

**COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 23, 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

10:00 AM Bid Opening Date And Time For Professional Security Services For Delaware County

PUBLIC COMMENT

Commissioner Ward encouraged people to take advantage of the new absentee voting procedures for the upcoming election.

(For a complete record refer to the Official CD minutes).

RESOLUTION NO. 06-1350

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 19, 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 October 19, 2006 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. 06-1351

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1020:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve payment of warrants in batch numbers CMAPR1020 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Facilities	Cellular 2 Way Communications	10011301-5330	\$ 7,000.00
Increases			
BP Products	Gasoline	10011106-5228	\$ 25,000.00
Rob Gordin	Public Defender	10011202-5301	\$ 3,000.00
Linda Kendrick	Public Defender	10011202-5301	\$ 4,500.00
King Malley	Public Defender	10011202-5301	\$ 2,000.00
Don Worly	Public Defender	10011202-5301	\$ 2,000.00
Squire Sanders	Legal	10011102-5301	\$ 55,000.00
Decreases			
Terrie Clinger	Public Defender	10011202-5301	\$ 6,000.00
Shawn Dominy	Public Defender	10011202-5301	\$ 1,000.00
James Klein	Public Defender	10011202-5301	\$ 1,000.00
Becky Lefever	Public Defender	10011202-5301	\$ 3,500.00
Vouchers			
Vision Care Inc.	Oct. 06 Premium for Vision	75010901-5370	\$ 5,159.55
Prudential Group Life	Oct 06 Premium	60211902-5370	\$ 7,375.85
AEP	Monthly Service	10011105-533833802	\$ 15,919.78
Ben Bro Enterprises	Bldg/Land Rental	10011105-5335	\$ 14,625.00
Learning Center of Sunbury	Day Care	22411610-5348	\$ 12,439.33
Learning Center of Sunbury	Day Care	22411610-5348	\$ 1,042.41
Emergitech, Inc.	Quarterly Maintenance Support	21411306-5325	\$ 6,837.66
Commissioners	Indirect Costs/CSEA/Oct 06	23711630-5335	\$ 7,552.85
Juvenile Court	Monthly Expense Report	23711630-5360	\$ 7,959.91
Memo Transfer Vouchers			
From	To		
Job and Family 22411605-5380	Commissioners 10011101-4231	Indirect Costs-August And Rent	\$ 37,014.73
Job and Family 22411605-5380	Commissioners 10011101-4231	Indirect Costs-July And Rent	\$ 37,014.73

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

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RESOLUTION NO. 06 -1352

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The EMS Department is requesting that Tim Alton attend a Geriatrics Seminar in Union County November 4, 2006.

The Department of Job and Family Services is requesting that Craig Hill attend a Sexual Assault Training in Marion County December 5, 2006, at the cost of \$15.00.

The Code Compliance Department is requesting that Dan Lemke attend a Residential Code Of Ohio Chapter 3 Seminar in Reynoldsburg, Ohio October 25, 2006, at the cost of \$65.00.

The Child Support Enforcement Agency is requesting that Kelly Mills attend a OCDA Conference in Columbus, Ohio November 3, 2006, at the cost of \$12.00.

The Child Support Enforcement Agency is requesting that Susan Brown, Joyce Rhodes, Kelly Mills, Matt Smith, Adeana Gray and Teresa Farlee attend a 2006 Crime Stoppers Annual Meeting in Columbus, Ohio October 25, 2006, at no cost.

The Child Support Enforcement Agency is requesting that Joyce Rhodes attend a Support Distribution County Workshop in Columbus, Ohio October 26, 2006, at the cost of \$12.00.

The EMS Department is requesting that Brian Galligher attend a Joint Critical Infrastructure Conference in Cincinnati, Ohio December 12, 2006, at the cost of \$62.00.

The Department of Job and Family Services is requesting that Heather Allen attend an Ohio Coalition for the Education of Children with Disabilities in Columbus, Ohio October 24, November 14 and November 28, 2006 at no cost.

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

RESOLUTION NO. 06-1353

IN THE MATTER OF APPROVING TUITION ASSISTANCE REQUEST:

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the Tuition Assistance requests as follows:

Christopher Curtin	2 Classes	Tuition \$1,668.00	Books	\$217.00
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Delaware County will reimburse an employee up to 90% for actual course tuition and required lab fee costs and 50% of the required book costs, not to exceed \$2,500 in total reimbursable expenses annually (review Section 4.0 for specific items). The employee shall provide proof of full payment before reimbursement is processed.

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

RESOLUTION NO. 06-1354

IN THE MATTER OF APPROVING A NEW LIQUOR LICENSE REQUEST FROM LITTLE BEAR HOSPITALITY LLC. DBA LITTLE BEAR HOSPITALITY LLC AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Orange Township Trustees that Little Bear Hospitality LLC. DBA Little Bear Hospitality LLC has requested a new D5 permit located at 1940 Little Bear Loop Orange Township Lewis Center, Ohio 43035, and

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

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

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

RESOLUTION NO. 06-1355

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR THE PROSECUTOR'S OFFICE:

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

Transfer of Appropriation		amount
FROM	TO	
23512102-5001	23512102-5101	1,500.00
Delinquent Tax-Prosecutor/Compensation	Delinquent Tax/Hospital Insurance	
Supplemental Appropriation		
23612302-5001	Victims of Crime/Compensation	2,232.00

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

RESOLUTION NO. 06-1356

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR WHISPER TRACE:

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

Whisper Trace

The roadways to be accepted are as follows:

- **Whisper Trace**, to be known as **Township Road Number 1501**
- **Meadowlark Lane**, to be known as **Township Road Number 1502**

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

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

RESOLUTION NO. 06-1357

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR WHISPER TRACE:

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

Stop Conditions –Whisper Trace

- On Township Road Number 1501, Whisper Trace, at its intersection with Township Road Number 133, Merchant Road
- On Township Road Number 1502, Meadowlark Lane, at its intersection with Township Road Number 1501, Whisper Trace

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

RESOLUTION NO. 06-1358

IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR OLENTANGY FALLS SECTION 1 AND CHESHIRE WOODS SECTION 1:

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

Olentangy Falls Section 1

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 2007 construction season.

In accordance with the Subdivider's Agreement, The Engineer recommends that the maintenance bond be set at **\$109,900** for the duration of the one year maintenance period. A Letter of Credit in that amount is available.

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Cheshire Woods Section 1

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 2007 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$162,000** for the duration of the one year maintenance period. A Letter of Credit in that amount is available. He also request approval to return the Letter of Credit being held as construction surety to the developer, Cheshire Woods, LLC. A letter authorizing release of the Letter of Credit is available for your approval.

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

RESOLUTION NO. 06-1359

IN THE MATTER OF APPROVING THE RELEASE OF THE MAINTENANCE BONDS FOR THE HARLEM ROAD WIDENING FOR KELLER PINES SUBDIVISION:

It was moved by Mr. Jordan, seconded by Mr. Evans to release the maintenance bond for the Harlem Road Widening For Keller Pines Subdivision:

Harlem Road Widening For Keller Pines Subdivision

The improvements made for the above referenced project have been completed to the satisfaction of this office. The Engineer, therefore, request approval to return the Letter of Credit being held as construction surety to the developer, Keller Pines, LLC, and that Keller Pines, LLC be released from their responsibility to this project.

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

RESOLUTION NO. 06 -1360

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

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

Permit #	Applicant	Location	Type of Work
U06145	The Knowledge Group	Green Meadows Drive	Place 795’ of cable/conduit
U06150	Columbia Gas	Orangewick North & Rail Timber	Install 3” plastic gas line

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

RESOLUTION NO. 06-1361

IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT TO COMPLETE GENERAL CONSTRUCTION FOR THE SUNBURY ROAD & YANKEE STREET INTERSECTION IMPROVEMENT PROJECT:

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

**Sunbury Road & Yankee Street Intersection Improvement
Bid Opening of October 17, 2006**

As a result of the above referenced bid opening, The Engineer recommends that a bid be awarded to Complete General Construction, the low bidder for the project. A copy of the bid tabulation is available for your information.

CONTRACT

AGREEMENT, made and entered into this 23rd day of October 2006, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and **COMPLETE GENERAL CONSTRUCTION COMPANY**, hereinafter designated as **SECOND PARTY**.

WITNESSETH, that said **SECOND PARTY**, for and in consideration of the sum of **FOUR HUNDRED TWO THOUSAND SEVEN HUNDRED SIXTY-EIGHT DOLLARS AND FIFTEEN CENTS (\$402,768.15)**, based on unit prices on the attached **Bid Blank**, to be paid as hereinafter specified, hereby agrees to furnish unto said **FIRST PARTY**, all the necessary material, labor and equipment required to complete the project known as **SUNBURY ROAD AND YANKEE STREET INTERSECTION IMPROVEMENTS**, in accordance with plans, drawings, general specifications, Invitation to Bid for same hereto attached; which plans, drawings, general

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specifications and Invitation to Bid are hereby declared to be a part of this **Contract**.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer**. Work is to be completed on or before **July 31, 2007**.

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

SECOND PARTY further agrees to pay the **Prevailing Wage Rate** in accordance with **Section 4115 of the Ohio Revised Code** and to furnish the **Delaware County Engineer** a certified copy of the Contractor's payroll. Contractor is also responsible providing any changes in the Prevailing Wage rates as furnished by the Delaware County Engineer during the course of this project to any and all Subcontractors employed by the Contractor.

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

RESOLUTION NO. 06-1362

IN THE MATTER OF RENAMING A FUND:

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

RENAME FUND
40940411

OPWC Yankee Street

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

RESOLUTION NO. 06-1363

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. Jordan 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, 2006 though October 31, 2007.**

TOTAL DUE November 1, 2006 \$2,565.00

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.

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ANNUAL MAINTENANCE

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

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

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

RESOLUTION NO. 06-1364

IN THE MATTER OF APPROVING A CONTRACT WITH RCC CONSULTANTS FOR THE PURPOSE OF PROVIDING ASSISTANCE TO DELAWARE COUNTY:

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

WHEREAS, Delaware County owns and operates an 800 MHz digital radio system; and,

WHEREAS, the system is subject to frequency reconfiguration (Rebanding Process) in accordance with Federal Communications Commission orders and directives; and,

WHEREAS, this effort requires planning and implementation of the Rebanding Process and in obtaining funding that is beyond the capabilities of the County; and,

WHEREAS, RCC Consultants has already conducted a frequency study and assisted in establishing the system specifications for purchasing an 800 MHz radio network that provides them with detailed knowledge of the County and its operations;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approve contracting with RCC Consultants for planning, implementing and obtaining funding for the Rebanding Process at a cost that will be recovered through and as approved by the FCC appointed Transition Administrators (TA).

(A copy of the contract is available in the Commissioners Office until no longer of Administrative Value).

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

RESOLUTION NO. 06-1365

IN THE MATTER OF AMENDING RESOLUTION 06-079 APPROVING THE PURCHASE OF MEALS AND BEVERAGES FOR THE LOCAL EMERGENCY PLANNING COMMITTEE MEETINGS:

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue of Expenditure of Public Funds for Proper "Public Purpose"; and

WHEREAS, the Delaware County Board of Commissioners approved the purchase of meals and beverages for the Local Emergency Planning Committee (L.E.P.C.) at a cost of \$475.00; and,

WHEREAS, the actual cost was \$498.20;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby Amend Resolution 06-079, increasing the funding for meals and beverages to \$498.20.

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

RESOLUTION NO. 06-1366

IN THE MATTER OF AMENDING RESOLUTION 06-1137 APPROVING THE SPONSORSHIP FOR A FOREIGN ANIMAL DISEASE RESPONDER COURSE:

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

WHEREAS, the Board of County Commissioners approved the Delaware County Office of Homeland Security and Emergency Management to sponsor an Ohio Emergency Management Foreign Animal Disease Responder training course; and,

WHEREAS, the State of Ohio provides compensation for meals and refreshments for this training at a not to exceed amount of \$300.00; and,

WHEREAS, the State of Ohio initially indicated that these funds could be compensated to a County EMA employee, but has subsequently advised that the County EMA Agency must be compensated rather than an employee and has paid the cost for the meals to the County;

NOW THEREFORE, BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby resolve to amend Resolution 06-1137, approving the purchase of meals and refreshments for the training course and approve the payment of \$178.63 to Mr. Fisher for reimbursement.

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

RESOLUTION NO. 06-1367

IN THE MATTER OF APPROVING A RECOMMENDATION BY THE DELAWARE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) TO APPROVE THE APPOINTMENT OF JOHN L. DONAHUE AND RUSSELL MARTIN AS THE PRIMARY AND ALTERNATE CITY OF DELAWARE REPRESENTATIVES OF THE LEPC:

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

WHEREAS, in accordance with the Ohio Revised Code Section 3750.03(b) the Local Emergency Planning Committee recommends to the Board of Commissioners to approve the appointment of John L. Donahue, City of Delaware Fire Chief and Russell Martin, City of Delaware Police Chief as the Primary and Alternate City representatives to the LEPC effective 23 October 2006.

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

RESOLUTION NO. 06-1368

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR JOB AND FAMILY SERVICES:

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

Transfer of Appropriation		AMOUNT
FROM	TO	
22411601-5001 JFS Income Maint/Compensation	22411601-5348 JFS Income Maint/Program Services	30,000.00
22411604-5001 JFS Child Protection/Compensation	22411605-5380 JFS Administration/Other Services	50,000.00
22411604-5001 JFS Child Protection/Compensation	22411603-5001 JFS Workforce/Compensation	15,000.00
22411604-5001 JFS Child Protection/Compensation	22411603-5101 JFS Workforce/Insurance	1,000.00
22411604-5001 JFS Child Protection/Compensation	22411606-5101 JFS Social Services/Insurance	1,000.00

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

RESOLUTION NO. 06-1369

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR ADULT COURT SERVICES:

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

Supplemental Appropriation	AMOUNT
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25622303-5250	Intensive Supervision/Minor Tools	500.00
25622303-5201	Intensive Supervision/Office Supplies	5,000.00

Revenue Increase

25622303-4732	Intensive Supervision/Misc Revenue	5,500.00
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Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye

RESOLUTION NO. 06-1370

IN THE MATTER OF PROMOTING CHAD ANTLE TO THE DIRECTOR OF THE ENVIRONMENTAL SERVICES DEPARTMENT:

It was moved by Mr. Ward, seconded by Mr. Evans to approve promoting Chad Antle to The Director Of The Environmental Services Department; effective date October 23, 2006:

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

RESOLUTION NO. 06-1371

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR MCCAMMON ESTATES SECTION 3 & 4; CHESHIRE WOODS SECTION 1; ESTATES AT MEDALLION AND VINMAR FARMS SECTION 3 PHASE A:

It was moved by Mr. Evans, seconded by Mr. Jordan to accept the sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

McCammon Estates Section 3 & 4	4,334 feet of 8-inch sewer	24 manholes
	221 feet of 10-inch sewer	
	1,078 feet of 12-inch sewer	
Cheshire Woods Section 1	5,776 feet of 8-inch sewer	28 manholes
	5,226 feet of 12-inch sewer	
Estates at Medallion	755 feet of 8-inch sewer	5 manholes
Vinmar Farms Section 3 Phase A	1,169 feet of 8-inch sewer	7 manholes

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

RESOLUTION NO. 06-1372

IN THE MATTER OF APPROVING A WAIVER FOR THE APPLICATION AND COLLECTION OF THE "ABOVE NORMAL STRENGTH SEWAGE" USER FEE SURCHARGE FOR THE NOVEMBER 1, 2006, BILLING CYCLE:

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

WHEREAS; the Delaware County Sewer District levies a surcharge for "above normal strength sewage" based on the following definitions:

1. "Normal sewage" means sewage which when analyzed shows by weight a daily average of not more than 250 parts per million of suspended solids, and not more than 200 parts per million of biochemical oxygen demand (BOD).
2. "Suspended solids" means solids that either floats on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.
3. "CBOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five (5) days at 20 degrees centigrade, expressed in parts per million by weight.

WHEREAS; The Commissioners Resolution No. 04-1601 requires all customers to be billed for their monthly service.

WHEREAS: The billing of customers also includes strength of sewage surcharge. The surcharge is determined by evaluating (sampling) the customer's strength of sewage.

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WHEREAS; The evaluation of all customers has not been performed in accordance with the Commissioner’s Resolution No. 04-1601 because of policy set by previous management, which was without Commissioner’s consent.

WHEREAS; The Sanitary Engineer is in the process of resolving this conflict and requests 1 billing cycle (quarter) time to determine and enact an equitable method to surcharge the quarterly user fees for higher than normal sewage being discharged by the Sewer District customers.

THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO: that the surcharges to the quarterly user fee for “above normal strength sewage” be waived for the November 1, 2006 billing cycle.

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

RESOLUTION NO. 06-1373

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE SANITARY ENGINEER DEPARTMENT:

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

Supplemental Appropriations	Amount
65111904-5319 Sanitary Engineer Reimbursement/Refunds	\$50,000.00
Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye	

RESOLUTION NO. 06-1374

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE CODE COMPLIANCE DEPARTMENT:

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

Supplemental Appropriations	Amount
10011301-5250 Code Compliance/Minor Tools and Equipment	\$ 1,999.80
10011301-5250 Code Compliance/Minor Tools and Equipment	\$ 6,400.00
10011301-5201 Code Compliance/Office-DATA Processing Supplies	\$ 1,600.00
Vote on Motion Mr. Jordan Aye Mr. Evans Aye Mr. Ward Aye	

RESOLUTION NO. 06-1375

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND SYNAGRO CENTRAL LLC. FOR CONVEYANCE AND LAND APPLICATION OF BIOSOLIDS FOR DELAWARE COUNTY, OHIO:

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

AGREEMENT

THIS AGREEMENT, MADE THIS 23rd day of October 2006, by and between The Delaware County Commissioners, hereinafter called “OWNER” and **SYNAGRO CENTRAL LLC.**, 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 and Land Application of Biosolids for Delaware County, Ohio.
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 term of the contract.
5. The term “CONTRACT DOCUMENTS” means and includes the following:
 - (A) Advertisement for BIDS

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- (B) Information for BIDDERS
- (C) BID
- (D) Form of Noncollusion Affidavit
- (E) Agreement
- (F) Legal and Fiscal Officers
- (G) NOTICE OF AWARD
- (H) NOTICE TO PROCEED
- (I) CHANGE ORDER
- (J) General instructions to Bidder
- (K) SPECIFICATIONS
- (L) Declaration Regarding Material Assistance to Terrorist Organization
- (M) ADDENDA:
No. _____ NONE _____, dated _____, 20 _____

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 services performed up to the time of termination.

7. This agreement shall become effective on date of contract execution, and remain in effect for two years from that date.

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

RESOLUTION NO. 06-1376

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE ECONOMIC DEVELOPMENT DEPARTMENT:

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

Supplemental Appropriations	Amounts
23111709-5365 Revolving Loan Fund/Grant Related Services	\$25,100

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

RESOLUTION NO. 06-1377

IN THE MATTER OF AMENDING RESOLUTION 06-959:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve the following contract.

Whereas, the Board of County Commissioners approved a deferment of the 2006 repayment from Delaware County Fair in Resolution 06-959, and

Whereas, the Delaware County Fair repaid the \$10,000 for the 2006 share of the Junior Fair Building

Now therefore be it resolved by the Delaware County Board of County Commissioners will amend resolution 06-959 to reflect that the Delaware County fair did not utilize the 2006 deferment.

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

RESOLUTION NO. 06-1378

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

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 9:40AM.

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

RESOLUTION NO. 06-1379

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 10:30AM.

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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