

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 10, 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

Berlin Township Trustee Phil Panzarella came to session to help recognize the hard work of the Bicentennial Committee

RESOLUTION NO. 08-1338

IN THE MATTER OF RECOGNIZING THE DELAWARE COUNTY BICENTENNIAL COMMITTEE:

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

Whereas, the year 2008 has officially been recognized as the Bicentennial of Delaware County, and

Whereas, numerous activities and projects took place across the County during this past year, and

Whereas, the citizens of Delaware County were recognized for their important contributions to the economic, social, and cultural development of Delaware County, and

Whereas, through the efforts of the Bicentennial Committee many hours of hard work were put into the preparation and execution of the bicentennial events, and

Whereas, Mr. Richard Helwig and Mr. Brent Carson were the Bicentennial Committee chairs that lead to the success of the many celebrations, throughout the county, and

Whereas, the Delaware County Commissioners wish to commend and thank Mr. Helwig, Mr. Carson and all the volunteers of the Bicentennial Committee for their dedication and hard work who gave of their time to make this a successful and memorable bicentennial celebration,

Therefore Be It Resolved the Board of County Commissioners hereby acknowledge the commitment, dedication, and hard work of Richard Helwig, Brent Carson, and all the volunteers of the Bicentennial Committee. They are truly a shining example of Delaware County’s fine citizens who are willing to go that extra mile to give back to their community.

Be It Further Resolved: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board’s Official Journal.

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

RESOLUTION NO. 08-1339

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 6, 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 November 6, 2008 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 08-1340

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1107:

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1107, and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO’s			
J C & Son Builders LLC	DCHIP Home Repairs	23011702-5365	\$ 5,185.00
J C & Son Builders LLC	DCHIP Home Repairs	23011702-5365	\$ 6,200.00
Delaware Monument	Monument	40111402-5450	\$ 5,000.00

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Increases

City of Delaware	Water/Sewer Bill	10011105-5338	\$	5,000.00
Village Communities Inc.	Alum Creek	66211902-5301	\$	2,825.00
Goodyear Tire	Parts	10011106-5228	\$	3,100.00

Vouchers

Downes, Hurst & Fishel	Professional Services	66290401-5361	\$	11,722.41
Village Communities Inc.	Alum Creek	66211902-5301	\$	58,965.09
City of Delaware	Prosecutor Fees	10011102-5301	\$	12,065.00

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

RESOLUTION NO. 08-1341

IN THE MATTER OF APPROVING THE TREASURER’S REPORT:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the Treasurer’s Report.

(Copy available for review at the Commissioners’ Office until no longer of administrative value.)

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

RESOLUTION NO. 08 -1342

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Environmental Services Department is requesting that Chad Antle attend a Construction Claims Seminar in Columbus, Ohio November 17, 2008, at the cost of \$259.00.

The Treasurer’s Office is requesting that Dale Wilgus attend the Treasurers Fall Conference in Dublin, Ohio November 18-20, 2008, at the cost of \$48.00.

Juvenile Court is requesting that Howard Heston, David Andrews, Bobby Massie and Mary Cagnina attend an Adolescent Suicide Behaviors Course in Delaware, Ohio November 5, 2008, at the cost of \$25.00.

The Engineer’s Office is requesting a revision to the previously approved travel request for Ryan Mraz, Eric Mackling, Pat Blayney, Doug Riedel, Rob Riley and Andrew Fortman to attend the 2008 Ohio Transportation Engineering Conference in the amount of \$60.60. (parking).

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

RESOLUTION NO. 08-1343

IN THE MATTER OF CANCELING THE THURSDAY NOVEMBER 27, 2008 COMMISSIONERS’ SESSION DUE TO THE THANKSGIVING HOLIDAY:

It was moved by Mr. Ward, seconded by Mr. Evans to cancel the Thursday November 27, 2008 Commissioners’ Session due to the Thanksgiving Holiday.

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

RESOLUTION NO. 08-1344

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE BOARD OF DEVELOPMENTAL DISABILITIES:

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

Transfer of Appropriation

From	To	
29552501-5401	29552501-5601	
Developmental Disabilities/Land Purchase	Developmental Disabilities/Grants	\$ 176,736.00

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

RESOLUTION NO. 08-1345

IN THE MATTER OF APPROVING PLATS FOR NORTH ORANGE SECTION 1, PHASE 2, PART B, LOT

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**6606, DIVISION 1; CHESHIRE WOODS ESTATES SECTION 2, PHASE A; OLENTANGY CROSSINGS SECTION 2, LOT 7353, DIVISION 1; SHADY LANE FARM AND REVISED ALGOMA FARMS AND DITCH MAINTENANCE PETITION FOR CHESHIRE WOODS ESTATES, SECTION 1, SECTION 2, PHASE A:**

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

**North Orange Section 1, Phase 2, Part B, Lot 6606, Division 1**

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Located In Part Of Farm Lots 5 And 6, Section 2, Township 3, Range 18, United States Military Lands, Being 5.00 Acres Out Of Lot 6606 Of North Orange, Section 1, Phase 2, Part B, A Subdivision Of Record In Plat Cabinet 3, Slides 304 And 304a And Being Part Of A 17.271 Acre Tract Conveyed To North Orange Development, Llc. In Official Record Volume 283, Page 924, Records Of The Recorder's Office, Delaware County, Ohio. Cost \$6.00.

**Cheshire Woods Estates Section 2, Phase A**

Situated In The State Of Ohio, County Of Delaware, Township Of Berkshire, Located In Farm Lots 18 And 19, Quarter Section 3, Township 4, Range 17, United States Military Lands, Being 4.259 Acres Out Of The Original 95.868 Acre Tract Conveyed To Rome Corners Development Corporation Llc As Recorded In Official Record 582, Page 1352 Recorder's Office Delaware County, Ohio. Cost \$6.00.

**Olentangy Crossings Section 2, Lot 7353, Division 1**

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Located In Part Of Farm Lots 8 And 9, Section 2, Township 3, Range 18, United States Military Lands, Being All Of Lot 7353 (34.892 Acres) Of Olentangy Crossings Section 2, A Subdivision Of Record In Official Record Volume 742, Page 1060-1062 And Stored In Plat Cabinet 3, Slide 771, And Being Part Of An Original 182.145 Acre Tract Conveyed To Lewis Center Investments, Llc. In Official Record Volume 590, Page 2050, Records Of The Recorder's Office, Delaware County, Ohio. Cost \$6.00

**Shady Lane Farm**

Situated In The Township Of Harlem, County Of Delaware, State Of Ohio, And Being A Part Of Farm Lot #2 And Farm Lot #3 In Section 3 Of Township 3n, Range 16w, Of The United States Military Lands Land Survey. Being A Survey Of All Of The Lands Containing 27.393 Acres Currently Conveyed To Carles E. Green, And Being Of Record By Deed Volume 527, Page 278 In The Records Of Deeds In The Delaware County Recorders Office, Delaware, Ohio. Cost \$9.00.

**Revised Algoma Farms**

Situated In The State Of Ohio, County Of Delaware, Township Of Liberty, Located In Part Of Farm Lots 2 And 3, Section 4 North, Range 19 West, United States Military Lands, Being A 55.976 Acre Subdivision There Being Lot 2617 In Algoma Farms As Recorded In Plat Cabinet 1, Slide 719. In The Records Of Deeds In The Delaware County Recorders Office, Delaware, Ohio Cost \$15. 00

**Ditch Maintenance Petition- Cheshire Woods Estates, Section 1, Section 2, Phase A**

We the undersigned owners of 71.06 acres in Berkshire Township, Delaware County, Ohio propose to create a subdivision known as **Cheshire Woods Estates, Section 1, Section 2, Phase A** as evidenced by the attached subdivision plat (Exhibit "A" which is available at the County Engineer's Office). These plats have been approved and signed by the Delaware County Regional Planning Commission and the Delaware County Engineer. Drainage improvements related to this subdivision have been constructed (or are bonded and will be constructed within a period of one year as evidenced by the Subdivider's agreement Exhibit "B" available at the County Engineer's Office). In accordance with Section 6137 of the Ohio Revised Code, we (I) hereby request that the improvements delineated on Exhibit "C" (available at the County Engineer's Office), be accepted as part of the County Drainage Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements.

We (I) represent 100% of the property owners to be assessed for maintenance related to this drainage improvement. We (I) hereby waive our rights to a public viewing and hearing and ask that your board approve this action in conjunction with the approval of the **Cheshire Woods Estates, Section 1, Section 2, Phase A** Subdivision.

The cost of the drainage improvements is \$200,535.00 and a detailed cost estimate is available at the County Engineer's office in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. 25 lots are created in this plat and each lot receives an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$8,021.40 per lot. An annual maintenance fee equal to 2% of this basis \$160.43 will be collected for each lot. I understand that

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the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$4,010.70 has been paid to Delaware County.

Easements to provide for the maintenance of the improvements have been provided on the plat.

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

RESOLUTION NO. 08-1346

IN THE MATTER OF ACCEPTING MAINTENANCE BONDS FOR NELSON FARMS SECTION 1, PHASE A, PART 1:

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

Nelson Farms Section 1, Phase A, Part 1

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer’s recent field review, he has determined that minor remedial work will be required during the 2009 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$82,600** for the duration of the one year maintenance period. A Bond in that amount is currently in place. He also request approval to return the Bond being held as construction surety to the developer, Nelson Farms, LLC. A letter approving release of that bond is available for signature.

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

RESOLUTION NO. 08-1347

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
U08-114	VERIZON	HOME RD	TRENCH CABLE
U08-115	CONSOLIDATED ELECTRIC	CARTERS CORNER RD	BORE UNDER RD
U08-116	DEL-CO WATER	HARTFORD RD	INSTALL WATERLINE
U08-117	SUBURBAN NATURAL GAS	KEATON CT	INSTALL GAS MAIN IN ROW
U08-118	TIME WARNER	GREEN MEADOWS DR	PLACE CABLE IN ROW

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

RESOLUTION NO. 08-1348

IN THE MATTER OF APPROVING A REVISED AGREEMENT WITH MOTOROLA CORPORATION FOR TWENTY-FOUR HOUR TECHNICAL SUPPORT AND MAINTENANCE ON THE 800MHZ RADIO SYSTEM:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the revised agreement With Motorola Corporation For Twenty-Four Hour Technical Support And Maintenance On The 800mhz Radio System.

(A copy of the agreement is available in the Commissioner’s Office until no longer of administrative value).

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

RESOLUTION NO. 08-1349

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE 911 DEPARTMENT:

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

Transfer of Appropriation		Amount
From	To	
21411306-5250	21411306-5450	

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911/Minor Tools	911/Machinery & Equipment	\$	61,000.00
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**Further Be It Resolved**, that the Commissioners approve a purchase order request to Motorola in the amount of \$64,114.00 (21411306-5450).

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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**RESOLUTION NO. 08-1350**

**IN THE MATTER OF APPROVING A MEMORANDUM OF AGREEMENT RELATING TO THE JOINT LOCATION AND OPERATION OF A HIGH BAND REPEATER SYSTEM FOR PORTER-KINGSTON FIRE DISTRICT AND THE DELAWARE COUNTY 911 CENTER THAT ARE PARTY TO THIS AGREEMENT:**

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

The respective Boards of Trustees shall adopt a resolution adopting this Memorandum of Agreement and authorizing a representative to sign this Agreement. The Boards of Trustees have in connection with this pursuit, agreed as follows:

Article 1: Porter - Kingston Fire District shall be responsible for all labor and materials required to move and install the High Band Repeater and antennae to the existing Delaware County 800 radio system tower located at 12844 Olive Green Rd.

Article 2: Both parties will maintain insurance on their own equipment for property damage, regardless of cause and/or fault. Porter-Kingston Fire District will list Delaware County as an additional insured party on their insurance policy for liability coverage only.

Article 3: Additional equipment and routine maintenance that may be needed to the High Band Repeater and the cost of said additional equipment and routine maintenance will be the responsibility of Porter - Kingston Fire District.

Article 4: The High Band Repeater shall remain the property of Porter - Kingston Fire District and shall be returned in the event that the current Delaware 800 radio system tower is moved or abandoned.

This agreement entered into and accepted on this 10<sup>th</sup> day of November, 2008.

Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye
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**RESOLUTION NO. 08-1351**

**IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE COMMON PLEAS JURY COMMISSION:**

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

<b>Supplemental Appropriation</b>			
10029201-5201	Common Pleas Jury Commission/Supplies	\$	1,000.00
10029201-5360	Common Pleas Jury Commission/Court Services	\$	15,000.00

Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye
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**RESOLUTION NO. 08-1352**

**IN THE MATTER OF APPROVING A CHANGE ORDER TO THE INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE LOWER SCIOTO WATER RECLAMATION FACILITY:**

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

**Delaware County  
Division of Environmental Services  
CHANGE ORDER**

**Order No.:** 4  
**Date:** November 10, 2008  
**Agreement Date:** November 1, 2007  
**NAME OF PROJECT:** Lower Scioto Water Reclamation Facility  
**Contract:** Intergovernmental Cooperation Agreement dated November 1, 2007

The following changes are hereby made to the CONTRACT and as detailed in Exhibit A:

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- 1. Addition height of mounding and additional mounding as detailed in Exhibit A - \$16,500.00.
- 2. Seeding for additional mounding – \$3,240.00.
- 3. Additional trees for mounding (steeplechase arborvitae) - \$13,400.00.
- 4. Deduct of walking path – (\$22,074.00.)

Change to Contract Price:

Original Contract Price: \$ 21,986,625.00  
Current Contract Price adjusted by previous Change Order: \$ 22,433,569.16  
The Contract Price due to this Change Order will be increased by: \$11,066.00  
The new Contract Price including this Change Order will be: \$22,444,635.16

Change to Contract Time:

The Contract Time will be (increased/decreased) by zero (0) calendar days.

Approvals Required:  
To be effective this Order must be approved as require by the Section II page 5 of the Contract Documents.

Requested by: Concord/Scioto Community Authority

Recommended by: Director of Environmental Services and Concord/Scioto Community Authority

Approved by: Board of County Commissioners DELAWARE COUNTY, OHIO

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

RESOLUTION NO. 08-1353

IN THE MATTER OF APPOINTING AN AUTHORIZED AGENT FOR DELAWARE COUNTY RELATIVE TO THE PUBLIC ASSISTANCE GRANT PROGRAM FOR FEMA-DR-1805-OH:

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

WHEREAS,                      Department of Homeland Security has issued a declaration for public assistance for the wind storm on September 14, 2008.

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Delaware County, State of Ohio, appoints Cindi Blair as the authorized agent for Delaware County relative to the Public Assistance Grant Program for FEMA-DR-1805-OH;

FURTHER BE IT RESOLVED THAT, the Board of County Commissioners of Delaware County, State of Ohio, appoints Lisa Iannotta as the authorized signatory relative to the Public Assistance Grant Program for FEMA-DR-1805-OH;

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

RESOLUTION NO. 08-1354

IN THE MATTER OF APPROVAL OF PERSONNEL ACTIONS:

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

Recommendation to remove Ms. Terry Conant, Delaware County Dog Warden, from her position effective immediately for matters related to job performance.

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

RESOLUTION NO. 08-1355

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:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn into Executive Session at 9:47AM.

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

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RESOLUTION NO. 08-1356

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Evans, seconded by Mr. Ward to adjourn out of Executive Session at 10:17AM.

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