls	Install gas line
U06140	Suburban Natural Gas	Vinmar Farms Sections 2&3	Install gas line

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

RESOLUTION NO. 06-1217

SETTING BID OPENING DATE AND TIME FOR THE SUNBURY ROAD AND YANKEE STREET

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

INTERSECTION IMPROVEMENTS PROJECT:

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

INVITATION TO BID

Sealed proposals will be received at the **Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 a.m. local time on Tuesday, October 17, 2006**, for furnishing all labor, materials and equipment necessary to complete the project known as **Sunbury Road and Yankee Street Intersection Improvements**, and bids will be opened and read aloud. Contract documents, bid sheets, plans and specifications can be obtained at the **Office of the Delaware County Engineer for a non-refundable cost of \$20.00. Bidder must make arrangements to obtain bid packet; they will not be mailed.**

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

Each proposal must contain the full name of the party or parties submitting the proposal and all persons interested herein. Each bidder must submit evidence of its experiences on projects of similar size and complexity, and a complete listing of all subcontractors to be used. **The owner intends that this project be finished no later than July 31, 2007.**

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

Bids shall be placed in a sealed envelope marked **“SEALED BID FOR SUNBURY ROAD AND YANKEE STREET INTERSECTION IMPROVEMENTS”**.

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

Project Description:

This project consists of the replacement of a culvert under Sunbury Road with a 60” diameter reinforced concrete pipe and construction of two reinforced concrete headwalls. Project also includes reconstruction of 514.13 feet of pavement on Sunbury Road as well as 184.85 feet of pavement reconstruction on Yankee Street, including shoulder widening, storm sewer installation, guardrail installation and construction of a block retaining wall.

Estimate:

Construction Subtotal	\$ 399,050.35
Construction Contingencies (10%)	\$ 39,905.04
Total Construction Contract Estimate	\$ 439,000.00

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

RESOLUTION NO. 06-1218

A RESOLUTION AUTHORIZING JAMES D. WARD, DELAWARE COUNTY COMMISSIONER TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR NORTH OLD STATE BRIDGE OVER LEATHER WOOD RUN:

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

AUTHORIZING LEGISLATION
Delaware County
North Old State Bridge over Leather Wood Run

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Delaware County Board of Commissioners is planning to make capital improvements to Bridge Number 10-15.11, also known as North Old State bridge over Leatherwood Run, located 0.16 miles north of Leonardsburg Road (CR 221), and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

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

Section 1: That James D. Ward is hereby authorized to apply to the OPWC for funds as described above.

Section 2: That James D. Ward is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

APPLICATION FOR FINANCIAL ASSISTANCE
Revised 4/99

IMPORTANT: Please consult the "Instructions for Completing the Project Application" for assistance in completion of this form.

SUBDIVISION: DELAWARE COUNTY **CODE #** 041-00041

DISTRICT NUMBER: 17 **COUNTY:** DELAWARE **DATE** 9/7/2006

CONTACT: ROBERT M. RILEY, P.E. **PHONE #** (740) 833-2431

(THE PROJECT CONTACT PERSON SHOULD BE THE INDIVIDUAL WHO WILL BE AVAILABLE DURING BUSINESS HOURS AND WHO CAN BEST ANSWER OR COORDINATE THE RESPONSE TO QUESTIONS)

FAX: (740) 833-2399 **E-MAIL** rriley@co.delaware.oh.us

PROJECT NAME: NORTH OLD STATE BRIDGE OVER LEATHER WOOD RUN

SUBDIVISION TYPE (Check Only 1)	FUNDING TYPE REQUESTED (Check All Requested & Enter Amount)	PROJECT TYPE (Check Largest Component)
<input checked="" type="checkbox"/> 1. County	<input checked="" type="checkbox"/> 1. Grant \$ <u>291,720</u>	<input type="checkbox"/> 1. Road
<input type="checkbox"/> 2. City	<input type="checkbox"/> 2. Loan \$ _____	<input checked="" type="checkbox"/> 2. Bridge/Culvert
<input type="checkbox"/> 3. Township	<input type="checkbox"/> 3. Loan Assistance \$ _____	<input type="checkbox"/> 3. Water Supply
<input type="checkbox"/> 4. Village		<input type="checkbox"/> 4. Wastewater
<input type="checkbox"/> 5. Water/Sanitary District (Section 6119 or 6117 O.R.C.)		<input type="checkbox"/> 5. Solid Waste
		<input type="checkbox"/> 6. Stormwater

TOTAL PROJECT COST: \$ 448,800 FUNDING REQUESTED: \$ 291,720

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

RESOLUTION NO. 06-1219

IN THE MATTER OF ACCEPTING AND AWARDING THE BID AND APPROVING THE CONTRACT WITH MAIDEN AND JENKINS FOR THE STATE ROUTE 521 OVER PRIMMER DITCH CULVERT REPLACEMENT PROJECT:

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

**State Route 521 Over Primmer Ditch Culvert Replacement Project
Bid Opening of September 19, 2006**

As the result of the referenced bid opening, The Engineer recommends that a bid award be made to Maiden and Jenkins of Nelsonville, Ohio, the low bidder for the project. A copy of the bid tabulation is available for your information. Two copies of the Contract with Maiden and Jenkins are available for your approval.

CONTRACT

AGREEMENT, made and entered into this 25th day of September, 2006 by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **MAIDEN AND JENKINS**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of the sum of **ONE HUNDRED THIRTY-SEVEN THOUSAND TWO HUNDRED DOLLARS** (\$137,200.00), based on unit prices on the attached **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, all the necessary material, labor and equipment required to complete the project known as **DEL-521-5.08 – SR 521 OVER PRIMMER DITCH CULVERT REPLACEMENT**, in accordance with plans, **drawings**, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general specifications and Invitation to Bid are hereby declared to be a part of this **Contract**.

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

**COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006**

to be completed on or before **November 22, 2006**.

THE SECOND PARTY hereby agrees to hold the **County** free and harmless from any and all claims for damages, costs, expenses, judgments or decrees, resulting from any operations of said **SECOND PARTY**, his sub-contractors, agents or employees.

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

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

RESOLUTION NO. 06-1220

IN THE MATTER OF APPROVING A CONTRACT MODIFICATION WITH TRUCCO COMPANIES FOR THE SAWMILL PARKWAY EXTENSION PROJECT AS PER THE OHIO DEPARTMENT OF TRANSPORTATION CMS 401.20 ASPHALT BINDER PRICE ADJUSTMENTS:

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

Contract Modification Number 1 Sawmill Parkway Extension Project

Available for your approval is Contract Modification Number 1 for the Sawmill Parkway Extension Project. As per the Ohio Department of Transportation CMS 401.20 Asphalt Binder Price Adjustment, an increase in the amount of \$153,605.91 is required. This price increase is a direct result of an increase in liquid asphalt and other bituminous products. At the time of bidding, the ODOT bid index was at \$187.78; at the time of placement, the bid index had risen to \$359.38. This cost increase was not anticipated in the original estimate or the contract. The calculations that show how the amounts are warranted are available.

MODIFICATION AGREEMENT

MODIFICATION AGREEMENT made and entered into this 25th day of September, 2006, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and, **TRUCCO COMPANIES**, hereinafter designated as **SECOND PARTY**.

THIS MODIFICATION AGREEMENT herein after modifies the original agreement dated **AUGUST 11, 2005**, by and between the **DELAWARE COUNTY COMMISSIONERS and TRUCCO COMPANIES**.

That said **FIRST AND SECOND PARTY**, hereby agree to increase the current contract amount of **\$3,883,996.65 as in the original contracted dated AUGUST 11, 2006 by an amount of \$153,605.91 (One hundred Fifty-Three Thousand Six hundred Five dollars and Ninety-one cents)**. The revised contract amount is, therefore, increased to a **TOTAL of FOUR MILLION THIRTY-SEVEN THOUSAND SIX HUNDRED AND TWO DOLLARS AND FIFTY-SIX CENTS, (\$4,037,602.56)** to be paid as specified in the terms of the original agreement.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer**.

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

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

RESOLUTION NO. 06-1221

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT WITH ORANGE TOWNSHIP FOR THE ORANGE TOWNSHIP ROAD IMPROVEMENT PROJECT:

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

**“COOPERATION AGREEMENT”
ORANGE TOWNSHIP & DELAWARE COUNTY
ORANGE TOWNSHIP ROAD IMPROVEMENT PROJECT**

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

ORANGE TOWNSHIP RESOLUTION NUMBER _____ DATE

DELAWARE COUNTY RESOLUTION NUMBER 06-1221 September 25, 2006 DATE

Orange Township and Delaware County enter into a cooperative agreement to submit an application to the Ohio Public Works Commission for the Orange Township Road Improvement Project.

Orange Township will provide funds totaling 10 % of the cost of the project name. Such funds will come from the road and bridge fund.

Delaware County through the County Engineer will provide funds totaling 10% of the cost of the project name. Such funds will come from the Gasoline and Motor Tax Fund.

Delaware County authorizes Orange Township to be the lead applicant and to sign all necessary documents.

Orange Township agrees to pay its \$50,000 of the cost as invoices are due.

Delaware County through the Delaware County Engineer's OPWC Grant Enhancement Program agrees to pay its \$50,000 of the cost towards construction and inspection services.

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

RESOLUTION NO. 06-1222

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT WITH PORTER TOWNSHIP FOR THE 07 PORTER TOWNSHIP ROAD IMPROVEMENT PROJECT:

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

**“COOPERATION AGREEMENT”
PORTER TOWNSHIP & DELAWARE COUNTY
07 PORTER TOWNSHIP ROAD IMPROVEMENT PROJECT**

PORTER TOWNSHIP RESOLUTION NUMBER _____ DATE

DELAWARE COUNTY RESOLUTION NUMBER 06-1222 September 25, 2006 DATE

Porter Township and Delaware County enter into a cooperative agreement to submit an application to the Ohio Public Works Commission for the 07 Porter Township Road Improvement Project.

Porter Township will provide funds totaling 11 % of the cost of the project name. Such funds will come from the road and bridge fund.

Delaware County through the County Engineer will provide funds totaling 11% of the cost of the project name. Such funds will come from the Gasoline and Motor Tax Fund.

Delaware County authorizes Porter Township to be the lead applicant and to sign all necessary documents.

Porter Township agrees to pay its \$25,000 of the cost as invoices are due.

Delaware County through the Delaware County Engineer's OPWC Grant Enhancement Program agrees to pay its \$25,000 of the cost towards construction and inspection services.

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

RESOLUTION NO. 06-1223

IN THE MATTER OF ESTABLISHING A DRAINAGE MAINTENANCE ACCOUNT AND APPROVING THE PERMANENT DRAINAGE MAINTENANCE EASEMENT FOR THE SACKETT #328 DITCH PROJECT:

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

RE: Sackett #328 ID# 0626 Drainage Maintenance Account and Drainage Maintenance Easement.

Please accept this request to set up the drainage maintenance account, begin the annual maintenance assessment in the amount of 2% for the above referenced project and set the drainage maintenance easements. The following information may be used to initiate the account.

Name: Sackett #328

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

Account: 0626
 Organization: 21911401
 Amount: \$1,134.33

Easement Sackett #328 Drainage Improvement

In United States Military District Section 2, Township 4, Range 18, Berlin Township, Delaware County, Ohio. Commencing At Point A On The Sackett #328 Subsurface Drain Inspection Well On Or Near The West Roloson Road Right-Of-Way And Terminating At Point E On The Colflesh/O'Brien Property Line Approximately 2,750 Feet East And Downstream. (A copy of the easement map is available in the Engineer's Office until no longer of administrative value).

FURTHER BE IT RESOLVED, that the Commissioners will approve the final schedule of constructions assessments (copy available in the Engineer's Office until no longer of administrative value) when the interest rate of the bond for the borrowing of the money is determined.

BE IT FURTHER RESOLVED, that the Commissioners Office will supply to the Auditor's Office the final schedule of constructions assessments after the bond is issued and the interest rates are determined for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments.

As this project came in under the estimate, some property owners who paid in advance are due a refund, in addition several property owners whose total cost is below the minimum \$10.00 requirement will be increased to meet that requirement.

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

RESOLUTION NO. 06-1224

IN THE MATTER OF ESTABLISHING A DRAINAGE MAINTENANCE ACCOUNT AND APPROVING THE PERMANENT DRAINAGE MAINTENANCE EASEMENT FOR THE SMITH #198 DITCH PROJECT:

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

RE: Smith #198 ID#0627 Drainage Maintenance Account and Drainage Maintenance Easement.

Please accept this request to set up the drainage maintenance account, begin the annual maintenance assessment in the amount of 2% for the above referenced project and set the drainage maintenance easements. The following information may be used to initiate the account.

Name: Smith #198
 Account: 0627
 Organization: 21911401
 Amount: \$1,505.02

Easement Smith #198 Drainage Improvement

In United States Military District Section 2, Township 4, Range 17 Section 3, Township 5, Range 17, Berkshire And Kingston Townships, Delaware County, Ohio. Commencing At Point 1, The Smith #198 Subsurface Drain Inspection Well On Or Near The Fisher/Brown Property Line And Terminating At Point I, The Clemen/Brenner Property Line Approximately 150 Feet North Of Berkshire Road. And 858 Feet East Of N. Three B's & K. Road. (A Copy Of The Easement Map Is Available In The Engineer's Office Until No Longer Of Administrative Value).

FURTHER BE IT RESOLVED, that the Commissioners will approve the final schedule of constructions assessments (copy available in the Engineer's Office until no longer of administrative value) when the interest rate of the bond for the borrowing of the money is determined.

BE IT FURTHER RESOLVED, that the Commissioners Office will supply to the Auditor's Office the final schedule of constructions assessments after the bond is issued and the interest rates are determined for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments.

As this project came in under the estimate, some property owners who paid in advance are due a refund, in addition several property owners whose total cost is below the minimum \$10.00 requirement will be increased to meet that requirement.

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

RESOLUTION NO. 06-1225

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND TRANSFER OF APPROPRIATIONS FOR DITCH PROJECTS:

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

Supplemental Appropriation		Amount
40311414-5319	Smith Ditch/Reimbursements	1,644.00
40311414-5301	Smith Ditch/Professional Services	1,886.00
40311414-5312	Smith Ditch/Legal Notices	175.00
40311414-5328	Smith Ditch/Maintenance	1,506.00
Transfer of Appropriation		
From	To	
40311415-5430	40311415-5319	
Sackett/Ditch Construction	Sackett Ditch/Reimbursements	1,102.08
40311415-5430	40311415-5301	
Sackett/Ditch Construction	Sackett Ditch/Professional Services	2,324.32
40311415-5430	40311415-5312	
Sackett/Ditch Construction	Sackett Ditch/Legal Notice	286.62
40311415-5430	40311415-5328	
Sackett/Ditch Construction	Sackett/Maintenance	1,134.33
Vote on Motion	Mr. Ward	Aye
	Mr. Jordan	Aye
	Mr. Evans	Aye

RESOLUTION NO. 06-1226

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Julie Showalter has accepted the Social Services Worker III Position with the Department of Job and Family Services; effective date October 2, 2006.

Heathr Allen has accepted the Employment Counselor/Teacher Position with the Department of Job and Family Services; effective date October 2, 2006.

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

RESOLUTION NO. 06-1227

IN THE MATTER OF AMENDING THE PURCHASE OF CHILD CARE SERVICES CONTRACTS BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS CHILDREN’S WORLD LEARNING CENTER; KID’S ACADEMY; LIFE POINT CHRISTIAN PRESCHOOL AND NOAH’S ARK LEARNING CENTER:

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

Children’s World Learning Center

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

This amendment, effective September 13, 2006, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Children’s World Learning Center entered into on the 1st day of July, 2005.

Article 4. Cost and Delivery of Purchased Services:

(A) Payment Rates: The total amount of services to be reimbursed under this contract is increased from \$50,000 to \$57,500.

Kid’s Academy

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

This amendment, effective September 13, 2006, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Kid's Academy entered into on the 1st day of July, 2005.

Article 4. Cost and Delivery of Purchased Services:

(A) Payment Rates: The total amount of services to be reimbursed under this contract is increased from \$20,000 to \$25,000.

Life Point Christian Preschool

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 3

This amendment, effective September 12, 2006, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Life Point Christian Preschool entered into on the 22nd day of November, 2005.

Article 4. Cost and Delivery of Purchased Services:

Payment Rates: The total amount of services to be reimbursed under this contract is increased from \$10,000 to \$17,500.

Noah's Ark Learning Center

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT
AMENDMENT NO. 2

This amendment, effective September 14, 2006, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Noah's Ark Learning Center entered into on the 1st day of February, 2006.

Article 4. Cost and Delivery of Purchased Services:

Payment Rates: The total amount of services to be reimbursed under this contract is increased from **\$20,000 to \$40,000.**

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

RESOLUTION NO. 06-1228

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDER THE OHIO STATE UNIVERSITY CHILD CARE CENTER:

It was moved by Mr. Jordan, 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
The Ohio State University Child Care Center 725 Ackerman Road Columbus, Ohio 43202	Infants	\$169.90	\$134.21	\$ 8.76
	Toddler	\$149.42	\$108.70	\$ 6.39
	Preschool	\$133.89	\$ 94.80	\$ 5.84
	Schoolage	\$102.38	\$ 71.99	\$ 5.39

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

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

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

RESOLUTION NO. 06-1229

IN THE MATTER OF AMENDING RESOLUTION NO. 06-741 AS FOLLOWS:

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

Resolution Was Passed as:

Transfer of Appropriation

From	To	
40811425-5301	40811425-5850	83,428.69
Infra Develop Lewis Center/Rt 23/ Professional Services	Infra Develop Lewis Center/Rt23 S T Advance	

Transfer of Funds

From	To	
40811425-5850	10011102-4650	83,428.69
Infra Develop Lewis Center/Rt 23- ST Advance	General Fund – ST Advance	

Amend To:

Transfer of Appropriation

From	To	
40811425-5301	40811425-5850	83,438.69
Infra Develop Lewis Center/Rt 23/ Professional Services	Infra Develop Lewis Center/Rt23 S T Advance	

Transfer of Funds

From	To	
40811425-5850	10011102-4650	83,438.69
Infra Develop Lewis Center/Rt 23- ST Advance	General Fund – ST Advance	

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

RESOLUTION NO. 06-1230

IN THE MATTER OF APPROVING A NEW ORGANIZATION KEY; RENAMING ORGANIZATION KEYS; A SUPPLEMENTAL APPROPRIATIONS AND A TRANSFER OF FUNDS FOR THE ECONOMIC DEVELOPMENT DEPARTMENT:

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

ESTABLISH NEW ORGANIZATION KEY

40811414 Development Projects

RENAME ORGANIZATION KEY

40811416 Develop Kintner US 36/Rt 37
40811417 Develop Education Sales Manag
23011704 CDBG FY'06

SUPPLEMENTAL APPROPRIATIONS

AMOUNTS

21011113-5301	Joint Economic Development/Services & Charges	\$7,050.00
40811416-5349	Develop Kintner US 36/Rt 37 /Program Services	\$175,000.00
40811416-5349	Develop Kintner US 36/Rt 37/Program Services	\$7,500.00
40811417-5349	Develop Education Sales Manag/Program Services	\$5,640.00

Transfer of Funds

Form	To	
10011102-5801	40811414-4601	
Commissioners	Development Projects/Interfund Revenue	83,438.69

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

General/Transfers

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

RESOLUTION NO. 06-1231

A RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE DELAWARE COUNTY PORT AUTHORITY TO PROVIDE ADMINISTRATIVE ASSISTANCE TO THE PORT AUTHORITY:

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

Whereas, the Delaware County Board of Commissioners created the Delaware County Port Authority per Resolution No. 06-506, adopted on April 24, 2006; and

Whereas, the Port Authority has determined that it requires administrative assistance in order to adequately and effectively perform its duties as an economic development organization within the County; and

WHEREAS, the Port Authority has requested the assistance of the County to provide administrative assistance to the organization, to be funded through fees generated from development projects receiving assistance from the Port Authority;

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. The County shall provide the following administrative services to the Port Authority:

General Administrative Functions: These activities shall include attendance at all Board and Committee meetings, taking and preparing minutes of said meetings, and managing the administrative offices of the Port Authority consisting of filing of documents, recordkeeping, and correspondences as directed by the Port Authority.

Recordkeeping, Fiscal and Budgeting Activities: These activities shall include reconciling bank statements, financial reporting, budget preparation for Board review and action, and other fiscal related activities as required, but specifically excludes the writing of checks, the making of withdrawals, or making any other financial transactions from Port Authority accounts.

Development Project Review and Preparation for Board Review: These activities shall include reviewing and preparing development projects for consideration by the Port Authority Board, and may include coordinating legal reviews, preparation of resolutions, and other actions necessary for the Port Authority Board to take action on proposed development projects requesting Port Authority assistance.

Prevailing Wage Coordinator Activities and Development Project Implementation: These activities shall include providing Prevailing Wage Coordinator services for any Port Authority facilitated development project as required by the Ohio Revised Code, and other activities as required to implement said projects.

Marketing and Promotional Activities: These activities shall include activities associated with strategically marketing the Port Authority’s services to businesses and other organizations considering development projects, and attracting and encouraging these businesses and organizations to consider locating their development projects in Delaware County.

Section 2. The Port Authority agrees to fund the administrative assistance to be provided by the County through fees. The Port Authority shall make a minimum payment of \$20,000 per calendar year to the County for administrative services, subject to the availability of funds. Additional administrative costs shall be paid by the Port Authority to the County on a negotiated basis.

Section 3. Both Parties agree that the County’s main offices at 101 N. Sandusky Street, Delaware, Ohio 43015, shall serve as the place of business for the Port Authority. Port Authority records shall be housed at the County’s main offices, and that in the event of a public records request for such records, the County shall request authorization from the Port Authority Board to release said records in a manner consistent with the State of Ohio’s public records laws.

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

RESOLUTION NO. 06-1232

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

Marty Bell has accepted the position of Program Manager with the Environmental Services Department; effective date September 25, 2006.

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

RESOLUTION NO. 06-1233

IN THE MATTER OF AMENDING THE CAPACITY FEE SURCHARGE FOR THE LEATHERLIPS SUB-DISTRICT OF THE REGIONAL 1A SEWER DISTRICT AS ESTABLISHED IN RESOLUTION 93-477:

It was moved by Mr. Evans, seconded by Mr. Jordan to adopt the following Resolution of Necessity to amend the capacity fee surcharge for the Leatherlips Sub-District of the Regional 1A Sewer District as established in Resolution 93-477. This Resolution will amend Section 3 to read as follows:

Section 3. Capacity Fee Surcharge:

<u>Date</u>	<u>Surcharge</u>
September 11, 2006	\$ - 0 -

This action is to become effective immediately upon the execution of this resolution.

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

RESOLUTION NO. 06-1234

IN THE MATTER OF CERTIFICATION OF DELINQUENT ACCOUNTS TO THE COUNTY AUDITOR FOR ACCOUNTS TO BE ASSESSED TO PAYABLE YEAR 2007 TAXES:

It was moved by Mr. Jordan, seconded by Mr. Evans to certify to the County Auditor the delinquent accounts for placement on the tax duplicate. (Itemized listing available for review at the Commissioners Office until no longer of Administrative value).

Total dollar amount of the delinquent accounts to be assessed to 2007 taxes-\$248,651.35

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

RESOLUTION NO. 06-1235

IN THE MATTER OF RE-CERTIFYING THE DEFERRED VILLAGE OF POWELL SANITARY SEWER PROJECTS FINAL ASSESSMENTS:

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

WHEREAS, Resolution 96-964 certified certain assessments to the County Auditor for properties in Powell for placement on the real property tax.

WHEREAS, a certain number of properties requested and received an assessment deferment which delayed the collection of the majority of the assessment.

WHEREAS, through an administrative error the deferred assessments were never added to the taxes.

NOW THEREFORE BE IT RESOLVED, that the Delaware County Board of Commissioners do hereby re-certify the following list of assessments to the County Auditor for placement on the real property tax rolls.

Parcel Number	Name	Address	Assessment	Amount Applied		Property Taxes	
				Total	To		
319-426-02-021-000	Dogwood Enterprises LTD	378 W. Olentangy St.	\$ 39,996.80				per year for 25 years
319-431-03-032-000	South Liberty Street LLC	240 S. Liberty St.	\$ 3,199.74	\$ 58.53		\$ 1,631.96	per year for years 1 to 20
319-431-03-028-000	Mark Steinbacher	216 S. Liberty St.	\$ 3,199.74	\$ 58.53		\$ 1,631.96	per year for years 1 to 20
319-431-03-027-000	Floyd & Lucile Dunlap	204 S. Liberty St.	\$ 7,999.36	\$ 585.34			per year for 25 years
319-431-03-026-000	Linda S. Yeager	196 S. Liberty St.	\$ 3,199.74	\$ 58.53		\$ 1,631.96	per year for years 1 to 20
319-431-03-025-000	Linda S. Yeager	160 S. Liberty St.	\$ 12,798.98	\$ 234.13		\$ 6,527.83	per year for years 1 to 20
319-431-03-020-000	Helen S. Dunno	120 S. Liberty St.	\$ 3,199.74	\$		\$ 1,631.96	per year for years 1 to 20

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

				58.53	to 20		years 21 to 25
319-426-05-008-000	Barbara Ann Mertz 316 West Case	91 Case Ave.	\$ 3,199.74	\$ 58.53	per year for years 1 to 20	\$ 1,631.96	per year for years 21 to 25
319-426-02-023-000	Time Warner LLC	316 W. Case Ave	\$ 25,597.95	\$ 468.27	per year for years 1 to 20	\$ 13,055.66	per year for years 21 to 25
319-426-02-022-000	Entertainment Paul & Cheryl	290 W. Case Ave.	\$ 6,399.49	\$ 117.07	per year for years 1 to 20	\$ 3,263.91	per year for years 21 to 25
319-425-13-070-000	Kirkham Paul & Cheryl	55 Sharp St.	\$ 6,399.49	\$ 117.07	per year for years 1 to 20	\$ 3,263.91	per year for years 21 to 25
319-425-13-069-000	Kirkham John Thomas	Reserve "B"	\$ 3,199.74	\$ 58.53	per year for years 1 to 20	\$ 1,631.96	per year for years 21 to 25
319-425-14-004-000	Barton, Jr. Paul & Cheryl	119 N. Liberty St.	\$ 3,199.74	\$ 58.53	per year for years 1 to 20	\$ 1,631.96	per year for years 21 to 25
319-425-13-072-000	Kirkham Paul & Cheryl	53 Sharp St.	\$ 3,199.74	\$ 58.53	per year for years 1 to 20	\$ 1,631.96	per year for years 21 to 25
319-425-13-071-000	Kirkham	lot 235	\$ 6,399.49	\$ 117.07	per year for years 1 to 20	\$ 3,263.91	per year for years 21 to 25
319-425-13-075-000	J. Alan Kirkham	lot 232	\$ 6,399.49	\$ 468.27	per year for years 1 to 25		
319-431-02-019-000	Cohiba Properties LLC	lot 116	\$ 3,199.74	\$ 58.53	per year for years 1 to 20	\$ 1,631.96	per year for years 21 to 25
319-431-02-017-000	DMD Ventures LTD	47 S. Liberty St.	\$ 3,199.74	\$ 58.53	per year for years 1 to 20	\$ 1,631.96	per year for years 21 to 25

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

RESOLUTION NO. 06-1236

IN THE MATTER OF AMENDING, THE BOUNDARIES OF THE REGIONAL 1A SERVICE ARE TO INCLUDE THE PROPOSED BERLIN TOWNSHIP FIRE DEPARTMENT LOCATED AT THE CORNER OF OLD STATE ROAD AND CHESHIRE ROAD:

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

WHEREAS the proposed Berlin Township Fire Department property presently borders on, but is outside of the Regional 1A service area.

THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, DELAWARE COUNTY, OHIO, to revise the Regional 1A service area to include the Berlin Township Fire Department property and allow them to connect to the Delaware County Sanitary Sewer System.

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

RESOLUTION NO. 06-1237

SETTING THE TIME AND DATE TO RECEIVE BIDS FOR TRANSFER STATION OPERATIONS, HAULING TO DISPOSAL SITE OR TRANSFER STATION OPERATIONS, HAULING TO DISPOSAL SITE AND DISPOSAL SITE SERVICES OF DELAWARE COUNTY SOLID WASTE:

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

NOTICE

Sealed bids will be received by the Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 at **1:00 PM on Wednesday, October 18, 2006**, at which time they will be publicly opened and read aloud for the provision of Solid Waste Transfer Station Operations and Hauling to Disposal Site Services for Delaware County.

A mandatory pre-bid meeting will be held at 9:00AM on Friday, October 6th, 2006 at the Division of Environmental Services Offices, 50 Channing Street, Delaware, Ohio.

Each bid must contain the full name of every person or company interested in same, and be accompanied by an acceptable bid bond or certified check in the amount of \$10,000 made payable to the Delaware County, Ohio. Bid specifications may be obtained from Delaware County Division of Environmental Services, 50 Channing Street, Delaware, Ohio during normal business hours. All questions shall be made in writing and directed to: Chad Antle, P.E., Assist. Director, Division of Environmental Services, cantle@co.delaware.oh.us, (740) 833-2240.

The County reserves the right to reject any and all bids, in whole or in part, to waive any defect in any or all bids, to accept the bid or part it deems to be the lowest and best. Bids shall be submitted in a sealed envelope marked "Sealed Bid for Solid Waste Disposal Service". No bid shall be withdrawn for a period of ninety (90) days after being publicly opened and read.

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

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

RESOLUTION NO. 06-1238

IN THE MATTER OF AMENDING THE PAYMENT INFORMATION FOR A CONSERVATION EASEMENT APPROVED IN RESOLUTION 06-1173:

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

Whereas, Resolution 06-1173 approved a Purchase Order Request and Voucher to Donal and Sally Hollenback in the amount of \$100,000.00 for a Conservation Easement, and

Whereas, it was later discovered that the Purchase Order Request and Voucher should have been approved for only \$50,000.00.

Therefore Be It Resolved, that the Commissioners amended resolution 06-1173 and approve a Purchase Order and Voucher to Donal and Sally Hollenback in the amount of \$50,000.00.

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

RESOLUTION MOTIONED BY COMMISSIONER JORDAN FOR A .8 MILL REDUCTION IN THE COLLECTION RATE OF THE INSIDE PROPERTY TAX MILLAGE FOR 2007 DIED FOR LACK OF A SECOND.

RESOLUTION NO. 06-1239

IN THE MATTER OF ADOPTING RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR:

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

WHEREAS, The Board of County Commissioners placed on the November 1998 ballot the continuance of .75% sales tax effective January 1, 1999, with .25% to go towards a 1.00 mill roll back of the General Fund Property Tax collection during 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008; and

WHEREAS, The Board of County Commissioners has passed Resolution No. 06-1175 to reduce the property tax collection rate from 1.8 mills to 1.2 mill for tax year 2006 for collection in year 2007 in accordance with ORC 5705.313 (A) (2)

WHEREAS, the Budget Commission of Delaware County, Ohio has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation;

THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Delaware County, Ohio that the amounts and rates as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further resolved, that there be and is hereby levied on the tax duplicate of said County the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

DELAWARE COUNTY TAX YEAR 2006	Amount	Amount	County Auditor's	
	Approved by Budget Commission	to Be Derived from levies	Estimate of Tax Rate to be Levied	
FUND	Inside 10 M. Limitation	Outside 10 M. Limitation	Inside 10 M. Limit	Outside 10 M. Limit
General Fund	6,747,592		1.20	
Permanent Improvement Fund	562,299		0.10	
Developmental Disabilities Fund		12,295,000		2.10
9-1-1- Operations Fund		2,351,110		0.45
TOTAL	7,309,892	14,646,110	1.30	2.55

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2006

BE IT RESOLVED, that the Clerk of this Board be and she is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

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

RESOLUTION NO. 06-1240

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL AND FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 10:18AM.

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

RESOLUTION NO. 06-1241

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Evans, seconded by Mr. Jordan to adjourn out of Executive Session at 11:45AM.

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

RESOLUTION NO. 06-1242

IN THE MATTER OF APPROVING A SETTLEMENT AND RELEASE AGREEMENT BY AND BETWEEN RANDY DENUNE AND THE BOARD OF DELAWARE COUNTY COMMISSIONERS:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the Settlement and Release agreement by and between Randy Denune and the Board of Delaware County Commissioners.

Further Be It Resolved, that the Commissioners approve the following Purchase Order and Voucher:
Attorney, Stanley B. Dritz 60111901-5370 \$39,500.00

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

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners