

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 3, 2009

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present: Todd Hanks, Ken O'Brien, Tommy Thompson

7:30 PM Final Hearing By The Commissioners For The Nuckles #20 Watershed Ditch Petition Project

8:15 PM Public Hearing Number 2 To Consider Levying A Real Property Transfer Tax Pursuant To Section 322.02 Of The Revised Code

RESOLUTION NO. 09-936

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 30, 2009:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on July 30, 2009; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

PUBLIC COMMENT

RESOLUTION NO. 09-937

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0731:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0731 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R0905650	CREATIVE CHILD CARE NORTH	DAY CARE	22411610 - 5348	\$10,000.00	0001
R0905700	CCP SERVICES LLC	BUSH HOG, REMOVAL OF TRASH, REMOVAL OF SEWAGE AND	40211405 - 5450	\$23,750.00	0001
R0905717	NATIONAL CITY BANK	BWC SELF INSURANCE TRANSACTIONS	61311923 - 5300	\$17,044.67	0002

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-938

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0731BR:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0731BR.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Abstain

RESOLUTION NO. 09-939

IN THE MATTER OF ADOPTING A RESOLUTION OF CONGRATULATIONS TO THOSE DELAWARE

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COUNTY STUDENTS WHO PARTICIPATED IN THE 2009 OHIO ACADEMY OF SCIENCE DAY:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adopt the following Resolution:

WHEREAS, the State of Ohio encourages students from across the state to participate in the annual State Science Day, and

WHEREAS, the following students from Delaware County participated in State Science Day 2009,

SCHOOL: Big Walnut HS

Mr. Jacob N. Collard Grade: 10
Ms. Darcy M. Predieri Grade: 11
Mr. Zachary S. Wagner Grade: 11

SCHOOL Big Walnut MS

Ms. Lindsey M. Adams Grade: 08
Ms. Marisa C. Allen Grade: 07
Ms. Grace M. Coffman Grade: 08
Ms. Catie S. Craig-Bowden Grade: 07
Ms. Elizabeth A. Finnegan Grade: 08
Ms. Haley K. Lescinsky Grade: 07
Ms. Jessica A. Osburn Grade: 07
Ms. Michelle K. Stefaniak Grade: 07
Ms. Sarah J. Stefaniak Grade: 07

SCHOOL: Buckeye Valley Local HS

Ms Ellen J. McDevitt-Stredney Grade: 10

SCHOOL: Buckeye Valley Local MS

Ms. Bethany M. Meadows Grade: 07
Ms. Megan C. Russell Grade: 07

SCHOOL: Genoa Christian Academy

Mr. Caleb D. Jacobs Grade: 07
Ms. Alyssa R. Meier Grade: 08
Mr. Matthew Porras Grade: 07
Ms. Lauren A. Tesi Grade: 07

SCHOOL: John C Dempsey MS

Ms. Aislynn N. Blakeslee Grade: 08
Mr. Jim M. Brennan Grade: 08
Ms. Jessie R. Cremer Grade: 07
Mr. Jacob D. Dixon Grade: 08
Mr. Caleb A. Howell Grade: 07
Ms. Kyra A. Mack Grade: 08
Ms. Nicole L. Nelson Grade: 08
Mr. Ryan P. Nethers Grade: 07
Ms. Emily B. Richards Grade: 07

SCHOOL- Learning Unlimited Village Academy

Mr. Dominic M. Ritchey Grade: 07
Mr. Michael G. Wientjes Grade: 08

SCHOOL: Olentangy Liberty HS

Mr. Sachin R. Rudraraju Grade: 09

SCHOOL: Olentangy Shanahan MS

Ms. Alex Marino Grade: 08
Ms. McKinley A. Roll Grade: 08

SCHOOL: Rutherford B Hayes HS

Mr. Alexander J. Bogard Grade: 10
Ms. Miriam T. Gibbs Grade: 09
Ms. Kathleen S. Jackson Grade: 10

SCHOOL: St Mary

Ms. Ashley M. Borghese Grade: 07
Mr. Justin C. Clifford Grade: 08
Mr. Andy S. Davis Grade: 07

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Ms. Liz M. Ernst Grade: 08
Ms. Naomi Johnson Grade: 08
Ms. Natalie L. Koeritzer Grade: 07
Ms. Meaghan A. Marbry Grade: 07
Ms. Mary L. Murray Grade: 08
Mr. Evan Sistrunk Grade: 07
Ms. Hannah N. Tucky Grade: 08

WHEREAS, The Board of Commissioners of Delaware County wishes to express congratulations to these students for participation in the State Science Day 2009

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby officially congratulates these students on their participation in State Science Day 2009. Their diligence and hard work have earned them the distinction of being selected to participate in this prestigious event.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-940

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR OLENTANGY CROSSINGS ACCESS ROAD:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

WHEREAS, on July 29, 2009 a Ditch Maintenance Petition for the Olentangy Crossings Access Road was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within the subdivision; and

WHEREAS, the Petitioners have requested that the drainage improvements be accepted into the Delaware 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; and

WHEREAS, the Petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements being \$36,710.78 for the benefit of a total of 3,384, the basis for calculating the assessment is, therefore per acre. An annual maintenance fee equal to two percent (2%) of this basis shall be collected. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year's assessment for all of the lots in the amount of \$734.22 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3. This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-941

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH

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MAINTENANCE ASSESSMENTS FOR OLENTANGY CROSSINGS LOT 7354 MULTI-FAMILY BASIN:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

WHEREAS, on July 29, 2009 a Ditch Maintenance Petition for the Olentangy Crossings Lot 7354 Multi-Family Basin was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within the subdivision; and

WHEREAS, the Petitioners have requested that the drainage improvements be accepted into the Delaware 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; and

WHEREAS, the Petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements being \$39148.60 for the benefit of a total of 12.225, the basis for calculating the assessment is, therefore per acre. An annual maintenance fee equal to two percent (2%) of this basis shall be collected. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year's assessment for all of the lots in the amount of \$782.97 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3. This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-942

IN THE MATTER OF RENAMING FUNDS, ESTABLISHING NEW ORGANIZATIONAL KEYS AND APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE ENGINEER'S OFFICE:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Rename Fund		Amount
294	Motor and Gas ARRA Projects	
Establish New Organizational Key		
29440408	M&G ARRA Resurfacing Project	
29440409	M&G ARRA South Old 3C Bridge Rehabilitation	
Supplemental Appropriations		
29440408-5420	M&G ARRA Resurfacing Project/ Road Construction	\$ 1,810,461.00
29440409-5425	M&G ARRA South Old 3C Bridge Rehabilitation/Bridge Culvert Construction	\$ 100,000.00
Establish Fund		
413	OPWC Current Projects	
Establish New Organizational Key		

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41340422	S Old St/Lewis Center Intersection	
Supplemental Appropriations		
41340422-5425	S Old St/Lewis Center Intersection/ Bridge Culvert Construction	\$ 484,792.00

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-943

IN THE MATTER OF AMENDING RESOLUTION NO. 09-867 (FROM 07/20/09) APPROVING PERSONNEL ACTIONS:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to Amend Resolution NO. 09-867 (from 07/20/09):

Whereas, on July 20, 2009 Resolution NO. 09-867 approved the following: The Director Of Emergency Medical Services recommends to accept the resignation of Andrew Sapp as a Lieutenant with the EMS Department; effective August 1, 2009. He will remain with the department in a part-time capacity, and

Whereas, Andrew Sapp will not be working in a part-time capacity, and

Whereas, Andrew Sapp's resignation as a Full-Time Lieutenant with the EMS Department was effective July 29, 2009, and

Whereas, The Director Of Emergency Medical Services recommends to accept the resignation of Andrew Sapp as a Full-Time Lieutenant with the EMS Department;

Therefore be it resolved, the Commissioners amend resolution 09-867 and approve the resignation of Andrew Sapp as a Full-Time Lieutenant with the EMS Department ;effective July 29, 2009.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-944

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

The Director Of Emergency Medical Services recommends to promote Kevin Headings to the position of Lieutenant with the EMS Department; effective August 7, 2009.

The Director Of Emergency Medical Services recommends to promote Justin Lowery to a Full-Time Paramedic with the EMS Department; effective August 7, 2009.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-945

IN THE MATTER OF CERTIFYING TO THE COUNTY AUDITOR SANITARY SEWER CAPACITY CHARGES FOR PAUL'S MARINE, INC:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to certify the Sanitary Sewer Capacity Charges as follows:

Paul's Marine, Inc
6100 Columbus Pike Lewis Center, Ohio 43035

In the amount of \$15,147.00 with \$5,695.27 finance charge (pro-rated over a 10 year period) making total of \$20,842.27 for placement on tax duplicate. Bi-annual payment being \$1,042.11.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-946

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY HUMAN RESOURCES HEALTH INSURANCE FUNDS TO ASSIST IN FUNDING THE PURCHASE OF FRUIT, PUNCH AND OTHER AMENITIES FOR THE ANNUAL DELAWARE COUNTY EMPLOYEE HEALTH AND SAFETY FAIR:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve the following:

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

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

WHEREAS, Human Resources Department has offered the Employee Health and Safety Fair for the past eleven years. Grady Memorial is there each year to do blood-work. In order for this procedure to give an accurate reading, participants must fast for 12 hours. The purchase of food and drinks is necessary for the well being of employees who are having blood drawn or giving blood that day.

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

Section 1. That the Delaware County Board of Commissioners hereby authorizes the use of Human Resources Health Insurance Funds in an amount not to exceed \$125.00, to assist in funding the purchase of fruit, refreshments and other amenities for The Delaware County Employee Health and Safety Fair.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-947

IN THE MATTER OF RE-APPOINTING SCOTT GOODING AND APPOINTING CHRISTOPHER SINGH AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE MILLSTONE COMMUNITY AUTHORITY:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, The Board of Commissioners of Delaware County shall appoint individuals to the Millstone Community Authority. Scott Gooding will be re-appointed for a two year term as citizen member beginning July 27, 2009 and ending July 26, 2011, Christopher Singh will be appointed for a two year term as a citizen member beginning on July 27, 2009, and ending on July 26, 2011;

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, re-appoint Scott Gooding as a citizen member for to the Millstone Community Authority for a two year term beginning July 27, 2009 and ending July 26, 2011, and appoint Christopher Singh as a citizen member for a two year term beginning on July 27, 2009, and ending on July 26, 2011.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-948

IN THE MATTER OF APPROVING A SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND SHAWNEE ASSOCIATES, LP:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (hereinafter referred to as the "Settlement Agreement"), effective on the last date executed below, is entered into by and between Shawnee Associates, LP ("Shawnee"), and Delaware County, Ohio ("the County").

WHEREAS, the Parties desire to fully, equitably and completely settle and dispose of all claims which were, or could have been raised in certain litigation styled, Shawnee Associates, LP v. Village of Shawnee Hills, Ohio, et al., Case No. 06 CV-H-02-156, ("the Litigation"); filed in the Court of Common Pleas, Delaware County, Ohio wherein Shawnee asserted claims against Delaware County, alleging, among other things damages of \$100,000 for the cost of construction and tap into the Village of Shawnee Hills collection system as the result of Delaware County's breach of the contract entered into a contract with the prior owner of the Shawnee Shopping Center;

WHEREAS, Shawnee Associates is an Ohio limited liability partnership;

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WHEREAS, Delaware County is a county organized under the Ohio Revised Code;

WHEREAS, the Parties desire to settle all of their claims which were, or could have been raised in the Litigation.

THEREFORE, in consideration of the promises, covenants and agreements contained herein, the Parties agree as follows:

1. DISMISSAL OF LITIGATION

Shawnee shall dismiss with prejudice all claims asserted or which could have been asserted in the Litigation against the County by the filing an Order of Dismissal. Each party to the Settlement Agreement shall bear its own attorneys' fees and cost in connection with the Action. The Agreed Order of Dismissal has already been filed with the Delaware County Court of Common Pleas.

2. CONSIDERATION.

The County agrees to pay the sum of Two Thousand Five Hundred Dollars (\$2,500) to Shawnee as full and complete settlement of the claims set forth in the Complaint. Shawnee agrees to accept said sum as full and complete settlement and to dismiss the Complaint with prejudice, with each party to bear its own costs and expenses.

3. COMPROMISE SETTLEMENT

Neither this Settlement Agreement nor any of the actions to be taken hereto shall be construed as or be deemed to be evidence of an admission of liability or wrongdoing on the part of the Parties or their subsidiaries, affiliates, officers, directors, employees, agents, successors, or assigns.

4. MUTUAL RELEASES

Shawnee, and its present and former parents, affiliates, subsidiaries, divisions, partners, officers, directors, owners, proprietors, shareholders, employees, agents, representatives, insurers, attorneys, successors, and assigns, in consideration of the promises, agreements and covenants set forth in this Settlement Agreement and other good and valuable consideration hereby Releases and Forever Discharges the County its heirs, executors, administrators, representatives, successors and assigns of and from any and all actions and causes of action, suits, debts, claims and demands whatsoever, in law or in equity, under the common law, state law, federal law or any other law, or otherwise, known or unknown, which Shawnee ever had or may now have, for and by reason of any matter, cause or thing whatsoever from the beginning of time to the date of execution of this Settlement Agreement, including by way of example, and not by way of limitation, all claims asserted or which could have been asserted in this Litigation, but expressly excluding any actions alleging a breach of this Settlement Agreement.

5. SUCCESSORS

All the terms and provisions of this Settlement Agreement shall be binding upon and shall inure to the benefit of, and shall be enforceable by the respective successors and assigns of the Parties.

6. APPLICABLE LAW

This Settlement Agreement shall be governed by and in accordance with the law of the State of Ohio, The spirit and intent of this Settlement Agreement is to terminate with finality all claims and disputes between the Parties, and this Settlement Agreement shall be interpreted with such spirit and intent.

7. ARBITRATION

Any controversy or dispute arising from or relating to this Agreement shall be finally settled by arbitration in accordance with the Ohio Arbitration Act in Delaware, Ohio; provided, however, that discovery as provided for under the Ohio Rules of Civil Procedure shall be available to the parties to the arbitration. Each party shall choose one arbitrator and the selected arbitrators shall choose a third arbitrator; or failing that, the Judge of the Common Pleas Court will choose the third arbitrator who is an experienced lawyer, who is independent and neutral. The arbitration obligation shall be specifically enforceable and the arbitration award shall be final and judgment may be entered thereupon in any court having jurisdiction over the subject matter of the dispute. In accordance with the foregoing, the parties expressly consent to specific performance of this Agreement before the Common Pleas Court of Delaware County, Ohio.

8. ENTIRE AGREEMENT

The Parties understand, covenant and agree that the foregoing constitutes the entire Settlement Agreement and that there exists no other agreements, oral or written, between the Parties relating to any matters covered by this Settlement Agreement.

9. ACKNOWLEDGMENT

The undersigned acknowledge that they have carefully read this Settlement Agreement, that they are fully satisfied in all of its terms, that they have had adequate time to review and consider this Settlement Agreement and to consult with their legal counsel with respect thereto, and that they have entered into this Settlement Agreement voluntarily and of their own free will, and that they have authority to sign this Settlement Agreement on behalf of the entity for whom they are signing, and agree to all provisions contained herein. The

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Parties also acknowledge that they have had adequate time to investigate the matters resolved by this Agreement. In addition, the Parties, acknowledge that by entering into this Agreement, they are not relying on any representation, factual matter, promise or commitment except as expressly set forth in this Agreement.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

**COMMISSIONERS' COMMITTEES REPORTS
Refer to CD minutes for entire record**

Commissioner Hanks

-Board of Realtors article
-more discussion on County Grant Writer idea; pros/cons director to HR Department

Commissioner O'Brien

-attended Regional Planning Meeting
-attended EMA today- Special Needs Training, Bus Roller-over stimulation, Safety Day at Reclamation Unlimited

Commissioner Thompson

-Cash for Clunkers
-Alzheimer's awareness information

Mr. Cannon

-August 6th Steering Committee meeting for Fiber Optic

RESOLUTION NO. 09-949

7:30 PM FINAL HEARING FOR THE NUCKLES #20 WATERSHED DITCH PETITION PROJECT:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to open the Hearing at 7:32PM.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-950

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

DISCUSSION /COMMENT FOR THE MAIN OPEN DITCH FOR NUCKLES #20

DISCUSSION/COMMENT FOR THE MAIN TILE/SURFACE GRADE FOR NUCKLES #20

DISCUSSION/COMMENT FOR THE LATERAL "A" FOR NUCKLES #20

RESOLUTION NO. 09-951

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE NUCKLES #20 WATERSHED DITCH PETITION PROJECT:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to close the Hearing at 8:45PM.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-952

IN THE MATTER OF COMMISSIONERS FINDING AFFIRMING ORDER FOR THE MAIN OPEN DITCH PORTION OF THE NUCKLES #20 WATERSHED DITCH PETITION PROJECT:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, on February 8, 2005, a Ditch Petition For The Nuckles #20 Watershed Ditch Petition Project was filed

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with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on August 1st, 2005 with Resolution 05-1032 directed The Delaware County Engineer To Proceed With Preparation Of Plans, Reports, And Schedules For The Nuckles #20 Watershed Ditch Petition Project, and

Whereas, the Board on Monday the 3rd day of August 2009, held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Main Open Ditch Portion of the Nuckles #20 Watershed Ditch Petition Project; and

Whereas, after hearing testimony from property owners; considering the schedules, plans, and reports filed by the County Engineer; and-considering the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, the Board is prepared to issue its findings on the proposed improvements.

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio as follows:

The Board hereby finds that the proposed improvement is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement will be less than the benefits. Accordingly, the Board hereby grants the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer, and

This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Vote on Motion Mr. Thompson Nay Mr. O'Brien Aye Mr. Hanks Nay

RESOLUTION NO. 09-953

8:15 PM IN THE MATTER OF OPENING PUBLIC HEARING NUMBER 2 TO CONSIDER LEVYING A REAL PROPERTY TRANSFER TAX PURSUANT TO SECTION 322.02 OF THE REVISED CODE:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to open the hearing at 9:07PM.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-954

IN THE MATTER OF CLOSING PUBLIC HEARING NUMBER 2 TO CONSIDER LEVYING A REAL PROPERTY TRANSFER TAX PURSUANT TO SECTION 322.02 OF THE REVISED CODE:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to close the hearing at 9:12PM.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-955

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn the meeting.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

Todd Hanks

Ken O'Brien

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Tommy Thompson

Letha George, Clerk to the Commissioners