

COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 5, 2006

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

RESOLUTION NO. 06-20

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 3, 2006 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held January 3, 2006 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 06-21

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR014:

It was moved by Mr. Ward, seconded by Mr. Evans to approve payment of warrants in batch numbers CMAPR014, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO’s			
W.G. Fairfield Company	FY’ 04 RLF Village Sunbury Lighting	23011715-5365	\$ 79,000.00
Vouchers			
W.G. Fairfield Company	FY’ 04 RLF Village Sunbury Lighting	23011715-5365	\$ 79,000.00

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

RESOLUTION NO. 06-22

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Engineer’s Office is requesting that Jessica Piatt-Brenner attend a “How To Ohio DOT’s Highway Safety Plan” in Columbus, Ohio January 10, 2006, at the cost of \$124.00.

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

RESOLUTION NO. 06-23

IN THE MATTER OF APPROVING A NEW LIQUOR LICENSE REQUEST FROM NORTHSTAR GOLF MANAGEMENT LLC DBA NORTHSTAR GOLF RESORT AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Berkshire Township Trustees that Northstar Golf Management LLC DBA Northstar Golf Resort has requested new D2, D3 permits located at 1150 Wilson Road Berkshire Township Sunbury, Ohio 43074, and

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

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

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

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RESOLUTION NO. 06-24

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Mark Howard, a Mechanical Inspector with Code Compliance, is requesting an extension to his Leave With Out Pay to January 8, 2006

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

RESOLUTION NO. 06-25

IN THE MATTER OF CONTINUING DISCUSSION OF GRANTING THE ANNEXATION PETITION OF 43.146 ACRES OF LAND IN BERKSHIRE TOWNSHIP TO THE VILLAGE OF GALENA TO THE JANUARY 12, 2006 SESSION:

It was moved by Mr. Ward, seconded by Mr. Evans to continuing discussion the of granting the annexation petition of 43.146 acres of land in Berkshire Township To The Village Of Galena To The January 12, 2006 session.

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

RESOLUTION NO. 06-26

IN THE MATTER OF APPROVING A MODIFICATION AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND BURGESS & NIPLE, LTD FOR THE SAWMILL PARKWAY EXTENSION – GOLF VILLAGE NORTH TO HYATTS ROAD:

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

CONTRACT (Modification) # 1

MODIFICATION AGREEMENT made and entered into this 5th day of January, 2006, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **BURGESS & NIPLE, LTD**, hereinafter designated as **SECOND PARTY**.

THIS MODIFICATION AGREEMENT herein after modifies the original agreement by and between the **DELAWARE COUNTY COMMISSIONERS and BURGESS & NIPLE, LTD**.

That said **FIRST AND SECOND PARTY**, hereby agree to increase the current contract amount of **\$2,922,912.00**, (\$2,012,992 basic engineering services, plus \$909,920.00 in “if authorized” items), based on a Proposal for Engineering Services for the project known as **SAWMILL PARKWAY EXTENSION**, dated July 15, 2005, and Cost Proposal dated August 15) by **\$286,874.00** for additional engineering work related as deemed necessary and agreed to by the Delaware County Engineer based on an Engineering Services proposal (**Sawmill Parkway Extension – Golf Village North to Hyatts Road**), dated December 6, 2005. The revised contract amount is, therefore, increased to a **TOTAL of ONE THREE MILLION TWO HUNDRED NINE THOUSAND SEVEN HUNDRED EIGHTY SIX DOLLARS AND ZERO CENTS, (\$3,209,786.00)** to be paid as specified in the terms of the original agreement.

Compensation is to be paid on a monthly basis as the estimated percentage of total work completed. Said estimated completion percentage shall be submitted by the Second Party and approved by the Delaware County Engineer.

SAID SECOND PARTY further agrees to perform the said work promptly, in a skillfully and competent manner in accordance with the normally accepted standards applicable to this work, and under the direction of the Delaware County Engineer. Work shall be deemed complete upon final acceptance of plans and documents by the Delaware County Engineer.

THE SECOND PARTY hereby agrees to hold **Delaware County** free and harmless from any and all claims for loss, damages, injury, liability, costs, expenses, judgments or decrees, resulting from any negligent acts or omissions of the **SECOND PARTY**, its employees, agents, subcontractors, and their employees and agents’ subcontractors and their employees agents but only to the extent that the same is actually covered and paid under the foregoing polices of the insurance.

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

RESOLUTION NO. 06-27

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

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 10:05AM.

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

RESOLUTION NO. 06-28

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 11:55AM.

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

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners