

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 3, 2005

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

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

PUBLIC COMMENT

RESOLUTION NO. 05-250

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 28, 2005 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held February 28, 2005 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 05-251

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 032 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR 032 :

It was moved by Mr. Ward , seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR 032 , memo transfers in batch numbers MTAPR 032 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Henry Painting Co.	Painting/Jail Remodeling	40411414-5410	\$ 160,710.00
Kromer States Roofing Co.	Roofing/Jail Remodeling	40411414-5410	\$ 157,800.00
The Valley Security Co.	Detention Equipment/Jail	40411414-5410	\$ 544,960.00
Hollowcore Inc.	Precast Concrete/Jail	40411414-5410	\$ 255,100.00
Treasurer, State of Ohio	BCMh Crippled Children	10011102-5319	\$ 50,000.00
Railex Corporation	Property Storage/Jail	40411414-5410	\$ 30,000.00
Architectural Floors Inc.	Flooring/Jail Remodeling	40411414-5410	\$ 77,135.00
<b>Increases</b>			
Jess Howard Electric	Jail Renovation	40411414-5410	\$ 7,607.33
Wanner Metal Worx	Jail Renovation	40411414-5410	\$ 7,642.21
<b>Vouchers</b>			
AEP	Serv to 140 N. Sand./Feb 05	10011105-533833802	\$ 5,659.02
AEP	Serv to 91 N. Sand./Feb 05	10011105-533833802	\$ 965.95
AEP	Serv to 7767 Walker Woods Blvd	65211905-533833802	\$ 14,377.58
Synagro Midwest	Land Application of Biosolids	65211919-5301	\$ 16,497.84
Synagro Midwest	Land Application of Biosolids	65211905-5301	\$ 15,000.00
Boys village Inc.	Residential Treatment	22511607-5342	\$ 18,447.80
Del Area Career Center	ABLE	22411603-5348	\$ 58,117.50
Wanner Metal Worx	Structural Steel/Jail Renovation	40411414-5410	\$ 5,906.08
Maddox NBD	Professional Services/Jail Renovation	40111402-5410	\$ 29,815.18
Wanner Metal Worx	Structural Steel/Jail Renovation	40411414-5410	\$ 25,000.00
Williamson	Drywall/Jail renovation	40411414-5410	\$ 6,654.23
Dalmation Fire	Fire Protection/Jail Renovation	40411414-5410	\$ 6,844.80
The Altman Co.	Concrete/Jail Remodeling	40411414-5410	\$ 9,199.13
3 SG	Imaging Project	40411413-5450	\$ 21,777.73

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

RESOLUTION NO. 05-252

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 45.018 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 3, 2005

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

Whereas, on January 27, 2005, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Richard C. Brahm, agent for the petitioners, for 45.018 acres, more or less, in Liberty Township to the City of Powell. (A Clarification amendment was filed on January 28, 2005).

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Powell or the Township of Liberty.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 45.018 acres, more or less, in Liberty Township to the City of Powell.

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

RESOLUTION NO. 05-253

IN THE MATTER OF PROCLAIMING MARCH AS RED CROSS MONTH IN DELAWARE COUNTY, OHIO:

It was moved by Mr. Ward, seconded by Mr. Jordan to adopt the following resolution:

Proclamation of “March as Red Cross Month”

As one of the nation’s oldest, most recognized humanitarian organizations, the American Red Cross is woven tightly into the fabric of DELAWARE COUNTY, OHIO providing compassionate care when disasters and other crises threaten to overwhelm and destroy families. We are indeed fortunate in our community to have this organization with 682 volunteers and 8,891 blood donors dedicated to relieving suffering and saving lives.

The American Red Cross was chartered in Delaware County on June 8, 1917 by a group of local community volunteers. Last year, the Delaware County Chapter responded to more than 28 disasters in our community alone: high profile natural disasters, single-family fires that rarely even make the news, other man-made emergencies.

Concentrating on preparedness and educational issues, the local American Red Cross, offered Community Disaster Education to more than 5494 residents on how to keep families safe in a time of disaster. Americans trust and rely upon their local Red Cross chapters to provide services for families robbed of their loved ones, homes, livelihoods or dignity.

Other Red Cross services include collecting 8,891 units of donated blood, ensuring its safety and providing local hospitals with the supply of blood and blood products for lifesaving medical treatments and routine medical procedures.

As our military men and women join the effort to fight terrorism a world away, Red Cross workers in Delaware County Chapter are working around the clock to fulfill a historical role: keeping service members and their families in touch and offering other small comforts. In 2004, the Delaware County Chapter assisted 82 Military and Civilian Families, offered 129 International Services, and 450 Military Outreach services.

Residents of DELAWARE COUNTY, OHIO get information they need to maintain safe and healthy lives through Red Cross courses in lifesaving skills—first aid, CPR, water safety and much more—while our community also benefits from other Red Cross programs that provided like “Keep Me Safe” child Identification program, Spanish as a Second Language and Scrubby Bear programs. These services and many more touched more than 30,000 individuals last year in Delaware County.

Through its work, the Red Cross, an enduring American institution, restores hope at home and throughout the world every day, and its vital services would not be possible without generous contributions from the American people.

THEREFORE, THE BOARD OF DELAWARE COUNTY COMMISSIONERS do hereby proclaim March 2005 as *American Red Cross Month*. Especially during these trying times for our country, The Board request that each member of our community support the Delaware County Chapter noble humanitarian mission with a gift of time, blood or money. Together, we can save lives and make our world a safer, better place.

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

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 3, 2005

RESOLUTION NO. 05-254

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Wendy Shannon has accepted the promotion to Enforcement Supervisor for CSEA, effective date is March 12, 2005

Kelly Jervis has resigned her position as Social Worker with the DJFS, effective date is March 11, 2005.

Rhonda Griffith has been given a 5-day suspension as a disciplinary action.

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

RESOLUTION NO. 05-255

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS

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

Adult Court Services is requesting that Erin Cook and Doug Missman attend a Crisis Intervention Team Conference in Columbus on May 11 & 12 at a cost of \$260.00.

Emergency Services is requesting that John Tracy, Larry Fisher, and Patrick Brandt attend training at Harris Corporation at a cost of \$1900.00.

Emergency Services is requesting that Elissa Sessley attend Navigator 2005 training on February 23-27, 2005 at a cost of \$2, 352.00.

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

RESOLUTION 05-256

IN THE MATTER OF AMENDING RESOLUTION 05-219 REGARDING THE ACCEPTANCE OF  
ADDITIONAL COMMUNITY EMERGENCY RESPONSE TEAM TRAINING GRANT FUNDS

It was moved by Mr. Ward, seconded by Mr. Jordan to adopt the following Amendment to Resolution 05-219:

WHEREAS, the Board of Commissioners approved Resolution 05-219 accepting and appropriating additional FY04 grant funds for Community Emergency Response Team (C.E.R.T.) training, and;

WHEREAS, the Account and Object Codes were incorrectly identified in the original resolution;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve acceptance of an additional \$1,890.00 for the FY04 C.E.R.T. training and appropriate the same amount into Account 21511317 as follows:

Object Code 5238 \$ 800.00  
Object Code 5305 \$1,090.00

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 05-257

IN THE MATTER OF APPROVING CHANGE ORDER 3 FOR MOTOROLA , INC. FOR THE NEW  
COUNTYWIDE RADIO SYSTEM:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve change orders:

WHEREAS, the Board of Commissioners contracted with Motorola, Inc. for the purchase and construction of a Countywide 800 MHz radio system, and;

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 3, 2005

WHEREAS, Motorola has proposed installing the communications consoles early to continue to support the County’s existing system and facilitate the collocation/consolidation by Delaware City communications with the County, and;

WHEREAS, this early installation will not impact the actual warranty period of the equipment,

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County approves Change Order 3 for Motorola that reflects a revised installation date for the communications consoles. There is no cost associated with this installation.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 05-258

IN THE MATTER OF APPROVING CHANGE ORDER 11 FOR JG CONTRACTING FOR TOWER SITE  
CONSTRUCTION OF THE NEW COUNTYWIDE RADIO SYSTEM:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve change orders:

WHEREAS, the engineering study conducted for placing Delaware County equipment on the State of Ohio M.A.R.C.S. tower located on Riverview Road has been completed, and;

WHEREAS, the study indicates that additional strengthening of the M.A.R.C.S. tower is required, and;

WHEREAS, the agreement between the State of Ohio and Delaware County requires that the County be responsible for any upgrading needed on this tower,

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County approves Change Order 11 for JG Construction as follows:

Original Contract	\$1,989,000.00
Previous Changes	\$ 460,000.00
Change Order 11	\$ 22,865.00

Revised Contract Amount \$2,624,775.00

BE IT FURTHER RESOLVED: That the Board of County Commissioners approve the appropriation of supplemental funds totaling \$22,865 for this change order to be placed into Project Account #41111421 and authorize the increase of the contract blanket Purchase Order at the same amount.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 05-259

IN THE MATTER OF APPROVING THE MEMORANDUM OF UNDERSTANDING WITH THE OHIO STATE  
HIGHWAY PATROL FOR COLOCATION OF EQUIPMENT ON THE EXISTING TOWER AT POST 21:

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

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING (“MOU”) is between THE STATE OF OHIO, DEPARTMENT OF PUBLIC SAFETY, STATE HIGHWAY PATROL (“OSHP”), having an address of 1970 West Broad Street, Columbus, Ohio 43223-1102, and the DELAWARE COUNTY COMMISSIONERS, (“DELAWARE COUNTY”), having an address of 101 North Sandusky Street, Delaware, Ohio, 43015-1732.

BACKGROUND

OSHP is the owner of the tower and/or land (the “Premises”), a description of which is attached as Exhibit A and incorporated herein. Delaware County Commissioners desires to access a portion of the Premises for installation, maintenance, and repair the equipment listed in Exhibit B.

**COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 3, 2005**

---

OSHP agrees to provide DELAWARE COUNTY a right of way for the purpose of installing and providing maintenance and repair of its equipment.

**TERMS**

1. OSHP agrees to provide DELAWARE COUNTY access, including a key to any access gate, to the Premises for the purpose of pre-construction, engineering, site review, installing, housing, operating, maintaining and repairing the communications equipment and for no other purpose.
2. If the placement of any of DELAWARE COUNTY's equipment interferes with any pre-existing equipment within OSHP Premises, including other users, DELAWARE COUNTY agrees to resolve the problem at the sole cost and expense of DELAWARE COUNTY. If DELAWARE COUNTY cannot resolve the problem, it will immediately remove its equipment from the OSHP Premises at the sole cost and expense of the DELAWARE COUNTY.
3. OSHP agrees that they will not enter into subsequent agreements with any other entity that affects DELAWARE COUNTY's equipment or causes interference.
4. The term of this MOU begins upon signing and will continue until such time as either party renders in writing at least six (6) months' notice to the other.
5. DELAWARE COUNTY will be responsible for all expenses and obligations attributable to any permit and license applications associated with installation and use of its equipment.
6. DELAWARE COUNTY will contract a structural engineer, registered in the State of Ohio, to perform a tower load study to ensure the Delaware Highway Patrol Post Tower is capable to carry the proposed antenna system loads. DELAWARE COUNTY will be solely responsible for the cost of the study. DELAWARE COUNTY will provide copies of the study to OSHP Office of Technology & Communication and OSHP Office of Facilities Management for final approval prior to construction.
7. DELAWARE COUNTY will upgrade the current generator, at its expense, to provide full power to that of the Delaware Highway Patrol Post and Tower, and the additional equipment DELAWARE COUNTY plans to install at the site.
8. DELAWARE COUNTY agrees that it will not enter into any other agreement with any other entity that will affect the Premises without the express written consent of OSHP. DELAWARE COUNTY further agrees it will not sign away any rights and/or privileges conferred to it through the existence of this MOU without the express written consent of OSHP.

**CONSTRUCTION AND USE**

9. DELAWARE COUNTY will have the right to install its equipment, at its sole cost and expense, in accordance with all applicable federal, state, and local laws and regulations and free from any and all liens or claims for work, labor or services. At its sole expense and risk, DELAWARE COUNTY will be responsible for the maintenance and operation of its equipment, antenna systems, and equipment shelter at OSHP Premises during the term of this MOU.
10. DELAWARE COUNTY will, prior to commencing such installation, submit plans and specifications relating to such installation to OSHP Office of Technology and Communication Service and Thomas B. Ford, Architect Administrator for the OSHP Office of Facilities Management, for written approval. Said approval will not unreasonably be withheld, provided that the installation and operation of the equipment will not, in the judgment of OSHP, interfere with any operations of presently existing users of the OSHP Premises. Once approval has been given, any work scheduled to be performed at the site shall be coordinated with the OSHP Delaware Post.
11. DELAWARE COUNTY will keep its equipment in good order and repair during the term of this MOU. Upon expiration or termination of this MOU, DELAWARE COUNTY will, at its expense, remove all of its property from the OSHP Premises.
12. Should OSHP intend to sell the property in the future, DELAWARE COUNTY may be required to remove its equipment so as not to decrease the value of the property. DELAWARE COUNTY will be responsible for any and all costs associated with removing the equipment.
13. Equipment shall be installed in a neat and workmanlike manner, in accordance with applicable standards and practice.

**LIABILITY**

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 3, 2005

---

14. DELAWARE COUNTY will, at all times during the term of this MOU, obey and comply with all requirements, rules, regulations, laws and ordinances of all legally constituted governmental authorities affecting OSHP tower and/or premises. To the extent permitted by law, DELAWARE COUNTY will be responsible for any proven claim directly arising from its actions or omissions.

OPERATION OF EQUIPMENT AND DEFAULTS

15. DELAWARE COUNTY will install, operate and maintain its equipment, at its sole cost and expense, in accordance with applicable federal, state, and local laws and regulations and so as not to cause interference with any previously -installed equipment located on the OSHP Premises.
16. DELAWARE COUNTY’s equipment will remain the property of DELAWARE COUNTY. At the expiration or other termination of the MOU, DELAWARE COUNTY will remove the equipment. DELAWARE COUNTY will also repair, at its sole cost and expense, any and all damage to OSHP property occasioned by such removal.
17. To the best of its ability, DELAWARE COUNTY will not use or occupy or permit the OSHP Premises to be used or occupied in any manner which may cause structural injury to or interfere with the structural integrity of the OSHP Premises or any part thereof.

MISCELLANEOUS PROVISIONS

18. This instrument constitutes the entire agreement between the parties. No change, revision, alteration, or modification hereof may be made except in writing signed by both parties.

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

RESOLUTION NO. 05-260

IN THE MATTER OF REJECTING ALL PROPOSALS RECEIVED FOR CLASS A PHASE 1 SLUDGE PROCESSING

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

WHEREAS, Delaware County reserves the right to reject all proposals, in whole or in part.

NOW THEREFORE BE IT RESOLVED, that the board of Commissioners of Delaware County, State of Ohio, reject all proposals received for Class A, Phase 1 Sludge Processing

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

RESOLUTION NO. 05-261

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLAN FOR TARTAN FIELDS PHASE 20, PARTS A & B

It was moved by Mr. Ward seconded by Mr. Jordan to approve sanitary sewer plan for Tartan Fields, Phase 20, Parts A & B for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 05-262

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 AND PENDING LITIGATION:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn into Executive Session at 90:55 AM.

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

RESOLUTION NO. 05-263

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

COMMISSIONERS JOURNAL NO. 46 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 3, 2005

It was moved by Mr. Ward , seconded by Mr. Jordan to adjourn out of Executive Session at 10:55 AM.

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

There being no further business, the meeting adjourned.

\_\_\_\_\_  
Glenn A. Evans

\_\_\_\_\_  
Kristopher W. Jordan

\_\_\_\_\_  
James D. Ward

\_\_\_\_\_  
Letha George, Clerk to the Commissioners