

**COMMISSIONERS JOURNAL NO. 57 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 30, 2012**

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

Present:
Dennis Stapleton, President
Ken O'Brien, Vice President
Tommy Thompson, Commissioner

RESOLUTION NO. 12-865

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 27, 2012:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on August 27, 2012; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 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. Stapleton Aye Mr. O'Brien Aye

RESOLUTION NO. 12-866

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM WORK SESSION HELD AUGUST 27, 2012:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in work session on August 27, 2012; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 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. Stapleton Aye Mr. Thompson Aye Mr. O'Brien Aye

PUBLIC COMMENT

1) Tom Homan, City Manager Of The City Of Delaware, Requesting The Board To Support An Application For A Local Government Innovation Fund Grant -Board Of Commissioners Asked For Additional Comments From Rob Farmer, Director Of Emergency Medical Services

2) Marianne Gabel, Speaking For Resolution No. 12-870 -In The Matter Of Approving A Permit For Use Of Delaware County Facilities

ELECTED OFFICIAL COMMENT

1) Auditor George Kaitsa, The Delaware County Fiber Project Is Operational, The 911 Communications Upgrade Is Complete And The Trunk Lines Are Online. Wishes To Recognize The Efforts Of Steve Lewis, Director And Patrick Brandt, 911 Systems Administrator And Staff.

RESOLUTION NO. 12-867

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0829, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0829:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR0829, memo transfers in batch numbers MTAPR0829 and Purchase Orders as

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listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase AEP Retail Energy	Utility	10011105-5338	\$ 60,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Desc</u>	<u>Line Account</u>	<u>Amount</u>	<u>Line</u>
R1205050	BELLEFAIRE JEWISH CHILDRENS BUREAU	RESIDENTIAL TREATMENT	22511607 - 5342	\$10,000.00	0001
R1205306	COLUMBUS ASPHALT PAVING INC	OF OSTRANDER STREET	23011704 - 5365	\$42,100.00	0001
R1205327	M ZIMMERMAN	STAIN ALL NEW WOOD	66211904 - 5328	\$5,510.00	0001
R1205328	HARRIS INDUSTRIAL SERVICES	PREVENTIVE MAINTENANCE AND REPAIR SERVICE TO 19	66211904 - 5328	\$19,000.00	0001
R1205366	HIGH TIDE TECHNOLOGIES LLC	WEB SERVICE – TARTAN	66211906 - 5320	\$700.00	0001
R1205366	HIGH TIDE TECHNOLOGIES LLC	WEB SERVICE - SCIOTO RESERVE	66211907 - 5320	\$700.00	0002
R1205366	HIGH TIDE TECHNOLOGIES LLC	COMMUNICATION EQUIPMENT – TARTAN	66611906 - 5450	\$10,937.00	0003
R1205366	HIGH TIDE TECHNOLOGIES LLC	COMMUNICATION EQUIPMENT - SCIOTO RESERVE	66611907 - 5450	\$10,937.00	0004
R1205375	LUXURY COACH SALES & SERVICE	REPAIR S.O. COMMAND VEHICLE	60111901 - 5370	\$7,340.94	0001
R1205404	FLOWLINE LLC	REPLACE EXISTING FLUME WITH LARGER FLUME FOR MORE	66211904 - 5328	\$21,837.97	0001

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

RESOLUTION NO. 12-868

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Court of Common Pleas (Adult Court Services) is requesting that Jarrod Burton attend a Firearms Training in Mansfield, Ohio one day a week from 9/18/2012-10/27/12; at the cost of \$400.00 (fund number 25622303).

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

RESOLUTION NO. 12-869

IN THE MATTER OF AUTHORIZING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE DELAWARE COUNTY FAIR COMMISSIONERS' DAY AT THE FAIR EVENT:

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

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; and

WHEREAS, the Delaware County Commissioners are integral participants in the Delaware County Fair and support the fair by their presence and their involvement in encouraging county employees and others to attend; and

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 General Funds in an amount not to exceed \$350.00, to assist in funding the purchase of coffee, meals, refreshments and

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other amenities for The Delaware County Fair Jug Day Commissioners' Tent.

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

RESOLUTION NO. 12-870

IN THE MATTER OF APPROVING A PERMIT FOR USE OF DELAWARE COUNTY FACILITIES:

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

WHEREAS, The Delaware County Commissioners passed Resolution No. 02-758 on June 10, 2002 adopting a Delaware County Facilities Permit Policy; and

WHEREAS, it is the intent of the policy to allow persons and organizations access to appropriate Delaware County Facilities, grounds and meeting places; and

WHEREAS, each request will only be considered after receipt of a completed Delaware County Facilities Permit Form; and

WHEREAS, the June 10, 2002 policy mandates approval from the Commissioners for use of county facilities by groups of 30 participants or more that have agreed in writing to full compliance with the Permit Policy; and

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

That the Delaware County Board of Commissioners hereby authorizes the use of the Delaware County Courthouse lawn and the parking areas of the R.B. Hayes Building for the Committee on Women Rally, Sunday, September 23, 2012, from 1 to 5 pm, with more than fifty participants.

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

RESOLUTION NO. 12-871

IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER'S AGREEMENTS FOR OLENTANGY CROSSINGS SECTION 6 AND VILLAS AT SELDOM SEEN, PHASE 2, PART 3:

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

Whereas, the Director of Environmental Services recommends approval of the sanitary subdivider's agreements;

Therefore, Be It Resolved the Board of Commissioners approve the Sanitary Subdivider's Agreements for Olentangy Crossings Section 6 and Villas at Seldom Seen, Phase 2, Part 3.

Olentangy Crossings Section 6

**SUBDIVIDER'S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER**

THIS AGREEMENT executed on this 30th day of August 2012, by and between M/I Homes Inc, herein after called "SUBDIVIDER", and the BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio, as evidenced by the OLENTANGY CROSSINGS SECTION 6 Subdivision Plat filed or to be filed with the Delaware County Recorder, Delaware County, Ohio, is governed by the following considerations and conditions, to wit:

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications for OLENTANGY CROSSINGS SECTION 6 all of which are a part of this AGREEMENT. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

OPTIONS:

- (1) Should SUBDIVIDER elect to record the plat prior to beginning construction, SUBDIVIDER shall execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$293,217.82) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio.
- (2) Should SUBDIVIDER elect to proceed with construction prior to recording the plat, no approved financial warranties are necessary until such time as SUBDIVIDER elects to record the plat. At that time, the SUBDIVIDER shall execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction remaining to be completed as determined by the SANITARY ENGINEER.

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The SUBDIVIDER hereby elects to use Option 2 for this project.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of the SUBDIVIDER, and any of its contractors or sub-contractors, or from any material, method or explosive used in said work or by or on account of any accident caused by negligence or any other act or omission of SUBDIVIDER, and any of its contractors or the contractors' agents or employees.

All public improvement construction shall be performed within one (1) year from the date of the approval of this AGREEMENT by the COUNTY COMMISSIONERS, but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be replaced by the SUBDIVIDER, when in the opinion of the COUNTY, the representative's performance is deemed inadequate.

The SUBDIVIDER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the COUNTY shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this Subdivision.

Should the SUBDIVIDER 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.

SANITARY SEWER CONSTRUCTION

It is further agreed that upon execution of this AGREEMENT, the SUBDIVIDER shall pay the DELAWARE COUNTY SANITARY ENGINEER three and one-half percent (3½%) of the estimated construction cost of the IMPROVEMENTS for plan review (\$10,262.62). The SUBDIVIDER shall also deposit with the DELAWARE COUNTY SANITARY ENGINEER the sum of \$23,457.43 estimated to be necessary to pay the cost of inspection by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall in his or her sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his or her employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund has been depleted to a level of \$600.00 or less, as a result of charges against the same at the rate of:

INSPECTOR \$75.00 per hour
CAMERA TRUCK \$150.00 per hour

for time spent by said SANITARY ENGINEER or his or her staff, the SUBDIVIDER shall make an additional deposit of \$600.00 to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to \$0.75 per foot of sewer which will be deducted to cover re-inspection.

The SUBDIVIDER, for a period of five (5) years after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

The SUBDIVIDER shall provide to the COUNTY all necessary easements or rights-of-way required to complete the IMPROVEMENTS, all of which shall be obtained at the expense of the SUBDIVIDER. All public sanitary sewers and private laterals to offsite properties shall have a recorded permanent, exclusive sanitary easement on file at the Delaware County Recorder's Office, the language of which shall be approved by the DELAWARE COUNTY SANITARY ENGINEER. The dimensions of all easements shall be as shown on the approved engineering drawings.

If, due to unforeseen circumstances during construction activities, the SUBDIVIDER wishes to install the proposed sanitary sewer mains or service laterals to a different location than shown on the approved and signed construction plans, the SUBDIVIDER shall request a revision to the construction plans and the SANITARY ENGINEER shall evaluate this request. If the request for a revision is approved in writing by the SANITARY ENGINEER, SUBDIVIDER shall provide and record revised permanent, exclusive sanitary sewer easements prior to the COUNTY'S acceptance of the sewer. The language and dimensions of the revised permanent exclusive sanitary sewer easements shall be acceptable to the SANITARY ENGINEER.

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The COUNTY shall, upon certification in writing from the DELAWARE COUNTY SANITARY ENGINEER that all construction is complete according to the plans and specifications, by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

After said acceptance, the capacity charge and all applicable surcharges shall be paid by the applicant upon request to the DELAWARE COUNTY SANITARY ENGINEER for a tap permit to connect the single family residence to the sanitary sewer. There are 37 single family residential connections approved with this agreement.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION:

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required:

- (1) "as built" drawings of the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible MYLAR (full size), two paper copies (one full size & one 11"x17"), and a Compact Diskette with the plans in DWG format & PDF format.
- (2) An excel spreadsheet, from a template as provided by the DELAWARE COUNTY SANITARY ENGINEER, shall accompany the plan submittal showing the locations of the manholes in Ohio State Plane North Coordinates NAD 1983 (NAVD 1988 datum) and other miscellaneous project data.
- (3) an itemized statement showing the cost of IMPROVEMENTS
- (4) an Affidavit or waiver of lien from all Contractors associated with the project that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.
- (5) documentation showing the required sanitary sewer easements

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance Bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The SUBDIVIDER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or its agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

Villas at Seldom Seen, Phase 2, Part 3

**SUBDIVIDER'S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER**

THIS AGREEMENT executed on this 30th day of August 2012, by and between M/I Homes Inc, herein after called "SUBDIVIDER", and the BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio, as evidenced by the OLENTANGY CROSSINGS SECTION 6 Subdivision Plat filed or to be filed with the Delaware County Recorder, Delaware County, Ohio, is governed by the following considerations and conditions, to wit:

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications for OLENTANGY CROSSINGS SECTION 6 all of which are a part of this AGREEMENT. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

OPTIONS:

- (1) Should SUBDIVIDER elect to record the plat prior to beginning construction, SUBDIVIDER shall execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$293,217.82) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio.
- (2) Should SUBDIVIDER elect to proceed with construction prior to recording the plat, no approved financial warranties are necessary until such time as SUBDIVIDER elects to record the plat. At that time, the SUBDIVIDER shall execute Bond, certified check, irrevocable letter of credit, or other approved financial

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warranties equal to the cost of construction remaining to be completed as determined by the SANITARY ENGINEER.

The SUBDIVIDER hereby elects to use Option 2 for this project.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of the SUBDIVIDER, and any of its contractors or sub-contractors, or from any material, method or explosive used in said work or by or on account of any accident caused by negligence or any other act or omission of SUBDIVIDER, and any of its contractors or the contractors' agents or employees.

All public improvement construction shall be performed within one (1) year from the date of the approval of this AGREEMENT by the COUNTY COMMISSIONERS, but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be replaced by the SUBDIVIDER, when in the opinion of the COUNTY, the representative's performance is deemed inadequate.

The SUBDIVIDER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the COUNTY shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this Subdivision.

Should the SUBDIVIDER 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.

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It is further agreed that upon execution of this AGREEMENT, the SUBDIVIDER shall pay the DELAWARE COUNTY SANITARY ENGINEER three and one-half percent (3½%) of the estimated construction cost of the IMPROVEMENTS for plan review (\$10,262.62). The SUBDIVIDER shall also deposit with the DELAWARE COUNTY SANITARY ENGINEER the sum of \$23,457.43 estimated to be necessary to pay the cost of inspection by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall in his or her sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his or her employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund has been depleted to a level of \$600.00 or less, as a result of charges against the same at the rate of:

INSPECTOR \$75.00 per hour
CAMERA TRUCK \$150.00 per hour

for time spent by said SANITARY ENGINEER or his or her staff, the SUBDIVIDER shall make an additional deposit of \$600.00 to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to \$0.75 per foot of sewer which will be deducted to cover re-inspection.

The SUBDIVIDER, for a period of five (5) years after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

The SUBDIVIDER shall provide to the COUNTY all necessary easements or rights-of-way required to complete the IMPROVEMENTS, all of which shall be obtained at the expense of the SUBDIVIDER. All public sanitary sewers and private laterals to offsite properties shall have a recorded permanent, exclusive sanitary easement on file at the Delaware County Recorder's Office, the language of which shall be approved by the DELAWARE COUNTY SANITARY ENGINEER. The dimensions of all easements shall be as shown on the approved engineering drawings.

If, due to unforeseen circumstances during construction activities, the SUBDIVIDER wishes to install the proposed sanitary sewer mains or service laterals to a different location than shown on the approved and signed construction plans, the SUBDIVIDER shall request a revision to the construction plans and the SANITARY ENGINEER shall evaluate this request. If the request for a revision is approved in writing by the SANITARY ENGINEER, SUBDIVIDER shall provide and record revised permanent, exclusive sanitary sewer easements prior to the COUNTY'S acceptance of the sewer. The language and dimensions of the revised permanent exclusive sanitary sewer easements shall be acceptable to the SANITARY ENGINEER.

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The COUNTY shall, upon certification in writing from the DELAWARE COUNTY SANITARY ENGINEER that all construction is complete according to the plans and specifications, by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

After said acceptance, the capacity charge and all applicable surcharges shall be paid by the applicant upon request to the DELAWARE COUNTY SANITARY ENGINEER for a tap permit to connect the single family residence to the sanitary sewer. There are 37 single family residential connections approved with this agreement.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION:

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required:

- (1) "as built" drawings of the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible MYLAR (full size), two paper copies (one full size & one 11"x17"), and a Compact Diskette with the plans in DWG format & PDF format.
- (2) An excel spreadsheet, from a template as provided by the DELAWARE COUNTY SANITARY ENGINEER, shall accompany the plan submittal showing the locations of the manholes in Ohio State Plane North Coordinates NAD 1983 (NAVD 1988 datum) and other miscellaneous project data.
- (3) an itemized statement showing the cost of IMPROVEMENTS
- (4) an Affidavit or waiver of lien from all Contractors associated with the project that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.
- (5) documentation showing the required sanitary sewer easements

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance Bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The SUBDIVIDER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or its agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

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

RESOLUTION NO. 12-872

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR SENIOR HOUSING AT OLENTANGY CROSSINGS:

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

Whereas, the construction of new sanitary sewers at the Senior Housing at Olentangy Crossings have been completed to meet sewer district requirements; and

Whereas, the sewer district has received the necessary items required by the subdivider's agreement; and

Whereas, the Director of Environmental Services recommends accepting sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Senior Housing at Olentangy Crossings	273' feet of 8- inch sewer	\$50,690.00
	1- manhole	\$1,523.00

Therefore be it resolved, that the Board of Commissioners approve and accept the above sanitary sewers for ownership, operation, and maintenance by the Delaware County Sewer District.

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

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RESOLUTION NO. 12-873

IN THE MATTER OF APPROVING CHANGE ORDER #1 OF THE NFPA 70E - ARC FLASH HAZARD ANALYSIS FOR THE OLENTANGY ENVIRONMENTAL CONTROL CENTER, SCIOTO RESERVE WWTP AND TARTAN FIELDS WWTP:

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

Whereas, EDG, Inc. is under contract to complete the NFPA 70E - Arc Flash Hazard Analysis for the Olentangy Environmental Control Center, Scioto Reserve WWTP and Tartan Fields WWTP; and

Whereas, unforeseen conditions will require an additional 220 Arc Flash warning labels to be adhered to equipment compared to the number estimated in the original scope of work; and

Whereas, the cost of the additional work is a lump sum of \$2,500, which increases the total amount of the contract to \$26,900.00; and

Whereas, staff recommends approving Change Order #1 to increase the contract price; and

Whereas, there is not a change in the contract times.

Therefore be it resolved that the Board of County Commissioners approve Change Order #1 for the NFPA 70E - Arc Flash Hazard Analysis for the Olentangy Environmental Control Center, Scioto Reserve WWTP and Tartan Fields WWTP. Furthermore be it resolved that the Board of Commissioners approve an increase to the purchase order with EDG, Inc. in the amount of \$2,500.00.

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

RESOLUTION NO. 12-874

IN THE MATTER OF AMENDING RESOLUTION NO. 12-387, FINDING THE NECESSITY FOR PURCHASE OR LEASE OF AUTOMOBILES FOR THE USE OF THE COUNTY COMMISSIONERS; ANY COUNTY DEPARTMENT, BOARD, COMMISSION, OFFICE OR AGENCY; OR ANY ELECTED COUNTY OFFICIAL OR HIS OR HER EMPLOYEES:

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

WHEREAS, on April 23, 2012, the Board of Commissioners of Delaware County, Ohio (the "Board") adopted Resolution No. 12-387, finding that it is necessary to expend county monies for the purchase or lease of a new automobile to be used by the Regional Sewer District; and

WHEREAS, the Board has before it a request from the Director of Environmental Services to alter the type and number of vehicles to be purchased; and

WHEREAS, pursuant to Resolution No. 12-387, the Regional Sewer District was authorized to purchase two Jeep Liberty for \$18,329.50 each, for a total of \$36,659.00; and

WHEREAS, these vehicles are no longer available for purchase through the State of Ohio's cooperative purchasing program; and

WHEREAS, the Director of Environmental Services is recommending the purchase of one 2013 Ford Escape in their place;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

Section 1. The Board hereby amends Section 3 of Resolution No. 12-387 by deleting the purchase of "Two Jeep Liberty for \$18,329.50 each, for a total of \$36,659.00".

Section 2. The Board hereby amends Section 5 of Resolution No. 12-387 by closing the purchase order approved to Charlie's Dodge, Inc. for the two Jeep Liberty.

Section 3. All other Sections of Resolution No. 12-387 shall remain in full force and effect except as specifically amended by this Resolution.

Section 4. The Board hereby approves the purchase of one 2013 Ford Escape at a cost of \$23,250.00.

Section 5. The Board hereby approves a purchase order request for a total of \$23,250.00 to Jim Keim Ford from 66211902 – 5450.

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Section 6. This Resolution shall take effect immediately upon adoption.

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

RESOLUTION NO. 12-875

IN THE MATTER OF REDUCING THE SOLID WASTE TIPPING FEES FOR DELAWARE COUNTY FAIR TRASH:

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

WHEREAS, the Board of County Commissioners of Delaware County has a Solid Waste Transfer Station Operation Agreement with Central Ohio Contractor, Inc. (COC), for the operation of the Delaware County Solid Waste Transfer Station and the disposal of solid waste, and

WHEREAS, the Delaware County Fair has requested relief related to its solid waste tipping fees, and

WHEREAS, Central Ohio Contractors, Inc. has agreed to assist the Fair by reducing its portion of the tip fee by 50% through an approved amendment to the Operation Agreement previously authorized in Commissioners Resolution 08-1157, and

WHEREAS, the Board of County Commissioners wishes to waive the seven percent (7%) county surcharge for the 2012 Delaware County Fair.

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Delaware County does hereby reduce the solid waste tip fee rates by waiving the seven percent (7%) county surcharge for the 2012 Delaware County Fair.

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

RESOLUTION NO. 12-876

IN THE MATTER OF APPROVING THE REPAYMENT OF ADVANCES AND TRANSFER OF APPROPRIATIONS FOR SHERIFF OFFICE GRANTS AND SUPPLEMENTAL APPROPRIATIONS FOR DRAINAGE IMPROVEMENT PROJECTS:

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

Repayment of Advances

From	To	
24531324	10011102	
Sheriff AARA JAG Grant	Commissioners General	77,346.00
24631330	10011102	
DC Justice & Mental Health	Commissioners General	50,000.00
28631311	10011102	
LEAP Grant	Commissioners General	30,000.00
28631331	10011102	
LEAP Prescription Drug Grant	Commissioners General	8,000.00
28631332	10011102	
LEAP FORWARD Grant 2010	Commissioners General	65,000.00

Supplemental Appropriation

40311409-5319 Drainage Improvement/Reimbursement 1,500.00

Transfer of Appropriation

From	TO	
24231333-5001	24231333-5271	
2nd Chance Family /Compensation	2nd Chance Family / Book & Periodicals	3,000.00
24331334-5001	24331334-5201	
2nd Chance Adult/Compensation	2nd Chance Adult/General Supplies	2,000.00
24331334-5001	24331334-5271	
2nd Chance Adult/Compensation	2nd Chance Adult/Books & Periodicals	3,000.00

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

RESOLUTION NO. 12-877

IN THE MATTER OF MODIFYING THE CERTIFICATION OF SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR FOR IMPROVING THE WIDENING OF LEWIS CENTER ROAD AS APPROVED IN RESOLUTION NO. 07-1190:

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

Whereas on September 24, 2007 the Delaware County Commissioners approved Resolution No. 07-1190 levying special assessments for improving and Widening Of (I) Lewis Center Road From A Point Commencing Approximately 400 Feet East Of Its Intersection With Dubois Road And Proceeding Westerly To Its Intersection With U. S. Route 23 And (II) U. S. Route 23 From A Point 700 Feet South Of Its Intersection With Lewis Center Road And Proceeding Northwesterly To Its Intersection With Orangewick Drive By Excavating, Grading, Paving, Drainage, Conduit, Curbs And Gutters, Traffic Pavement Markings, Signalization And Street Signs, and

Whereas the Clerk of the Board has prepared the certification of the special assessment for tax year 2012 to be collected in year 2013 based on necessary modifications.

Therefore be it resolved that the Clerk of the Board shall certify to the County Auditor the special assessments for placement on the tax duplicate for collection in 2012 and thereafter in accordance with Resolution 07-1190 for the project as referenced above. (Copy available in the Commissioner's Office until no longer of administrative value).

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

RESOLUTION NO. 12-878

IN THE MATTER OF MODIFYING THE CERTIFICATION OF SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR FOR THE EXTENSION OF SAWMILL PARKWAY AS APPROVED IN RESOLUTION NO. 07-1191:

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

Whereas on September 24, 2007 the Delaware County Commissioners approved Resolution No. 07-1191 Levying Special Assessments For The Extension Of Sawmill Parkway From A Point Commencing At The Intersection Of Home Road And Sawmill Parkway And Proceeding Northerly For Approximately 5,000 Linear Feet By Excavating, Grading, Paving, Drainage, Street Lighting, Conduit, Curbs And Gutters, Traffic Pavement Markings, And Street Signs, Together With All Necessary And Related Appurtenances

Whereas the Clerk of the Board has prepared the certification of the special assessment for tax year 2012 to be collected in year 2013 based on necessary modifications.

Therefore be it resolved that the Clerk of the Board shall certify to the County Auditor the special assessments for placement on the tax duplicate for collection in 2012 and thereafter in accordance with Resolution No. 07-1191 for the project as referenced above. (Copy available in the Commissioner's Office until no longer of administrative value).

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

RESOLUTION NO. 12-879

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE DUTCHER #447/SCOTT #604 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, With Resolution No. 11-1261 The Delaware County Commissioners Established A Drainage Maintenance Account (#1111) And Approved The Permanent Drainage Maintenance Easement For The Drainage Project, and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined, and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 2.5%

THEREFORE BE IT RESOLVED, The Delaware County Commissioners approves the final schedule of construction assessments for the Dutcher #447/Scott #604 Drainage Improvement Project. (Copy available in the Commissioner's Office until no longer of administrative value).

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FURTHER BE IT RESOLVED, THAT The Commissioners' Office will supply to the Auditor's Office the final schedule of construction assessments with the interest rates for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments.)

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

NO COMMISSIONERS' COMMITTEES REPORTS TODAY

OTHER BUSINESS DISCUSSIONS:

1) Cindi Blair, Insurance Risk & Wellness Delaware County HR, At The 25th Annual C.O.R.S.R. Meeting Delaware County Was Presented With A Certificate Of Appreciation Award

2) Dawn Huston, Director Of Administrative Services And Brad Euans, Workers Compensation Coordinator, Presented Information For The Renewal, Proposals And Providers Of Excess Worker's Compensation Insurance Coverage Through Midwest Employers Casualty Company

RESOLUTION NO. 12-880

A RESOLUTION IN SUPPORT OF AN APPLICATION FOR A LOCAL GOVERNMENT INNOVATION FUND GRANT TO STUDY THE CURRENT EMERGENCY MEDICAL SERVICES DELIVERY SYSTEM IN DELAWARE COUNTY:

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

WHEREAS, a county-wide study of the EMS delivery system has been proposed; and

WHEREAS, the Delaware County Board of Commissioners is always open to studying opportunities to ensure the most efficient use of tax monies through cooperation with other entities;

NOW THEREFORE, be it resolved by the Board of Commissioners that the following resolution is adopted:

Section 1. The Board supports the filing of a Local Government Innovation Fund Grant Application for Delaware County and its participating political subdivisions to seek funding for the purpose of an evaluative county-wide study of the EMS delivery system.

Section 2. The Clerk to the Board of Commissioners is requested to deliver a copy of this resolution of support to the City Manager of the City of Delaware for inclusion in the grant application that is currently being prepared.

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

RESOLUTION NO. 12-881

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT; EMPLOYMENT; DISCIPLINE; PROMOTION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL AND TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURCHASE:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to adjourn into Executive Session at 11:30AM.

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

RESOLUTION NO. 12-882

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to adjourn out of Executive Session at 1:05PM.

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

1:05PM RECESS UNTIL 1:45PM

RESOLUTION NO. 12-883

IN THE MATTER OF PROCURING AN EXCESS INSURANCE POLICY FOR DELAWARE COUNTY'S SELF INSURED WORKERS COMPENSATION PROGRAM AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE NECESSARY DOCUMENTS IN FURTHERANCE THEREOF:

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

WHEREAS, effective September 1, 2008, the Ohio Bureau of Worker’s Compensation has approved Delaware County as an authorized self-insured employer; and

WHEREAS, the Delaware County Board of Commissioners (the “Board”) has since 2008 procured excess workers compensation coverage through Midwest Employers Casualty Company; and

WHEREAS, the existing policy expires on August 31, 2012, and the Board wishes to procure excess workers compensation coverage commencing on September 1, 2012; and

WHEREAS, competitive bidding under section 307.86 of the Revised Code would increase, rather than decrease, the cost of the purchase; and

WHEREAS, the Board has requested proposals from issuers of applicable policies and negotiated with the issuers to achieve the best and lowest price reasonably possible for the county; and

WHEREAS, pursuant to section 305.30(K) of the Revised Code, the County Administrator shall perform such duties as the Board may determine by resolution;

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

Section 1. The Board hereby approves procuring excess workers compensation coverage through Midwest Employers Casualty Company, upon the following terms:

- (a) The policy shall be effective from September 1, 2012 through August 31, 2013;
- (b) The premium shall be \$81,228.00; and
- (c) The S.I.R. shall be \$500,000.

Section 2. The Board hereby approves changing the agent of record from Dakin-Berry Insurance Group to Smith-Feike-Minton, Inc. Insurance.

Section 3. The Board hereby authorizes the County Administrator to execute the necessary documents to change the Board’s agent of record.

Section 4. The Board hereby approves a purchase order and voucher for the premium payment of \$81,228.00 (R1205457) to Smith-Feike-Minton, Inc. Insurance.

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

There being no further business, the meeting adjourned.

Ken O'Brien

Dennis Stapleton

Tommy Thompson