

**COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 16, 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**

Mr. Joe Warren spoke to the Commissioners  
(Complete Record On The Official Cd Minutes)

**RESOLUTION NO. 08-1225**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 13, 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 October 13, 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
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**RESOLUTION NO. 08-1226**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1015 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1015:**

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1015, memo transfers in batch numbers MTAPR1015 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO's</b>			
Garland Co. Inc.	Damage Law Library/Windstorm	60111901-5370	\$ 145,450.00
Crane America Services	Repair of Cranes/Alum Creek	66290407-5328	\$ 2,725.00
Crane America Services	Repair of Cranes/Maxtown	66290410-5328	\$ 95.00
Crane America Services	Repair of Cranes/Leatherlips	66290318-5328	\$ 2,334.00
Crane America Services	Repair /Influent Pump OECC	66290302-5328	\$ 580.00
Crane America Services	Repair of /UV Rm Alum Creek	66290402-5328	\$ 688.00
Crane America Services	Repair of Aeration Blower	66290402-5328	\$ 85.00
Crane America Services	Repair /Wire Rope Hoist/oecc	66290302-5328	\$ 355.00
RW Management Group Inc.	Feasibility Study	10011303-5301	\$ 14,720.00
Sky Climber	Worker Training	22311611-5348	\$ 7,580.00
DATA Transportation	ADA Equipment for Buses	23111709-5365	\$ 21,944.00
<b>Increases</b>			
Todays Learning Child	Day Care	22411610-5348	\$ 5,000.00
Noah's Ark/Tippett	Day Care	22411610-5348	\$ 19,000.00
T & J Junior Academy	Day Care	22411610-5348	\$ 30,000.00
Learning Center/Worthington	Day Care	22411610-5348	\$ 10,000.00
Children's Discovery Place	Day Care	22411610-5348	\$ 3,500.00
La Petite Academy	Day Care	22411610-5348	\$ 5,000.00
Life Point Christian Preschool	Day Care	22411610-5348	\$ 15,000.00
Brianna Kinniard	Day Care	22411610-5348	\$ 7,000.00
Kathy McKee	Day Care	22411610-5348	\$ 7,500.00
Arleen Sunkle	Day Care	22411610-5348	\$ 15,000.00
AEP	Electric Service	10011303-5338	\$ 4,000.00
Farm Plan	Fuel	66290302-5228	\$ 7,205.07
Farm Plan	Fuel	66290302-5228	\$ 13,801.40
Petroleum Traders	Fuel for ACWRF	66290402-5228	\$ 19,000.00
Malcolm Pirnie	Dewatering Plan	66290301-5301	\$ 268,965.00
<b>Vouchers</b>			
Schmidt Mechanical	Fire Protection Willis Bldg	40411412-5410	\$ 22,250.00
Buckeye Valley LSD	Day Care	22411610-5348	\$ 5,287.00
Adventure academy	Day Care	22411610-5348	\$ 8,671.00
Northwoods Consulting Partners	Maintenance/Licensing	22411605-5325	\$ 53,824.00
Maddox NBD Inc.	Architect Fees	40211405-5410	\$ 39,370.80
Learning Center of Sunbury	Day Care	22411610-5348	\$ 8,974.20
Child Care Unlimited/Sunbury	Day Care	22411610-5348	\$ 5,113.22

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 16, 2008

Concord/Scioto Community	Pay #8/Scioto Water Rec. Fac	66690501-5415	\$	1,212,583.90
Flowline	Clean Line/Scioto Reserve	66290705-5328	\$	1,925.00
Flowline	Remove Grit Ras Wells/Repair	66290302-5301	\$	3,280.52
Farm Plan	Fuel & Severe Weather Day	66290302-5228	\$	13,801.40
Del/Union Ed Ser Center	Coordinator 1 <sup>st</sup> &2 <sup>nd</sup> Quarter	70161603-5301	\$	20,200.00

Memo Transfer Vouchers

From	To			
Drainage Maintenance	Soil & Water	2008 3rd Quarter Billing	\$	37,188.59
21911401-5328	72190901-4230	7-1-08 to 9-30-08		
FCFC	DGHD	Part C/Early Intervention	\$	3,581.28
70161602-5348	70251501-4560			
FCFC	DGHD	Part C/Early Intervention	\$	10,297.99
70161606-5348	70251501-4560			
FCFC	DGHD	Part C/Early Intervention	\$	11,217.09
70161602-5348	70251501-4560			

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

RESOLUTION NO. 08-1227

IN THE MATTER OF APPROVING A LIQUOR LICENSE TRANSFER REQUEST FROM 9890 BREWSTER LANE AND PATIO INC. TO SCHMUSSER INVESTMENT LLC DBA WEDGEWOOD PUB, GRILL AND PATIO AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Liberty Township Trustees that Schmusser Investment LLC DBA Wedgewood Pub, Grill and Patio has requested the transfer of the D5 and D6 permits from 9890 Brewster Lane and Patio Inc. both located at 9890 Brewster Lane Liberty Township Powell, Ohio 43065, and

Whereas, the Liberty Township Trustees have not filed an 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

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

RESOLUTION NO. 08-1228

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY SHERIFF; THE DELAWARE COUNTY COMMISSIONERS AND KEEFE COMMISSARY NETWORK FOR THE DELAWARE COUNTY JAIL:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the agreement between The Delaware County Sheriff; The Delaware County Commissioners And Keefe Commissary Network For The Delaware County Jail.

(Copy of agreement is available in the Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 08-1229

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY SHERIFF AND OHIO PATROLMEN’S BENEVOLENT ASSOCIATION –DISPATCHERS’ UNIT:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the Agreement Between The Delaware County Sheriff And Ohio Patrolmen’s Benevolent Association –Dispatchers’ Unit.

(Copy of agreement 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. 08-1230

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 16, 2008

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY SHERIFF  
AND OHIO PATROLMEN’S BENEVOLENT ASSOCIATION –CORRECTIONS SUPERVISORS’ UNIT:

It was moved by Mr. Evans, seconded by Mr. Ward to approve the Agreement Between The Delaware County Sheriff And Ohio Patrolmen’s Benevolent Association –Corrections Supervisors’ Unit.

(Copy of agreement is available in the Commissioners Office until no longer of administrative value).

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

RESOLUTION NO. 08-1231

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

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

Supplemental Appropriations			
25722304-5001	Intensive Probation/Compensation	\$	14,810.00
25722304-5120	Intensive Probation/PERS	\$	2,221.00
25722304-5102	Intensive Probation/Worker Comp	\$	297.00
25722304-5131	Intensive Probation/Medicare	\$	215.00
25722304-5101	Intensive Probation/Insurance	\$	2,625.00

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

RESOLUTION NO. 08-1232

IN THE MATTER OF AMENDING RESOLUTION 08-18 (DELEGATING AUTHORITY TO SPECIFIC STAFF  
FOR THE ADMINISTRATION OF PERSONNEL MATTERS, PAYROLL ITEMS, AND VARIOUS  
AGREEMENTS) TO REFLECT CHANGES IN SECTION III:

It was moved by Mr. Evans, seconded by Mr. Ward to amend Resolution 08-18 (Delegating Authority To Specific Staff For The Administration Of Personnel Matters, Payroll Items, And Various Agreements) to reflect changes in section III.

- Whereas,                      under Ohio Revised Code Section 305.30 the Board of County Commissioners may delegate contracting authority, authority to pay claims for goods received and services rendered, and authority to perform any and all personnel functions otherwise conferred or incumbent upon the board of commissioners, and
- Whereas,                      first year employees of Delaware County, who are not eligible for vacation, request unpaid leaves of absence from time-to-time for personal matters, and
- Whereas,                      the Family & Medical Leave Act (FMLA) requires employers to provide up to twelve weeks of unpaid leave to employees who meet the requirements of the FMLA, and
- Whereas,                      the Delaware County Auditor’s Office allows offices to electronically submit payrolls which requires timeliness of approval and submission of the hard copy, and
- Whereas,                      many contracts and agreements are administrative in nature and need timely execution to achieve the optimal result,

Now Therefore be it resolved, that the Board of County Commissioners of Delaware County, State of Ohio, grant authority to the County Administrator to:

- I.                      Approve departmental payrolls for all departments under the Board of Commissioners
- II.                      In the absence of the County Administrator, the Director of Administrative Services or the Assistant to the County Administrator shall become acting County Administrator for the specific purpose of this resolution:
- III.                      Approve unpaid leaves of absence for up to 2 weeks . The County Administrator, or in the absence of the County Administrator, the Director of Administrative Services, may place employees on Paid Administrative Leave for up to 10 Days.
- IV.                      Negotiate, approve, and execute contracts and agreements and change orders under \$5,000 and for one (1) year or less (with advance notice to the Board of Commissioners)

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 16, 2008

- V. The County Administrator shall have the authority, and in the absence of the County Administrator, the Director of Administrative Services or the Assistant to the County Administrator shall have the authority to approve the specific purpose of this resolution:
1. Workers compensation settlement agreements for amounts less than or equal to \$5,000 with notice to the Board of Commissioners in advance
  2. Property and liability claim settlement agreements for amounts less than or equal to \$5,000 with follow-up written notice within three business days to the Board of Commissioners
  3. Medical claim exceptions for amounts less than or equal to \$5,000 with follow-up written within three business days to the Board of Commissioners
  4. Merit, Educational, Certification, Probationary, Bargaining Agreement, Market Review wage increases or otherwise that have been approved indirectly by the Board of Commissioner resolution
  5. Mortgages Final Payment

Further be it resolved that the Board of Commissioners of Delaware County, State of Ohio, assign the following individuals the duty of prevailing wage officer for the assigned areas:

- I. Delaware County Engineer for Motor & Gas Fund and Road & Bridge Projects
- II. Director of Environmental Services for Environmental Services Funds Projects
- III. Director of Economic Development for all Economic Development Grants and Funds
- IV. Facilities Supervisor for all other Funds

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

RESOLUTION NO. 08-1233

IN THE MATTER OF APPROVING AN EASEMENT AND RIGHT OF WAY WITH AMERICAN ELECTRIC  
POWER/COLUMBUS SOUTHERN POWER COMPANY FOR THE NORTHEAST CORNER OF THE 800  
CHESHIRE ROAD PROPERTY:

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

Easement and 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 Dr., Gahanna, OH 43230-6605, “Grantee”, the receipt and sufficiency of which is acknowledged, grants and conveys with general warranty covenants to Grantee, a 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 Liberty Township, Delaware County, Ohio, being situated in Lot 20, Section 4, Township 4, Range 19, United States Military Lands, containing 13.240 acres of land more or less, as found in ORV 655 Page 983 dated 9-28-2005 of the Delaware County Recorder’s Office.

Said lines and facilities shall be constructed within the limits of a ten (10) foot wide strip of land the centerline being the pole and overhead and underground electric cable as installed. The approximate location of which is shown on the attached drawing marked Exhibit “A”, and made a part hereof. See Addendum to Right of Way 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

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 16, 2008

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.

Addendum to right of way

American Electric Power/Columbus Southern Power Company agrees to indemnify and save harmless the Grantor(s) against and from any and all liability, cost and expense arising from injury or damage to other persons, their property, or the property of the Grantor(s), caused by the Negligence of Columbus Southern Power Company in the use and occupancy of the premises subject to the rights of way and easements hereby granted or in the use and occupancy of said Right of way and easement granted to Columbus Southern Power Company, in the construction, maintenance and operation of its structures located in, on or under the property of the Grantor(s) or immediately adjacent thereto, unless such loss and/or damage is caused by the negligence of the Grantors.

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

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

RESOLUTION NO. 08-1234

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Gary Lyons has resigned his position as the 911 Director; effective October 8, 2008.

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

COURTS BUILDING PRESENTATION

RESOLUTION NO. 08-1235

IN THE MATTER OF APPROVING TRANSFER OF FUNDS, TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR THE COURTS BUILDING PROJECT:

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

Transfer of Funds	
From	To
10011102-5801	40411414-4601
Commissioners General/Transfers	Courts Building/Interfund Revenue
	\$ 365,000.00
Supplemental Appropriation	
40411414-5410	Courts Building/Building & Improvements
	\$ 365,000.00
Transfer of Appropriation	
From	To
10011101-5001	10011102-5301
Commissioners/Compensation	Commissioners General/Professional Services
	\$ 40,000.00
10011101-5101	10011102-5301
Commissioners/Insurance	Commissioners General/Professional Services
	\$ 10,000.00
Vote on Motion	Mr. Evans                      Aye                      Mr. Jordan                      Aye                      Mr. Ward                      Aye

There being no further business the meeting adjourned.

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 16, 2008

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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