

COMMISSIONERS JOURNAL NO. 50 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 17, 2008

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

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

PUBLIC COMMENT

RESOLUTION NO. 08-296

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 13, 2008 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the resolutions and records of the proceedings from regular meeting held March 13, 2008 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 08-297

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0314 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0314:

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0314, memo transfers in batch numbers MTAPR0314 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>Po’S</b>			
Jobs for OH Graduates	Jobs for OH Grads	22311611-5348	\$ 60,000.00
<b>Decreases</b>			
CCAO	Gas Program	10011105-5338	\$ 35,000.00
<b>Increases</b>			
National City	Procurement Card	10011105-5200	\$ 4,000.00
Thrasher Dinsmore	Legal Services	10011102-5361	\$ 4,000.00
Lawn Greenkeeper	Snow Removal	10011105-5325	\$ 40,000.00
Certified Oil	Fuel	22411601-5355	\$ 5,000.00
Certified Oil	Fuel	22511607-5355	\$ 5,000.00
<b>Vouchers</b>			
AEP	Serv/Various Sant Eng Locations	66290302-5338	\$ 81,856.32
AEP	Serv/Various Sant Eng Locations	66290407-5338	\$ 11,846.41
Comdoc, Inc.	Copier Purchase for 911	21411306-5450	\$ 6,022.00
Comdoc, Inc.	Maintenance Agreement/911 Copier	21411306-5450	\$ 750.00
Toddler Inn	Day Care	22411610-5348	\$ 7,998.12
Franklin County Coroner	Various Autopsies	10030301-5342	\$ 7,700.00
Delaware County Fair	Fair Grant	10011102-5601	\$ 10,000.00
State Ohio Treasurer	Crippled Children	10011102-5319	\$ 12,485.32
Trident	Security	10011102-5301	\$ 6,259.88
<b>Memo Transfer</b>			
<b>From</b>	<b>To</b>		
Economic Development 23111709-5365	Delaware Area Transit Board 72291901-4601	RLF Grant	\$ 9,432.00

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

RESOLUTION NO. 08 -298

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Heather Allen attend a Summer Employment Training in Columbus, Ohio March 14, 2008, at the cost of \$24.80.

The Child Support Enforcement Agency is requesting that Sharon Cole attend a Case Management Training in Bowling Green, Ohio March 18-19, 2008, at the cost of \$117.50.

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The Auditor’s Office is requesting that Merrill Sheets and Paul Howard attend a Weights and Measures Conference in Perrysburg, Ohio April 15-17, 2008, at the cost of \$578.00.

The Sheriff’s Office is requesting that Joseph Mendel and Kevin Barbeam attend a Financial Investigative Techniques Training in Summit County May 12-14, 2008, at the cost of \$562.48.

The 911 Department is requesting that Elissa Sessley attend a RDPC TDD Disaster Preparedness Class at the Ohio School For the Deaf March 31, 2008, at no cost.

The 911 Department is requesting an Audio Conference CD Purchase for On-line Training for Ways to Recognize Employees at the cost of \$205.00.

The 911 Department is requesting that Kathy Price, Scott Sullivan, Kathy Coy and Elissa Sessley attend a Dispatcher in-service in Wood County, March 13, 2008, at no cost.

Juvenile Court is requesting that Carolyn Russell and Darlene Barnes attend a Microsoft word Level I Training in Dublin, Ohio March 6, 2008, at the cost of \$278.00.

Juvenile Court is requesting that 18 employees attend a Microsoft Word Level II Training at the Hayes Building March 18-19, 2008, at the cost of \$2,502.00

Juvenile Court is requesting that Mary Lou McMeen attend a State Wide Title IV-E Meeting in Columbus, Ohio April 11, 2008, at no cost.

Juvenile Court is requesting that Stacy Blair, Cecelia Monahan and Katie Merray attend an Operation Street Smarts Drug Education Seminar in Canal Winchester, Ohio April 18, 2008, at no cost.

Adult Court Services is requesting that Lorrie Sanderson attend a Pretrial Supervision Training in Columbus, Ohio April 4, 2008, at the cost of \$100.00.

The 911 Department is requesting that Brad Fischer attend an Advanced Medical Life Support Training in Morrow County June 26-27, 2008, at no cost.

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

**RESOLUTION NO. 08-299**

**SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE SHEETS #318 DITCH PETITION FILED BY GLENN T. SHEETS AND OTHERS:**

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

Whereas, the Board of Commissioners of Delaware County on June 7, 2004 at 7:30PM, opened a public hearing, which was continued on August 2, 2004 at 7:30PM and determined the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the reconstruction and improvement of the Sheets #318 Ditch project, and

Whereas, at that time the Delaware County Commissioners directed the Delaware County Engineer to proceed with the preparation of plans, reports, and schedules for the completion of the ditch project, and

Whereas, the Delaware County Engineer notified the Commissioners that the plans, reports, and schedules for the construction of the Sheets #318 Ditch are ready for their review and consideration.

Therefore be it Resolved, the Board of County Commissioners of the County of Delaware have fixed the **5<sup>th</sup> day of May 2008, at 7:30 PM** at the Commissioners’ Hearing Room 101 North Sandusky Street Delaware, Ohio as the time and place of the final hearing by the Commissioners on the report of the County Engineer.

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

**RESOLUTION NO. 08-300**

**IN THE MATTER OF THE DELAWARE COUNTY RECORDER’S PROPOSAL FOR THE ACQUISITION OR MAINTENANCE OF MICROGRAPHIC OR OTHER EQUIPMENT:**

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

**WHEREAS:** Andrew Brenner, Delaware County Recorder (“Recorder”), pursuant to R.C. § 317.321, submitted to the Delaware County Board of Commissioners (“Board”) a proposal for the acquisition or maintenance of

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micrographic or other equipment ("Proposal"); and,

**WHEREAS:** in accordance with R.C. § 317.321, such Proposal was submitted prior to the first day of October, 2008; and,

**WHEREAS:** such Proposal requests that beginning January 1, 2009, and ending December 31, 2013, an amount equal to \$4.00 of the fee collected for filing or recording a document for which a fee is charged as required by R.C. §§ 317.32(A), 1309.525 and 5310.15 be placed in the county treasury and designated as "General Fund Moneys to Supplement the Equipment Needs of the County Recorder."

**WHEREAS:** pursuant to R.C. § 317.321, not sooner than the fifteenth nor later than the thirtieth day after the Board's receipt of the Proposal, the Board met with the Recorder to review the Proposal; and,

**WHEREAS:** such meeting was in accordance with R.C. § 121.22, Ohio's Open Meetings Law; and,

**WHEREAS:** pursuant to R.C. § 317.321 the Board shall, no later than December 15<sup>th</sup> of the year in which the Proposal is submitted, approve, reject, or modify the proposal and notify the Recorder of its action on the Proposal;

**WHEREAS:** if the Board approves the Proposal, it shall request the establishment of a special fund under R.C. § 5705.12 for any fees designated as "General Fund Moneys to Supplement the Equipment Needs of the County Recorder;" and,

**WHEREAS;** as a result of the approval by the Board of similar proposals in the past, such fund already exists.

**NOW THEREFORE BE IT RESOLVED**, that pursuant to R.C. § 317.321, the Proposal submitted by the Recorder for the acquisition or maintenance of micrographic or other equipment is approved as submitted. Said Proposal, in pertinent part is as follows:

Pursuant to R.C. § 317.321, Delaware County Recorder Andrew Brenner, on this 17th day of March, 2008 hereby submits on behalf of the Delaware County Recorder's Office the following proposal:

1. The Recorder requests that beginning January 1, 2009, and ending December 31, 2013, an amount equal to \$4.00 of the fee collected for filing or recording a document for which a fee is charged as required by R.C. §§ 317.32(A), 1309.525 and 5310.15 be placed in the county treasury and designated as "General Fund Moneys to Supplement the Equipment Needs of the County Recorder."
2. The Recorder requests that the moneys so designated shall bear such designation for the period of 5 years.
3. Based upon information available to the Recorder, the Recorder estimates the total amount of fees that will be generated from the filing or recording of documents under R.C. §§ 317.32(A), 1309.525 and 5310.15 not including the amount to be sent to the state for the Ohio Housing Trust Fund, is \$89201 per month.
4. Based upon information available to the Recorder, the Recorder estimates the total amount of fees that will be generated from the filing or recording of documents under R.C. §§ 317.32(A), 1309.525 and 5310.15 that will be designated as "General Fund Moneys to Supplement the Equipment Needs of the County Recorder" will be \$15209 per month.
5. These moneys will be used for:
  - a. Computer equipment, parts & materials
  - b. Indexing services contract
  - c. Contract services for document back scanning
  - d. Printers and copiers, printer & copier maintenance services and parts, copier contracts & materials

**BE IT FURTHER RESOLVED**, that a special fund under R.C. § 5705.12 for any fees designated as "General Fund Moneys to Supplement the Equipment Needs of the County Recorder" has previously been established and that said fund shall continue to exist and be used in connection with the funds generated pursuant to the Recorder's Proposal approved herein. Any moneys existing in the fund at the time this Resolution takes effect shall hereby continue to be maintained in the fund and used in accordance with the previously established and currently reestablished purposes of the fund.

The Clerk shall provide a certified copy of this resolution to the Delaware County Recorder to meet the notification requirements of R.C. § 317.321.

This Resolution was adopted in an open public session consistent with R.C. § 121.22 (Ohio's Open Meeting's

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Law) and shall take effect immediately or upon the earliest possible date allowed by law.

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

RESOLUTION NO. 08-301

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

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

Permit #	Applicant	Location	Type of Work
U08-013	Fibertech Networks	East Powell Rd	Unstall & Bore Telephone Cable
U08-015	Time Warner Cable	Intersection Of Miller-Paul & Gorsuch Rd	Directional Bore

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

RESOLUTION NO. 08-302

IN THE MATTER OF APPROVING A CONTRACT MODIFICATION WITH G&G ENTERPRISES FOR THE JONES -TIMMS #516 DITCH IMPROVEMENT PROJECT:

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

Contract Modification Number 1-Jones-Timms #516 Ditch Improvement Project

Attached for your approval is Contract Modification Number 1 for the Jones-Timms #516 Ditch Improvement Project. As per the attached estimate and change order request, an increase in the amount of \$6,400.00 is required. This price increase is a direct result of a “Geological Rock Dome” that was not detected during the design phase of this project. As a result of this, this cost was not anticipated in the original estimate or the contract.

**MODIFICATION AGREEMENT** made and entered into this 17<sup>th</sup> day of March, 2008, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST PARTY**, and, **G&G Enterprises.**, hereinafter designated as **SECOND PARTY**.

THIS MODIFICATION AGREEMENT herein after modifies the original agreement dated **January 22, 2008**, by and between the **DELAWARE COUNTY COMMISSIONERS** and **G&G Enterprises**.

That said **FIRST AND SECOND PARTY**, hereby agree to increase the current contract amount of **\$217,241.75** as in the original contracted dated **January 22, 2008** by an amount of **\$6,400 (Six Thousand Four Hundred and No Cents (\$6,400.00))**. The revised contract amount is, therefore, increased to a **TOTAL of Two Hundred Twenty Three Thousand Six Hundred Forty One Dollars and Seventy Five Cents ( \$223, 641.75)** to be paid as specified in the terms of the original agreement.

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

RESOLUTION NO. 08-303

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Approving close out paperwork for Mark Blank who worked for the Environmental Services Department; effective date February 21, 2008.

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

RESOLUTION NO. 08-304

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Ben Emery is resigning his full-time position as a Paramedic with the EMS Department; effective date April 6, 2008. He will remain in a part-time capacity.

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

RESOLUTION NO. 08-305

IN THE MATTER OF APPROVING AN EASEMENT AND RIGHT OF WAY AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND COLUMBUS SOUTHERN POWER FOR LAND IN LIBERTY TOWNSHIP:

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

Easement & Right of Way

The Board of Commissioners of Delaware County, Ohio, "Grantor(s)" in consideration of \$1.00, the easement terms, and other good and valuable consideration from Columbus Southern Power Company, an Ohio corporation, 700 Morrison Rd., Gahanna, OH 43230-6605, "Grantee", the receipt and sufficiency of which is acknowledged, grants and conveys with general warranty covenants to Grantee, a non-exclusive right of way and easement "Easement", for electric, other energy or communication purposes for current/future uses, overhead and underground, in, on, over, through and across the following described lands situated in the Liberty Township, Delaware County, Ohio, being a part of lot 20 ok section 4 , Township 4, Range 19, of the United States Military Lands, containing 12.704 acres, as recorded in Official Record 655, Page 983, dated 9/28/2005 of the Delaware County Recorder's Office.

Said lines shall be constructed within the limits of a Fifteen (15) foot by Ten (10) foot strip of land, the approximate location of which is shown on Exhibit "A" attached hereto and made a part hereof.

This Easement conveys all necessary and convenient rights for the Easement's use, including, without limitation, the rights to: construct, operate, maintain, inspect, protect, replace, enlarge, upgrade, relocate within the Easement, extend or remove utility facilities, with poles, anchors, guys, supporting structures, conductors, conduits, service pedestals, grounding systems, foundations, manholes, devices and associated equipment, as it may deem appropriate, adding thereto from time to time; perform grading or filling for such facilities; cut, trim, remove and/or otherwise control, at Grantee's option, without any liability to Grantor, any trees, overhanging limbs or branches, brush, shrubs, undergrowth, of whatever size, (including those that are dead, diseased, weak, or leaning), buildings, structures, or other obstructions that in Grantee's reasonable judgment endangers or will endanger the safety of, interfere with or encroach upon the use of its facilities, both within and adjoining the Easement. Within the Easement, Grantor shall not: place any buildings, structures, pile or debris, interfere with lateral support, construct any swimming pool, change the level of the ground by excavation or mounding without Grantee's written consent, allow any construction that would be inconsistent with the National Electric Safety Code or Grantee's design standards, and, for underground lines, permit or cause any excavation, except for other utilities, provided such utilities rights do not conflict with this Easement. This Easement also conveys the right of ingress and egress in and over any reasonable routes at all times. If any governmental authority requires Grantee to relocate the facilities contemplated by this grant, this Easement conveys the right to relocate such facilities to a comparable location.

Grantor may use its property for all purposes not inconsistent with the full enjoyment of the Easement, but Grantor acknowledges high voltage electric lines will be constructed within the Easement and Grantor shall conduct construction/maintenance activities on its property consistent with all applicable safety rules and regulations for working near electric lines. Safety/required clearance issues may be referred to Grantee's Engineering Group and if Grantor initiates any construction or building activities on its property, always call the applicable utility protection service before the activity begins. Grantee shall restore the premises or pay reasonable damages done to fences, drains, seeded lawns (not landscaping), gates, ditches and crops caused by Grantee's use of the Easement. Grantor has authority to grant this Easement. No delay or omission by Grantee in exercising any right hereunder shall operate as a waiver or forfeiture of such right. This Easement grant is effective and binding upon the parties, their respective successors, assigns, lessees, licensees, heirs and legal representatives, and if any term hereunder is held invalid, the remainder shall not be affected thereby. Easement attachments, if any, are incorporated herein by this reference.

(A copy of the easement is available in the Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 08-306

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. Ward, seconded by Mr. Evans to adjourn into Executive Session at 9:20AM.

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Vote on Motion	Mr. Jordan	Absent	Mr. Evans	Aye	Mr. Ward	Aye
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RESOLUTION NO. 08-307

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 11:00AM.

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

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

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Letha George, Clerk to the Commissioners