

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JANUARY 18, 2005

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

Present: Glenn A. Evans, Kristopher W. Jordan, James D. Ward

PUBLIC COMMENT

Commissioner Ward congratulated Larry Fisher, Director of Emergency Services, the EMA Personnel and the Army Core of Engineers for their responses to the possible flooding situation that occurred last week in Delaware County.

Refer to the CD of the Official Minutes for complete comments.

RESOLUTION NO. 05-48

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 13, 2005 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held January 13, 2005 as contained in the county’s official electronic recordings of the proceedings.

Vote on Motion                      Mr. Evans                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05-49

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR114:

It was moved by Mr. Evans, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR114, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO’s</b>			
Schilling Propane	Propane for Station 4, 8 & 9	10011303-5338	\$ 7,000.00
AEP	Delaware, Sunbury & Lewis Center	10011303-5338	\$ 13,000.00
Rogers Lawn Care	Contracted Service	10011303-5328	\$ 10,230.00
BP Products N. America Inc.	Diesel Fuel for Medic Trucks	10011303-5228	\$ 14,000.00
HP Products Corp.	Cleaning Supplies for EMS	10011303-5222	\$ 8,000.00
Delille Oxygen Co., Inc.	Oxygen Supplies	10011303-5243	\$ 13,000.00
Emergency Medical Products	Medical supplies	10011303-5243	\$ 31,000.00
Nextel Communications	Cellular Service	10011303-5330	\$ 12,000.00
Ohio Edison Co.	Electric Service/Station 4 & 5	10011303-5338	\$ 9,000.00
Verizon	Telephone Service	10011303-5330	\$ 6,000.00
Jess Howard Electric	Electrical/Jail Expansion	40411414-5410	\$ 1,109,970.50
Tucco Construction	Perry Taggart	65511918-5415	\$ 4,000,000.00
Turning Point	Domestic Violence	24911311-5301	\$ 27,000.00
<b>Vouchers</b>			
City of Delaware	4th Quarter EMS Runs/2004	10011303-5345	\$ 102,814.80
Jess Howard	Electrical Jail Expansion	40411414-5410	\$ 22,559.00
Liberty Twp Fire Dept	Runs for Nov 2004	10011303-5345	\$ 4,991.50
Liberty Twp Fire Dept	Runs for Dec 2004	10011303-5345	\$ 159.50
Emeritech, Inc.	Master Name Data Conversion	21411306-5450	\$ 6,500.00
Countryside Construction	Snow Removal & Salt Applications	10011105-5328	\$ 2,356.00
Countryside Construction	Snow Removal & Salt Applications	10011105-5328	\$ 7,904.90

Vote on Motion                      Mr. Jordan                      Aye                      Mr. Evans                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05-50

IN THE MATTER OF APPOINTMENT OF THE BOARD’S REPRESENTATIVE TO VARIOUS BOARDS AND COMMISSIONS:

It was moved by Mr. Ward, seconded by Mr. Evans to appoint the following to the following boards and commissions:

- Regional Planning - All 3 Commissioners
- Regional Planning Executive Committee - Jim Ward
- Regional Planning Alternate-Dave Cannon

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Central Ohio Regional Forum (CORF)-Kris Jordan  
Records Commission –Kris Jordan  
Investment Committee – Jim Ward & Glenn Evans  
Job and Family Services (Children’s Services Sub-Committee) – Jim Ward  
Job and Family Services (WIB Sub-Committee) – Glenn Evans  
One Stop Employment–Glenn Evans  
WIB Youth Council –Kris Jordan  
Community Action Organization- Glenn Evans  
Delaware-Knox-Marion-Morrow County WIB- All 3 Commissioners  
7<sup>th</sup> Area Board- Glenn Evans  
Family and Children's First Council –Jim Ward  
Central Ohio Youth Center (Joint Detention Center) -Jim Ward  
DKMM Solid Waste District - All 3 Commissioners  
DKMM Solid Waste District Executive Committee – Jim Ward  
DKMM Policy Board – Kris Jordan  
DKMM Budget Committee – Glenn Evans  
EMA/LEPC – Jim Ward  
Correction Planning – Jim Ward  
CIC (*Community Improvement Corporation*) - All 3 Commissioners  
Standing Technical Committee - Jim Ward  
Data Processing Board – Kris Jordan  
Council for Older Adults –Glenn Evans  
Main Street Delaware – Kris Jordan  
Chamber of Commerce- Dave Cannon  
Heart of Ohio Resource Conservation and Development– Kris Jordan (Alternate Dave Cannon)  
Railroad Task Force-Kris Jordan  
CCAO Consortium-Glenn Evans

Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mr. Evans                      Aye

RESOLUTION NO. 05-51

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, WILLIAM D. FERGUS, JR. ATTORNEY AT LAW, REQUESTING ANNEXATION OF 3.999 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mr. Evans, seconded by Mr. Ward to acknowledge that on January 11, 2005, the Clerk to the Board of Commissioners received an annexation petition request to annex 3.999 acres from Liberty Township to the City of Powell.

Vote on Motion                      Mr. Evans                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05 -52

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the following:

The GIS Department is requesting that Shoreh Elhami attend Two URISA Board Of Directors Meetings in Chicago, Illinois January 29-30 and June 11-12, 2005, at the cost of \$500.00.

The Administrative Services Department is requesting that Gina Fasone attend a Civil Service Conference in Columbus, Ohio January 24, 2005, at the cost of \$110.50.

The Administrative Services Department is requesting that Kevin Williams attend an OHPELRA Training Conference in Newark, Ohio February 6-8, 2005, at the cost of \$286.50.

The Administrative Services Department is requesting that Dawn Huston attend an OHPELRA Training Conference in Newark, Ohio February 7-8, 2005, at the cost of \$272.50.

The Department of Job and Family Services is requesting that Jackie Culbertson, Shelly Douce, Kathy Bulter and Mona Reilly attend a Media Communications Training in Delaware County February 22, 2005, at the cost of \$160.00.

The Department of Job and Family Services is requesting that Julie Mays attend an Association for Human Resources in Delaware County January 18, 2005, at the cost of \$25.00.

The Engineer’s Office is requesting that Chris Bauserman attend the 2005 Ohio County Engineer’s Conference in

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Columbus, Ohio February 1-2, 2005, at the cost of \$220.00.

The EMS Department is requesting that 20 Paramedics attend Pediatric Basic Trauma Life Support in Delaware County January 20, 2005, at the cost of \$700.00.

The Environmental Services Department is requesting that John Feightner attend the 42<sup>nd</sup> Annual Wastewater Workshop in Columbus, Ohio February 8-9, 2005, at the cost of \$225.00.

The Environmental Services Department is requesting that Paul Sandstrom attend a Wastewater Collection Workshop in Wilmington, Ohio February 22, 2005, at the cost of \$125.00.

The Environmental Services Department is requesting that Barry Bryant attend a Building Bridges Over Troubled Waters Seminar in Newark, Ohio February 7-8, 2005, at the cost of \$320.00.

The Department of Job and Family Services is requesting that Rhonda Leasure attend an Area 7<sup>th</sup> WIA Board Meeting in Springfield, Ohio January 12, 2005, at no cost.

Vote on Motion                      Mr. Jordan                      Aye                      Mr. Evans                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05-53

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

It was moved by Mr. Ward, seconded by Mr. Evans to approve the following work permits:

Permit #	Applicant	Location	Type of Work
U05009	Verizon	Rutherford Road	Place buried cable
U05010	Verizon	Rutherford Road	Place aerial cable

Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mr. Evans                      Aye

RESOLUTION NO. 05-54

IN THE MATTER OF APPROVING SPECIFICATIONS, ESTIMATE, PLAN AND SETTING BID OPENING DATE AND TIME FOR THE STOCKWELL ROAD BRIDGE REPLACEMENT PROJECT:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the following:

INVITATION TO BID

Sealed proposals will be received at the **Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 a.m. local time on Wednesday, February 9, 2005**, for furnishing all labor, materials and equipment necessary to complete the project known as **Stockwell Road Bridge Replacement Project**, and bids will be opened and read aloud. Contract documents, bid sheets, plans and specifications can be obtained at the Office of the Delaware County Engineer. There will be a non-refundable \$60 charge for the bid packet and plans. Bidder must make arrangements to obtain bid packet; they will not be mailed.

Each bidder is required to furnish with its proposal a Bid Guaranty and Contract Bond in accordance with Section 153.54 of the Ohio Revised Code. Bid security furnished in Bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

Each proposal must contain the full name of the party or parties submitting the proposal and all persons interested herein. Each bidder must submit evidence of its experiences on projects of similar size and complexity, and a complete listing of all subcontractors to be used. The owner intends that this project be finished no later than October 31, 2005.

Bidders must comply with the Prevailing Wage Rates on Public Improvements in Delaware County as determined by the Ohio Department of Industrial Relations.

Bids shall be placed in a sealed envelope marked “SEALED BID FOR STOCKWELL ROAD BRIDGE REPLACEMENT PROJECT”.

The Delaware County Commissioners reserve the right to waive irregularities and to reject any and/ or all bids.

SCOPE OF WORK

This project consists of the replacement of an existing steel through truss that is structurally deficient with a single span prestressed concrete I-beam with semi-integral “expansion” abutments on drilled shafts. The

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bridge will be placed on a new alignment to bring the curve up to current design and safety standards. The realignment will consist of approximately 1200 feet of new and/or reconstructed pavement.

The engineer’s estimate for the project is \$1,075,981.71.

Vote on Motion                      Mr. Evans                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05-55

IN THE MATTER OF APPROVING A CONTRACT WITH KEVIN JUSTICE TRUCKING FOR STOCKPILE HAULING, ASPHALT HAULING AND STONE HAULING FOR THE DELAWARE COUNTY ENGINEER FOR 2005:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the following:

CONTRACT

AGREEMENT, made and entered into this 18<sup>th</sup> day of January, 2005 by and between the DELAWARE COUNTY COMMISSIONERS, Delaware County, Ohio, and hereinafter designated as FIRST PARTY, and KEVIN JUSTICE TRUCKING, hereinafter designated as SECOND PARTY.

WITNESSETH, that said SECOND PARTY, for and in consideration of the sum as stated in Bidder’s Bid Blank, to be paid as hereinafter specified, hereby agrees to furnish unto said FIRST PARTY all the necessary labor and equipment required to complete the project known as STOCKPILE HAULING, ASPHALT HAULING AND STONE HAULING FOR THE DELAWARE COUNTY ENGINEER FOR 2005, General Specification and Invitation to Bid for same hereto attached, which General Specifications and Invitation to Bid are hereby declared a part of this Contract.

SAID SECOND PARTY further agrees to furnish said equipment and to do the work and labor promptly, in a good, substantial and workmanship manner, under the direction of the County Engineer.

THE SECOND PARTY hereby agrees to hold the County free and harmless from any and all claims for damages, costs, expenses, judgements or decrees, resulting from any operations of said SECOND PARTY, his subcontractors, agents or employees.

Vote on Motion                      Mr. Jordan                      Aye                      Mr. Evans                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05-56

IN THE MATTER OF AMENDING THE PURCHASE OF TWO CHILD CARE SERVICES CONTRACTS BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES; THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDER BUCKEYE VALLEY SACC:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the following:

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT

This amendment, effective December 17<sup>th</sup>, 2004, is to amend the Purchase of Child Care Services Contracts between the Delaware County Department of Job and Family Services and the following list of child care providers:

Article 4. Cost and Delivery of Purchased Services:

Name	Amendment No.	Not to exceed amounts
Buckeye Valley SACC	1	From \$3,000.00 to \$8,000.00
Buckeye Valley SACC	2	From \$8,000.00 to \$11,000.00

(A Copy of these contacts is available in the Commissioners’ Office until no longer of Administrative Value).

Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mr. Evans                      Aye

RESOLUTION NO. 05 -57

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR ADOPTION FINALIZATIONS:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the following:

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

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

WHEREAS, the Delaware County Department of Job and Family Services has responsibility for recruitment and training of adoptive homes; and

WHEREAS, children in the permanent custody of the Department are placed for adoption; and

WHEREAS, these placements have been successful and the adoption is finalized through the courts; and

WHEREAS, the Department requests approval to purchase refreshments and token gifts as appropriate; 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 Department of Job and Family Services funds in an amount not to exceed \$200.00 to assist in funding the purchase of refreshments and other amenities for Finalized Adoptions for Calendar Year 2005.

Further Be It Resolved, that the Commissioners approve the following Purchase order Request:  
22511607 5215 Meijer \$150  
22511607 5294 Buehlers \$50

Vote on Motion                      Mr. Evans                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05 -58

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR CHILD CARE TRAINING:

It was moved by Mr. Ward, seconded by Mr. Evans 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.

WHEREAS, the Delaware County Department of Job and Family Services has responsibility for providing training for child care providers certified by the Department; and

WHEREAS, training is scheduled throughout calendar 2005; and

WHEREAS, meetings vary in length with some occurring evenings and some on Saturdays; and

WHEREAS, the Department requests approval to purchase refreshments as appropriate; 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 Department of Job and Family Services funds in an amount not to exceed \$120.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for Child Care Provider Training for Calendar Year 2005.

Further Be It Resolved, that the Commissioners approve the following Purchase order Request:  
22411606 5294 Buehlers \$120

Vote on Motion                      Mr. Jordan                      Aye                      Mr. Evans                      Aye                      Mr. Ward                      Aye

RESOLUTION NO. 05 -59

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**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR FOSTER PARENT TRAINING:**

It was moved by Mr. Evans, seconded by Mr. Ward 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.

WHEREAS, the Delaware County Department of Job and Family Services has responsibility for providing training for Foster Parents licensed by the Department; and

WHEREAS, training is scheduled throughout calendar 2005; and

WHEREAS, meetings vary in length with some occurring evenings and some on Saturdays; and

WHEREAS, the Department requests approval to purchase refreshments as appropriate; 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 Department of Job and Family Services funds in an amount not to exceed \$120.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for Foster Parent Training for Calendar Year 2005.

Further Be It Resolved that the Commissioners approve the following Purchase order Request:  
22511607 5294 Buehlers \$120

Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye
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**RESOLUTION NO. 05 -60**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE INDEPENDENT LIVING CLASSES:**

It was moved by Mr. Ward, seconded by Mr. Evans 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.

WHEREAS, the Delaware County Department of Job and Family Services has responsibility for providing Independent Living Classes; and

WHEREAS, training is scheduled throughout calendar 2005; and

WHEREAS, classes vary in length with some occurring evenings and some on Saturdays; and

WHEREAS, the Department requests approval to purchase refreshments as appropriate; 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 Department of Job and Family Services funds in an amount not to exceed \$120.00 to assist in funding the purchase of coffee, meals, refreshments and other amenities for Independent Living Classes for Calendar Year 2005.

Further Be It Resolved, that the Commissioners approve the following Purchase Order Request:  
22511607 5294 Buehlers \$120

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Vote on Motion                    Mr. Evans                    Aye                    Mr. Jordan                    Aye                    Mr. Ward                    Aye

RESOLUTION NO. 05 -61

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR PLANNING COMMITTEE MEETINGS:

It was moved by Mr. Ward, seconded by Mr. Evans 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.

WHEREAS, the Planning Committee of the Delaware County Department of Job and Family Services meets on a monthly basis; and

WHEREAS, this Planning Committee is comprised of volunteers appointed by the County Board of Commissioners; and

WHEREAS, the Department requests approval to purchase refreshments as appropriate; 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 Department of Job and Family Services funds in an amount not to exceed \$120.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for Planning Committee Meetings for Calendar Year 2005.

Further Be It Resolved, that the Commissioners approve the following Purchase Order Request:  
22411605 5294 Buehlers \$120

Vote on Motion                    Mr. Jordan                    Aye                    Mr. Evans                    Aye                    Mr. Ward                    Aye

RESOLUTION NO. 05-62

IN THE MATTER OF APPROVING A NEW ORGANIZATIONAL KEY FOR THE ECONOMIC DEVELOPMENT DEPARTMENT:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the following:

New Organization Key  
40811422  
Infrastructure Development Olentangy Crossing

Vote on Motion                    Mr. Ward                    Aye                    Mr. Jordan                    Aye                    Mr. Evans                    Aye

RESOLUTION NO. 05-63

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND PRECISION BLASTING INC FOR THE PROVISION OF BLASTING/EXPLOSIVE ENGINEERING AND CONSULTING SERVICES TO THE COUNTY IN REGARD TO THE PERRY –TAGGART SANITARY SEWER IMPROVEMENTS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the following agreement:

DELAWARE COUNTY, OHIO  
BLASTING / EXPLOSIVE ENGINEERING AND CONSULTING SERVICES AGREEMENT WITH  
DELAWARE COUNTY SANITARY ENGINEER

This Agreement entered into this 18<sup>th</sup> day of January, 2005, by and between the Delaware County Board of Commissioners, hereinafter referred to as the COUNTY and Precision Blasting Inc., hereinafter referred to as CONSULTANT, for the provision of blasting/explosive engineering and consulting services to the COUNTY in

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regard to the Perry –Taggart Sanitary Sewer Improvements.

Witnesseth, that for the mutual considerations herein specified, the COUNTY and the CONSULTANT have agreed and to hereby agree as follows:

**SECTION I - BASIC SERVICES OF CONSULTANT**

The duties of the CONSULTANT shall encompass the following tasks.

1. Perform site review including review of available subsurface information, (boring logs, rock core samples, subsurface investigation report).
2. Provide on site training for County staff to enable them to monitor day to day drilling and blasting activities.
3. Review all blasting plans and any changes made to the blasting plans.
4. Review all blasting vibration reports and provide analysis of provide analysis of vibration monitoring and results.
5. Attend initial blasting operations to verify and comment on blasting techniques and suitability based on geologic conditions.
6. Attend public meetings as necessary
7. Respond to residents concerns as necessary
8. Respond to any blasting problems or complaints as necessary
9. Attend monthly progress meetings as necessary.

**SECTION II - PAYMENT FOR PROFESSIONAL SERVICES**

- A. The COUNTY agrees to pay the CONSULTANT \$195.00 per hour as compensation for professional services. This rate will include all expenses to perform, (including, but not limited to, consultation, analysis, clerical, materials, phone services, etc), the services listed in Section I to the COUNTY. Mileage, lodging and meals will be paid are not included in the above hourly rate and will be charged at the following levels:

Mileage: \$00.375 per mile  
Lodging: \$75.00 per night  
Meals: \$43.00 per day

The total estimated cost for the services to be provided as delineated in Section I is \$55,000.00.

- B. The actual cost plus reimbursable expenses as approved by COUNTY's management designees, as incurred by the CONSULTANT in the performance of the portion of the work outlined in Section I of this Agreement, shall not exceed the amount stipulated in Section IIIA without an amendment to the Agreement duly authorized by the COUNTY. Any subsequent changes in rules, regulations or policies or changes by the County, which result in modifications of or additions to the work contemplated in Section I, and any delays beyond the control of the CONSULTANT are reasons that will be considered by the COUNTY for adjustment of the total fee.
- C. Payment for services performed shall be due and payable monthly, based on the CONSULTANT's detailed invoicing. Invoicing shall be structured to include a tabulation of expenses and hours dedicated to the project by each class of employee.

**SECTION III - OBLIGATION OF COUNTY**

- A. Any provision in this Contract to the contrary, notwithstanding the maximum obligation of the COUNTY under this Contract, is limited to the amount of \$55,000.00. Unless the COUNTY appropriates and authorizes the expenditure of additional funds pursuant to proper modification of this Contract, the CONSULTANT's duties and obligations to perform additional services under this Contract shall be considered ended when the amount of \$55,000.00 has been invoiced and paid to the CONSULTANT in accordance with the provisions of this Section. Payment of invoices submitted to the COUNTY by the CONSULTANT shall be made by the COUNTY within thirty (30) days of the date of the invoice. If the maximum obligation of the COUNTY provided herein is changed properly as described above, then the new amount will control the continuation of the duties and obligations of the CONSULTANT to perform additional services.
- B. COUNTY shall provide all criteria and information in its possession as to COUNTY's requirements for the Project; designate a person to act on COUNTY's behalf in respect of all aspects of the CONSULTANT's services; examine and respond promptly to CONSULTANT's submissions; and give prompt written notice to CONSULTANT whenever COUNTY observes or otherwise becomes aware of any defect in the work.



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C. COUNTY shall also do the following and pay all costs incident thereto:

1. Guarantee access to and make all provisions for CONSULTANT to enter upon public and private property.

**SECTION IV - NON-DISCRIMINATION**

During the performance of this Contract, the CONSULTANT agrees as follows:

The CONSULTANT will not discriminate against any employee or applicant for employment because of age, race, color, religion, sex or national origin. The CONSULTANT will take affirmative action to ensure that applicants are employed and employees are treated during employment without regard to their age, race, color, religion, sex or national origin. Such action will include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The CONSULTANT agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause.

**SECTION V - CONTRACT TERMINATION OR SUSPENSION**

The COUNTY or the CONSULTANT may terminate or suspend this Engineering Agreement by (1) giving written notice not less than ten (10) days prior to the effective date by registered mail of its intention to do so and (2) an opportunity for consultation with the terminating party prior to termination. Payment to the CONSULTANT will be made promptly for the amount of any fees earned to the date of the notice of termination or suspension, less any payments previously made. In the event the Agreement is terminated, the CONSULTANT, upon payment, as specified, shall deliver to the COUNTY copies of all reports, field books, drawings, surveys, and other documents, which have been prepared in the course of the work done under this Agreement. The CONSULTANT shall make no other claim for additional compensation against the COUNTY by reason of such termination. In the event the CONSULTANT'S services are suspended by the COUNTY, the CONSULTANT shall bill the COUNTY immediately for all work completed to date, less any previous payments.

**SECTION VI - CONTINUING OBLIGATION**

The CONSULTANT agrees that if, because of death or any other occurrence, it becomes impossible for any one of the aforementioned officers to render his services hereunder, neither the CONSULTANT nor the surviving officers shall be relieved of their obligations to complete performance hereunder; provided, however, in such event the COUNTY may terminate this Agreement if it considers the death or incapacity of such officer to be a loss of such magnitude as would affect the CONSULTANT's ability to satisfactorily complete the performance of this Agreement.

**SECTION VII – WARRANTY**

The CONSULTANT warrants that he has not employed or retained any company or person, other than a bonafide employee, working solely for the CONSULTANT, to solicit or secure this Contract, and that he has not paid or agreed to pay any company or person, other than a bonafide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gifts or any other consideration, contingent upon or resulting from the award or making of this Contract. The CONSULTANT also warrants, that he will comply will all Federal, State and Local laws and ordinances applicable to the work. For breach or violation of the warranty, the COUNTY shall have the right to annul the Engineering Services Agreement without liability.

**SECTION VIII – INSURANCE AND INDEMNITY**

- A. CONSULTANT shall comply with the laws of the State of Ohio relating to insurance coverage and shall carry during the performance of the Agreement and keep in full force, Worker's Compensation. A copy of a document evidencing such Worker's Compensation shall be furnished to the COUNTY prior to the commencement of the services.
- B. CONSULTANT shall carry the following minimum amounts of Automobile Liability Insurance Comprehensive and General Liability Insurance each with the following limits:
  1. Public Liability Insurance in the amount of \$1,000,000.00 for bodily injuries including those resulting in death of any one person and on account of any one account of any one accident or occurrence.

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- 2. Property Damage in an amount of \$1,000,000.00 from damages on account of any one accident or occurrence.
  
- C. CONSULTANT shall carry General Liability Insurance in the sum of not less than one million dollars (\$1,000,000) annual aggregate, on a claims made basis.
  
- D. Certificates of Insurance indicating coverage and conditions stipulated in paragraphs VIII (B, C, D) shall be provided by the CONSULTANTS prior to the commencement of services.
  
- E. CONSULTANT shall have COUNTY listed as an additional insured on its insurance policies.

**SECTION IX - MISCELLANEOUS**

A. Reuse of Documents.

All documents, including Drawings, Specifications, and Electronic Media prepared or furnished by the CONSULTANT (and CONSULTANT's independent professional associates and consultants) pursuant to this Agreement, are instruments of service in respect of the Project. COUNTY shall retain an ownership and property interest therein whether or not the Project is completed. However, such documents are not intended or represented by CONSULTANT to be suitable for reuse by COUNTY or others on extensions of the Project or on any other Project. Any reuse without written verification or adaptation by CONSULTANT for the specific purpose intended will be at COUNTY's sole risk and without liability or legal exposure to CONSULTANT, or to CONSULTANT's independent professional associates or CONSULTANT'S.

Vote on Motion                      Mr. Evans                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

**RESOLUTION NO. 05-64**

**IN THE MATTER OF APPROVING AN AGREEMENT AND NOTICE TO PROCEED LETTER BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND E.C. BABBERT FOR CONVEYANCE OF WASTEWATER FOR THE DELAWARE COUNTY REGIONAL SEWER DISTRICT:**

It was moved by Mr. Ward, seconded by Mr. Evans to approve the following agreement:

**AGREEMENT**

THIS AGREEMENT, MADE THIS 18<sup>th</sup> day of January 2005, by and between The Delaware County Commissioners, hereinafter called "OWNER" and E.C. BABBERT, doing business as (individual, partnership, or corporation) hereinafter called "CONTRACTOR". WITNESSETH: That for and in consideration of the payments and agreements hereinafter Mentioned:

- 1. The CONTRACTOR will furnish and deliver CONVEYANCE OF WASTEWATER
- 2. The CONTRACTOR will furnish all of the services described herein.
- 3. The CONTRACTOR will commence the work required by the CONTRACT.
- 4. The CONTRACTOR agrees to perform all of the WORK described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of \$0.06 per gallon of wastewater loaded and delivered to the Olentangy Environmental Control Center (10333 Olentangy River Road, Powell, Ohio 43065) and not to Exceed \$50,000.00 per year for the term of the Contract.
- 5. The term "CONTRACT DOCUMENTS" means and includes the following:
  - A. Advertisement for BIDS
  - B. Information and specifications for BIDDERS
  - C. General Instruction to Bidders
  - D. Form of Bid
  - E. Form of Non-Collusion Affidavit
  - F. Personal Property and Real Estate Tax Affidavit
  - G. Agreement
  - H. Legal and Fiscal Officers
  - I. NOTICE OF AWARD
  - J. NOTICE TO PROCEED

(A complete copy of Contract documents is available for review in the Sanitary Engineer's Department)

- 6. The OWNER will pay the CONTRACTOR monthly within 30 days after delivery and acceptance of the invoice.

In the event the OWNER or the CONTRACTOR desires to terminate this AGREEMENT, it may be terminated upon 30 day written notice by the party desiring to terminate. The CONTRACTOR shall be paid for

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services performed up to the time of termination.

7. This agreement shall become effective on January 18<sup>th</sup>, 2005, and remain in effect for two calendar years from the execution date of this agreement, and shall not be construed to provide for the exclusive of the contractor or to guarantee utilization of the above stated services.

NOTICE TO PROCEED

TO: E.C. Babbert Date: January 18, 2005  
7415 Diley Road  
P.O. Box 203  
Canal Winchester, Ohio 43110

Project Description: **Conveyance of Waste Water for the Delaware County Regional Sewer District.**

You are hereby notified to commence WORK in accordance with the Agreement dated January 18, 2005. The date of completion of all WORK is December 31, 2006.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-65

IN THE MATTER OF APPROVING HARDLINES DESIGN COMPANY TO NEGOTIATE A MEMORANDUM OF AGREEMENT FOR THE LOCATION OF THE RADNOR 800 MHZ TOWER SITE:

It was moved by Mr. Evans, seconded by Mr. Ward to adopt the following Resolution:

WHEREAS, the Ohio State Historical Preservation Office (SHPO) has identified the Radnor 800 MHz tower site in a historical preservation zone, and;

WHEREAS, SHPO has recommended that the Board of Commissioners mitigate with appropriate property owners in the area for placement of the Radnor tower site, and;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County approve Hardlines Design Company to represent the Board in negotiating a Memorandum of Agreement between the County and appropriate property owners in the Radnor preservation zone to place the 800 MHz tower site at the following costs:

Senior Project Manager 6 hours @ \$62.00 per hour  
Senior Preservation Planner 54 hours @ \$52.00 per hour;

or at a not to exceed cost of \$3,180.00 for Hardlines and \$8,700.00 for registration of property on the National Register, if needed, representing a total cost of \$11,880.00.

Vote on Motion Mr. Ward Aye Mr. Jordan Aye Mr. Evans Aye

INVESTMENT COMMITTEE

PROSECUTOR SESSION

RESOLUTION NO. 05-66

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Ward, seconded by Mr. Evans to adjourn into Executive Session at 9:45AM.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-67

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Evans to adjourn out of Executive Session at 11:00AM.

Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

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There being no further business the meeting adjourned.

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Glenn A. Evans

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Kristopher W. Jordan

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James D. Ward

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Letha George, Clerk to the Commissioners