

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 11, 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

9:45 AM Final Hearing By The Commissioners For Consideration Of A Ditch Vacation Petition  
Filed By The Glimcher Company

PUBLIC COMMENT

RESOLUTION NO. 08-1078

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 8, 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 September 8, 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. 08-1079

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0910 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0910:

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0910, memo transfers in batch numbers MTAPR0910 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO’s</b>			
Cutting Edge Construction	Formula 2007 Grant Ashley Water & Sewer	23011708-5365	\$ 30,100.00
Cutting Edge Construction	RLF Ashley Water & Sewer	23111709-5365	\$ 1,000.00
Decker Construction Co.	Formula 2007 Grant Ost. Street Imp.	23011708-5365	\$ 42,600.00
Decker Construction Co.	RLF Ostrander Street Improvements	23111709-5365	\$ 9,800.00
Delaware Chamber	Membership	10011102-5308	\$ 10,000.00
<b>Increases</b>			
Thrasher, Dinsmore & Dolan	Legal Fees Sheriff	10011102-5301	\$ 25,000.00
Life Uniform	Professional Services for JFS	22411602-5348	\$ 300.00
JFS	Utilities	22511607-5348	\$ 5,000.00
JFS	Rent	22411602-5348	\$ 5,000.00
Ohio State University	JFS Program Dollars	22411610-5348	\$ 3,000.00
The Learning Center	Day Care	22411610-5348	\$ 3,000.00
Adventure Academy	Day Care	22411610-5348	\$ 20,000.00
Carolyn Chute	Day Care	22411610-5348	\$ 4,000.00
Yvette Walker	Day Care	22411610-5348	\$ 3,000.00
Sandra McConnell	Day Care	22411610-5348	\$ 4,000.00
Noah's Ark Tippet	Day Care	22411610-5348	\$ 10,000.00
Beems	Gasoline	10011106-5228	\$ 10,000.00
Thomas Glass	Windows CFOA	43111424-5410	\$ 9,006.63
<b>Decreases</b>			
Farm Plan	Gas & Oil	10011106-5228	\$ 8,500.00
<b>Add A Line</b>			
April Wehrle	Day Care	22411604-5310	\$ 50.00
<b>Vouchers</b>			
Pitney Bowes	Postage/Mailroom	10011105-5331	\$ 20,000.00
House of Security	Door Control Access Sheriff	40111402-5410	\$ 7,154.50
HP Products	Janitorial Supplies - AC /OECC	66290401-5201	\$ 1,811.28
Siemens Water	Bioxide/Alum Creek PS	66290407-5290	\$ 7,997.22
Siemens Water	Bioxide/Leather Lips	66290318-5290	\$ 1,029.60
Siemens Water	Bioxide/Lakes of Powell	66290310-5290	\$ 2,178.00
Siemens Water	Bioxide/Alum Creek	66290407-5290	\$ 4,775.76
Siemens Water	Bioxide/Alum Creek	66290407-5290	\$ 980.10
Siemens Water	Bioxide/E. Alum Creek	66290409-5290	\$ 3,564.00
Siemens Water	Bioxide/Maxtown	66290410-5290	\$ 3,514.50
Prudential Group Life	June & July Life & AD&D	60211902-5370	\$ 19,953.19

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CEBCO	Oct. claims & EAP charges	60211902-5370	\$	802,047.72
Delaware City schools	Day Care	22411610-5348	\$	9,214.22
Adventure Academy	Day Care	22411610-5348	\$	11,691.00
T & J Junior Academy	Day Care	22411610-5348	\$	10,838.78
Arleen Sunkle	Day Care	22411610-5348	\$	5,928.95
Concord/Scioto Community	Water Rec Facility Project	66690501-5415	\$	1,101,752.89
Verizon Select Services, Inc.	12 mo. Maintenance Contract	21411306-5325	\$	36,965.16
Thomas Glass	Windows CFOA	43111424-5410	\$	9,291.80
Shawnee Pools	Pool CFOA	43111424-5410	\$	29,340.00
Delaware Chamber	Membership	10011102-5308	\$	10,000.00
2 K General	General Trades Willis	40411412-5410	\$	257,490.52

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

RESOLUTION NO. 08-1080

IN THE MATTER OF APPROVING CHANGE ORDER # 0009 FOR BID PACKAGE 1 - SITE WORK & UTILITIES FOR THE NEW HEADQUARTERS AND FACILITIES FOR THE COUNCIL FOR OLDER ADULTS, DELAWARE COUNTY, OHIO:

It was moved by Mr. Ward, seconded by Mr. Evans to approve change order #0009 for Bid Package 1 – Site work & Utilities:

ACI Construction Company, Inc.

Original Contract	\$	1,333,500.00
Amount previously approved	\$	31,749.00
Change Order No. 0008 (deduct)	\$	<u>-31,305.42</u>
<b>Revised Contract Amount</b>	<b>\$</b>	<b>1,333,943.58</b>

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

RESOLUTION NO. 08-1081

IN THE MATTER OF APPROVING CHANGE ORDERS #00004 & #00005 FOR BID PACKAGE 6– WINDOWS & STOREFRONTS FOR THE NEW HEADQUARTERS AND FACILITIES FOR THE COUNCIL FOR OLDER ADULTS, DELAWARE COUNTY, OHIO:

It was moved by Mr. Evans, seconded by Mr. Ward to approve change orders #00004 & #00005 for Bid Package 6- Windows & Storefronts:

Thomas Glass Company, Inc.

Original Contract	\$	261,635.00
Amount previously approved	\$	123,586.00
Change Order 00004	\$	9,850.00
Change Order 00005	\$	<u>5,332.00</u>
<b>Revised Contract Amount</b>	<b>\$</b>	<b>400,403.00</b>

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

RESOLUTION NO. 08-1082

IN THE MATTER OF APPROVING CHANGE ORDER # 01-008 FOR BID PACKAGE 1 – GENERAL TRADES FOR THE TENANT IMPROVEMENTS: 2081 NORTH US HIGHWAY 23, DELAWARE COUNTY, OHIO:

It was moved by Mr. Ward, seconded by Mr. Evans to approve change order #01-008 for Bid Package 1 – General Trades:

2K General Company

Original Contract	\$	857,000.00
Amount previously approved	\$	180,633.01
Change Order 008	\$	37,868.00
<b>Revised Contract Amount</b>	<b>\$</b>	<b>1,075,501.01</b>

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

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RESOLUTION NO. 08-1083

SETTING BID OPENING DATE AND TIME FOR THE BOILERS & COOLING TOWER REPLACEMENT  
PROJECT FOR DELAWARE COUNTY:

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

Bids to be Opened at: Delaware County Commissioners  
101 North Sandusky Street  
Delaware, Ohio 43015  
Delaware County  
State of Ohio

for the following project: BOILERS & COOLING TOWER REPLACEMENT DELAWARE COUNTY, OHIO

In accordance with the Drawing and specifications prepared by:

Hill Engineering  
3 West Central Ave.  
Delaware, Ohio 43015

Sealed Bids with Unit Prices will be received for:

Description	Base Bid Estimate
Bid Package 1 HVAC	\$164,200

Until 10:00 AM October 6, 2008.

A pre-bid meeting will be held on September 30, 2008 at 9:00 AM at  
101 North Sandusky Street  
Delaware, OH 43015

Contract Documents may be obtained by requesting a set of complete drawings from:  
Delaware County Facilities Management  
1405 US Rte 23 North  
Delaware, Ohio 43015  
740-833-2280

A Bid Guaranty must be submitted with each bid over \$10, 000

The Contract Documents may be reviewed for bidding purposes without charge during the business hours at the following locations:

F.W. Dodge McGraw Hill  
1175 Dublin Road  
Columbus, Ohio 43215

Delaware County Board of Commissioners Office  
101 North Sandusky Street  
Delaware, Ohio 43015

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

RESOLUTION NO. 08-1084

9:45AM FINAL HEARING FOR CONSIDERATION OF THE BECKER DITCH (CO. DITCH 800) DITCH  
VACATION PETITION FILED BY THE GLIMCHER COMPANY:

It was moved by Mr. Jordan, seconded by Mr. Ward to open the Hearing at 9:50AM.

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

RESOLUTION NO. 08-1085

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-  
SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE  
FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY  
COMMISSIONERS OF DELAWARE COUNTY, OHIO:

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It was moved by Mr. Ward, seconded by Mr. Evans to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

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

**RESOLUTION NO. 08-1086**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE CONSIDERATION OF THE BECKER DITCH (CO. DITCH 800) DITCH VACATION PETITION FILED BY THE GLIMCHER COMPANY:**

It was moved by Mr. Evans, seconded by Mr. Ward to close the Hearing at 9:58AM.

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

**RESOLUTION NO. 08-1087**

**IN THE MATTER OF COMMISSIONERS FINDING AFFIRMING ORDER AND CONFIRMING THE ASSESSMENT FOR THE BECKER DITCH (CO. DITCH 800) DITCH VACATION PETITION FILED BY THE GLIMCHER COMPANY:**

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

Whereas, on April 18, 2007, a Ditch Petition to Vacate the existing improvement and easement known as Becker Ditch (CO. Ditch 800) (located in lot 7494 of the Orange Center Development from STA 7+83 at the outlet of the 24” Becker Tile to approximate station 14+00, which is represented as the Northern property line of Hidden Reserve Condominium Phase 1 (CAB 1, Slide 750), upon approval of the construction of the proposed new alignment and easement of the improvement, In Delaware County, Orange Township, and being tributary to Deep Run in the Olentangy River Watershed); was filed with the Board of Commissioners of Delaware County (the “Board”); and

Whereas, the Board on July 30, 2007 with Resolution 07-912 directed The Delaware County Engineer To Proceed With Preparation Of Plans, Reports, And Schedules to Vacate the existing improvement and easement known as Becker Ditch (CO. Ditch 800), and

Whereas, the construction of the proposed new alignment and easement of the improvement has been completed and approve, and

Whereas, the Board on Thursday the 11<sup>th</sup> day of September 2008, held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Becker Ditch (Co. Ditch 800) Ditch Vacation Petition Filed By The Glimcher Company; and

Whereas, after hearing testimony from property owners; considering the schedules, plans, and reports filed by the County Engineer; and-considering the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, the Board is prepared to issue its findings on the proposed improvements.

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio as follows:

The Board hereby finds that the proposed improvement (ditch vacation, maintenance assessment) is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement (ditch vacation, maintenance assessment) will be less than the benefits. Accordingly, the Board hereby grants the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer, and

This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

FURTHER BE IT RESOLVED, The maintenance fund shall be maintained, as needed, by an assessment levied not more often than once annually upon the benefited owners, as defined in [section 6131.01](#) of the Revised Code, apportioned on the basis of the estimated benefits for construction of the improvement. An assessment shall represent such a percentage of the estimated benefits as is estimated by the engineer and found adequate by the board or joint board to effect the purpose of [section 6137.02](#) of the Revised Code, except that at no time shall a maintenance fund have an unencumbered balance greater than twenty per cent (20%) of all construction

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costs of the improvement. The minimum assessment shall be two dollars. Any cost incurred from the petition project process will be paid from the annual ditch maintenance assessments

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

RESOLUTION NO. 08-1088

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR LIBERTY CROSSING:

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

Liberty Crossing                2,074 feet of 8-inch sewer                10 manholes

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

RESOLUTION NO. 08-1089

IN THE MATTER OF APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE BOARD OF COUNTY COMMISSIONERS AND CONCORD/SCIOTO COMMUNITY INFRASTRUCTURE AUTHORITY:

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

Whereas, Resolution 07–1346 executed an intergovernmental cooperation agreement (the “Agreement”) between the Board of County Commissioners and Concord/Scioto Community Infrastructure Authority (the “Authority”); and

Whereas, the County and the Authority are working together to construct the Lower Scioto Water Reclamation Facility; and

Whereas both the Board of Commissioners and the Concord/Scioto Community Infrastructure Authority desire to execute the First Amendment to the Intergovernmental Cooperation Agreement.

THEREFORE, BE IT RESOLVED that the Board of Commissioners execute the First Amendment to the Intergovernmental Cooperation Agreement.

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

RESOLUTION NO. 08-1090

IN THE MATTER EXECUTING THE NOTICE OF COMMENCEMENT FOR OLENTANGY ENVIRONMENTAL CONTROL CENTER CENTRIFUGE DEWATERING FACILITY IMPROVEMENTS:

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

Whereas the Centrifuge Dewatering Facility Improvements is a public improvement project as defined by Ohio Revised Code Section 1311.25, and

Whereas Ohio Revised Code Section 1311.252, requires public authorities to prepare and file a notice of commencement for all public improvements, and

Whereas the Notice of Commencement is to be prepared in accordance with Ohio Revised Code Section 1311.252(B), and

Whereas the Notice of Commencement is a public document.

Therefore be it resolved that the Board of County Commissioners execute the Notice of Commencement for the Centrifuge Dewatering Facility Improvements and file the Notice with the County Recorder’s Office.

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

RESOLUTION NO. 08-1091

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Sharon Ray is resigning her position with the 911 Department; effective date August 28, 2008.

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

RESOLUTION NO. 08-1092

IN THE MATTER OF APPROVING A LETTER OF UNDERSTANDING BETWEEN THE DELAWARE  
BOARD OF COUNTY COMMISSIONERS 911 CENTER AND AFSCME, OHIO COUNCIL 8 FOR THE  
ASSIGNMENT OF FIELD TRAINING OFFICERS (FTO):

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

LETTER OF UNDERSTANDING BETWEEN  
THE DELAWARE BOARD OF COUNTY COMMISSIONERS 911 CENTER  
AND AFSCME, OHIO COUNCIL 8  
FOR THE ASSIGNMENT OF FIELD TRAINING OFFICERS (FTO)

The following is a Letter of Understanding between the Delaware County Board of County Commissioners, (County), and AFSCME, OC 8, (Union). This letter addresses the supplemental compensation to be paid dispatchers assigned and perform the function of “Field Training Officer” (FTO).

The parties understand that the there exists a need for dispatchers to assist in the training of individuals hired to the position of dispatcher. Employees who are assigned to work as an FTO shall be provided a wage supplement during the time when assigned a trainee by the Director or his designee to function as an FTO. The training, duties, and functions for the FTO will be as established in the training program for new employees and may be modified from time to time by the County. Employees who are assigned and functioning as a FTO shall receive an allowance of \$25.00 per pay period of the FTO assignment.

Individuals who accept the assignment as an FTO shall be expected to fully perform those functions. Employees may request to be relieved of their commitment to be an FTO with a 90 calendar day written notice when the employee has a trainee or shorter period with a justified reason to be released from a FTO trainee assignment. Employees may be released of their FTO commitment with a 60-day written notice if the employee does not have a current trainee, or with a shorter period, with written notice and justified reason.

The parties understand that there is commitment by the County to train new hires and also a commitment by all parties that training is important for successful function of the 911 Center in the service of the public.

This letter of Understanding will be effective as of June 7, 2008, and continue until modified or the program is altered by the County, subject to applicable procedures.

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

RESOLUTION NO. 08-1093

IN THE MATTER OF APPROVING A LETTER OF UNDERSTANDING BETWEEN THE DELAWARE  
COUNTY BOARD OF COUNTY COMMISSIONERS AND AFSCME, OHIO COUNCIL 8 FOR  
AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENTS FOR ARTICLE 16 (SICK LEAVE)  
AND ARTICLE 20 (SHIFT DIFFERENTIAL):

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

LETTER OF UNDERSTANDING BETWEEN  
THE DELAWARE COUNTY BOARD OF COUNTY COMMISSIONERS  
AND AFSCME, OHIO COUNCIL 8  
AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENTS FOR

- 1. Article 16 Sick Leave
- 2. Article 20 Shift Differential

The following is a Letter of Agreement between the above-listed parties, County and Union, to amend two Articles of the 2008-2011 Agreement between the parties. Following discussion on July 25, 2008, the parties identified the two (2) articles for clarification. The parties have agreed that the specific provisions (shown in current and modified versions) to be amended are listed below. Only the affected language is listed and all remaining provisions of the Articles shall remain as previously agreed.

Article 16 Sick Leave  
Section 16.1 Sick Leave Benefit (First sentence only).

*Current:* Each employee who has successfully completed his initial probationary period shall earn four and six tenths (4.6) hours sick leave upon completion of each additional eight (80) hours of service (rate of 0.0575 hour for each hour worked).

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*Revised:* Paid sick leave shall be earned and accumulated at the rate of four and six tenths (4.6) hours for each eighty (80) hours an employee is in active pay status (rate of 0.0575 hour for each hour worked).

**Article 20 Wages and Benefits**  
**Section 20.3 Shift Differential**

*Current:* In addition to their regular hourly rate, for regular straight rate hours actually worked, employees who work the entire shift will receive a shift differential in the amount of \$.30 per hour for the second shift and \$.35 per hour for the third shift.  
*Revised:* Employees who are assigned to the second or third shifts, following the initial training period and assigned as a dispatcher to a crew shall receive, in addition to their regular hourly rate, a shift differential in the amo unt of \$.30 per hour for those employees assigned to the second shift and \$.35 per hour for those employees assigned to the third shift.

The parties agree and understand that the below signatures of the representatives constitute only acknowledgement of this Letter of Agreement. The parties further agree that these amendments are subject to approval by the Board of County Commissioners and ratification by the bargaining unit and will not be effective until both the approval and ratification have occurred

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

**RESOLUTION NO. 08-1094**

**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 10:12AM.

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

**RESOLUTION NO. 08-1095**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Ward, seconded by Mr. Jordan to adjourn out of Executive Session at 11:45AM.

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

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