

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 2, 2007

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

RESOLUTION NO. 07-01

IN THE MATTER OF APPOINTING FOR YEAR 2007 THE CLERK AND DEPUTY CLERKS FOR THE BOARD OF COMMISSIONERS:

It was moved by Mr. Evans, seconded by Mr. Jordan to appoint Letha George, Clerk, Jennifer Walraven and Dottie Brown, Deputy Clerks to the Board of Commissioners for the year 2007.

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

RESOLUTION NO. 07-02

IN THE MATTER OF APPROVING RESOLUTION ESTABLISHING MEETING DAYS FOR THE BOARD OF COMMISSIONERS FOR YEAR 2007:

It was moved by Mr. Jordan, seconded by Mr. Evans that in compliance with Section 121.22 Ohio Revised Code the following Resolution be adopted:

Resolved, that the Delaware County Board of Commissioners, shall meet in regular session at 9:00 AM on Monday and 9:30 AM on Thursday of each week at their Office at 101 N. Sandusky Street, Delaware, Ohio 43015, except when Monday or Thursday is a legal holiday, in which case, said Board of Commissioners shall meet at the scheduled time on the next regular working day thereafter. The Board of County Commissioners shall meet in regular session at 1:00 PM on the first Monday of each month with the Delaware County Prosecutor and shall hold Public Officials meeting the 1st Tuesday of each month at 12:00PM. The Board of County Commissioners shall meet in regular session on the 1st Monday in the month at 7:00 PM with no day session being held. Whenever there is a 5th Monday in the month, the Board of Commissioners will conduct a meeting to be held at night at 7:00 PM with no day meeting to be held. All those wishing to come before the Board must provide the purpose of such and schedule a time with the Clerk of the Board by 5:00 PM on the Wednesday preceding the Monday session and on the Tuesday at Noon preceding the Thursday session. A time will be scheduled during regular session whereas the Board will allow presentation and discussion of any matter not previously scheduled.

It is further Resolved, that notification of all special meetings except those requiring immediate emergency action of the Delaware County Board of Commissioners shall be publicly advertised at least 24 hours in advance by notifying media and posting on internet.

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

RESOLUTION NO. 07-03

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 28, 2006 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Jordan, seconded by Mr. Ward to approve the resolutions and records of the proceedings from regular meeting held December 28, 2006 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 07-04

IN THE MATTER OF APPROVING VOUCHERS:

It was moved by Mr. Evans, seconded by Mr. Jordan to approve payment Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
Vouchers			
Motorola Inc	Baseline Portables/800mhz 911	10011303-5260	\$ 37,397.74
Motorola Inc	Baseline Portables/800 mhz Orange TWP	21411306-5260	\$ 42,227.56
Synagro	Land Application for Biosolids	65211919-5301	\$ 20,659.08
AEP	Utility	65211919-5338	\$ 105,416.67

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

RESOLUTION NO. 07-05

IN THE MATTER OF APPROVING PLATS FOR SAGE CREEK SECTION 4, PHASE B; MANSARD ESTATES SECTION 1 AND OLENTANGY CROSSINGS SOUTH SECTION 1 AND DITCH MAINTENANCE PETITIONS FOR NORTH ORANGE SECTION 1 STORM SEWER IMPROVEMENT AND REVISED PETITION FOR OLENTANGY CROSSINGS SECTIONS 1, 2, 3A, 7 AND LEWIS CENTER ROAD:

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

Sage Creek Section 4, Phase B

Situated In The State Of Ohio, County Of Delaware, Township Of Berkshire, Being Part Of Lot 24 Of Section 4 (Quarter Township 4), Of Township 4 North, Range 17 West, Of The United States Military Lands, Containing 24.097 Acres Of Land, More Or Less, Being A Part Of Parcel Two (32.04 Acres), Conveyed To SJDJ, Ltd, Recorded In Official Record Volume 182, Page 1686, And Being Reserve “A” Sage Creek Subdivision, Section 3, Phase B, Plat Cabinet 3, Slide 253 And 253b, All Records Being Of The Recorder’s Office, Delaware County, Ohio. Cost \$24.00

Mansard Estates Section 1

Situated In The State Of Ohio, County Of Delaware, Township Of Genoa, And In Farm Lots 13 (6.219 Acres) And 14 (55.954), Quarter Township 2, Township 3, Range 17, United States Military Lands, Containing 62.173 Acres Of Land More Or Less, Said 62.173 Acres Being Comprised Of Part Of Those Tracts Of Land Conveyed To 1) M/I Homes Of Central Ohio, Llc By Deeds Of Record In Official Record 686, Page 936 (15.972 Acres), Official Record 686, Page 932 (30.995 Acres) And Official Record 687, Page 773 (1.195 Acres, 2) Jay Scott Gillis, Deed Book 580, Page 111 (8.987 Acres), And 3) Thomas R. Weisenstein And Tamara M. Weisenstein, Official Record 687, Page 768 (5.024 Acres), All Being Of Record In The Recorder’s Office, Delaware County, Ohio Cost \$180.00

Olentangy Crossings South Section 1

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Being Part Of Farm Lot 6, 7, And 8, Section 2, Township 3 North, Range 18 West, United States Military Lands, Being A 34.824 Acre Subdivision, Being 22.754 Acres Out Of A 27.672 Acre Tract Described In Deed To PCT Crossing South, Llc By Official Record Volume 674, Page 1828, And All Of A 12.070 Acres Tract Described In Deed To PCT Crossing South, Llc By Official Record Volume 674, Page 1832 All References Being To The Records Of The Recorder’s Office, Delaware County, Ohio. Cost \$123.00

Ditch Maintenance Petition- North Orange Section 1 Storm Sewer Improvement

We the undersigned owners of the remaining acreage within North Orange Section 1 in orange Township, Delaware County, Ohio propose to create a storm sewer extension as evidenced by the attached easement exhibit (Exhibit “A” which is available at the County Engineer’s Office). The easement document for these North Orange Section 1 Storm Sewer Improvements have been submitted for approval to the Delaware County Engineer. The storm sewer extension has been constructed. (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 North Orange Section 1 Storm Sewer Improvement easement documents.

The cost of the drainage improvements is \$34,360.90 and a detailed cost estimate as well as summary is available at the County Engineer’s office in Exhibit “D”. The drainage improvements are being constructed for the benefit of tributary commercial acreage created within this development. The developed commercial areas totaling 3.54 acres (the tributary area to this storm sewer extension) will receive benefit (cost) of the project on a per acre basis . The basis for calculating the assessment for each lot is therefore, \$9,706.47 per acre. An annual maintenance fee equal to 2% of this basis \$194.13/acre will be collected for each tributary lot with in North Orange Section One. I understand that 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 \$687.22 has been paid to Delaware County.

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

Ditch Maintenance Petition-Revised Petition For Olentangy Crossings Sections 1, 2, 3a, 7 And Lewis Center Road

We the undersigned owners of 170.553 acres in Orange Township, Delaware County, Ohio propose to create a subdivision known as Olentangy Crossings Section 1 (15.999 acres), Olentangy Crossings Section 2 (59.260 acres), Olentangy crossings section 7 (41.047 acres) and the existing Board of Education of Olentangy Local Schools (Olentangy High School and Shanahan Middle School) (54.247 acres) as evidenced by the attached subdivision plat (Exhibit “A” which is available at the County Engineer’s Office) and future plat exhibit. This plat has 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 **Olentangy Crossings Sections 1 plat**.

The cost of the drainage improvements is \$585,521.40 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 development. The Developed commercial, mulit-family and school areas totaling 83.76 acres will receive an equal share of the benefit (cost) of the project on a per acre basis . An annual maintenance fee equal to 2% of this basis will be collected for each tributary lot with in the Olentangy Crossings Section 2 (59.260 acres), Olentangy crossings section 7 (41.047 acres) Olentangy High School. The total annual drainage maintenance fee for this development is \$12,590.73. The Basis for calculating the assessment of each lot is shown on the summary spreadsheet (available at the County Engineer’s Office).

I understand that 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 \$12,590.73 has been paid to Delaware County. (12,033.32 by planned communities and 557.41 by olentangy schools District).

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

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

RESOLUTION NO. 07-06

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR OLENTANGY CROSSINGS SOUTH SECTION 1:

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

Olentangy Crossings South Section 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 2007 construction season.

In accordance with the Subdivider’s Agreement, The Engineer recommends that the maintenance bond be set at **\$30,200** for the duration of the one year maintenance period. A Letter of Credit in that amount is available.

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

RESOLUTION NO. 07-07

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

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

Permit #	Applicant	Location	Type of Work
U06146	Columbia Gas	Green Meadows Drive	Relocate gas main
U06166	Columbia Gas	Sunbury Road @ Yankee Street	Relocate gas main
U06167	Suburban Natural Gas	Olentangy Crossings South Sect. 1	Install gas mains
U06168	Suburban Natural Gas	Little Bear Village	Install gas mains

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

RESOLUTION NO. 07-08

IN THE MATTER OF SUBMITTING CERTIFICATION OF TOTAL ROAD MILEAGE IN DELAWARE COUNTY WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR CALENDAR YEAR 2006:

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

As certified by the Board of County Commissioners and reported by the Director of Transportation, in accordance with the provisions specified in the Ohio Revised Code, Section 4501.04 (Distribution of Revenue), the total certified mileage for January through December 2005 for Delaware County was **331.80** miles.

Based upon submitted documentation, the Board hereby certifies a total of **331.78 county** roadway miles for calendar year 2006 (effective December 31, 2006).

(Documentation 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. 07-09

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Kimberly Graham has accepted the Receptionist Position with the Department of Job and Family Services; effective date January 8, 2007.

Jennifer Laird has accepted the Income Maintenance Supervisor Position with the Department of Job and Family Services; effective date January 16, 2007.

Kelli Bolton has accepted the Employment Counselor Position with the Department of Job and Family Services; effective date January 16, 2007.

Perry Harper with the Department of Job and Family Services is requesting Leave-With-Out-Pay from January 2, 2007 to February 3, 2007 (200 hours).

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

RESOLUTION NO. 07-10

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Sarah Butler a Case Worker with the Child Support Enforcement Agency is moving from a full-time employee to a part-time employee; effective date January 13, 2007.

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

RESOLUTION NO. 07-11

IN THE MATTER OF AUTHORIZING EXECUTION OF CONTRACT WITH DAN CURTIS FOR APIARY INSPECTION SERVICES:

It was moved by Mr. Jordan, seconded by Mr. Evans to authorize the execution of the following:

This contract is made this 2ND day of January 2007, by and between Delaware County by the Delaware County Commissioners and Dan Curtis, the Contractor.

1. Delaware County requires the services of an Apiary Inspector for calendar year 2007.
2. Dan Curtis, contractor, agrees to provide the services and supplies necessary to perform the tasks as determined by the Commissioners including and limited to providing those services pertaining to apiary Inspections.
3. For the services performed by Dan Curtis, the Commissioners agree to pay him a stipend computed on

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a monthly basis, not to exceed \$4,800.00 for the year 2007.

- 4. The relationship of the County and the County Commissioners to Dan Curtis, shall be that of an independent contractor and Mr. Curtis shall be responsible for all Federal, State and Local, and Social Security taxes and all insurance and all workers compensation obligations.
- 5. Either party may terminate this contract by providing the other party 60-day advance notice.
- 6. This contract constitutes the entire agreement between the parties with respect to the subject matter hereof and may not be modified, changed or amended except in writing signed by each of the parties.

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

RESOLUTION NO. 07-12

IN THE MATTER OF DELEGATING AUTHORITY TO SPECIFIC STAFF FOR THE ADMINISTRATION OF PERSONNEL MATTERS, PAYROLL ITEMS, AND VARIOUS AGREEMENTS:

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

- 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
- 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)
- 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

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- 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. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 07-13

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 9:22AM.

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

RESOLUTION NO. 07-14

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Jordan, seconded by Mr. Evans to adjourn out of Executive Session at 11:29AM.

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

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners