

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 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

1:00 PM Prosecutor Session

7:30 PM Public Hearing For Consideration Of Request To Vacate 6717 Square Feet (0.154 Acre) Of Buckeye Ave. In Concord Township

RESOLUTION NO. 06-1538

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 1:05PM.

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

RESOLUTION NO. 06-1539

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 2:20PM.

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

PUBLIC COMMENT

1. Mr. Boots Sheets came to address the Commissioners about concerns on the work that has been completed on the Primmer Ditch petition project. (Steep bank slopes).
2. Commissioner Ward mention that he was glad to see retailers and business saying Merry Christmas this year and not just Happy Holidays.

(For a complete record on public comment topics refer to the Official CD minutes).

RESOLUTION NO. 06-1540

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 30, 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 November 30, 2006 as contained in the county's official electronic recordings of the proceedings.

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

RESOLUTION NO. 06-1541

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR121:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve payment of warrants in batch numbers CMAPR121 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Central Ohio Contract	Plumbing Rehab CHIP 2004	23011714-5365	\$ 30,000.00
Increases			
Stepping Stones	Day Care	22411610-5348	\$ 7,350.00
Vouchers			
Floyd Brown	Surveying CFOA	43111424-5410	\$ 11,074.00
Loeb Electric	Jail Ballast	40111402-5450	\$ 5,214.40
Ameritas Group Dental	Nov. Premiums for Dec. Bill	75010903-5370	\$ 19,303.76

**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006**

Malcolm Pirnie	Residual Master Plan	65211919-5301	\$	21,683.85
Delaware City School	Day Care	22411610-5348	\$	5,824.12
Trucco Construction Co.	Mediation Settlement	65511918-5415	\$	811,307.20

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

RESOLUTION NO. 06 -1542

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Service is requesting that Sherry Melvin attend a WIA 101 Training in Columbus, Ohio December 7, 2006, at no cost.

The Department of Job and Family Service is requesting that Sherry Melvin and Heather Allen attend a WIA 201 Training in Columbus, Ohio December 14, 2006, at no cost.

The Administrative Services Department is requesting that Terry Conant attend the CCAO/OCDWA Winter Conference in Columbus, Ohio December 11-12, 2006, at the cost of \$77.00.

The Commissioners Office is requesting that James Ward, Glenn Evans and Kris Jordan attend the CCAO Winter Conference in Columbus, Ohio December 11-13, 2006, at the cost of \$180.00.

The Department of Job and Family Services is requesting reimbursement for Brian Lewer and Rhonda Leasure attendance at the Sunbury Chamber Meeting on November 9, 2006, at the cost of \$40.00.

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

RESOLUTION NO. 06-1543

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, RICHARD C. BRAHM, REQUESTING ANNEXATION OF 3.962 ACRES OF LAND IN ORANGE TOWNSHIP TO THE CITY OF COLUMBUS :

It was moved by Mr. Jordan, seconded by Mr. Evans to acknowledge that on November 29, 2006, the Clerk to the Board of Commissioners received an annexation petition request to annex 3.962 acres from Orange Township to the City of Columbus.

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

RESOLUTION NO. 06-1544

IN THE MATTER OF APPROVING PLAT FOR VILLAS AT WALNUT GROVE AND DITCH MAINTENANCE PETITION FOR OLENTANGY FALLS SECTION 1:

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

Villas At Walnut Grove

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, Located In Farm Lot 13, Section 2, Township 3, Range 17, United States Military Lands, And Containing 19.371 Acres Of Land, More Or Less, Said 19.371 Acres Being All Of That 19.371 Acre Tract Of Land Deeded To Romanelli And Hughes Building Company, An Ohio Company, In Official Record 642, Page 696, Being Of Record In The Recorder's Office Delaware County, Ohio. Cost \$3.00.

Ditch Maintenance Petition- Olentangy Falls Section 1

We the undersigned owners of 97.030 acres in Liberty Township, Delaware County, Ohio propose to create a subdivision known as **Olentangy Falls Section 1** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). The plat for **Olentangy Falls Section 1** has been submitted for approval to 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

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006

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 **Olentangy Falls Section 1 Plat**.

The cost of the drainage improvements is \$134,327.00 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 within this development. The Developed residential area totaling 44 will receive benefit (cost) of the project on a per lot basis . The basis for calculating the assessment for each lot is therefore, \$3,052.89 per lot. An annual maintenance fee equal to 2% of this basis \$61.06/lot will be collected for each tributary lot with in **Olentangy Falls Section 1**. 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 \$2,686.54 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. 06-1545

IN THE MATTER OF APPROVING SUBDIVIDER'S AGREEMENT FOR VILLAS AT WANLUT GROVE:

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

Villas At Wanlut Grove

**SUBDIVIDER'S AGREEMENT
DITCH MAINTENANCE ITEMS INSPECTION**

THIS AGREEMENT made and entered into this 4th day of December 2006 by and between the COUNTY OF DELAWARE (acting by and through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and ROMANELLI & HUGHES BUILDING COMPANY., hereinafter called the SUBDIVIDER, as evidenced by the Engineering and Construction Plan entitled "VILLAS AT WANLUT GROVE" 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 said improvements.
3. The SUBDIVIDER is to provide an irrevocable Letter of Credit or other approved financial warranties in the amount of ONE HUNDRED TWO THOUSAND TWO HUNDRED DOLLARS payable to the Board of County Commissioners 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 for Delaware County, Ohio".
4. The SUBDIVIDER shall deposit FIFTEEN THOUSAND DOLLARS estimated to be necessary to pay the cost of inspection by the Delaware County Engineer. .
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 30, 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.
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.

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

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006

RESOLUTION NO. 06-1546

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR OLDEFIELD ESTATES:

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

Oldefield Estates

The roadways to be accepted are as follows:

- An addition of 0.24 mile to **Township Road Number 907, Weyant Street**
- **Cedar Crest Street**, to be known as **Township Road Number 1513**
- **McNamara Place**, to be known as **Township Road Number 1514**
- **Silver Hill Street**, to be known as **Township Road Number 1515**
- **Jasmine Street**, to be known as **Township Road Number 1516**

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

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

RESOLUTION NO. 06-1547

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR OLDEFIELD ESTATES:

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

Stop Conditions – Oldefield Estates

- On Township Road Number 1513, Cedar Crest Street, at its intersection with Township Road Number 99, Piatt Road
- On Township Road Number 1513, Cedar Crest Street, at its intersection with Township Road Number 1514, McNamara Place
- On Township Road Number 1514, McNamara Place, at its intersection with Township Road Number 1513, Cedar Crest Street
- On Township Road Number 1515, Silver Hill Street, at its intersection with Township Road Number 1514, McNamara Place
- On Township Road Number 1515, Silver Hill Street, at its intersection with Township Road Number 907, Weyant Street
- On Township Road Number 1516, Jasmine Street, at its intersection with Township Road Number 1515, Silver Hill Street

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

RESOLUTION NO. 06 -1548

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
U06157	Columbia Gas	Maxtown Road	Install gas main

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

RESOLUTION NO. 06-1549

IN THE MATTER OF APPROVING THE TEMPORARY WEIGHT LIMIT REDUCTIONS ON VARIOUS COUNTY AND TOWNSHIP ROADS:

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

Re: **Weight Limit Reductions**

The Ohio Revised Code, **Section 5577.07**, provides for the reduction of the weight limits on roads when thaws or excessive moisture render roads insufficient to bear normal traffic. Therefore, The Engineer is requesting

**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006**

that your Board reduce the load limits on the attached list of County and Township Roads by 40 percent of the legal limit in accordance with **Section 5577.07** of the ORC based on the presence of excessive soil moisture and the detrimental effect of numerous freeze/thaw cycles.

2007 POSTED ROADS

COUNTY/TWP ROAD	#	ROAD NAME	BEGIN LIMIT	END LIMIT
TOWNSHIP	35	3B'S & K, S	CHESHIRE	US ROUTE 36
TOWNSHIP	33	ALEXANDER		
TOWNSHIP	102	ARMSTRONG		
TOWNSHIP	86	BAKER		
TOWNSHIP	107	BALE KENYON		
TOWNSHIP	66	BEACOM		
TOWNSHIP	140	BEAN OLLER		
TOWNSHIP	252	BEARD		
TOWNSHIP	581	BENT TREE		
TOWNSHIP	75	BERKSHIRE		
TOWNSHIP	68	BLAYNEY		
TOWNSHIP	67	BLUE CHURCH		
TOWNSHIP	92	BRAUMILLER		
TOWNSHIP	141	BUNTY STATION		
TOWNSHIP	165	BURNT POND	US ROUTE 36	FONTANELLE
TOWNSHIP	193	BUTTERMILK HILL	STATE ROUTE 203	TROY
TOWNSHIP	81	CAACKLER		
TOWNSHIP	152	CALHOUN		
TOWNSHIP	165	CARR		
TOWNSHIP	334	CARRIAGE		
TOWNSHIP	25	CENTER VILLAGE	RED BANK	HARLEM
TOWNSHIP	63	CHAMBERS		
TOWNSHIP	33	CLARK		
TOWNSHIP	139	CLARK SHAW		
TOWNSHIP	129	CONCORD	HARRIOTT	COOK
TOWNSHIP	132	COOK		
TOWNSHIP	89, 273	CURVE	GLENN	LACKEY OLD STATE
TOWNSHIP	271	DALE FORD		
TOWNSHIP	167	DEGOOD		
TOWNSHIP	35	DOMIGAN		
TOWNSHIP	104	DUSTIN		
TOWNSHIP	1481	FALLING MEADOWS		
TOWNSHIP	164	FONTANELLE	OSTRANDER	SMART
TOWNSHIP	142	FORD		
TOWNSHIP	1224	FOUR WINDS		
TOWNSHIP	143	FRESHWATER		
TOWNSHIP	262	FRY		
TOWNSHIP	82	GIEHL		
TOWNSHIP	93	GLENN	CURVE	DELAWARE CITY
TOWNSHIP	33	GOLF COURSE		
TOWNSHIP	87	HARRIS		
TOWNSHIP	76	HOGBACK		
TOWNSHIP	482	HOLLEY WOODS DRIVE		
TOWNSHIP	77	HOWARD		
TOWNSHIP	216	HUDSON		
TOWNSHIP	110	JAYCOX		
TOWNSHIP	73	JOE WALKER		
TOWNSHIP	85	JUMPER		
TOWNSHIP	219	KELLY MCMASTER	TROY TOWNSHIP	STATE ROUTE 42
TOWNSHIP	149	KLONDIKE		
TOWNSHIP	155	LARCOMB		
TOWNSHIP	247	MCCURDY	LEONARDSBURG	OXFORD TWP
TOWNSHIP	133	MERCHANT		
COUNTY	136	MOORE		
TOWNSHIP	160	NEWHOUSE		
TOWNSHIP	256	OLMSTEAD		

**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006**

TOWNSHIP	114	ORANGE, E	S OLD STATE	BALE KENYON
TOWNSHIP	114	ORANGE, W	STATE ROUTE 315	US ROUTE 23
TOWNSHIP	142	OWEN FRALEY		
TOWNSHIP	50	PATRICK	TRENTON TWP	FREDRICKS
TOWNSHIP	56	PEERLESS		
TOWNSHIP	196	PENRY	STATE ROUTE 203	TROY
TOWNSHIP	99	PIATT	CHESHIRE	PEACHBLOW
TOWNSHIP	263	PITTMAN	US ROUTE 42	LEONARDSBURG
TOWNSHIP	54	PLANTATION		
TOWNSHIP	105	PLUMB	ROME CORNERS	S. OLD 3 C
TOWNSHIP	88	PLUNKETT		
TOWNSHIP	101	POLLOCK		
TOWNSHIP	12	PORTER CENTRAL	CENTERBURG	OLIVE GREEN
TOWNSHIP	12	PORTER CENTRAL	STATE ROUTE 656	MORROW COUNTY LINE
TOWNSHIP	253	PUGH		
TOWNSHIP	483	RENEE COURT		
TOWNSHIP	95	ROLOSON		
TOWNSHIP	69	ROSECRANS		
TOWNSHIP	161	RUSSELL		
TOWNSHIP	122	RUTHERFORD	SR 257	SAWMILL PARKWAY
TOWNSHIP	919	RYAN MEADOWS		
COUNTY	5	SECTION LINE, S	US ROUTE 37	STATE ROUTE 36
COUNTY	5	SECTION LINE, S	HOME	US ROUTE 42
TOWNSHIP	121	SELDOM SEEN	STATE ROUTE 257	SAWMILL PARKWAY
TOWNSHIP	134	SHERMAN		
TOWNSHIP	258	SHORTCUT		
TOWNSHIP	85	SKINNER		
TOWNSHIP	168	SLOCUM		
TOWNSHIP	162	SMART		
TOWNSHIP	125	STEITZ	RUTHERFORD	HOME
TOWNSHIP	156	STOVER	DEAN	UNION COUNTY
TOWNSHIP	94	SWEENEY		
TOWNSHIP	71	TODD STREET		
TOWNSHIP	58	TRIMMER		
TOWNSHIP	70	TWIGG HUPP		
TOWNSHIP	57	ULERY	OLIVE GREEN	TRIMMER
TOWNSHIP	276	VELEY	KELLY MCMASTER	OXFORD TWP
TOWNSHIP	265	WALTON		
TOWNSHIP	173	WARREN		
TOWNSHIP	56	WILSON		

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

RESOLUTION NO. 06-1550

IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT WITH LEHNER EXCAVATING, INC., FOR THE OLD KINGSTON DITCH IMPROVEMENT PROJECT:

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

Old Kingston Ditch Improvement Project/Bid Opening of November 27, 2006

As the result of the above referenced bid opening, The Engineer recommends that a bid award be made to Lehner Excavating, Inc., the low bidder for the project. A copy of the bid tabulation is available for your information.

CONTRACT

AGREEMENT, made and entered into this 4th day of December 2006, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **LEHNER EXCAVATING, INC.**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of the sum of **SIXTY-FIVE THOUSAND**

**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006**

SIX HUNDRED NINETY-THREE THOUSAND AND FORTY CENTS (\$65,693.40), 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 **Old Kingston Ditch Improvement Project**, in accordance with plans, **drawings**, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general specifications and Invitation to Bid are hereby declared to be a part of this **Contract**.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer and Delaware Soil and Water Conservation District**. Work is to be completed on or before **February 28, 2007**.

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.

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

RESOLUTION NO. 06-1551

IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT WITH JEFF CUTLIP SITE DEVELOPMENT FOR THE COOMER DITCH IMPROVEMENT PROJECT:

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

Coomer Ditch Improvement Project/Bid Opening of November 27, 2006

As the result of the above referenced bid opening, The Engineer recommends that a bid award be made to Jeff Cutlip Site Development the low bidder for the project. A copy of the bid tabulation is available for your information.

CONTRACT

AGREEMENT, made and entered into this 4th day of December 2006, by and between the **DELAWARE COUNTY COMMISSIONERS**, and the **MORROW COUNTY COMMISSIONERS**, and hereinafter designated as **FIRST PARTY**, and **JEFF CUTLIP SITE DEVELOPMENT**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of the sum of **ONE HUNDRED FOUR THOUSAND ONE HUNDRED SIXTY-FIVE DOLLARS** (\$104,165.00), 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 **Coomer Ditch Improvement Project**, in accordance with plans, **drawings**, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general specifications and Invitation to Bid are hereby declared to be a part of this **Contract**.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer and Delaware Soil and Water Conservation District**. Work is to be completed on or before **March 31, 2007**.

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.

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

RESOLUTION NO. 06-1552

7:30 PM PUBLIC HEARING FOR CONSIDERATION OF REQUEST TO VACATE 6717 SQUARE FEET (0.154 ACRE) OF BUCKEYE AVE. IN CONCORD TOWNSHIP:

It was moved by Mr. Jordan, seconded by Mr. Evans to open the Hearing at 7:35PM.

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

RESOLUTION NO. 06-1553

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF REQUEST TO VACATE 6717 SQUARE FEET (0.154 ACRE) OF BUCKEYE AVE. IN CONCORD TOWNSHIP:

It was moved by Mr. Evans, seconded by Mr. Jordan to close the Hearing at 7:43PM.

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006

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

RESOLUTION NO. 06-1554

IN THE MATTER OF GRANTING THE PETITION TO VACATE 6717 SQUARE FEET (0.154 ACRE) OF BUCKEYE AVE. IN CONCORD TOWNSHIP:

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

Whereas, on October 27, 2006 the Delaware County Commissioners received a petition filed by the Concord Township Trustees, requesting to vacate 6717 square feet (0.154 Acre) of Buckeye Ave. in Concord Township, Ohio.; and

Whereas, The Concord Township Trustees passed the vacation with Resolution No. 092806, and

Whereas, the request to vacate is described below:

Legal Description For Vacation Of A Portion Of Buckeye Avenue, Being A 0.154 Acre Tract Or 6717 Square Feet

Situated In The State Of Ohio, County Of Delaware, Township Of Concord, In Virginia Military Survey No 2546, Located In Scioto View Addition As Delineated In Plat Book 4, Page 69, Delaware County Recorder's Office And Being More Particularly Described As Follows:

Beginning At An Iron Pin Found In The North Line Of Logan Road (40 Foot Wide) And In The East Line Of Buckeye Avenue (40 Feet Wide) Marking The Southwest Corner Of Lot 2757 Being Conveyed To Mary K. Tampono In Official Record 723, Page 1219;

Thence North 90°00'00" West 40.00 Feet, Across Said Buckeye Avenue To An Iron Pin Found In The West Line Of Buckeye Ave, Marking The Southeast Corner Of Lot 2758 Also Conveyed To Mary K. Tampono In Official Record 736, Page 1396;

Thence North 01°11'00" East 168.00 Feet, In The West Line Of Said Buckeye Avenue And The East Line Of Said Lot 2758, To An Iron Pin Found In The North Line Of Said Scioto View Addition Marking The Northeast Corner Of Said Lot 2758, Also Being In The South Line Of Lot 3874 In The Shawnee Hill North Addition As Delineated And Recorded In Plat Book 4, Pages 124 & 125;

Thence North 90°00'00" East 40.00 Feet, In The North Line Of Said Buckeye Avenue And The South Line Of Lot 3874 And Lot 3875 In Said Shawnee Hill North Addition, To An Iron Pin Found, Marking The Northwest Corner Of Said Lot 2757;

Thence South 01°11'00" West 168.00 Feet, In The East Line Of Said Buckeye Avenue And The West Line Of Said Lot 2757 To The Place Of Beginning, Containing 0.154 Acres Or 6717 Square Feet, More Or Less, Basis Of Bearing Assumed North 90°00'00" West On The North Line Of Logan Road.

All Plats And Deeds Reference Are On File At The Delaware County Recorder's Office, Delaware County, Ohio.

Whereas, the Board of County Commissioners viewed the location of the proposed vacation on the 27th day of November, 2006 at 1:30 PM; and

Whereas, the Board of County Commissioners held a Public Hearing on the 4th day of December 2006, at 7:30PM, and at that hearing the Board found the vacation would serve the public convenience and welfare.

Now therefore Be it Resolved, that 6717 square feet (0.154 Acre) of Buckeye Ave as described above shall be vacated. The vacated portion of this road shall pass in fee to the abutting landowners as provided by law. The Delaware County Engineer shall cause an accurate survey and map to be made and filed with this board.

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

RESOLUTION NO. 06-1555

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE LEAP GRANT:

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

Transfer of Appropriation	AMOUNT
28631311-5349	28631311-5250
Leap Grant/Program Services	Leap Grant/Minor Tools & Equip 2,724.00

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006

28631311-5349		28631311-5260				
Leap Grant-Program Services		Leap Grant/Inventoried Tools				11,727.49
Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye

RESOLUTION NO. 06-1556

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Perry Harper with the Department of Job and Family Services is requesting Leave-With-Out-Pay until January 2, 2007 (248 Hours); effective date November 20, 2006.

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

RESOLUTION NO. 06-1557

A RESOLUTION AUTHORIZING THE DELAWARE COUNTY COMMISSIONERS TO ENTER INTO AN AGREEMENT WITH eCivis FOR THE PROVISION OF A GRANTS LOCATOR SERVICE:

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

WHEREAS, the Delaware County Economic Development Department has established a Grants Clearinghouse program in order to facilitate the County's ability to identify, research, match, and apply for grants to assist various County Departments and communities throughout the County; and

WHEREAS, eCivis, Inc., located at 3452 E. Foothill Blvd., 9th Floor, Pasadena, California, 91107, has submitted a proposal dated September 13, 2006, and it has been determined that eCivis, Inc., through its Grants Locator program, can provide the County with effective grant identification, research, and matching services.

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 Board of Commissioners authorizes executing a Subscription Agreement with eCivis, Inc. for grant services associated with the eCivis Grants Locator program in an amount not to exceed Twenty Thousand Dollars (\$20,000) for grant identification, research and matching activities, to assist various County Departments and communities throughout the County, consistent with the Subscription Agreement dated November 6, 2006 which is on file with the Delaware County Board of Commissioners.

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

Transfer of Funds

From:	To:	
10011102-5801	21011113-4601	
Commissioners General/Transfers	Joint Economic Development/Interfund Revenue	\$20,000.00

Supplemental Appropriation

21011113-5320	Joint Economic Development/Data Proc Services	\$20,000.00				
Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye

RESOLUTION NO. 06-1558

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLAN FOR HIDDEN OAKS:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the sanitary sewer plan for Hidden Oaks for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 06-1559

IN THE MATTER OF APPOINTING CAROLE KROUSE AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE RURAL ZONING COMMISSION:

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

**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006**

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 re-appoint an individual to the Rural Zoning Commission for a five year term beginning January 1, 2007, and ending December 31, 2011.

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, re-appoint Carole Krouse to the Rural Zoning Commission.

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

RESOLUTION NO. 06-1560

IN THE MATTER OF APPROVING THE APPOINTMENT OF KATHY NICOLOSI TO THE WEST CENTRAL COMMUNITY CORRECTIONS FACILITY GOVERNING BOARD:

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

Whereas, the Judicial Advisory Board of the West Central Community Correctional Facility created a Facility Governing Board. The Facility Governing Board shall function as a “board of directors” for the West Central Community Correctional Facility; and

Whereas, the Judicial Advisory Board is vested with the responsibility and authority to establish the process for appointment of members of the Facilities Governing Board in accordance with the following statutory limitation; and

Whereas, the Judicial Advisory Board hereby established the procedure for appointments from the eight (8) member counties to the West Central Community Correctional Facility, Facilities Governing Board; and

Whereas, the Boards of County Commissioners of Delaware and Morrow counties shall appoint one (1) member; the Board of County Commissioners of Marion and Logan counties shall appoint one (1) member; the Boards of County Commissioners of Clark and Madison counties shall appoint one (1) member and the Boards of County Commissioners of Champaign and Union counties shall appoint one (1) member; and

Whereas, the members of the Facilities Governing Board appointed by the Boards of County Commissioners of the member counties shall be appointed for three (3) year terms; and

Whereas, the Morrow County Commissioners and the Delaware County Commissioners have discussed the appointment of Kathy Nicolosi, Marion, Ohio, to serve on the Governing Board, and the Morrow County Commissioners have agreed to the appointment;

Therefore, the Commissioners approve the appointment of Kathy Nicolosi to the West Central Community Correctional Facility, Facilities Governing Board for a three (3) year term, effective November 13, 2006.

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

RESOLUTION NO. 06-1561

IN THE MATTER OF ESTABLISHING NEW ORGANIZATION KEYS AND APPROVING TRANSFER OF FUNDS, APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR DITCH PROJECTS:

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

Establish New Org Keys

40311419	DI Basiger #336
40311420	DI Brookview
40311421	DI Dutcher #477 Scott #604
40311422	DI Jones-Timms # 516
40311423	DI McNamara #582
40311424	DI Rhodes #7
40311425	DI Sheets #319

Supplemental Appropriations

40311419-5301	DI Basiger #336	2,540.94
40311420-5301	DI Brookview	235.36

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006

40311421-5301	DI Dutcher #477 Scott #604	1,207.19
40311422-5301	DI Jones-Timms # 516	4,314.94
40311423-5301	DI McNamara #582	204.04
40311425-5301	DI Sheets #319	999.12
40311418-5301	DI Coomer Jt. County #435	1,285.62
40311413-5301	DI Nuckles #20	246.35
40311416-5301	DI Old Kingston Group	246.35
40311417-5301	DI Ruder-Toot #86	482.69
40311424-5301	DI Rhodes #7	482.69

Transfer of Funds

From	To	
10011102-5801 Commissioners General/Transfers	40311419-4601 DI Basiger #336	2,540.94
10011102-5801 Commissioners General/Transfers	40311420-4601 DI Brookview	235.36
10011102-5801 Commissioners General/Transfers	40311421-4601 DI Dutcher #477 Scott #604	1,207.19
10011102-5801 Commissioners General/Transfers	40311422-4601 DI Jones-Timms	4,314.94
10011102-5801 Commissioners General/Transfers	40311423-4601 DI McNamara #582	204.04
10011102-5801 Commissioners General/Transfers	40311425-4601 DI Sheets	999.12
10011102-5801 Commissioners General/Transfers	40311413-4601 DI Nuckles #20	246.35
10011102-5801 Commissioners General/Transfers	40311417-4601 DI Ruder-Toot	482.69
10011102-5801 Commissioners General/Transfers	40311424-4601 DI Rhodes #7	482.69

Transfer of Appropriation

From	To	
40311410-5430 Gwinner Ditch/Ditch Construction	40311410-5301 Gwinner Ditch/Professional Services	1,490.00
40311411-5430 Primmer Ditch/Ditch Construction	40311411-5301 Primmer Ditch/Professional Services	3,000.00

Supplemental Appropriation

40311409-4601	Ditch Improvements/Revenue	(25,000.00)
40311409-5301	Ditch Improvements/Professional Services	(22,500.00)

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

There being no further business the meeting adjourned.

 Glenn A. Evans

 Kristopher W. Jordan

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD DECEMBER 4, 2006

James D. Ward

Letha George, Clerk to the Commissioners