

COMMISSIONERS JOURNAL NO. 47 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 24, 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

2:00 PM Date And Time For Filing Applications For Designation Of Public Depository Of Active (Public) Funds For Delaware County For A Four Year Period Commencing December 1, 2005 Pursuant To Provisions Of Section 135.33 Of The Ohio Revised Code

PUBLIC COMMENT

RESOLUTION NO. 05-1422

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 20, 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 October 20, 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. 05-1423

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1021:

It was moved by Mr. Evans, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR1021, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Increases			
Cornell Abraxas Group	Residential Treatment	22511607-5342	\$ 12,506.00
Kimberly Miller	Day Care	22411610-5348	\$ 3,500.00
Kindercare/Eastwind	Day Care	22411610-5348	\$ 2,500.00
Kindercare/Hard Road	Day Care	22411610-5348	\$ 12,600.00
Kindercare/Caren	Day Care	22411610-5348	\$ 1,200.00
Bruner Corporation	Plumbing/HVAC	40411414-5410	\$ 6,474.00
Bruner Corporation	Plumbing/HVAC	40411414-5410	\$ 23,152.00
BBC&M Engineering	Geotechnical for Perry Taggart	65511918-5410	\$ 15,000.00
BP Products	Fuel	10011106-5228	\$ 28,000.00
Vouchers			
Cornell Abraxas Group	Residential Treatment	22511607-5342	\$ 6,138.00
Todays Learning Child	Day Care	22411610-5348	\$ 10,007.90
AEP	Monthly Service	10011105-533833802	\$ 14,542.37
Williamson Builders	Drywall/Jail	40411414-5410	\$ 112,881.81
Precision Masonry	Repair Channing	40111402-5410	\$ 13,650.00
Child Care Unlimited	Day Care	22411610-5348	\$ 8,045.84
Status Control	Monitoring Systems	65211919-5328	\$ 5,700.00
Kemiron Company	Ferric Chloride	65211905-5290	\$ 5,755.77
Memo Transfer			
From:	To:		
Job and Family Services	Commissioners	Indirect Cost	\$ 30,640.00
22411605-5380	10011101-4231		
Job and Family	Family Children’s First	Tanf-Help Me Grow	\$ 16,134.66
22411601-5301	70161607-4501		
Commissioners	Board of Developmental Disabilities		
10011501-5350	29519000-4539	County Home Closing	\$ 15,000.00

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

RESOLUTION NO. 05 -1424

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

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The Child Support Enforcement Agency is requesting that Bridgett DeCastro and Kelly Mills attend an Ohio CSEA Directors Association Partners Training Meeting in Columbus, Ohio October 20, 2005, at the cost of \$10.00.

The Child Support Enforcement Agency is requesting that Bridgett DeCastro and Kelly Mills attend an Ohio CSEA Directors Association Partners Training Meeting in Columbus, Ohio November 15-16, 2005, at the cost of \$20.00.

The Department of Job and Family Services is requesting that Jacqueline Culbertson attend a Pilot CFF Meeting in Columbus, Ohio November 2, 2005, at the cost of \$45.00.

The Administrative Services Department is requesting that Terry Conant attend a CCAO/OCDWA Winter Conference in Columbus, Ohio December 11-13, 2005, at the cost of \$86.00.

The EMS Department is requesting that Larry Fisher attend a CCAO/CEAO Winter Conference in Columbus, Ohio December 12, 2005, at the cost of \$65.00.

The EMS Department is requesting that Larry Fisher, Robert Farmer, Robert Moore, Brent Staley and Bob Fish attend a Counter Terrorism Symposium in Columbus, Ohio November 9-10, 2005 at no cost.

The Code Compliance Department is requesting that Gary Wilhelm attend a Sprinkler Seminar in Reynoldsburg, Ohio October 31- November 1, 2005, at the cost of \$45.00.

The Auditor’s Office is requesting that Todd Hanks and Ray Yonkura attend the CAAO Winter Conference in Dublin, Ohio November 14-16, 2005, at the cost of \$175.00.

The Economic Development Department is requesting that Tim Boland attend The Ohio Conference of Community Development in Columbus, Ohio October 26, 2005, at the cost of \$84.32.

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

RESOLUTION NO. 05-1425

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR PUBLIC HEARING FOR THE REQUEST OF AN AMENDMENT TO THE DEVELOPMENT PLAN FOR THE PLANNED INDUSTRIAL (PI) DISTRICT FOR THE PROPERTY LOCATED AT 4156 RADNOR ROAD FOR APPROXIMATELY 1.319 ACRES IN RADNOR TOWNSHIP OWNED BY DAVID BAUERLE:

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

The Board of Commissioners of Delaware County, Ohio, will hold a public hearing on the application requesting an amendment of the development plan for the Planned Industrial (PI) district for the property located at 4156 Radnor Road, for approximately 1.319 acres in Radnor Township, owned by David Bauerle. The application is requesting approval to allow the property to be used in a manner different from that originally set out in the development plan.

The hearing will be held **Monday, November 7, 2005, at 8:00 PM**, in the Hearing Room of the County Commissioners, 101 North Sandusky Street, Delaware, Ohio. A copy of the application is available for review at the Office of the Zoning Inspector – 50 Channing Street, Delaware, Ohio. Interested persons may appear and voice opinion in respect to this proposed zoning amendment.

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

RESOLUTION NO. 05-1426

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE CLERK OF COURTS OFFICE:

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

Transfer of Appropriation		AMOUNT
From	To	
10020201-5101	10020201-5313	\$2,000.00
Clerk of Courts/Hospital	Clerk of Courts /Printing	
10020201-5101	10020201-5001	\$1,000.00
Clerk of Courts /Hospital	Clerk of Courts /Salaries	

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

RESOLUTION NO. 05-1427

IN THE MATTER OF APPROVING PLAT FOR WHISPER TRACE AND DITCH MAINTENANCE
PETITIONS FOR WHISPER TRACE AND WEDGEWOOD PARK 2, PHASE C:

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

Whisper Trace

Situated In The Township Of Concord, County Of Delaware, State Of Ohio, Located In Part Of J. Scott’s Virginia Military Survey No. 2642, And Being All Of A 23.617 Conveyed To Whisper Trace Llc, As Described In Official Record 0525, Page 2504, And All Of A 5.004 Acre Tract Conveyed To Stacy T. Davis As Described In Official Record 0525, Page 720, Recorder’s Office Delaware County, Ohio. Cost \$39.00.

Ditch Maintenance Petition- Whisper Trace

We the undersigned owners of 28.62 acres in Concord Township, Delaware County, Ohio propose to create a subdivision known as **Whisper Trace** 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 **Whisper Trace** Subdivision.

The cost of the drainage improvements is \$71,751.00 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. 13 lots are created in these plats 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, \$5,519.31 per lot. An annual maintenance fee equal to 2% of this basis \$110.39 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 \$1,435.02 has been paid to Delaware County.

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

Ditch Maintenance Petition-Wedgewood Park 2, Phase C

We the undersigned owners of 24.85 acres in Liberty Township, Delaware County, Ohio propose to create a subdivision known as **Wedgewood Park 2, Phase C** as evidenced by the attached subdivision plat (Exhibit “A” which is available at the County Engineer’s Office). This plat 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 **Wedgewood Park 2, Phase C** Subdivision.

The cost of the drainage improvements is \$82,669.00 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. 25 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, \$3,306.76 per lot. An annual maintenance fee equal to 2% of this basis \$66.14 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 has been paid to Delaware County.

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

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

RESOLUTION NO. 05-1428

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR
SHERMAN LAKES SECTION 2:

It was moved by Mr. Ward, seconded by Mr. Evans to release bonds and letters of credit and accept roads within the following:

Sherman Lakes Section 2

The roadways to be accepted are as follows:

- McClellon Drive, to known as Township Road Number 1463
- Aster Way, to be known as Township Road Number 1464
- Forsyth Lane, to be known as Township Road Number 1465
- Ammen Avenue, to be known as Township Road Number 1466

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

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

RESOLUTION NO. 05-1429

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR SHERMAN LAKES SECTION 2:

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

Stop Conditions –Sherman Lakes Section 2

- On Township Road Number 1463, McClellon Drive, at its intersection with Township Road Number 1464, Aster Way
- On Township Road Number 1463, McClellon Drive, at its intersection with County Road Number 21, Africa Road
- On Township Road Number 1464, Aster Way, at its intersection with Township Road Number 1465, Forsyth Lane
- On Township Road Number 1465, Forsyth Lane, at its south intersection with Township Road Number 1464, Aster Way
- On Township Road Number 1466, Ammen Avenue, at its intersection with Township Road number 1464, Aster Way

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

RESOLUTION NO. 05-1430

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR WHISPER TRACE SUBDIVISION:

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

Whisper Trace Subdivision

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 2006 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$54,510** for the duration of the one year maintenance period. A Bond in that amount is available.

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

RESOLUTION NO. 05-1431

IN THE MATTER OF APPROVING THE RELEASE OF THE MAINTENANCE BOND FOR EAST POWELL
ROAD LEFT TURN LANE AT VILLAGE AT POLARIS GREEN:

It was moved by Mr. Evans, seconded by Mr. Ward to release the maintenance bond for East Powell Road Left Turn Lane At Village at Polaris Green:

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East Powell Road Left Turn Lane At Village at Polaris Green

In April, 2005, your Board entered into agreement with Dominion Homes for the above referenced project. Dominion has since completed the project to the satisfaction of this office. The Engineer, is therefore, requesting approval to return the Bond Dominion posted as construction surety and release them from their obligations to this project.

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

RESOLUTION NO. 05 -1432

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
U05185	Columbia Gas	Tree Lake Boulevard	Install/relocate gas main

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

RESOLUTION NO. 05-1433

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

Affidavit Maker
Software License
Agreement

This Addendum shall become part of and incorporated into the agreement entered into on October 21, 2004 by and between Affidavit Maker Software L.L.C. (“Licensor”), a Limited Liability Company having principle offices at Springfield, Ohio and the undersigned customer, the Delaware County Sheriff’s Office, 149 North Sandusky Street, 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:

82 personnel multiplied by \$23.00/person

Affidavit Maker Main Module	\$1,886.00
Affidavit Maker Juvenile Module	\$ 679.00

The Term of this Agreement shall be
November 1, 2005 though October 31, 2006.

TOTAL DUE November 1, 2005	\$2,565.00
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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 \$100.00 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

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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 Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 05-1434

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR COMMON PLEAS JURY COMMISSION:

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

Supplemental Appropriation		Amount
10029201-5360	Common Pleas Jury Commission/Court Related Services Grand Jurors	\$ 8,500.00
10029201-5360	Common Pleas Jury Commission/Court Relates Services Petit Jurors	\$ 25,000.00

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

RESOLUTION NO. 05-1435

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Candy Kelley has retired fromher position as Income Maintenance Worker III with the Department of Job and Family Service; effective date October 31, 2005.

Julie Mays has resigned her position as Income Maintenance Worker III with the Department of Job and Family Service; effective date October 25, 2005.

Gina Alexander has resigned her position as Income Maintenance Worker III with the Department of Job and Family Service; effective date October 17, 2005.

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

RESOLUTION NO. 05-1436

IN THE MATTER OF APPROVING THE CONTRACTS BETWEEN THE DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS BUCKEYE VALLEY SUMMER SACC; BUCKEYE VALLEY SCHOOL YEAR SACC; PAULA SMITH AND THERESA MITCHELL:

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

BASIC RATES

Full-time Week for Licensed Center and Type A Providers: 25 to 60 hours
Hourly: Paid after 60 hours

Part-time Week for Center and Type A Providers: 8 hours to 24.9 hours
Hourly Paid for .1 hour to 7.9 hours

Full-time Week for Certified Type B Home Providers: 25 hours to 50 hours
Hourly: Paid after 50 hours

Part-time Week for Home Providers: 8 hours to 24.9 hours
Hourly Paid for .1 hour to 7.9 hours

Child Care Provider		Full	Part Time	Hourly
Buckeye Valley Summer SACC 679 Coover Road Delaware, Ohio 43015	Kindergarten-5 th 6:30am-9:15am 3:40pm-6:30pm	5 day Program \$ 34.00 \$ 34.00		

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	6:30am-9:15am And 3:40-6:30pm Kindergarten only 6:30am-6:30pm 6:30am-3:40pm 9:15am-6:30pm 9:15am-1:00pm 11:45am-3:40pm	\$ 64.00 \$ 74.00 \$ 64.00 \$ 64.00 \$ 54.00 \$ 54.00		
Buckeye Valley School Year SACC 679 Coover Road Delaware, Ohio 43015	Summer Program School Age	\$ 95.00	\$ 63.65	\$ 5.39

Child Care Provider	Infants	Toddlers	Preschool	School
Paula Smith 3376 Groll Road Waldo, Ohio 43356	\$114.00 Full \$ 76.00 Part \$ 2.99 Hourly	\$112.00 Full \$ 75.00 Part \$ 2.95 Hourly	\$ 98.00 Full \$ 65.50 Part \$ 2.82 Hourly	\$90.00 Full \$60.00 Part \$ 2.69 Hourly
Theresa Mitchell 6843 Hilmar Drive Westerville, Ohio 43082	n/a Full n/a Part n/a Hourly	n/a Full n/a Part n/a Hourly	\$124.72 Full \$ 80.79 Part \$ 4.86Hourly	\$110.21Full \$ 74.36Part \$ 3.54 Hourly

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

Further Be It Resolved, that the Commissioners approve the following Purchase Order Request:

Buckeye Valley Summer SACC 22411610-5348 \$ 2,000.00
Buckeye Valley School Year SACC 22411610-5348 \$20,000.00
Paula Smith 22411610-5348 \$ 7,500.00
Theresa Mitchell 22411610-5348 \$ 2,000.00

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

RESOLUTION NO. 05-1437

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND BELMONT PINES HOSPITAL FOR CHILD PLACEMENT SERVICES:

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

Child Placement Service	Per diem cost and per diem reimbursement for the following categories
Belmont Pines Hospital 615 Churchill-Hubbard Road Youngstown, Ohio 44505	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare G. Other costs - (any other cost the Agency has agreed to participate in)

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

Further Be It Resolved, that the Commissioners approve the following Purchase Order Request:

Belmont Pines 22511607-5342 \$7,500.00

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

RESOLUTION NO. 05-1438

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR THE VILLAGE AT BALE KENYON AND DERBY GLEN FARMS SECTION 1:

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It was moved by Mr. Ward, seconded by Mr. Evans to approve sanitary sewer plan for Village At Bale Kenyon And Derby Glen Farms Section 1 for submittal to the Ohio EPA for their approval as per recommendation of the County Sanitary Engineer.

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

RESOLUTION NO. 05-1439

IN THE MATTER RELEASING AKZO NOBEL COATINGS, INC. FROM FURTHER LIABILITY IN CONSIDERATION OF A SPECIFIED AMOUNT:

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

WHEREAS, the Water Reclamation Department secured a coating product from Akzo Nobel Coatings, Inc. for the purposes of maintenance staining of building exteriors at the Olentangy Environmental Control Center, and

WHEREAS, this product was applied and failed shortly thereafter, and

WHEREAS, such failure of this coating has been determined to have arisen from a manufacturing defect in the product, and

WHEREAS, Akzo Nobel Coatings, Inc. has agreed to compensate Delaware County the amount required to have reapplication performed under a contract; \$24,775.50, and

WHEREAS, in doing so, this manufacturer requires a release of further liability,

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Delaware County does hereby release Azko Nobel Coatings, Inc. of further liability according to the aforementioned conditions.

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

RESOLUTION NO. 05-1440

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR ENVIRONMENTAL SERVICES:

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

<u>SUPPLEMENTAL APPROPRIATION</u>	
TO:	AMOUNT:
65411907-5001 Galena – Salary	\$(19,900.00)
65411907-5004 Galena – Overtime	\$ (150.00)
65411907-5101 Galena – Insurance	\$ (7,300.00)
65411907-5120 Galena – PERS	\$ (2,700.00)
65411907-5131 Galena - Medicare	\$ (300.00)
66011908-5001 Scioto Hills - Salary	\$ 5,700.00
66011908-5004 Scioto Hills - Overtime	\$ 1,500.00
66011908 - 5101 Scioto Hills - Insurance	\$ 1,200.00
66011908-5120 Scioto Hills - PERS	\$ 1,000.00
66011908-5131	\$ 110.00

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Scioto Hills - Medicare

66011910-5001	\$ 800.00
Hoover Woods - Salary	

66011910-5004	\$ 400.00
Hoover Woods - Overtime	

66011911-5001	\$ 500.00
Bent Tree - Salary	

66011911-5004	\$ 255.00
Bent Tree - Overtime	

66011912-5001	\$ 2,000.00
Tartan Fields - Salary	

66011912-5004	\$ 200.00
Tartan Fields - Overtime	

66011913-5001	\$ 2,000.00
Scioto Reserve - Salary	

66011913-5004	\$ 300.00
Scioto Reserve - Overtime	

66011913-5101	\$ 100.00
Scioto Reserve - Insurance	

65111904-5001	\$ 18,030.12
San Engineer Administration - Compensation	

65111904-5101	\$ 594.00
San Engineer Administration - Hospitalization	

65111904-5102	\$ 246.88
San Engineer Administration - Workers Comp	

65111904-5120	\$ 4,174.53
San Engineer Administration - County Share PERS	

65111904-5131	\$ 447.47
San Engineer Administration - Medicare	

65511918-5001	\$ 7,231.79
Perry Taggart - Compensation	

65511918-5102	\$ 333.00
Perry Taggart - Workers Comp	

65511918-5120	\$ 5,646.00
Perry Taggart - County Share PERS	

65511918-5131	\$ 604.00
Perry Taggart - Medicare	

65211919 - 5001	\$ 11,775.41
Alum Creek Plant - Compensation	

65211919 - 5101	\$ 1,485.00
Alum Creek Plant - Hospitalization	

65211919 - 5102	\$ 57.20
Alum Creek Plant - Workers Comp	

65211919 - 5120	\$ 968.83
Alum Creek Plant - County Share PERS	

65211919 - 5131	\$ 103.68
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Alum Creek Plant - Medicare

65211905 - 5001	\$ 7,150.00
San Engineer Regional 1A (OECC) - Compensation	

65211905 - 5101	\$ 1,485.00
San Engineer Regional 1A (OECC) - Hospitalization	

65211905 - 5102	\$ 57.20
San Engineer Regional 1A (OECC) - Workers Comp	

65211905 - 5120	\$ 968.83
San Engineer Regional 1A (OECC) - County Share PERS	

65211905 - 5131	\$ 103.68
San Engineer Regional 1A (OECC) - Medicare	

Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye
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RESOLUTION NO. 05-1441

IN THE MATTER OF APPROVING A RECOMMENDATION BY THE DELAWARE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) TO APPROVE THE APPOINTMENT OF ROBERT LLOYD AS THE OHIO DEPARTMENT OF TRANSPORTATION REPRESENTATIVE TO THE LEPC:

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

WHEREAS, in accordance with the Ohio Revised Code Section 3750.03(b) the Local Emergency Planning Committee (LEPC) recommends to the Board of Commissioners to approve the appointment of Robert Lloyd to represent the Ohio Department of Transportation, District 6, to the LEPC effective 24 October 2005.

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 05-1442

IN THE MATTER OF APPROVING CHANGE ORDER 4 FOR MOTOROLA, INC. FOR THE NEW COUNTYWIDE RADIO SYSTEM:

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

WHEREAS, Motorola and Delaware County Emergency Services, in conjunction with all public safety agencies in the County, has determined the number of needed subscriber radio units, model types and accessories for deployment with the 800 MHz system, and;

WHEREAS, this equipment coupled with other equipment and services that the County currently has on order with Motorola results in a contract savings to the County as follows:

Original Contract	\$11,684,038.00
Previous Changes	\$ -211,007.43
Change Order 4	\$ -392,500.18
Revised Contract Amount	\$11,080,530.39

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County approves Change Order 4 for Motorola that reflects a revised equipment purchase list and resulting contract savings and authorizes the Motorola project manager to make appropriate factory order changes.

Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye
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RESOLUTION NO. 05-1443

IN THE MATTER OF RE-ESTABLISHING A PUBLIC DEFENDER COMMISSION:

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

Whereas, in January 1976 the Delaware County Board of County Commissioners passed a resolution to comply with amended house bill 164, and

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Whereas, in January 1976 the Delaware County Board of County Commissioners established a Public Defender Commission, and

Whereas, since 1976 Delaware County has had an appointed counsel format of public defenders, and

Whereas, During fiscal year 2003, Delaware County paid \$1,330,917 for the appointment of public defenders and in fiscal year 2004, Delaware County has paid \$1,282,985 for the appointment of public defenders and through October 2005, Delaware County in on pace to spend approximately \$1,339,500 for the appointment of public defenders, and

Whereas, due to these increasing costs, Delaware County has considered alternatives to an appointed counsel format for public defenders for several years, and

Whereas, Delaware County has determined that the best alternative to the existing format is through the establishment of a public defender commission as set forth in Chapter 120 of the Ohio Revised Code.

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

- Section I. That the Delaware County Commissioners re-establish a public defender commission as outlined in Section 120.13 of the Ohio Revised Code.
- Section II. That the Delaware County Board of Commissioners agrees to consider potential candidates for three of the five commission appointments, one of which shall be an attorney admitted to the practice of law in the State of Ohio, for board members for a Public Defender Commission.
- Section III. That the Board of County Commissioners requests that presiding judge of the court of common pleas name two members, one being an attorney admitted to the practice of law in the State of Ohio, to the public defender commission.

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

RESOLUTION NO. 05-1444

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 FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 9:58AM.

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

RESOLUTION NO. 05-1445

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 10:48AM.

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

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

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Letha George, Clerk to the Commissioners