

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 21, 2007

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

1. Recorder Andy Brenner informed the Commissioners that on June 20, 2007 the Recorder’s Office, Auditor’s Office and Engineer’s Offices recorded Delaware County’s first electronic deed.

2. Gary Must Delaware County Fair-  
Delaware County Fair/Scale: asked the Commissioners to fund the purchase of a new scale for the fair.

(For a Complete record refer to the Official CD Minutes)

RESOLUTION NO. 07-738

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATION AND PURCHASE ORDER AND VOUCHER:

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

<b>Supplemental Appropriation</b>			
1001102-5601	Commissioners General/Grants	\$	6,800.00

Approval of Purchase Order and Voucher

Delaware County Fair	1001102-5601	\$6800.00
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Vote on Motion:	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye
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RESOLUTION NO. 07-739

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 18, 2007 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 June 18, 2007 as contained in the county’s official electronic recordings of the proceedings.

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 07-740

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0620 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0620:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve payment of warrants in batch numbers CMAPR0620, memo transfers in batch numbers MTAPR0620 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>Purchase Orders</b>			
Grady Memorial Hospital	Health Fair Bloodwork	60211902-5340	\$ 5,500.00
<b>Increases</b>			
Kiddie Academy	Day Care	22411610-5348	\$ 8,000.00
B.P. Products	Gasoline	10011106-5228	\$ 45,000.00
<b>Vouchers</b>			
Treasurer	ACI General CFOA Retainage	43111424-5410	\$ 29,534.68
Treasurer	ACI Site Work CFOA Retainage	43111424-5410	\$ 4,967.50
ACI	Site Work CFOA	43111424-5410	\$ 190,572.20
ACI	General Trades CFOA	43111424-5410	\$ 509,579.58
AEP	N. Blower Bldg OECC	66290302-533833802	\$ 4,790.65
AEP	Golf Village PS	66290308-533833802	\$ 450.75
AEP	Orange Road PS	66290311-533833802	\$ 281.04
AEP	Wingate	66290316-533833802	\$ 91.20
AEP	Woodland PS	66290317-533833802	\$ 131.35

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AEP	Scioto Reserve PS	66290707-533833802	\$	73.92		
AEP	Scioto Reserve	66011913-533833802	\$	146.99		
CEBCO	July 2007 Premiums and Claims	60211902-5370	\$	743,166.42		
State of OH Treasurer	State Audit	10011102-5301	\$	9,107.67		
Gardner Architects	Design Halls Renovation	40111402-5410	\$	13,695.00		
W. E. Monk	Engineering Halls Renovation	40111402-5410	\$	7,262.50		
B.P Products N. America	Gasoline/Bulk Plant/Walker	10011106-522822801	\$	8,608.02		
Shelly Company	Kintner 36/37 Improvements	23011704-5365	\$	15,753.00		
Siemens Water	Bioxide	66290407-5290	\$	14,176.75		
<b>Memo Transfer Voucher</b>						
<b>From</b>	<b>To</b>					
CSEA	Del Co. Juv. Ct./Court Contract	Ct. Contract Billing				
23711630-5360	10026201-4245		\$	7,633.07		
CSEA	Commissioners/June 07 Rent	June 07 Rent				
23711630-5335	10011101-4233		\$	7,420.42		
Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye

RESOLUTION NO. 07-741

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

- Code Compliance is requesting that Bill Johnson, Joe Scherler, Tim Stitt, Ed Spires, Mark Howard, Ric Irvine, and Ross Bigelow attend the International Building Code Significant Changes Seminar at Reynoldsburg on June 28, 2007 at no cost.
- Code Compliance is requesting that Joe Scherler, Chris Bean, Dave Diehl, ILke Callison, Bill Johnson and Ross Bigelow attend the International Energy Conservation Code and Fuel Gas Code Update Seminar at Reynoldsburg on June 29, 2007, at no cost.
- Code Compliance is requesting that Dan Lemke, Duane Matlack, Dave Diehl, Larry Eley and Chris Bean attend the International Building Code significant Changes Seminar on June 25, 2007, at no cost.
- Code Compliance is requesting that Fred Fowler, Gary Wilhelm Ken Bruen, Ike Callison John Hickman and Joe Evans attend the Building Code Significant Changes Seminar at Reynolds burg on June 21, 2007, at no cost.
- Code Compliance is requesting that John Hickman, Ed Spires, Larry Eley, Ken Bruen, Joe Evans and Gary Wilhelm attend the International Energy Conservation and Fuel Gas Code Update Seminar at Reynoldsburg on June 22, 2007, at no cost.
- Code Compliance is requesting that Fred Fowler, Dan Lemke, Duane Matlack, Ric Irvine, Tim Stitt, Alan Duffy and Mark Howard attend the Energy conservation and Fuel Gas Code Update Seminar at Reynoldsburg on June 26, 2007 at no cost.
- The Auditor is requesting that Mark Potts, Kelly Tennent and Todd Hanks attend the Auditor’s Conference at Cuyahoga Falls on June 10-14, 2007, at a cost of \$1,161.40
- Emergency Services is requesting that Rob Farmer attend Hazmat/Decon First Receiver Training at Franklin County on August 23, 2007, at no cost.
- Emergency Services is requesting that Rob Farmer attend Incident Command Train the Trainer Seminar at Ohio EMA on July 24-26, 2007 at no cost.
- Emergency Services is requesting that Rob Farmer attend the Laws of Leadership Course at Columbus, on July 19-20 at a cost of \$250.00
- CSEA is requesting that Susan Brown attend the OCDA General Membership Summer Meeting at Aurora, Ohio on July 11-13 at a cost of \$267.00.

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

RESOLUTION NO. 07 -742

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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 THE DKMM MEETING:

It was moved by Mr. Ward, seconded by Mr. Jordan 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 workforce development activities and is party to the DKMM ; and

WHEREAS, such meeting has been scheduled in Delaware County for June20,, 2007 at the Hayes Building;and

WHEREAS, agreement has been made that meetings will rotate among each of the four counties with the hosting county being responsible for food arrangement; 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 \$340.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for The DKMM board meeting to be held June 20, 2007.

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

RESOLUTION NO. 07-743

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR ENVIRONMENTAL SERVICES:

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

Supplemental Appropriation

66211904-5450	SRF ACWRF Biosolids/Machinery & Equip	\$ 100,000.00
66211907-5338	SRF SR Operations/Utilities	\$ 64,000.00
66211907-5270	SRF SR Operations/Equipment Parts	\$ 12,000.00

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

RESOLUTION NO. 07-744

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR OLENTANGY FALLS 1 AND SELDOM SEEN ACRES 2:

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

Olentangy Falls	2,546 feet of 8 inch sewer	27 manholes
	2,942 feet of 10 inch sewer	
	936 feet of 12 inch sewer	

Seldom Seen Acres	1,197 feet of 8 inch sewer	5 manholes
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Vote on Motion                      Mr. Ward                      Aye                      Mr. Jordan                      Aye                      Mr. Evans                      Aye

RESOLUTION NO. 07-745

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

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Ron Reid is resigning his position as inspector with Code Compliance effective June 22, 2007.

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

RESOLUTION NO. 07-746

IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER’S AGREEMENT FOR THE  
TRADITIONS AT HIGHLAND LAKES PHASE 2:

It was moved by Mr. Jordan, seconded by Mr. Ward to accept the following Sanitary Subdivider’s Agreement:

Traditions At Highland Lakes Phase 2

SUBDIVIDER'S AGREEMENT  
DELAWARE COUNTY SANITARY ENGINEER

THIS AGREEMENT executed on this 21<sup>ST</sup> day of June 2007, by and between ROMANELLI AND HUGHES SUBDIVIDER, as evidenced by the TRADITIONS AT HIGHLAND LAKES PHASE 2 Subdivision Plat filed with the Delaware County Recorder, Delaware County, Ohio and the BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio is governed by the following considerations and conditions, to wit:

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT; said SUBDIVIDER is to execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$172,416.00) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio. The SUBDIVIDER shall pay the entire cost and expense of said improvements. The bond, certified check, irrevocable letter of credit, or other approved financial warranty shall remain in effect until released by the COUNTY at the completion of construction.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of any contractor or sub-contractor or from any material, method or explosive used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date of the approval of said SUBDIVIDER by the COUNTY COMMISSIONERS, but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be replaced by the SUBDIVIDER, when in the opinion of the COUNTY, his performance is deemed inadequate.

The SUBDIVIDER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the COUNTY shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this Subdivision.

SANITARY SEWER CONSTRUCTION

It is further agreed that upon execution of this AGREEMENT, the SUBDIVIDER shall deposit, with the DELAWARE COUNTY SANITARY ENGINEER the sum of \$13,700.00, estimated to be necessary to pay the cost of inspection by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall subtract from the above sum an amount equal to three and one-half percent (3½%) of the construction cost of the IMPROVEMENTS for plan review. The DELAWARE COUNTY SANITARY ENGINEER shall in his sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund, as a result of charges against the same at the rate of:

INSPECTOR \$75.00  
CAMERA TRUCK \$150.00

per hour for time spent by said SANITARY ENGINEER or his staff has been depleted, the SUBDIVIDER shall make an additional deposits to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to \$0.75 per foot of sewer which will be deducted to cover a re-inspection.

The SUBDIVIDER, for a period of five (5) years after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be

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assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

The SUBDIVIDER shall provide to the COUNTY all necessary easements or rights-of -way required to complete the IMPROVEMENTS, all of which shall be obtained at the expense of the SUBDIVIDER.

The COUNTY shall, upon certification in writing from the DELAWARE COUNTY SANITARY ENGINEER that all construction is complete according to the plans and specifications, by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION:

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required:

- (1) "as built" drawings on the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible MYLAR and 3.5" or 5.25" Diskettes in either Autocad DWG files or DXF files.
- (2) an itemized statement showing the cost of IMPROVEMENTS
- (3) a waiver of lien from all Contractors associated with the project that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance Bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The SUBDIVIDER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

Should the SUBDIVIDER become unable to carry out the provisions of this AGREEMENT, the SUBDIVIDER'S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this AGREEMENT.

IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or his agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

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

**RESOLUTION NO. 07-747**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

Recommendation to promote Jason Sutermeister to a full-time Paramedic position at Station # 3 Lewis Center, Effective July 2, 2007.

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

**RESOLUTION NO. 07- 748**

**IN THE MATTER OF APPROVING CHANGE ORDER #0001 AND #0002 FOR BID PACKAGE 10 – HVAC FOR THE NEW HEADQUARTERS AND FACILITIES FOR THE COUNCIL FOR OLDER ADULTS, DELAWARE COUNTY, OHIO:**

It was moved by Mr. Ward, seconded by Mr. Jordan to approve change order #0001 and 0002 for Bid Package 10 – HVAC:

**Limbach Company, LLC**

Original Contract	\$	643,790.00
Amount previously approved	\$	0.00
Change Order 0001	\$	12,677.00
Change Order 0002	\$	33,529.00
<b>Revised Contract Amount</b>	<b>\$</b>	<b>689,996.00</b>

**Further Be it Resolved,** that the Commissioners approve a Purchase Order Increase to Limbach Company in the amounts of \$12,677.00 and \$33,529.00

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Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye
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RESOLUTION NO. 07-749

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. Ward to adjourn into Executive Session at 10:20AM.

Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye
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RESOLUTION NO. 07-750

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Evans, seconded by Mr. Jordan to adjourn out of Executive Session at 12:04PM.

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