

COMMISSIONERS JOURNAL NO. 44 - DELAWARE COUNTY  
 MINUTES FROM REGULAR MEETING HELD OCTOBER 27, 2003

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

Present: Kristopher W. Jordan, Deborah B. Martin, James D. Ward

**Budget Hearings**

**8:30 AM Executive Session**

**RESOLUTION NO. 03-1377**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:**

It was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ to adjourn into Executive Session at 8:30AM.

Vote on Motion Mrs. Martin Aye Mr. Jordan Aye Mr. Ward Aye

**RESOLUTION NO. 03-1378**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to adjourn out of Executive Session at 9:13AM.

Vote on Motion Mr. Jordan Aye Mrs. Martin Aye Mr. Ward Aye

**PUBLIC COMMENT**

**RESOLUTION NO. 03-1379**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 23, 2003 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:**

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve the resolutions and records of the proceedings from regular meeting held October 23, 2003 as contained in the county's official electronic recordings of the proceedings.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mrs. Martin Aye

**RESOLUTION NO. 03-1380**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1024:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR1024 and Purchase Orders and Vouchers as listed below:

**PO's**

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>Increases</b>			
Keith Boger	Public Defender	10011202-5301	\$ 10,000.00
C. Brammer	Public Defender	10011202-5301	\$ 1,500.00
Casey Clark	Public Defender	10011202-5301	\$ 5,000.00
T. Clinger	Public Defender	10011202-5301	\$ 3,000.00
T. Flahive	Public Defender	10011202-5301	\$ 4,000.00
R. Fuller	Public Defender	10011202-5301	\$ 3,000.00
Rob Gordin	Public Defender	10011202-5301	\$ 1,500.00
Chad Heald	Public Defender	10011202-5301	\$ 2,000.00
Mike Hoague	Public Defender	10011202-5301	\$ 10,000.00
Lou Herzog	Public Defender	10011202-5301	\$ 3,000.00
James Klein	Public Defender	10011202-5301	\$ 1,000.00
Ross Long	Public Defender	10011202-5301	\$ 10,000.00
R. Monnaville	Public Defender	10011202-5301	\$ 10,000.00
Saia & Piatt	Public Defender	10011202-5301	\$ 3,000.00
S. Vatsures	Public Defender	10011202-5301	\$ 2,000.00

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Scott Wolf                      Public Defender                      10011202-5301                      \$    5,000.00

**Vouchers**

DATA                      Professional Service Trans                      22411601-5355                      \$    4,242.00  
 DATA                      Professional Service Trans                      22511607-5355                      \$      353.60  
 DATA                      Professional Service Trans                      22411601-5355                      \$    3,610.80  
 DATA                      Professional Service Trans                      22511607-5355                      \$      939.40

Vote on Motion                      Mrs. Martin                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

**RESOLUTION NO. 03-1381**

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

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

The Auditor’s Office is requesting that Todd Hanks, Shari Baker and Kelly Tennant attend a County Auditor’s Association Winter Conference in Dublin, Ohio November 18 to 20, 2003, at the cost of \$313.50.

The Emergency Services Department is requesting that Pearline Howald and Tom Shover attend an Ohio Public Employer Labor Relations Association at Deer Creek State Park November 4, 2003, at the cost of \$300.00.

Vote on Motion                      Mr. Jordan                      Aye                      Mrs. Martin                      Aye                      Mr. Ward                      Aye

**RESOLUTION NO. 03-1382**

**IN THE MATTER OF APPROVING A NEW LIQUOR LICENSE REQUEST FROM CHIPOTLE MEXICAN GRILL OF COLORADO LLC. DBA CHIPOTLE AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve the following resolution:

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Orange Township Trustees that Chipotle Mexican Grill of Colorado LLC. DBA Chipotle has requested new D1 and D3 permits located at 8711 Owenfield Road Orange Township, Columbus, Ohio 43240, and

Whereas, the Orange Township Trustees have stated they have no objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mrs. Martin                      Aye

**RESOLUTION NO. 03-1383**

**IN THE MATTER OF APPROVING A NEW LIQUOR LICENSE REQUEST FROM PATRICK D. PAYKOFF AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve the following resolution:

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Berlin Township Trustees that Patrick D. Paykoff has requested a new D5 permit located at 2779 Peachblow Road Berlin Township, Lewis Center, Ohio, and

Whereas, the Berlin Township Trustees have stated they have no objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

Vote on Motion                      Mrs. Martin                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

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**RESOLUTION NO. 03-1384**

**IN THE MATTER OF APPROVING PLAT FOR WINDING CREEK SECTION 4 AND DITCH MAINTENANCE PETITIONS FOR ABBEY KNOLL SECTION 4 PHASES A & B:**

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

**Winding Creek Section 4**

Situated In The State Of Ohio, County Of Delaware, Township Of Berlin, Being Part Of Part Of Farm Lot 5, Section 2, Township 4, Range 18, United States Military Lands, Being A 15.499 Acre Subdivision, And Being All Of A 15.499 Acre Tract Conveyed To John Paul Slupski And Theresa A. Slupski In Official Record Volume 184, Page 2243 At The Delaware County Recorder's Office, Delaware, Ohio. Cost \$30.00.

**Ditch Maintenance Petition- Abbey Knoll Section 4 Phases A & B**

We the undersigned owners of 23.14 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as **Abbey Knoll Section 4 Phases A & B** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). These plats has been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider's agreement Exhibit "B" available at the County Engineer's Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit "C" (available at the County Engineer's Office), be accepted as part of the County Ditch Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Abbey Knoll Section 4 Phases A & B** Subdivision.

The cost of the drainage improvements is \$75,831.00 and a detailed cost estimate is available at the County Engineer's office in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Fifty-Two (52) lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$1,458.29 per lot. An annual maintenance fee equal to 2% of this basis \$29.17 will be collected for each lot. I understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$1,516.62 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

Vote on Motion                      Mr. Jordan              Aye              Mrs. Martin              Aye              Mr. Ward              Aye

**RESOLUTION NO. 03-1385**

**IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR WINDING CREEK SECTION 4:**

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

**Winding Creek Section 4**

The roadway construction has been completed for the referenced subdivision and, as the results of the Engineer's recent field review, he has determined that minor remedial work will be required during the 2004 construction season.

In accordance with the Subdivider's Agreement, The Engineer recommends that the maintenance bond be set at **\$10,700** for the duration of the one year maintenance period. An Escrow Agreement in that amount is available.

Vote on Motion                      Mr. Ward              Aye              Mr. Jordan              Aye              Mrs. Martin              Aye

**RESOLUTION NO. 03-1386**

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

It was moved by Mr. Jordan, seconded by Mrs. Martin to approve the following work permits:

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Permit #	Applicant	Location	Type of Work
U03161	Columbia Gas	Gosling Way & Silverleaf Drive	Install gas main
U03162	Del-Co Water	Ross Road	Install waterline
U03163	Suburban Natural Gas	Big Walnut Road	Directional bore
U03164	Suburban Natural Gas	Worthington Road	Lay gas pipe
U03165	Suburban Natural Gas	Jaycox Road	Directional bore
U03166	Verizon	River Road	Place telephone cable
U03167	Verizon	Curren Road	Place telephone cable
U03168	Suburban Natural Gas	Old State Road	Bore gas main
U03169	SBC	Worthington Road	Bore road & trench
U03170	American Electric Power	Orange Road & Roespark Boulevard	Bore conduit

Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mrs. Martin                      Aye

**RESOLUTION NO. 03-1387**

**IN THE MATTER OF APPROVING THE ANNUAL SUBSCRIPTION ADDENDUM OF THE SOFTWARE LICENSE AGREEMENT WITH AFFIDAVIT MAKER FOR THE DELAWARE COUNTY SHERIFF'S OFFICE:**

It was moved by Mrs. Martin, seconded by Mr. Jordan to approve the following Addendum:

**Affidavit Maker  
Software License Agreement  
Annual Subscription Addendum**

This Addendum shall become part of and incorporated into the agreement entered into on July 29, 1996 by and between Terry L. Fisher, Esquire, ("Licensor"), a sole proprietor having principal offices at Springfield, Ohio, and the undersigned customer, the Delaware County Sheriff's Office, 844 U.S. Route 42 North, Delaware, Ohio 43015, a County Law Enforcement Agency, ("Licensee"). The Agreement and Addendum determine the rights and licenses granted to the Licensee in the Licensed Software supplied by the Licensor hereunder.

**LICENSE FEES AND CHARGES**

The license fees and charges for the Licensed Product shall be calculated by the number of sworn Law Enforcement Officers who serve the Licensee on the effective date of this License Agreement, multiplied by the then current fees and charges for the Licensed Product.

The number of sworn Law Enforcement Officers who serve the Licensee on the effective date of this License Agreement and the current fees and charges for the Licensed Product follow:

<b>82 personnel multiplied by \$23.00/person</b>	<b>(Affidavit Maker Main Module)</b>	<b>\$1,886.00</b>
	<b>(Affidavit Maker Juvenile Module)</b>	<b>\$ 679.00</b>
<b>The Term of this Addendum shall be</b>		
<b>November 1, 2003 though October 31, 2004.</b>		
	<b>TOTAL DUE November 1, 2003</b>	<b>\$2,565.00</b>

**CUSTOMER PROGRAMMING FEES**

During the term of this License Agreement, system consultation services, data conversion services, incorporation of Municipal Ordinances into the Licensed Product, and other services performed by Licensor shall be performed at an hourly rate of \$75.00 per hour.

Licensed Software installation on Licensed CPU's other than those specified in Article 4 shall be performed at the rate of \$400.00 per year per CPU.

**ANNUAL MAINTENANCE**

Licensee shall be permitted to enter into annual Maintenance Agreements at pricing calculated by the number of sworn Law Enforcement Officers who serve the Licensee on the effective date of the Annual Maintenance Agreements. The Annual Maintenance Agreements shall be at the then current fees and charges for Annual Maintenance, provided that Annual Maintenance for the Main Affidavit Maker module shall not increase more than five percent (5%) per annum.

Should Licensee take advantage of the provisions of Section 4 (E) of this agreement and obtain additional software module(s) from Licensor, the Annual Maintenance for those additional module(s) shall be at the then current Fees and charges for Annual Maintenance of the Module(s) and shall be in addition to the Annual Maintenance for the Main Affidavit Maker Module. Annual Maintenance charges for these additional module(s) shall not increase more than five percent (5%) per annum from the initial Annual Maintenance fee of the additional module(s).

Vote on Motion                      Mrs. Martin                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

**RESOLUTION NO. 03-1388**

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**SETTING BID OPENING DATE AND TIME FOR ABOVEGROUND FUEL TANKS FOR DELAWARE COUNTY:**

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

Sealed bids will be received by the Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 at **10:00 AM on Monday, November 17, 2003**, at which time they will be publicly opened and read and the contract awarded as soon as possible, for aboveground fuel tanks for Delaware County.

Each bid must contain the full name of every person or company interested in same, and be accompanied by an acceptable bid bond or certified check in the amount of \$500 made payable to the Delaware County, Ohio. Bid specifications may be obtained from either the Delaware County Commissioners Office, 101 N. Sandusky St. or the Delaware County Facilities Management Office, 1405 US 23 North, Delaware, Ohio during normal business hours. Bid specifications are also available over the internet at <http://www.demandstar.com>.

The County reserves the right to reject any and all bids, in whole or in part, to waive any defect in any or all bids, to accept the bid or part it deems to be the lowest and best. Bids shall be submitted in a sealed envelope marked "Sealed Bid for Aboveground Fuel Tanks." No bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read.

Vote on Motion            Mr. Jordan            Aye            Mrs. Martin            Aye            Mr. Ward            Aye

**RESOLUTION NO. 03-1389**

**IN THE MATTER OF APPROVING AN APPLICATION TO RENEW THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT:**

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

Grant #	2003-JB-013-A017
Source:	Juvenile Accountability Incentive Block Grant/Department of Youth Services
Grant Period:	January 1, 2004 to December 31, 2004
Grant Request Amount:	\$ 16,017.00
Match:	<u>\$ 1,780.00</u> (from Delaware County and City Schools)
Total Grant Amount:	\$ 17,797.00

The Juvenile Accountability Incentive Block Grant (JAIBG) allows the Juvenile Court to provide timely response to school requests for intervention in cases of violence and disruption in the classroom. JAIBG grant funds portions of two School Liaison positions at the Court. The liaisons visit local schools regularly and are conduits of information between the schools, the Court, and law enforcement. School Liaisons are able to respond promptly to requests from schools, to impose sanctions swiftly, to expedite Juvenile court hearings (same day when deemed appropriate), and to complete required paperwork as needed.

Vote on Motion            Mrs. Martin            Aye            Mr. Jordan            Aye            Mr. Ward            Aye

**Debbie Shatzer-Convention and Visitor's Bureau Presentation**

**Dr. Walter Threlfall and Fran Veverka Health Department Presentation**

There being no further business the meeting adjourned.

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Kristopher W. Jordan

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Deborah B. Martin

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James D. Ward

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Letha George, Clerk to the Commissioners