

**COMMISSIONERS JOURNAL NO. 48 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD AUGUST 10, 2006**

**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 Public Hearing For Petition For Establishment Of The Sunbury Meadows Community Development Authority As A New Community Authority**
- 10:00 AM Public Hearing To Consider The Request By The Columbus Zoological Park Association, Inc. For The Issuance Of Tax-Exempt Economic Development Revenue Bonds By Delaware County To Facilitate The Zoo's Future Development Plans**
- 10:00 AM Bid Opening For Conveyance And Land Application Of Biosolids**

**PUBLIC COMMENT**

**RESOLUTION NO. 06-1008**

**IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 3, 2006 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:**

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held August 3, 2006 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. 06-1009**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR089:**

It was moved by Mr. Evans, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR089 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>			
Tyevco Inc.	CHIP-Private Rehab	23011714-5365	\$ 33,000.00
Tyevco Inc.	CHIP-Private Rehab/Downpayment	23011714-5365	\$ 21,000.00
Marchi & Sons	Formula 2005- Galena	23011705-5365	\$ 20,200.00
<b>Increases</b>			
Carriage Towne	Vehicle Repairs	65211919-5328	\$ 1,200.00
Carriage Towne	Vehicle Repairs	65211905-5328	\$ 1,200.00
Downes, Hurst & Fishel	Services	10011303-5301	\$ 10,000.00
Leah Blake	Day Care	22511607-5348	\$ 3,000.00
Nichole Otten	Day Care	22411610-5348	\$ 5,000.00
Delaware Motive Parts	Vehicle Parts	10011106-5228	\$ 3,500.00
T & J Junior Academy	Day Care	22411610-5348	\$ 30,000.00
Tina Millisor	Day Care	22411610-5348	\$ 4,000.00
Nancy Lucas	Day Care	22411610-5348	\$ 10,000.00
<b>Vouchers</b>			
Trucco Construction	Perry Taggart Sewer	65511918-5415	\$ 567,721.80
BP Products	Fuel for Vehicles & Equipment	65211905-5228	\$ 5,747.50
BP Products	Fuel for Vehicles & Equipment	65211919-5228	\$ 5,951.27
US Postal Service-Hasler	Postal Service	10011105-5331	\$ 20,000.00
Noahs Ark Learning Center	Day Care	22411610-5348	\$ 4,701.65
Noahs Ark Learning Center	Day Care	22411607-5348	\$ 535.56
Noahs Ark Learning Center	Day Care	22411610-5348	\$ 4,355.11
Noahs Ark Learning Center	Day Care	22411607-5348	\$ 614.28
Del area Career Center	ABLE	22411603-5348	\$ 6,191.52
Council for Older Adults	3rd Quarter Adult Protective Serv	22411606-5348	\$ 11,250.00
Toddler Inn	Day Care	22411610-5348	\$ 12,761.17
Stark County Treasurer	5th District Court of Appeals	10029202-5301	\$ 12,915.17
US Filter Davis	Bioxide	65211905-5290	\$ 14,007.00
BP Products	Gasoline Service Center	10011106-5228	\$ 19,605.12
T & J Junior Academy	Day Care	22411610-5348	\$ 7,937.52
Case Construction	Sackett Ditch Improvement	40311415-5430	\$ 5,799.77

**Memo Transfer Vouchers**

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<b>From</b>	<b>To</b>				
Job and Family 22411605-5331	Facilities Management 10011105-4727	Postage	\$	5,752.99	
CSEA 23711630-5335	Commissioners 10011101-4233	Aug Rent	\$	7,552.85	

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

**RESOLUTION NO. 06-1010**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

Juvenile Court is requesting Judge Kenneth Spicer attend an OJC 2006 Annual Meeting in Dublin, Ohio September 14-15, 2006, at the cost of \$240.00.

The Commissioners Office is requesting that Dave Cannon attend the Ohio GFOA Conference in Cincinnati, Ohio September 12-15, 2006, at the cost of \$825.00.

The Prosecutor's Office is requesting that Tabitha Bonifas attend a Responding to Diversity Seminar in Columbus, Ohio September 15, 2006, at the cost of \$64.03.

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

**RESOLUTION NO. 06-1011**

**IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR DELINQUENT TAX:**

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

<b>Transfer of Appropriation</b>					<b>Amount</b>
<b>From</b>	<b>To</b>				
23512102-5001	23512102-5301				\$492.75
Delinquent Tax Prosecutor/Compensation	Delinquent Tax Prosecutor/Professional Services				

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

**RESOLUTION NO. 06-1012**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

Scott Gaines with the Facilities Department is requesting 29.5 Hours of Leave With Out Pay for Pay Period #17 (July 31-August 3, 2006).

Rhonda Griffith will be using 80 hours of Leave With Out Pay for each of the following Pay Periods 0601017; 0601018; 0601019; 0601020; 0601021; 0601022.

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

**RESOLUTION NO. 06-1013**

**IN THE MATTER OF SELECTING SHERRY BARBOSKY OF SMITH-FEIKE-MINTON, INC. (SFM, INC.) TO SERVE AS AGENT OF RECORD FOR THE COUNTY COMMISSIONERS OF DELAWARE COUNTY WITH THE COUNTY RISK SHARING AUTHORITY (CORSA) EFFECTIVE AUGUST 10, 2006:**

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

Whereas, the Board of Commissioners of Delaware County, State of Ohio, publicly advertised a request for proposals for a local agent to represent Delaware County with the County Risk Sharing Authority (CORSA); and

Whereas, proposals were received and opened on July 31, 2006 and reviewed and scored by staff; and

Whereas, staff has recommended the proposal of Sherry Barbosky, of Smith-Feike-Minton, Inc. to serve as agent of record with CORSAs;

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Therefore be it resolved, by the Board of Commissioners of Delaware County, State of Ohio, to assign the agent of record to Sherry Barbosky of Smith-Feike-Minton, Inc. for the CORSA program, effective August 10, 2006.

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

**RESOLUTION NO. 06-1014**

**IN THE MATTER OF AMENDING RESOLUTION 05-1376 (APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS; GEORGE PARKER AND ASSOCIATES LLC. AND MADDOX-NBD INC. FOR ARCHITECT SERVICES FOR THE NEW SENIOR SERVICE CENTER FOR THE COUNCIL FOR OLDER ADULTS):**

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the following amendment to resolution 05-1376:

AMENDMENT

Increase to George Parker & Associates, LLC Architecture & Planning in the amount of \$26,000.00

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

**RESOLUTION NO. 06-1015**

**9:45 AM PUBLIC HEARING FOR THE ESTABLISHMENT OF THE SUNBURY MEADOWS COMMUNITY DEVELOPMENT AUTHORITY AS A NEW COMMUNITY AUTHORITY:**

It was moved by Mr. Evans, seconded by Mr. Jordan to open the Hearing at 9:48AM.

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

**RESOLUTION NO. 06-1016**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR THE ESTABLISHMENT OF THE SUNBURY MEADOWS COMMUNITY DEVELOPMENT AUTHORITY AS A NEW COMMUNITY AUTHORITY:**

It was moved by Mr. Evans, seconded by Mr. Jordan to close the Hearing at 10:06AM.

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

**RESOLUTION NO. 06-1017**

**RESOLUTION APPROVING THE PETITION FOR ESTABLISHMENT OF THE SUNBURY MEADOWS COMMUNITY DEVELOPMENT AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE:**

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, a petition (the "Petition") for the establishment of the Sunbury Meadows Community Development Authority (the "Authority") to govern a proposed new community district (the "District") was filed by Dominion Homes, Inc. (the "Developer"), with and accepted by Resolution of the Board of County Commissioners of Delaware County adopted on Monday June 26, 2006; and

WHEREAS, the "organization board of commissioners" ("Board"), as that term is defined in Section 349.01(F) of the Ohio Revised Code, for the proposed Authority is comprised solely of the Board of County Commissioners of Delaware County; and

WHEREAS, pursuant to Section 349.03(A) of the Revised Code, the Board of County Commissioners of Delaware County, as the organizational board of commissioners, on Thursday August 10, 2006, held a public hearing on the Petition after public notice was duly published in accordance with Section 349.03; and

WHEREAS, at the aforementioned public hearing, the Board took testimony to establish a finding that the proposed Authority could be found to be conducive to the public health, safety, convenience, and welfare and is intended to result in the development of a new community as defined in Section 349.01(A).

Now, therefore, upon motion of Commissioner Evans, seconded by Commissioner Jordan,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, DELAWARE COUNTY, OHIO, THAT:

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1. The Board finds and determines that the District will be conducive to the public health, safety, convenience and welfare, and is intended to result in the development of a new community as defined in Section 349.01(A) of the Revised Code.
2. The Petition is hereby accepted and shall be recorded, along with this Resolution, in the journal of the Board of County Commissioners of Delaware County, as the organizational board of commissioners.
3. This Board declares that the Authority is hereby organized and a body politic and corporate and established as of Thursday August 10, 2006.
4. The corporate name of the Authority shall be the SUNBURY MEADOWS COMMUNITY DEVELOPMENT AUTHORITY.
5. The boundary of the District shall be set forth in Exhibit "A" attached to this Resolution.
6. The Board of Trustees of the Authority shall be composed of seven (7) members selected as provided in Section 349.04 of the Revised Code. This Board of County Commissioners shall appoint three (3) citizen members of the Board of Trustees to represent the interests of present and future residents of the District. Those appointments shall be by Resolution adopted by this Board within ten (10) days after the establishment of the Authority. That Resolution of this Board shall designate which two (2) of the initial citizen members shall serve initial one (1) year terms. The remaining citizen member shall serve an initial two (2) year term. The Clerk of this Board shall mail to the Developer a certified copy of that adopted Resolution.
7. The Developer shall appoint three (3) members to serve on the Board of Trustees of the Authority as representatives of the Developer, and shall designate which two (2) of those members shall serve an initial one (1) year term. The remaining member appointed by the Developer shall serve an initial two (2) year term. Those appointments and designations shall be in a writing filed with the Clerk of this Board within ten (10) days after the establishment of the Authority.
8. This Board of County Commissioners shall appoint one (1) member to serve on the Board of Trustees as a representative of local government and to serve an initial two (2) year term. That appointment shall be by Resolution adopted by this Board within ten (10) days after the establishment of the Authority.
9. Pursuant to Section 349.04 of the Revised Code, each member of the Board of Trustees of the Authority shall post a bond in the amount of \$10,000 for the faithful performance of their duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with the Delaware County Auditor and preserved by him.
10. This Board finds and determines that all formal actions of the 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 and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.
11. This resolution shall be in full force and effect immediately upon its adoption.

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

**RESOLUTION NO. 06-1018**

**10:00 AM PUBLIC HEARING TO CONSIDER THE REQUEST BY THE COLUMBUS ZOOLOGICAL PARK ASSOCIATION, INC. FOR THE ISSUANCE OF TAX-EXEMPT ECONOMIC DEVELOPMENT REVENUE BONDS BY DELAWARE COUNTY TO FACILITATE THE ZOO'S FUTURE DEVELOPMENT PLANS:**

It was moved by Mr. Jordan, seconded by Mr. Evans to open the Hearing at 10:10AM.

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

**RESOLUTION NO. 06-1019**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING TO CONSIDER THE REQUEST BY THE COLUMBUS ZOOLOGICAL PARK ASSOCIATION, INC. FOR THE ISSUANCE OF TAX-EXEMPT ECONOMIC DEVELOPMENT REVENUE BONDS BY DELAWARE COUNTY TO FACILITATE THE ZOO'S FUTURE DEVELOPMENT PLANS:**

It was moved by Mr. Jordan, seconded by Mr. Evans to close the Hearing at 10:15AM.

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

**RESOLUTION NO. 06-1020**

**A RESOLUTION APPROVING, SOLELY FOR THE PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF SPECIAL ADJUSTABLE RATE DEMAND ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2006 (COLUMBUS ZOOLOGICAL PARK ASSOCIATION PROJECT) BY THE DELAWARE COUNTY PORT AUTHORITY TO FINANCE CERTAIN "PORT AUTHORITY FACILITIES" LOCATED WITHIN DELAWARE COUNTY, OHIO:**

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

WHEREAS, the Delaware County Port Authority (the "Port Authority") has been requested to authorize the issuance of special Adjustable Rate Demand Economic Development Revenue Bonds, Series 2006 (Columbus Zoological Park Association Project) in an aggregate principal face amount not to exceed \$13,000,000 (the "Bonds"), for the purpose of assisting in the financing of costs of acquiring, constructing, renovating, expanding, equipping and improving facilities of the Columbus Zoological Park Association which facilities will be located in Liberty Township, Delaware County, Ohio, constituting "port authority facilities" for educational purposes (collectively, the "Project");

WHEREAS, the Bonds will be special obligations of the Port Authority and will not constitute a debt or pledge of the faith and credit or the taxing power of the Port Authority or the County, and principal of and interest and any premium on the Bonds will be secured by and payable from payments to be made by the Columbus Zoological Park Association, an Ohio nonprofit corporation, under a loan agreement with the Port Authority;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires, as a prerequisite to the issuance of the Bonds, that this Board approve the issuance of the Bonds after a public hearing following public notice published in advance of said hearing;

WHEREAS, a public hearing was held at 10:00 a.m. on this date by this Board in its offices at 101 North Sandusky Street, Delaware, Ohio, with respect to the proposed issuance of the Bonds, following public notice published at least 14 days in advance of the hearing, and this Board was present at that hearing; and

WHEREAS, the Port Authority has requested that this Board, as the "applicable elected representative" of the County within the meaning of Section 147(f) of the Code, approve the issuance of the Bonds for purposes of said Section 147(f);

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Delaware, Ohio (the "Board"), that:

Section 1. This Board hereby approves the issuance of the Bonds, in accordance with and solely for the purpose of satisfying the requirements of Section 147(f) of the Code, including applicable United States Treasury regulations, in a principal amount not to exceed \$13,000,000 for the purpose of financing the Project. This approval is final and conclusive for such purpose and is given as of the date of adoption of this resolution.

Section 2. The various County officers and employees are authorized and directed to take all actions necessary to effectuate the purposes of this resolution.

Section 3. It is hereby found and determined that all formal actions of 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 and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code, and the rules of this Board in accordance therewith.

Section 4. This resolution shall take effect and be in force immediately upon its adoption.

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

**RESOLUTION NO. 06-1021**

**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 10:18AM.

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

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**RESOLUTION NO. 06-1022**

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

It was moved by Mr. Evans, seconded by Mr. Jordan to adjourn out of Executive Session at 11:05AM.

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

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Kristopher W. Jordan

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James D. Ward

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Letha George, Clerk to the Commissioners