

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 7, 2010

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 Public Hearing For Consideration Of The Condominium At The Woods At Medallion Ditch Maintenance Petition Filed By The Condominium At The Woods At Medallion Board Of Directors
- 8:00 PM Final Hearing By The Commissioners For The Scott #604 And Dutcher #477 Watershed Ditch Petition Project

**RESOLUTION NO. 10-722**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 3, 2010:**

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on June 3, 2010; 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. Hanks Aye Mr. O'Brien Aye

**PUBLIC COMMENT**

**RESOLUTION NO. 10-723**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0604:**

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0604 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
Human Resources	Unemployment Insurance	10011301-5370	\$7,125.00

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

**RESOLUTION NO. 10-724**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0604GC:**

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0604GC.

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

**RESOLUTION NO. 10-725**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The EMS Department is requesting that Eric Burgess attend an Incident Command For WMD Course at the Center for Domestic Preparedness in Anniston, Alabama July 25-29, 2010; at no cost.

The EMS Department is requesting that Michael Schuiling attend an Incident Response to Terrorist Course at Olentangy Liberty High School June 21, 2010; at no cost.

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The Facilities Department is requesting that Jon Melvin attend the CCAO Summer Conference Seminar in Columbus, Ohio June 11, 2010, at the cost of \$75.00 (Fund Number 10011105).

The Administrative Services Department is requesting that Lisa Iannotta and Dawn Huston attend an Ohio Public Employer Labor Relations Association Workshop on Collective Bargaining in Columbus, Ohio June 25, 2010, at no cost.

Environmental Services is requesting that Jack Smelker, Tiffany Jenkins, Eric Kletrovetz, David Finney, Blake Jordan and Matt Lambert attend a pipe lining demonstration by Flowline in Zanesville, Ohio on June 16, 2010 at no cost.

The Court of Common Pleas (Adult Court Services) is requesting that Erin Cook and Edward Werling attend a Probation Officer Training in Columbus, Ohio June 17-18, 2010 at the cost of \$300.00 (Fund Number 25622303).

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

**RESOLUTION NO. 10-726**

**SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE NUCKLES #20 WATERSHED DITCH MAINTENANCE PETITION (2010):**

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

Whereas, the Board of Commissioners of Delaware County on the 5th day of April, 2010, held a public hearing and determined the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the reconstruction and improvement/maintenance of The Nuckles #20 Watershed Ditch Maintenance Petition (2010), and

Whereas, at that time the Delaware County Commissioners directed the Delaware County Engineer to proceed with the preparation of plans, reports, and schedules for the completion of the ditch maintenance project, and

Whereas, the Delaware County Engineer has notified the Commissioners that the plans, reports, and schedules for the construction/maintenance of the Nuckles #20 Watershed Ditch Maintenance Petition (2010) Petition Project are being finalized for their review and consideration.

Therefore be it Resolved, the Board of County Commissioners of The County of Delaware have fixed **Monday the 2nd day of August, 2010, at 8:00 PM** at the Commissioners Hearing Room 101 North Sandusky Street Delaware, Ohio as the time and place of the final hearing by the Commissioners on the report of the County Engineer.

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

**RESOLUTION NO. 10-727**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

The Interim Sanitary Engineer recommends approval of a Class II Wastewater Operator License pay raise for Cory G. Smith with Environmental Services; effective date May 29, 2010.

Therefore Be It Resolved, the Commissioners approve a Class II Wastewater Operator License pay raise for Cory G. Smith with Environmental Services; effective date May 29, 2010.

The Interim Sanitary Engineer recommends approval of a Class III Wastewater Operator License pay raise for William K. Brutchey with Environmental Services; effective date May 29, 2010.

Therefore Be It Resolved, the Commissioners approve a Class III Wastewater Operator License pay raise for William K. Brutchey with Environmental Services; effective date May 29, 2010.

The Interim Sanitary Engineer recommends approval of a Wastewater Laboratory Analyst I License pay raise for Marshall Yarnell with Environmental Services; effective date May 29, 2010.

Therefore Be It Resolved, the Commissioners approve a Wastewater Laboratory Analyst I License pay raise for Marshall Yarnell with Environmental Services; effective date May 29, 2010.

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

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**RESOLUTION NO. 10-728**

**IN THE MATTER OF DECLARING PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE AND TRANSFERRING EXCESS PROPERTY TO THE VILLAGE OF BYESVILLE UTILITIES DEPARTMENT, GUERNSEY COUNTY, OHIO:**

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

- WHEREAS, Delaware County has personal property not needed for public use, or is obsolete or unfit for use which it was acquired; and
- WHEREAS, Delaware County may transfer or sell such property to any political subdivision of the state in accordance to the Ohio Revised Code, Section 307.12(D); and
- WHEREAS, certain of such property may require a signature to transfer such property from the county to a buyer.

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners, Delaware County, State of Ohio, declare that the following excess property is not needed for public use and authorize the sale to the Village of Byesville Utilities Department, Guernsey County, Ohio, and that the President of the Board of Commissioners is hereby authorized to sign any documents needed to transfer such property on behalf of the Board;

1998 Wachs Model Trav-L-Vac 300 Skid mounted cleanout system  
VIN number TVL30098647

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

**RESOLUTION NO. 10-729**

**IN THE MATTER OF REJECTING BIDS FOR THE TIP FLOOR REPAIRS TO THE DELAWARE COUNTY SOLID WASTE TRANSFER STATION DCES 10-02:**

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

Whereas, the Division of Environmental Services received two bids for the tip floor repairs which were opened publicly on May 20, 2010 at the advertised place and time, and

Whereas, the engineer's estimate for the project was \$92,965.50, and

Whereas, both bids received were over the engineer's estimate by more than ten percent, and

Whereas, ORC 153.12 stipulates that a contract shall not be entered into if the bid price is in excess of ten percent above the estimate, and

Whereas, staff recommends that all bids must be rejected.

Therefore be it resolved that the Board of County Commissioners reject all bids received for the tip floor repairs to the Delaware County Solid Waste Transfer Station.

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

**RESOLUTION NO. 10-730**

**IN THE MATTER OF APPROVING A SERVICE CONTRACT BETWEEN THE DELAWARE COUNTY BOARD OF COUNTY COMMISSIONERS AND DOWNES FISHEL HASS AND KIM, LLP. ATTORNEYS AT LAW;**

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

**CONTRACT FOR SERVICES FOR DELAWARE COUNTY, OHIO**

**THIS AGREEMENT**, made this 7<sup>th</sup> day of June, 2010, by and between the Delaware County Board of County Commissioners, hereinafter "County" and Downes Fishel Hass Kim LLP, Columbus, Ohio, hereinafter "Attorneys."

**WITNESSETH:**

**WHEREAS**, the County is desirous of securing the services of the Attorneys to assist and

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represent the County in matters of human resource personnel management, civil service, and public sector issues, labor relations, and negotiations, and such other and further matters that may affect or come before the County; and

**WHEREAS**, the results of the decisions regarding such matters have a very significant fiscal and operational impact on the County; and

**WHEREAS**, the County has determined that certain legal, technical, and professional assistance will enable them to participate more effectively in these processes; and

**WHEREAS**, Downes Fishel Hass Kim LLP, is experienced and willing to perform the above services, wherein there is an agreement specifying the rights and duties of each party;

**NOW, THEREFORE**, in consideration of the mutual covenants herein, the parties agree as follows.

**ARTICLE I SCOPE OF WORK**

The Attorneys will perform services in assisting the County as may be instructed by the County, including advice and services in order for the County to carry out their human resource management, civil service administration, labor relations programs and other matters. Such services to the County include:

A. To provide necessary assistance, research, and analysis with respect to the specific problems that develop in matters that come before the County and to advise and/or represent the County in matters as directed by the County;

B. To advise the County as to the implications of both economic and non-economic issues raised in both formal and informal bargaining sessions, along with the implications of the existing personnel practices and collective bargaining agreements, if any;

C. To advise the County and participate in both formal and informal bargaining sessions with the representatives of the various employee organizations that may represent employees with the County; and

D. To provide any other necessary representation to the County's management personnel and elected officials throughout specific negotiating periods and, at the request of the County, on other matters relating to the County's labor relations program, civil service, or as otherwise directed.

**ARTICLE II CONSIDERATION AND TERM OF CONTRACT**

The compensation of the Attorneys shall be on the basis of an hourly rate of one hundred seventy dollars (\$175) per hour for all time expended by Partners on behalf of the County, and one hundred fifty-five dollars (\$155) per hour for all time expended by Associates on behalf of the County. The term of the contract shall be for a period beginning \_\_\_\_\_ and ending December 31, 2010. The Attorneys shall be compensated for all necessary and reasonable costs incurred exclusive of normal administrative costs. The Attorneys shall be compensated for all actual hours of work performed for the County including those hours for consultation, assistance, research, and preparation.

The Attorneys shall bill for services and costs on a monthly basis with compensation to be payable within thirty (30) calendar days after billing. The Attorneys shall provide the County with monthly billings setting forth, in itemized detail, all time charges and reasons therefore, along with all necessarily incurred disbursements and expenses and reasons therefore.

This Agreement may be canceled by either party upon notice, in writing, delivered upon the party thirty (30) days prior to the effective date of cancellation. If such cancellation should be by the County, the County will be obligated to pay for the amount of work completed by the Attorneys. The parties further agree that should the Attorneys become unable for any reason to complete such work called for by virtue of this Agreement, that such work as the Attorneys have completed to the date of their inability to continue the terms of this Agreement shall become the property of the County as full discharge of Attorneys' liability hereunder without obligation for additional payment.

**ARTICLE III CONTRACT CONSTRUCTION AND ADMINISTRATION**

The parties expressly agree that this Agreement shall not be assigned by either party. The Agreement and any modifications, amendments, or alterations, shall be governed, construed, and enforced under the laws of Ohio. The obligations of the County under this Agreement shall be subject to the applicable provisions of the Ohio Revised Code.

The Agreement constitutes the entire understanding between the parties and shall not be modified in any

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manner except by an instrument in writing executed by the parties.

If any term or provision of this Agreement or the application thereof to any person or circumstances should, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term, or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be effected thereby, and each remaining term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

Notwithstanding any provisions herein contained, it is expressly understood and agreed that the County shall not be construed or held to be a partner, associate, or joint venturer of the Attorneys in the conduct of the provisions of this Agreement. The Attorneys shall at all times have the status of an independent contractor without the right or authority to impose tort or contract liability on the County for contracts entered into by the Attorneys with third parties.

The County agrees to make available to the Attorneys all necessary records in the custody of the County and the assistance of all appropriate department employees, as the Attorneys may need for carrying out the work under this Agreement within legal limitations.

The parties agree that subsequent to the stated ending date of this Agreement, the Agreement and its terms shall remain in effect and automatically renew for successive thirty (30) day periods unless either party cancels this Agreement through the procedures stated herein.

**ARTICLE IV MISCELLANEOUS TERMS & CONDITIONS**

1. **Non-Discrimination**: The Attorneys hereby certify that they are—and shall, for the life of this Agreement, remain—in compliance with all applicable Federal, State, and Local laws, rules, and regulations in regard to equal opportunity employment and non-discrimination. In the event the Attorneys are determined, by the final order of a court or appropriate administrative agency, to be in violation of any applicable Federal, State, or Local law, rule, or regulation in regard to equal opportunity employment or non-discrimination, this Agreement may be immediately terminated, in whole or in part, and Attorneys may be ruled ineligible for future contracts with the County.
2. **Campaign Finance**: The Attorneys hereby agree to complete and provide the certification in compliance with Section 3517.13 of the Revised Code, which by this reference is fully incorporated herein.
3. **Governing Law**: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all disputes arising from this Contract shall be filed in and heard before the courts of Delaware County, Ohio.
4. **Professional Liability Insurance**: Throughout the life of this Agreement, the Attorneys agree to maintain, current and without lapse, professional liability insurance in an amount adequate to protect it and the County against any and all liability arising from the professional services provided under the Agreement. At any time throughout the life of the Agreement Delaware County may request proof of such insurance, which shall be promptly provided upon request.
5. **Indemnity**: The Attorneys agree to indemnify and hold harmless the County, its officials and employees from and against any claims, costs, judgments, or other liabilities arising from this Agreement to the extent caused by the Attorneys' negligent acts or omissions, or the negligent acts or omissions of any person or entity for which Attorneys are found to be liable.

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

**RESOLUTION NO. 10-731**

**IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR SHEFFIELD PARK SECTION 3, PHASE B, PART 1:**

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

**Sheffield Park Section 3, Phase B, Part 1**

Please be advised we have reviewed the roadway construction of the roads within the referenced subdivision and find them to be constructed in accordance with the approved plans. Therefore, it is my recommendation that the roadways within the referenced subdivision be accepted into the public system and that the **Genoa Township Trustees** be notified of your action.

The roadways to be accepted are as follows:

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- ? An addition of 0.1 mile to **Township Road Number 1554, Fox Hollow Drive**
- ? **Lynn Drive**, to be known as **Township Road Number 1612**

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

The Engineer also request approval to return the Letter of Credit being held as maintenance surety to the owner, Fischer Homes.

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

**RESOLUTION NO. 10-732**

**IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR SHEFFIELD PARK SECTION 3, PHASE B, PART 1:**

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

**Stop Conditions –Sheffield Park Section 3, Phase B, Part 1**

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

- ? On Township Road Number 1554, Fox Hollow Drive, at its intersection with Township Road Number 1419, Sheffield Park Drive
- ? On Township Road Number 1612, Lynn Drive, at its intersection with Township Road Number 1419, Sheffield Park Drive
- ? On Township Road Number 1612, Lynn Drive, at its intersection with Township Road Number 1554, Fox Hollow Drive

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

**RESOLUTION NO. 10-733**

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

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

Whereas the below requests to perform work within the right of way have been reviewed and approved by the Delaware County Engineer;

Now Therefore be it resolved that the following permits are hereby approved by the Board of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
U10-042	SUBURBAN	LITTLE BEAR VILLAGE	INSTALL GAS MAIN
U10-043	COLUMBIA GAS	GRAND CIRCUIT BLVD	RELOCATE GAS LINE
U10-044	INSIGHT COMM	ORANGE ROAD	ROAD BORE
U10-045	VERIZON	HOME ROAD	BURY CABLE IN ROW
U10-046	VERIZON	RADNOR ROAD	BURY CABLE IN ROW

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

**RESOLUTION NO. 10-734**

**IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATES FOR THE PROJECT KNOWN AS DEL-CR220-6.63, HORSESHOE ROAD OVER INDIAN RUN, AND SETTING THE BID DATES FOR PORTIONS OF THE PROJECT REQUIRING COMPETITIVE BIDDING:**

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

Whereas, the County Engineer has prepared plans, specifications and estimates for the Improvement known as DEL-CR220-6.63, Horseshoe Road over Indian Run, which includes replacement of a structurally deficient bridge and minimal roadway work, and;

Whereas, Section 5543.19 provides that the County Engineer may proceed with construction, reconstruction, improvement, maintenance, or repair of bridges and culverts by force account, and;

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Whereas, the County Engineer has estimated the force-account portion of the construction cost of the Improvement at \$88,000, and;

Whereas, the furnishing of the precast concrete box culvert shall be competitively bid according to Sections 307.86 to 307.92 of the Revised Code, with an estimated contract cost of \$65,000.00:

Now, therefore be it resolved by the Board of Commissioners that:

Section 1: The plans, specifications and estimates for the project known as DEL-CR220-6.63, Horseshoe Road over Indian Run, are hereby approved, and;

Section 2: The County Engineer is hereby authorized to advertise for and received bids on behalf of the Board for portions of this project requiring competitive bidding, in accordance with the following Invitation to Bid:

Sealed bids will be received by the Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015 until 10:00 a.m. on June 29, 2010, at which time they will be publicly opened and read aloud for the contract known as "**DEL-CR220-6.63 FURNISHING PRECAST BOX CULVERT**" which includes furnishing a precast concrete box culvert and wingwalls. This contract only includes furnishing and erecting the box culvert; the remainder of the project construction will be performed by others.

Proposals must be made on the forms provided in the Contract Documents or a copy thereof and shall contain the full name and address of the Contractor. All bids shall be sealed and plainly marked "SEALED BID FOR DEL-CR220-6.63 FURNISHING PRECAST BOX CULVERT." Bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid.

Copies of the plans and specifications must be obtained from the Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015. Cost for printed copies of each set of plans & specifications is \$10 and the cost is non-refundable. Plans and specifications may also be downloaded, free of charge, from the Delaware County Engineer's website at [www.co.delaware.oh.us/ebids](http://www.co.delaware.oh.us/ebids). All bidders must register as a plan holder with the Delaware County Engineer's Office in person or through the website.

The Owner requires that materials be furnished and delivered no later than September 15, 2010. The estimated contract award date is July 12, 2010.

This contract subject to the prevailing wage requirements of section 4115.05 of the Ohio Revised Code.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best Contractor as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

This Invitation to Bid is hereby made part of the specifications. The Delaware County Commissioners reserve the right to reject any and/or all bids.

Delaware Gazette Advertisement Dates: June 11 and 18, 2010

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

**RESOLUTION NO. 10-735**

**IN THE MATTER OF DECLARING COUNTY PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE AND APPROVING THE TRADE IN OF A BACKHOE AND EXCAVATOR TOWARD NEW TRACKHOE:**

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

WHEREAS, Delaware County has personal property not needed for public use, or are obsolete or unfit for the use for which they were acquired; and

Whereas, The Delaware County Engineer's Office currently has a 1996 Case Backhoe, Serial Number JYG0209343, and a 2001 Kobelco SK210 Excavator, Serial Number Q07-V0659, and

Whereas, these items are not equipped to meet current needs:

Office/Dept.            Delaware County Engineer's Office

<u>Asset Tag #</u>	<u>Item Description</u>	<u>Serial #</u>
0112389831	1996 Case Backhoe	JYG0209343

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0208300115

Kobelco Excavator SK210

YQ-07-V0659

And,

Whereas, The Engineer has located a new trackhoe from Southeastern Equipment Company that is equipped as needed; and

Whereas, Southeastern has agreed to give the County \$25,000 for the trade-in of the excavator and \$8,500 for the trade-in of the backhoe toward this new trackhoe;

Therefore, The Engineer is requesting approval to dispose of the 1996 Case Backhoe and the 2001 Kobelco Excavator by trading them in on the new trackhoe. Documentation as to the fair market value of the equipment to be traded along with a resolution for your Board's approval of this trade-in is available,

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, declare the above personal property obsolete, unfit, or not needed for public use.

FURTHER BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, approval to dispose of the 1996 Case Backhoe and the 2001 Kobelco Excavator by trading them in on the new trackhoe.

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

**RESOLUTION NO. 10-736**

**7:30 PM - PUBLIC HEARING FOR CONSIDERATION OF THE CONDOMINIUM AT THE WOODS AT MEDALLION DITCH MAINTENANCE PETITION FILED BY THE CONDOMINIUM AT THE WOODS AT MEDALLION BOARD OF DIRECTORS:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to open the hearing at 7:30PM.

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

**RESOLUTION NO. 10-737**

**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. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

**RESOLUTION NO. 10-738**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE CONDOMINIUM AT THE WOODS AT MEDALLION DITCH MAINTENANCE PETITION FILED BY THE CONDOMINIUM AT THE WOODS AT MEDALLION BOARD OF DIRECTORS:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to close the hearing at 7:40PM.

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

**RESOLUTION NO. 10-739**

**IN THE MATTER OF GRANTING THE PRAYER OF THE PETITION AND DIRECTING THE DELAWARE COUNTY ENGINEER TO PROCEED WITH PREPARATION OF PLANS, REPORTS, AND SCHEDULES FOR THE CONDOMINIUM AT THE WOODS AT MEDALLION DITCH MAINTENANCE PETITION FILED BY THE CONDOMINIUM AT THE WOODS AT MEDALLION BOARD OF DIRECTORS:**

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

Whereas, on December 28, 2009, a Ditch Maintenance Petition for The Condominium at The Woods at Medallion Watershed Area was filed with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on Monday the 29<sup>th</sup> day of March, 2010, conducted a view of the proposed improvements/maintenance area; and



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Whereas, the Board on Monday the 7<sup>th</sup> day of June, 2010, held a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Condominium at The Woods at Medallion Watershed Maintenance Petition; and

Whereas, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, 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:

Section 1. 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. The hearing on the Petition is hereby adjourned to the date fixed for the filing of the reports, plans, and schedules by the Delaware County Engineer.

Section 2. The Board hereby orders the Delaware County Auditor to transfer \$ Zero from the general revenue funds of the county to the general drainage improvement fund.

Section 3. Upon the transfer of funds ordered in Section 2, the Board hereby orders the Delaware County Engineer to proceed with the preparation of plans, reports and schedules as presented for the proposed Condominium at The Woods at Medallion Watershed Ditch Maintenance Petition. The Board hereby fixes June 7, 2011 as the date for filing of the engineer's reports, plans, and schedules. Upon filing of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

Section 4. THE BOARD HEREBY APPROVES ESTABLISHING A NEW ORGANIZATION KEY FOR THE CONDOMINIUM AT THE WOODS AT MEDALLION DITCH PROJECT 40311435.

Section 5. 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.

Section 6. Sections 1, 4, 5, and 6 of this Resolution shall take immediate effect upon passage. Sections 2 and 3 of this Resolution shall take effect upon the expiration of the twenty-one day appeal period, provided no appeal has been taken.

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

**COMMISSIONERS' COMMITTEES REPORTS  
(Refer To Cd Minutes For Entire Record)**

**Commissioner Hanks**

**-Transfer Estimates**

**-Approached By An Employee About Where The County Health Fair Might Take Place**

**Commissioner O'Brien**

**-Thank-You To Judge Spicer For The Invitation To The Dedication Of The Probate Court In The Hayes Building**

**-Only Minor Change Orders And Under Budget**

**-Attend An EMA Meeting; Seems To Be Going Well**

**Commissioner Thompson**

**-Thanks The Staff For Efforts That Helped Make The Probate Court Rehab A Success**

**-On Thursday The County Will Receive An Reserve National Guard**

**COMMISSIONER O'BRIEN HAS PREVIOUSLY RECUSED HIMSELF FROM THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT**

**RESOLUTION NO. 10-740**

**8:00PM FINAL HEARING FOR THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT:**

It was moved by Mr. Hanks, seconded by Mr. Thompson to open the hearing at 8:00PM.

Vote on Motion: Mr. Thompson    Aye      Mr. Hanks            Aye      Mr. O'Brien            Recused/Absent

**COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 7, 2010**

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**RESOLUTION NO. 10-741**

**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. Thompson, 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. Hanks Aye Mr. Thompson Aye Mr. O'Brien Recused/Absent

**DISCUSSION/COMMENT FOR THE MAIN PART  
OF THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH**

**DISCUSSION/COMMENT FOR THE LATERAL 2 PART  
OF THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH**

**RESOLUTION NO. 10-742**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT:**

It was moved by Mr. Hanks, seconded by Mr. Thompson to close the hearing at 9:33PM.

Vote on Motion Mr. O'Brien Recused/Absent Mr. Thompson Aye Mr. Hanks Aye

**RESOLUTION NO. 10-743**

**IN THE MATTER OF COMMISSIONERS FINDING AFFIRMING ORDER FOR THE MAIN PART OF THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT:**

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

Whereas, on December 10, 2003, a Ditch Petition For The Scott #604 and Dutcher #477 Watershed Ditch Petition Project was filed with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on May 3, 2004 with Resolution 04-557 directed The Delaware County Engineer To Proceed With Preparation Of Plans, Reports, And Schedules For The Scott #604 and Dutcher #477 Watershed Ditch Petition Project, and

Whereas, the Board on Monday the 7<sup>th</sup> day of June 2010, 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 Part Of The** Scott #604 and Dutcher #477 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 Aye Mr. O'Brien Recused/Absent Mr. Hanks Aye

**RESOLUTION NO. 10-744**

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 7, 2010

**IN THE MATTER OF COMMISSIONERS CONFIRMING THE ASSESSMENTS; APPROVING THE PAYMENT SCHEDULE AND ORDERING THE LETTING OF THE CONTRACTS FOR THE MAIN PART OF THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PROJECT:**

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

Whereas, the Board on Monday the 7<sup>th</sup> day of June 2010, held a final public hearing and with resolution NO. 10-743 found affirming order for The Main Part Of The Scott #604 and Dutcher #477 Watershed Ditch Petition Project; and

Whereas, after hearing testimony from property owners on the assessments for the improvement, the Board is prepared to issue its findings on the assessments.

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

The Board hereby approves The Main Part Of The Scott #604 and Dutcher #477 Watershed Ditch Petition Project assessments prepared by the Delaware County Engineer, and

FURTHER BE IT RESOLVED, That once the water shed is confirmed, the Delaware County Engineer's estimated assessments are hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement, and

FURTHER BE IT RESOLVED, The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements; and

FURTHER BE IT RESOLVED, That the County Engineer be and he is hereby directed to give at least two weeks public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement, or for the construction of the improvement, and

FURTHER BE IT RESOLVED, That the Board fixes 10:00AM on the 10<sup>th</sup> day of December, 2010 as the date and time for the County Engineer to receive bids for the construction of the improvement , and all bids shall be received at the office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio, and

FURTHER BE IT RESOLVED, That county borrow funds to pay for the improvement, and that eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay the assessments that may be made for the improvement, and that interest shall be charged on the installments at the same rate charged to the Commissioners for the borrowing of the money, if after the deadline for the landowners to pay their assessments upfront passes and the total remaining construction cost to be borrowed is less than \$10,000.00 then the County will up front the remaining cost of the Construction and Commissioners will no longer borrow the money.

Vote On Motion Mr. Hanks Aye Mr. O'Brien Recused/Absent Mr. Thompson Aye

**RESOLUTION NO. 10-745**

**RESOLVE, THE BOARD ADJOURNS THE FINAL HEARING FOR THE SCOTT #604 AND DUTCHER #477 WATERSHED DITCH PETITION PROJECT FOR LATERAL 2 TO MONDAY JUNE 14, 2010 AT 9:30AM, AT WHICH TIME THE BOARD SHALL HEAR ALL CLAIMS FOR COMPENSATION OR DAMAGES:**

It was moved by Mr. Hanks, seconded by Mr. Thompson to adjourn the final hearing for The Scott #604 And Dutcher #477 Watershed Ditch Petition Project For Lateral 2 To Monday June 14, 2010 At 9:30am, at which time the board shall hear all claims for compensation or damages.

Vote on Motion Mr. O'Brien Recused/Absent Mr. Thompson Aye Mr. Hanks Aye

**RESOLUTION NO. 10-746**

**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

COMMISSIONERS JOURNAL NO. 54 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 7, 2010

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Todd Hanks

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Ken O'Brien

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Tommy Thompson

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Letha George, Clerk to the Commissioners