

**COMMISSIONERS JOURNAL NO. 57 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 15, 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

10:30 AM Final Hearing For The Jones #279 Watershed Drainage Petition

1:30 PM Viewing For Consideration Of The Condominium At Riverby Site Drainage Petition

RESOLUTION NO. 12-1040

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 11, 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 October 11, 2012; 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. Stapleton Aye Mr. O'Brien Aye

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 12-1041

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1012:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1012 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Amount	Line
R1206038	ENDICOTT MICROFILM	Kodak 14600 Scanner	40111402-5450	\$9,925.00	0001

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

RESOLUTION NO. 12-1042

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Shancie Jenkins, Sue Ware, Kaitlin Ruddy, Ashley Keller and Kelcie Clark attend the Public Children Services Association of Ohio Conference in Columbus, Ohio October 23-24, 2012; at the cost of \$935.00 (22411604, 22411605).

911 Communications is requesting that 2 Delcomm Employees participate in a Communications Training Officer On-line Course December 5, 2012 and January 8, 2013; at the cost of \$898.00 (fund number 21411306).

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

RESOLUTION NO. 12-1043

IN THE MATTER OF SCHEDULING THE SPECIAL COMMISSIONERS' SESSIONS FOR THE 2013 BUDGET HEARINGS STARTING AT 9:00AM MONDAY OCTOBER 22ND, 2012 AND CONTINUING THRU THURSDAY NOVEMBER 1ST, 2012:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve scheduling the Special Commissioners'

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sessions for the 2013 budget hearings starting at 9:00AM Monday October 22nd, 2012 and Continuing Thru Thursday November 1st, 2012.

Starting times for each day are as follows:

Monday October 22, 2012 at 9:00AM
 Tuesday October 23, 2012 at 9:00AM
 Wednesday October 24, 2012 at 1:00PM
 Friday October 26, 2012 at 9:00AM
 Monday October 29, 2012 at 9:00AM
 Tuesday October 30, 2012 at 9:00AM
 Thursday November 1, 2012 at 9:00AM

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

RESOLUTION NO. 12-1044

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR SHEFFIELD PARK SECTION 3, PHASE B, PART 3 AND GLEN OAK SECTION 5, PHASE B:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to release bond and accept roads within the following:

Sheffield Park Section 3, Phase B, Part 3

Please be advised that The Engineer has 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 his 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:

- **Ramblewood Drive**, to be known as **Township Road Number 1619**
- **Lisi Drive** to be known as **Township Road Number 1620**

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

The Engineer also requests approval to return the Bond being held as maintenance surety to the owner, M/I Homes of Central Ohio, LLC.

Glen Oak Section 5, Phase B

Please be advised that The Engineer has 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 his recommendation that the roadways within the referenced subdivision be accepted into the public system and that the **Orange Township Trustees** be notified of your action.

The roadways to be accepted are as follows:

- An addition of 0.03 mile to **Township Road Number 899, Trillium Drive**
- An addition of 0.21 mile to **Township Road Number 1574, Marigold Street**

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

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

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

RESOLUTION NO. 12-1045

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR SHEFFIELD PARK SECTION 3, PHASE B, PART 3 AND GLEN OAK SECTION 5, PHASE B:

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

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

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

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- On Township Road Number 1619, Ramblewood Drive, at its intersection with Township Road Number 1419, Sheffield Park Drive
- On Township Road Number 1620, Lisi Drive, at its intersection with Township Road Number 1619, Ramblewood Drive

Stop Conditions – Glen Oak Section 5, Phase B

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

- On Township Road Number 899, Trillium Drive, at its intersection with Township Road Number 1575, Marigold Street

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

RESOLUTION NO. 12-1046

IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND J&J SCHLAEGEL, INC. FOR THE PROJECT KNOWN AS DEL-CR131-0.67, HARRIOTT ROAD-CONCORD ROAD INTERSECTION PROJECT - PHASE 1:

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

**DEL-CR131-0.67, Harriott Road-Concord Road Intersection Project - Phase 1
Bid Opening of October 2, 2012**

Whereas, as the result of the above referenced bid opening, The Engineer recommends that a bid award be made to J&J Schlaegel, Inc., the low bidder for the project. A copy of the bid tabulation is available for your information; and

Whereas, also available are two copies of the Contract with J&J for your approval. All necessary documentation for this approval has been received (Certification/Affidavit in Compliance with O.R.C. Section 3517.13t, etc.), and

Whereas, the County Engineer recommends approval of the Contract between the Delaware County Commissioners and J&J Schlaegel, Inc. for the project known as DEL-CR131-0.67, Harriott Road-Concord Road Intersection Project - Phase 1s:

CONTRACT

THIS AGREEMENT is made this 15th day of October, 2012 by and between **J&J Schlaegel, Inc., 518 Miami Street, Urbana, Ohio 43078**, hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named "**DEL-CR131-0.67, Harriott Road-Concord Road Intersection Project – Phase 1**", and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed **Two Hundred Sixty Thousand Four Hundred Eighty-Seven Dollars and Twenty-Six Cents (\$260,487.26)**, subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders

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- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the contract between The Delaware County Commissioners and J&J Schlaegel, Inc. for the project known as DEL-CR131-0.67, Harriott Road-Concord Road Intersection Project - Phase 1.

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

RESOLUTION NO. 12-1047

IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD FOR THE DELAWARE AREA TRANSIT BOARD:

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

WHEREAS, pursuant to Ohio Revised Code Section 301.29, the Board of Commissioners of Delaware County by Resolution No. 04-1193 dated September 30th, 2004, adopted a policy for the use of County Procurement Cards. In addition, The Board of Commissioners of Delaware County by Resolution No. 11-1040 dated October 3rd, 2011, adopted amendments to the Policies and Procedures for the county procurement card program; and

WHEREAS, the appointing authority for the procurement card being the Delaware Area Transit Board has adopted a policy in accordance with the policy adopted by the Delaware County Board of Commissioners for the use of the card to pay for specific classes of work related expenses, without submitting a monthly estimate of the expenses, pursuant ORC 301.29 (F)(2).

WHEREAS, the cardholders are aware of and have read the policy and are aware of the disciplinary action for misuse of the card and are aware of the responsibility associated with being a card holder and;

WHEREAS, the use of the purchasing card will follow the established procurement policy adopted by the Delaware Area Transit Board and;

NOW THEREFORE BE IT RESOLVED,

1. That the Delaware Area Transit Board authorizes the use of the following procurement cards to the limits indicated and for specific work related expenses designated in the Procurement Card Policy without submitting a monthly estimate of expenses:

Appointing Authority: Delaware Area Transit Board
Office/Department: Delaware Area Transit

Daily spending per card: \$ 5,000.00
Monthly spending per card: \$10,000.00
Single transaction limit: \$ 5,000.00
Daily number of transactions per card: 10
Monthly number of transactions per card: 50

Name on Card 1: Virginia Berry
Department Coordinator: Richelle Tirado

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

RESOLUTION NO. 12-1048

IN THE MATTER OF EXECUTING AN ACCEPTANCE LETTER FROM WINDSTREAM COMMUNICATIONS ACKNOWLEDGING THE COMPLETION OF THE INSTALLATION AND ACTIVATION OF THE PATRIOT SYSTEM FOR THE DELAWARE COUNTY EMERGENCY SERVICES 9-1-1 CENTER'S ORANGE TOWNSHIP BACKUP CENTER:

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

Whereas, the Interim 911 Communications Director and the Public Safety Systems Administrator recommends

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executing an acceptance letter from Windstream Communications acknowledging the completion of the installation and activation of The Patriot System for the Delaware County Emergency Services 9-1-1 Center's Orange Township Backup Center;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve executing an acceptance letter from Windstream Communications acknowledging the completion of the installation and activation of The Patriot System for the Delaware County Emergency Services 9-1-1 Center's Orange Township Backup Center.

Contract No/Main TN: 034-502-2082

Equipment Installed: Plant/CML Sentinel Patriot 3.0 diverse system. Back up site equipment at Orange Township Fire Department, Delaware County.

(A copy of the acceptance letter is available in the Commissioners' Office until no longer of administrative value).

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

RESOLUTION NO. 12-1049

IN THE MATTER OF APPROVING CHANGE ORDER NUMBER 1 TO THE AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND MOTOROLA SOLUTIONS, INC. FOR THE 800 MHZ. REBANDING PROJECT:

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

Whereas, the Interim 911 Communications Director and the Public Safety Systems Administrator recommend approving Change Order Number 1 to the agreement between The Delaware County Board Of Commissioners And Motorola Solutions, Inc. For The 800 Mhz. Rebanding Project;

Now Therefore Be It Resolved That, The Delaware County Board Of Commissioners approve Change Order Number 1 to the agreement between The Delaware County Board Of Commissioners And Motorola Solutions, Inc. For The 800 Mhz. Rebanding Project.

**Motorola Solutions
Rebanding change order (c/o) request**

Deal Number: DL8910427785
 Project Number: OH-11IR14R
 Customer Name: Delaware County, OH
 C/O Number: 1.0
 Date of request: 3/07/2012
 FO Number(s) involved: 2200000060566
 Change to Contract: \$14,035.20

I. Reason For Change

The RFS Transmit antennas listed in the FRA equipment are no longer obtainable by Motorola and must be substituted with a different one with Sinclair.

II. Change Requested

Remove the below FRA listed Transmit Antennas and add the revised model and pricing. There are two per site to be replaced for a total of 24 that must be substituted with a different model

Equipment Adjustments

Action	Model #	Description	Quantity	Price Per Unit	Extended Price
Remove	DSPD100173	RFS Antenna 862-898MHZ OMNI 10DB	-24	\$1,205.30	(\$28,927.20)
Add	TDF6780	Antenna 10 DB COLLINEAR 806-960 MHZ	24	\$1,790.10	\$42,962.40
		Equipment	Adjustments	Total	\$14,035.20

III. Cost Impact

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Current Contract Value:	\$539,936.20
"Services" This Change Order:	\$0.00
"Expenses" This Change Order:	\$0.00
"Equipment" This Change Order:	<u>\$ 14,035.20</u>
Revised Contract Value:	\$553,971.40

IV. Schedule Impact:

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No Change

V. Operational Impact:

No Change

VI. Payment Terms:

No Change-All other terms and conditions of the contract remain unchanged and in full force and effect.

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

RESOLUTION NO. 12-1050

IN THE MATTER OF SETTING BID DATE AND TIME FOR THE HAYES BUILDING PARKING LOT EXPANSION PROJECT:

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

Whereas, the Manager of Facilities recommends approval of the bid date and time for the project known as the Hayes Building Parking Lot Expansion;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the bid date and time for the project known as the Hayes Building Parking Lot Expansion.

Delaware County Board of Commissioners

**PUBLIC NOTICE
INVITATION TO BID**

Sealed bids will be received by the Board of Commissioners, Delaware County, Ohio, at 101 North Sandusky Street, Delaware, Ohio 43015 until 10:00 AM on Thursday, November 8, 2012, at which time they will be publicly opened and read for the following project:

**Delaware County
Hayes Building Parking Lot Expansion**

Bids are to be submitted in accordance with the specifications and drawings prepared by: Gardner Architects, PO Box 498, Delaware, Ohio 43015 and Sands Decker CPS, 1495 Old Henderson Rd., Columbus, OH 43220. Bids will be received for the following packages:

Bid Package 1 - General Contractor, estimated at \$132,600.00

A pre-bid meeting will be held on November 1, 2012 at 10:00 AM at the Delaware County Commissioners' Office, 101 N. Sandusky St., Delaware, OH 43015.

A Bid Guaranty must be submitted with each bid over \$10,000. Contract Documents may purchased directly from Key Blue Prints. Prospective Bidders shall make prior arrangements with Key Blue Prints at (614) 228-3285 or online at www.plankey.com to purchase required quantities of plans and specification. The contract documents and plans may be reviewed without charge during normal business hours at the Delaware County Facilities Management Office, 1405 US Rte 23 North, Delaware, Ohio 43015.

Bid award shall be to the lowest and best as determined by Delaware County. Delaware County reserves the right to reject any and all bids, in whole or in part, to waive any defect in any or all bids. Bids shall be submitted in a sealed envelope marked " Sealed bid for Hayes Building Parking Lot Expansion". Each bid shall contain the full name and address of the bidder and all interested parties. No bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read.

Notice to Bidders are posted on the Internet and may be viewed on Delaware County's web site at <http://www.co.delaware.oh.us> under the heading Current Bids.

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

RESOLUTION NO. 12-1051

IN THE MATTER OF ACCEPTING AND AWARDING THE BIDS FOR BULK GASOLINE AND DIESEL FUELS FOR DELAWARE COUNTY:

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

WHEREAS, Delaware County received eight bids for bulk gasoline and diesel fuels on October 1, 2012; and

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WHEREAS, Delaware County wishes to enter into multiple award contracts to assure that lowest market pricing is received throughout the term of the contract by contacting each contractor at the time of each order; and

WHEREAS, after carefully reviewing all the bids received, the bids submitted by the below bidders are complete and meet the bid specifications;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio, approve and accept the follow bids for bulk gasoline and diesel fuels for Delaware County:

Beems BP Distributing, Inc.
Central Ohio Farmers Coop
Great Lakes Petroleum Co.
Mansfield Oil Company of Gainesville, Inc.
Petroleum Traders Corporation
Ports Petroleum
RKA Petroleum Companies, Inc.
Santmyer Oil Company

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

RESOLUTION NO. 12-1052

IN THE MATTER OF APPROVING THE SANITARY SEWER CONSTRUCTION PLANS FOR RIVER ROCK FARMS:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following sanitary sewer construction plans for River Rock Farms for submittal to the Ohio EPA for their approval;

Whereas, the Director of Environmental Services recommends sanitary sewer plans for River Rock Farms for submittal to the Ohio EPA for their approval;

Therefore be it resolved, that the Board of Commissioners approves sanitary sewer plans for River Rock Farms for submittal to the Ohio EPA for their approval.

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

RESOLUTION NO. 12-1053

IN THE MATTER OF EXECUTING A CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE CONCRETE DRYING SLAB PROJECT:

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

Whereas, the Board of County Commissioners previously executed an agreement with Tuttle Construction, Inc. to complete the improvements known as the Concrete Drying Slab Project; and

Whereas, the Contract Documents permit the contractor to request for substantial completion when the entire work is considered ready for its intended use; and

Whereas, Tuttle Construction, Inc. notified the County that the work is substantially complete as of September 4, 2012 and has submitted a definitive Certificate of Substantial Completion; and

Whereas, the County agrees with Tuttle Construction, Inc. that the project is substantially complete; and

Whereas, the Sanitary Engineer and her staff recommend executing the Certificate of Substantial Completion for the Concrete Drying Slab Project.

THEREFORE be it resolved that the Board of County Commissioners execute a Certificate of Substantial Completion to Tuttle Construction, Inc. for the Concrete Drying Slab Project.

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

DISCUSSION CONTRACT RENEWAL WITH COUNTY EMPLOYEE BENEFITS CONSORTIUM OF OHIO

RESOLUTION NO. 12-1054

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE VICTIM SERVICES GRANT AND THE 911 DEPARTMENT:

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

Transfer of Appropriation

From	To		
10011325-5801	10011325-5260	\$	36,400.00
County Wide Rebanding/Transfers	County Wide Rebanding/Inventoried Tools		
21411306-5300	21411306-5260	\$	25,000.00
911/Professional Services 911	911/Infentoried Tools		
23612305-5001	23612305-5102		
State Victims Grant/Compensation	State Victims Grant/Workers Comp	\$	4.08
23612305-5001	23612305-5120		
State Victims Grant/Compensation	State Victims Grant/PERS	\$	63.35
23612305-5001	23612305-5131		
State Victims Grant/Compensation	State Victims Grant/Medicare	\$	6.56

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

DISCUSSION PERMANENT IMPROVEMENT AT DELAWARE COUNTY JAIL

COMMISSIONERS' COMMITTEES REPORTS

Commissioner O'Brien
-No Additional Reports

Commissioner Thompson
-Concerns On County Transit Issues With The Closing Of The Only Cab Company In Town

Commissioner Stapleton
-Drainage Petition Viewing Later Today

RESOLUTION NO. 12-1055

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PROMOTION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL AND FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to adjourn into Executive Session at 10:10AM.

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

RESOLUTION NO. 12-1056

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 10:55AM.

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

RESOLUTION NO. 12-1057

10:30AM FINAL HEARING FOR THE JONES #279 WATERSHED DRAINAGE MAINTENANCE IMPROVEMENT PETITION PROJECT:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to open the hearing at 10:55AM.

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

RESOLUTION NO. 12-1058

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. Stapleton 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

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

RESOLUTION NO. 12-1059

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE JONES #279 WATERSHED DRAINAGE MAINTENANCE IMPROVEMENT PETITION PROJECT:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to close the Hearing at 11:05AM.

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

RESOLUTION NO. 12-1060

IN THE MATTER OF COMMISSIONERS FINDING AFFIRMING ORDER AND CONFIRMING THE ASSESSMENTS FOR THE JONES #279 WATERSHED DRAINAGE MAINTENANCE IMPROVEMENT PETITION PROJECT:

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

Whereas, on October 4, 2010, a Drainage Maintenance Improvement Petition for The Jones #279 Watershed was filed with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on February 7th, 2011 with Resolution 11-135 directed The Delaware County Engineer To Proceed With Preparation Of Plans, Reports, And Schedules For The Jones #279 Watershed Drainage Maintenance Improvement Project, and

Whereas, the Board on October 15th, 2012, 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 Jones #279 Watershed Drainage Maintenance Improvement 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 (maintenance assessment) 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 (maintenance assessment) 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.

FURTHER BE IT RESOLVED, The maintenance fund shall be maintained, as needed, by an assessment levied not more often than once annually upon the benefited owners, as defined in [section 6131.01](#) of the Revised Code, apportioned on the basis of the estimated benefits for construction of the improvement. An assessment shall represent such a percentage of the estimated benefits as is estimated by the engineer and found adequate by the board or joint board to effect the purpose of [section 6137.02](#) of the Revised Code, except that at no time shall a maintenance fund have an unencumbered balance greater than twenty per cent (20%) of all construction costs of the improvement. The minimum assessment shall be two dollars. Any cost incurred from the petition project process will be paid from the annual ditch maintenance assessments

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

**IN THE FIELD:
1:30PM VIEWING FOR CONSIDERATION OF THE CONDOMINIUM AT RIVERBY DRAINAGE PETITION**

On Monday October 15, 2012, at 1:30PM, near the corner of Riverby Lane and Village Drive the Delaware County Commissioners viewed the watershed area with staff members from the Delaware County Engineer's Office and The Delaware County Soil and Water Conservation District.

Commissioners

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Dennis Stapleton, Ken O'Brien And Tommy Thompson Were Present

On July 25, 2012, a Drainage Maintenance Petition for The Condominium At Riverby Watershed Site was filed with The Board Of County Commissioners and The County Engineer To: 1) To Replace, Repair Or Alter The Existing Improvements As Required And To Maintain These Improvements Per Associated Engineering Design Plan. 2) In Delaware County, Delaware Township, In The Condominium At Riverby Site And Generally Following The Existing Course And Terrain Of The Improvement

Viewing:

- Projects since 1998 are automatically placed on County Drainage Maintenance Program
 - currently no major issues are known to exist;
 - if approved the storm water infrastructure will be placed on the County Drainage Maintenance Program
 - if approved money pooled only for this project; assessments placed on build-able lots
 - the adjacent subdivision is currently on the County Drainage Maintenance Program
 - Church lot is the outlet where the under ground tile leaves the property (maybe a 15 inch)
- hearing is on November 26, 2012 at 10:30AM

The following is a PDF copy of the Commissioners' Office sign-in sheet of the people present at the viewing who chose to sign the sign-in sheet.

SIGN-IN SHEET FOR OCTOBER 15, 2012

**1:30 PM Viewing For Consideration Of The Condominium
 At Riverby Site Drainage Petition**

	NAME	ADDRESS
1	<i>Joanna Kelly</i>	935 Village
2	<i>Anna Rosta</i>	945 Village Dr.
3	<i>Cecilia M. Howell</i>	910 Village Dr.
4	<i>Walter G. Jones</i>	975 Village Dr.
5	DOROTHY PAINTER	1045 Village Dr.
6	<i>Brett Boyerford</i>	50 Channing ST DCEO
7	<i>Larry Staley</i>	SWCD
8	<i>Mitchell</i>	SWCD
9	<i>Tommy Thompson</i>	Del. County
10	<i>Ken O'Brien</i>	101 N. Sandusky
11	<i>Dennis Stapleton</i>	County Commissioner
12	<i>Jackie L. Zed</i>	965 Village Dr
13		

There being no further business, the meeting adjourned.

 Ken O'Brien

 Dennis Stapleton

 Tommy Thompson

 Jennifer Walraven, Clerk to the Commissioners