

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 23, 2008

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. 08-733

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 19, 2008 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 June 19, 2008 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. 08-734

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0620:

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0620 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO Increases			
Kroll	Children Services	22511607-5215	\$ 5,700.00
Family Childrens First	Pass thur Dollars at Job and Family	22411601-5348	\$ 100,000.00
Vouchers			
The Learning Center of Sunbury	Day Care	22411610-5348	\$ 11,063.85
Child Care Unlimited	Day Care	22411610-5348	\$ 6,486.50
Del Area Career Center	ABLE	22411601-5348	\$ 14,186.22
Beems BP Distribution Inc.	Walker Woods/Gasoline	10011106-5228	\$ 13,023.87
AEP	86,91,101 & 140 N. Sandusky	10011005-5338	\$ 18,316.53
Village of Sunbury	Sunbury Kroger Infrastructure/RLF	23111709-5365	\$ 300,000.00
Ben Bro Enterprises	July Bldg and Land Rental	10011105-5335	\$ 19,276.80

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

RESOLUTION NO. 08-735

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Sue Ware and Jacqueline Schonauer attend a IV-E for Foster Care Training in Columbus, Ohio June 24, 2008, at the cost of \$30.00.

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

RESOLUTION NO. 08-736

IN THE MATTER OF APPROVING TUITION ASSISTANCE REQUEST:

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

Daniel James Boone Sr. 1 Class Tuition \$750.00 Books n/a (grant)

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. 08-737

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IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR
CHESHIRE WOODS SECTION 1:

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

Cheshire Woods Section 1

The roadways to be accepted are as follows:

- An addition of 0.21 mile to **Township Road Number 1562, Broxton Lane**
- **Somerford Drive**, to be known as **Township Road Number 1579**
- **Wrenbury Drive**, to be known as **Township Road Number 1580**
- **Kerfield Drive**, to be known as **Township Road Number 1581**
- **Adlington Drive**, to be known as **Township Road Number 1582**

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

The Engineer also request approval to return the Letter of Credit being held as maintenance surety to the developer, Cheshire Woods, LLC.

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

RESOLUTION NO. 08-738

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR CHESHIRE WOODS SECTION 1:

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

Stop Conditions –Cheshire Woods Section 1

- On Township Road Number 1562, Broxton Lane, at its intersection with Township Road Number 1579, Somerford Drive
- On Township Road Number 1579, Somerford Drive, at its intersection with Country Road Number 72, Cheshire Road
- On Township Road Number 1580, Wrenbury Drive, at its intersection with Township Road Number 1579, Somerford Drive
- Two stop conditions on Township Road Number 1581, Kerfield Drive, at its intersections with Township Road Number 1579, Somerford Drive
- On Township Road Number 1581, Kerfield Drive, at its intersection with Township Road Number 1582, Adlington Drive
- On Township Road Number 1582, Adlington Drive, at its intersection with Township Road Number 1562, Broxton Lane

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

RESOLUTION NO. 08-739

IN THE MATTER OF APPROVING THE RELEASE OF THE MAINTENANCE BONDS FOR CHESHIRE
ROAD WIDENING AT CHESHIRE WOODS:

It was moved by Mr. Ward, seconded by Mr. Evans to release the maintenance bonds for the Cheshire Road Widening At Cheshire Woods:

Cheshire Road Widening At Cheshire Woods

In May, 2006, your Board entered into agreement with Cheshire Woods, LLC, the developer for the above referenced project. The developer has now completed the project to the satisfaction of this office. The Engineer, is therefore, requesting that Cheshire Woods, LLC be released from their responsibility to this project and that he be given approval to return the Letter of Credit being held as construction surety to the developer.

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

RESOLUTION NO. 08-740

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:

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Permit #	Applicant	Location	Type of Work
U08-054	WOW	S. OLD STATE ROAD	INSTALL CABLE IN ROW
U08-062	EMBARQ	NORTH GALENA RD	CONSTRUCT AERIAL CABLE
U08-063	EMBARQ	LANE ROAD	RELOCATE BURIED CABLE & POLES

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

RESOLUTION NO. 08-741

IN THE MATTER OF ACCEPTING AND AWARDING THE BID FROM R&I CONSTRUCTION, INC. FOR THE STOVER ROAD OVER DUN’S RUN BRIDGE REPLACEMENT PROJECT:

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

Stover Road Over Dun’s Run Bridge Replacement
Bid Opening of June 17, 2008

As the result of the above referenced bid opening, The Engineer recommends that a bid award be made to R&I Construction, Inc., the low bidder for the project. A copy of the bid tabulation is available for your information.

The award of this bid is subject to receipt of the Ohio Public Works Commission authorization July 1, 2008. The Engineer has received confirmation from OPWC that this authorization has been granted, but formal documentation will not be received until the July 1 date. The Engineer is requesting the award at this time so as to avoid any potential delays in material acquisition by the contractor so he can expedite the project immediately upon receipt of the formal authorization from OPWC. A contract will be executed upon the receipt of the authorization.

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

RESOLUTION NO. 08-742

IN THE MATTER OF ACCEPTING AND AWARDING THE BID AND APPROVING THE CONTRACT WITH MCDANIEL’S CONSTRUCTION COMPANY FOR THE LANE ROAD OVER SOUTH FORK OF CULVER CREEK BRIDGE REPLACEMENT PROJECT:

It was moved by Mr. Evans, seconded by Mr. Ward to accept the following Bid and approving the following contract:

Lane Road over South Fork of Culver Creek Bridge Replacement
Bid Opening of June 19, 2008

As the result of the above referenced bid opening, The Engineer recommends that a bid award be made to McDaniel’s Construction Company of Columbus, Ohio, the low bidder for the project. A copy of the bid tabulation is available for your information.

Also available are two copies of the Contract with McDaniel’s for your approval. The necessary documentation relative to the signing of the Contract (Certification/Affidavit in Compliance with ORC Section 3517.13, Prosecutor’s and Auditor’s Certifications, etc.) are in place for this project.

CONTRACT

THIS AGREEMENT is made this June 23, 2008 by and between McDaniel’s Construction Corp., hereinafter called the “Contractor” and the Delaware County Commissioners, hereinafter called the “Owner”.

1069 Woodland Ave.
Columbus, Ohio 43219

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project; namely, the “DEL-TR61-0.00 Lane Road over South Fork of Culver Creek Bridge Replacement Project”, and required supplemental work for the project all in strict accordance with the Contract Documents.

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ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed *Three Hundred Eighty-One Thousand, Seven Hundred Four Dollars and 72 Cents (\$381,704.72)*, subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements
- i. This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

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

RESOLUTION NO. 08-743

IN THE MATTER OF ENTERING INTO CONTRACT TO PURCHASE A 2.31 ACRE TRACT OF REAL ESTATE IN LIBERTY TOWNSHIP:

It was moved by Mr. Ward, and seconded by Mr. Evans to enter into the following contract for purchase of real estate:

Right Of Way For The Orange Road Bridge- Kenneth E. Wiese, Jr. and Timothy R. Wiese

This contract is for the purchase of right of way for the Orange Road Bridge over the Olentangy River project. The settlement amount is the appraised fair market value estimate (\$166,600). The resolution authorizes the County Engineer to sign necessary documents on the Board’s behalf to complete the transaction and to issue a payment request voucher to the County Auditor.

DELAWARE COUNTY OHIO
AGREEMENT OF SALE AND PURCHASE

This Agreement, entered into on the below date by and between **Kenneth E. Wiese, Jr. and Timothy R. Wiese** hereinafter called the **Owners**, hereby agree to grant, sell, bargain and convey to **The Board of Commissioners of Delaware County Ohio**, hereinafter called the **County**, the following described real estate together with improvements now located thereon:

See **Exhibit A** (being a legal description of 2.31 acres in Liberty Township)

The COUNTY agrees to purchase said real estate and agrees to pay the full sum of **\$166,600.00**; as full compensation and damages for same and as full consideration for the covenants of Owners herein contained.

Owners shall sell and convey the above described real estate by **Warranty Deed** and shall deliver said Instruments to the COUNTY at the time of closing and which closing shall occur no later than 60 days after the date hereof and at which closing the COUNTY shall pay the aforesaid consideration of **\$166,600.00**.

Owners warrant that the real estate is free and clear of all liens and encumbrances, except mortgages, taxes, easements, conditions and restrictions of record, if any.

Owners agree to execute supplemental instruments necessary for the construction and maintenance of the project, over, across and upon the aforementioned property.

Owners hereby grant to the COUNTY, its employees, agents, consulting engineers, contractors and

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other representatives the right to enter upon and have exclusive possession of the heretofore described real estate. COUNTY shall be responsible for and hold Owners harmless from any and all claims, expenses, damages, liability, and costs (including attorney fees) arising out of personal injury or property damage to the extend that such injury of damage is caused by the COUNTY, its employees, agents, consulting engineers, contractors, and other representatives entering upon the aforementioned property prior to its transfer from Owners to COUNTY.

Owners further agree, that if to any reason the COUNTY determines it to be necessary to file a Complaint in the Court of Common Pleas of Delaware, County for the impaneling of a jury to assess the compensation to be paid for the heretofore described real estate, this contract may be introduced as evidence in such proceedings and the amount specified herein shall be deemed and stipulated to the be the fair market value of the interest acquired in the real estate.

This contract shall be binding upon Owners and Owner’s heirs, executors, administrators, successors and assigns and shall insure to the benefit of the Purchaser, its successors and assigns.

The Board of Commissioners hereby authorizes the County Engineer, as agent of the Board, to sign necessary documents and to requisition payment from funds authorized for purchase of right of way to close this transaction on behalf of the Board, according to the terms and conditions of this Agreement.

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

RESOLUTION NO. 08-744

IN THE MATTER OF APPROVING THE DELAWARE COUNTY ENGINEER’S OFFICE INSPECTION FEE
POLICY FOR DEVELOPER INITIATED PROJECTS:

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

The Engineer has received a recommendation from the State Auditors that in order to vary the amount of inspection fees the Office collects on different subdivision/commercial projects, a Resolution should be passed by your Board approving this practice. This practice was started due to an earlier finding by the Auditors that The Engineer was carrying too much inspection money for certain accounts.

The Engineer therefore, request that your Board pass the following Resolution in order to satisfy the recommendation of the State Auditor. Should you have any questions regarding this request, please feel free to contact this office.

DELAWARE COUNTY ENGINEER’S OFFICE
INSPECTION FEE POLICY FOR
DEVELOPER INITIATED PROJECTS

The minimum initial fee for construction inspection shall be based on the following table. The percentage fee is based upon the developer’s design engineer’s estimate of construction cost based on public agency cost of construction.

The complexity factor shall be determined by the Delaware County Chief Inspector. His consideration of complexity shall include, but not be limited to, difficulty of construction, experience of the contractor’s personnel assigned to the project, season of construction, and potential for unforeseen site conditions.

Should the initial inspection fee not be adequate to complete inspection of the project, additional deposits will be required from the developer to cover anticipated costs.

Fees collected by this policy shall be rounded to the nearest hundred dollar increment.

Unused funds will be returned to the developer after the project has been accepted by the Delaware County Commissioners for release.

- 3% fee – non-complex projects
- 4% fee – 1 complexity factor
- 5% fee – 2 complexity factor
- 6% fee – 3 complexity factor
- 7% fee – 4 complexity factor
- 8% fee – 5 complexity factor

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

RESOLUTION NO. 08-745

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IN THE MATTER OF REQUESTING AN AMENDMENT TO THE OHIO DEPARTMENT OF YOUTH SERVICES SUBSIDY GRANT FOR JUVENILE COURT:

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

Original Grant	\$608,906.19
Increase	16,852.00
Total Grant	\$625,758.19

The increase in grant funds will provide a portion of the salary of a newly hired probation officer.

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

RESOLUTION NO. 08-746

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

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

Transfer of Funds	
From	To
22311611-5801	22411603-4601
Workforce Investment Act/Transfers	JFS Workforce/Interfund Revenue \$ 150,000.00
22511607-5801	22411604-4601
Children Services/Transfers	JFS Children Services/Interfund Revenue \$ 341,188.86

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

DISCUSSION ON SUPPLEMENTAL APPROPRIATIONS FOR THE BOARD OF ELECTIONS

RESOLUTION NO. 08-747

IN THE MATTER OF APPROVING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE DELAWARE COUNTY BOARD OF ELECTIONS CONCERNING RELOCATION OF OFFICES TO THE WILLIS GOVERNMENT BUILDING:

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

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the Delaware County Board of Commissioners (“BOC”) and the Delaware County Board of Elections (“BOE”). Pursuant to R.C. 307.01, the BOC has general authority over county buildings and offices, including the Hayes County Services Building, which currently houses the BOE offices. Understanding the importance of maintaining consistent, secure operations during the August 2008 and November 2008 election cycles, the BOC agrees to allow the BOE to remain in its current offices in the Hayes Building through December 6, 2008, which is the date on which the BOE must certify results from the November 2008 election. In the event that the certification date is delayed by court order, the BOE may remain in its current offices through the certification date established by the court order.

The BOE agrees that it will relocate its offices to the Willis Government Building as soon as possible following the certification of the election results. Further, the BOE will agree to cooperate in the moving of the office and will substantially complete the move to the new facility by December 13, 2008, or seven days after the certification date established by court order, whichever is earlier.

The BOE further agrees that, after the polls have closed for the general election on November 4, 2008, all voting machines and equipment shall be transported to the BOE’s new storage area at its offices in the Willis Government Building, eliminating the need and the cost to move the machines and equipment twice. The BOE also agrees that it shall request the Ohio Secretary of State to install any and all necessary secure T1 lines in the BOE’s new offices at the Willis Government Building as soon as possible, in anticipation of the move as set forth in this Memorandum.

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

RESOLUTION NO. 08-748

IN THE MATTER OF AMENDING RESOLUTION NO. 06-1561 TO CORRECT AN ERROR IN THE

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DESCRIPTION OF ORGANIZATION KEY 40311425:

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

Whereas an error was made in the description of organization key 40311425 when it was originally established in Resolution Number 06-1561 which was approved in December of 2006.

Therefore Be It Resolved that the correct description for Organization key 40311425 is DI Sheets # 318.

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

RESOLUTION NO. 08-749

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND A TRANSFER OF FUNDS FOR WORKER’S COMPENSATION:

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

Supplemental Appropriation			
10011102-5850	Comm General/Transfer Short Term	\$	243,000.00
10011102-4650	Comm General/Short Term Advance	\$	243,000.00

Transfer of Funds			
From	To		
10011102-5850	75110902-4650		
Commissioners General/Short Term Advance	Workers Comp/Short Term Advance	\$	243,000.00

Further Be It Resolved, That the Commissioners approve the following Purchase Order Increase:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
National City	Procurement Card	75110902-5300	\$ 8,213.73

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

RESOLUTION NO. 08-750

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 9:40AM.

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

RESOLUTION NO. 08-751

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 10:07AM.

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

There being no further business the meeting adjourned.

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Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners