

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 19, 2009

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

Present: Todd Hanks, Ken O'Brien, Tommy Thompson

RESOLUTION NO. 09-1441

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 16, 2009:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on November 16, 2009; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

PUBLIC COMMENT

RESOLUTION NO. 09-1442

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1118:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1118:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R0907237	BLUES AUTO SERVICE INC	21 33 DEER HIT	60111901 - 5370	\$1,695.00	0001
R0907237	BLUES AUTO SERVICE INC	S 1 DEER HIT	60111901 - 5370	\$3,200.00	0002
R0907237	BLUES AUTO SERVICE INC	SHERIFF OFFICE IMPALA STRUCK BY OTHER VEHICLE	60111901 - 5370	\$2,000.00	0003
R0907399	DITCH MAINTENANCE	MCNAMARA 1ST YEAR MAINTENANCE	40311423 - 5328	\$6,000.00	0001
R0907399	DITCH MAINTENANCE	SHEETS 1ST YEAR MAINTENANCE	40311423 - 5328	\$1,120.63	0002

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
HP Products	Cleaning Products	10011105-5201	\$ 1,750.00
Delaware Motive	Auto Parts	10011106-5228	\$ 4,700.00
Motorola Inc.	Radios	21411306-5260	\$ 30,600.00
BCMh Dept of Health	Crippled Childrens	10011102-5319	\$ 15,000.00

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 19, 2009**

Vote on Motion Mr. O'Brien Abstain Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1443

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

The EMS Department is requesting that Sheila Perin attend a Summit on Local Government Sustainability Strategies and Solutions in a time of Fiscal Crisis, in Columbus, Ohio November 19, 2009; at no cost.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1444

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR ORANGE CORPORATE CENTER:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

WHEREAS, on November 17, 2009 a Ditch Maintenance Petition for the Orange Corporate Center was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within the subdivision; and

WHEREAS, the Petitioners have requested that the drainage improvements be accepted into the Delaware 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; and

WHEREAS, the Petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delaware County, Ohio:

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements being \$71,896.98 for the benefit of a total of 16.300 acres, the basis for calculating the assessment for each lot is, therefore, per acre. An annual maintenance fee equal to two percent (2%) of this basis shall be collected for the entire development. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year's assessment for all of the lots in the amount of \$1,437.94 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3. 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.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1445

IN THE MATTER OF APPROVING THE RELEASE OF THE MAINTENANCE BOND FOR CV REAL PROPERTY FOR THE HIDDEN OAKS PROJECT:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to release the maintenance bond for CV Real Property for the Hidden Oaks project:

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 19, 2009**

Hidden Oaks

Whereas, in April, 2007, an agreement was entered into between Delaware County and CV Real Property for the above referenced project. This is to advise that the work for this project has been completed to the satisfaction of this office, and the Engineer is, therefore, requesting approval to return the bond being held as surety and release CV Real Property from their responsibility to this project.

Now Therefore Be It Resolved, that the Delaware County Commissioners approve the release the maintenance bond for CV Real Property for the Hidden Oaks project.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1446**IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following work permits:

Whereas The Below Requests To Perform Work Within The Right Of Way Have Been Reviewed And Approved By The Delaware County Engineer; Now Therefore Be It Resolved That The Following Permits Are Hereby Approved By The Board Of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
U09-064	AEP	MAIN RD	INSTALL POLES
U09-067	AT&T	HARRIOTT RD	BORE ROADWAY
U09-066	DEL-CO WATER	PERRY RD	INSTALL WATERLINE INSTALL
U09-065	DEL-CO WATER	TUSSIC STREET RD	ROAD BORE
U09-068	CENTURY LINK	BROOKVIEW DR	REPLACE CABLE

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-1447

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR THE FOLLOWING 2010 ENGINEERING MATERIALS: 2010 GUARDRAIL INSTALLATION CONTRACT; READY MIX CONCRETE; CORRUGATED POLYETHYLENE TUBING & PIPE MATERIALS (INCLUDING SMOOTH LINED PIPE); REINFORCED CONCRETE PIPE MATERIALS; VARIOUS SIZES, LENGTHS AND SHAPES OF REINFORCING STEEL FOR CONCRETE REINFORCEMENT; VARIOUS ROLLED STEEL SHAPES; AND CRUSHED LIMESTONE MATERIAL ITEMS AND SS921 COLD MIX:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve specifications and set bid opening date and time for the above mentioned items.

Sealed bids will be received by the **Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015 until 10:00 a.m. on December 14, 2009** at which time said bids shall be opened and read aloud. Bids shall be submitted on bid blank or copies thereof. The County reserves the right to make non-exclusive awards which shall be awarded at the discretion of Delaware County based on the selection of the Lowest and Best bidder on a project-by-project basis. All bidders shall be notified accordingly.

All material shall meet the general specifications which may be obtained at the County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015.

Prices for all materials shall also be made available for cooperative purchasing by the 18 Townships within Delaware County, the Delaware County Preservations Parks District; Delaware Soil and Water Conservation District, and the Delaware County Agricultural Society.

Invitation to Bid is hereby made a part of the Specifications. The Delaware County Commissioners reserve the right to reject any and/or all bids.

Now Therefore Be It Resolved, that the Delaware County Commissioners approve the bid opening date of 10:00 AM on December 14, 2009 at 50 Channing Street, Delaware, Ohio 43015, for the 2010 Engineering Materials.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1448**IN THE MATTER OF SUPPORTING THE STATE OF LOUISIANA PETITION TO THE FEDERAL**

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 19, 2009**

COMMUNICATIONS COMMISSION (FCC) TO MODIFY THE MANDATORY TRANSITION DATE OF DECEMBER 31, 2016 TO DECEMBER 31, 2024 FOR 700MHZ BANDWIDTH SPACING FROM 12.5 KHZ TO 6.25 KHZ:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the following:

Whereas, On October 5, 2009 the State of Louisiana filed a petition to the Federal Communication Commission to modify the transition date of December 31, 2016 to December 31, 2024 for the 700MHz bandwidth spacing to go from 12.5 KHz to 6.25 KHz, and

Whereas, Delaware County currently operates a twelve site, eight channel, simulcast Motorola Astro P25 Digital 700/800MHz compliant public safety communications system, which supports thirteen fire departments, seven law enforcement agencies, Countywide EMS, and Office of Homeland Security, and

Whereas, Delaware County has a fleet of more than 1,000 radios which range in age from one day to six years old in which none of the radio are able to operate on 700MHz at 6.25KHz spacing, and

Whereas, if Delaware County wished to utilize 700MHz frequencies we would have to replace all our radios and not be able to utilize the radio for their full lifecycle expectancy, and

Whereas, it would cost the taxpayers of Delaware County more than 5 million dollars to replace all of our radios, and

Whereas, it is recommended by the Director of the 911 Communications and the Public Safety Systems Administrator to support the State of Louisiana petition;

Therefore be it Resolved, that the Delaware County Commissioners support the State of Louisiana's petition to the Federal Communication Commission to modify the transition date to December 31, 2024.

Further Be It Resolved that the Board directs the Director of 911 Communications to forward this resolution to the Federal Communications Commission, the State of Louisiana's SIEC Chairman, the State of Ohio's MARCS Administrator in support of the State of Louisiana's petition before the FCC.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

COMMISSIONERS' COMMITTEES REPORTS

Commissioner O'Brien

- There Is A COYC Meeting Today; Bonds For Renovations
- There Is A Community Action Organization Meeting
- There Is A RPC Meeting This Evening

Commissioner Hanks

- Attended A Meeting About The RFQ For A Web Site For The Port Authority

Commissioner Thompson

- Received A Call From A Company That Provides A Service At No Cost Called 'Show Case Your County'

RESOLUTION NO. 09-1449

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. O'Brien, seconded by Mr. Hanks to adjourn into Executive Session at 9:50AM.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Hanks Aye

RESOLUTION NO. 09-1450

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn out of Executive Session at 10:20AM.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 19, 2009

RESOLUTION NO. 09-1451

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn the meeting.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Aye

Todd Hanks

Ken O'Brien

Tommy Thompson

Letha George, Clerk to the Commissioners