

COMMISSIONERS JOURNAL NO. 49 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 5, 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

- 1:00 PM Prosecutor Session
- 7:30 PM Public Hearing For Consideration Of A Ditch Petition Filed By Members Of The Homeowners Association For The Riverby Section 2, 3, 4 Subdivision

RESOLUTION NO. 07-146

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. Ward to adjourn into Executive Session at 1:05PM.

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

RESOLUTION NO. 07-147

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Jordan to adjourn out of Executive Session at 2:44PM.

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

PUBLIC COMMENT

(Refer to the Official CD Minutes for comments on the preliminary revenue bond rating from Moody’s)

RESOLUTION NO. 07-148

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 1, 2007 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 February 1, 2007 as contained in the county’s official electronic recordings of the proceedings.

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

RESOLUTION NO. 07-149

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR022 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR022:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve payment of warrants in batch numbers CMAPR022, memo transfers in batch numbers MTAPR022 and Purchase Orders and Vouchers as listed below:

Vendor	Description	Account Number	Amount
PO’s			
Leo Meyers Uniforms Inc.	EMS Uniform Allowance for 2007	10011303-5224	\$ 30,000.00
Decrease			
B & C Communications	Radios	21411306-5325	\$ 7,919.00
Vouchers			
Lehner Excavating	Old Kingston Ditch Construction	40311416-5430	\$ 17,283.54
Maximus	Cost Allocation Plan	10011102-5301	\$ 9,800.00
Healthy Edge LLC	EAP Services Jan to June 2007	60211902-5301	\$ 12,523.50
J C & Son Builders	CHIP ‘04 Private Rehab/7782 St Rt 203	23011714-5365	\$ 26,094.62
Prudential Life and Disability	Jan LTD Ins. Premium	60111901-5370	\$ 7,182.56
Prudential Life and Disability	Jan Life Ins. Premium	60111901-5370	\$ 5,275.47
Vote on Motion	Mr. Evans	Aye	Mr. Jordan Aye Mr. Ward Aye

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RESOLUTION NO. 07 -150

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Engineer’s Office is requesting that Jerry Ungashick attend a Preservation & Rehabilitation Conference in Bonita Springs, Florida, February 14-19, 2007, at the cost of \$1,232.00.

The Administrative Services Department is requesting that Cindi Blair attend a COBRA Training Seminar at the Columbus Marriott North, in Columbus, Ohio on March 7, 2007, at the cost of \$249.00.

The Administrative Services Department is requesting that Gina Fasone attend a Civil Service Reform Seminar at Pontifical College Josephinum in Worthington, Ohio on February 26, 2007 at the cost of \$189.00.

The EMS Department is amending a request for EMS Personnel that attended an ACLS and BLS Course at the Hayes Building in Delaware, Ohio on January 17, 2007, for an additional amount of \$275.00.

The Juvenile Court is requesting that Patricia Martin attend a Statewide Network Meeting in Columbus, Ohio on February 16, 2007, for \$20.00.

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

RESOLUTION NO. 07-151

IN THE MATTER OF APPROVING PLAT FOR OLENTANGY CROSSINGS SECTION 2, LOT 7352:

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

Olentangy Crossings Section 2, Lot 7352

Situated In The State Of Ohio, County Of Delaware, Township Of Orange, Located In Part Of Farm Lot 9, Section 2, Township 3, Range 18, United States Military Lands, Being 1.754 Acres Out Of Lot 7352 Of Olentangy Crossings, Section 2, A Subdivision Of Record In Official Record Volume 742, Pages 1060-1062, 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 \$3.00.

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

RESOLUTION NO. 07-152

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR SUMMERWOOD LAKES SECTION 1:

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

Summerwood Lakes Section 1

The roadway construction has been completed for the referenced subdivision and, as the results of our recent field review, we have determined that minor remedial work will be required during the 2007 construction season.

In accordance with the Subdivider’s Agreement, we recommend that the maintenance bond be set at **\$168,570** for the duration of the one year maintenance period. A Letter of Credit in that amount is attached. We also request approval to return the Letter of Credit being held as construction surety to the developer, Homewood Corporation.

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

RESOLUTION NO. 07 -153

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

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

Permit #	Applicant	Location	Type of Work
U07010	AT&T/SBC	Heislet Tract	Trench cable in right-of-way
U07011	American Electric Power	Liberty Road	Install pole
U07012	American Electric Power	Hanover Road	Install pole span
U07013	Consolidated Electric	Horseshoe Road	Replace poles

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U07014	Columbia Gas	Seldom Seen Road	Install gas main
U07015	American Electric Power	Worthington Road	Replace pole
U07016	American Electric Power	Murphy Road	Replace poles

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

RESOLUTION NO. 07-154

IN THE MATTER OF AUTHORIZING THE SUBMITTAL OF THE REVOLVING LOAN FUND SEMI-ANNUAL REPORT WITH THE OHIO DEPARTMENT OF DEVELOPMENT, OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS:

It was moved by Mr. Jordan, seconded by Mr. Ward to authorize the submittal of RLF report:

WHEREAS, the Ohio Department of Development provides financial assistance to Delaware County under the Community Development Block Grant (CDBG) Program; and

WHEREAS, Delaware County has a Revolving Loan Fund, which is capitalized with Community Development Block Grant (CDBG) funds, with use of these funds having a National Objective of assisting eligible low-moderate income households; and

WHEREAS, Office of Housing and Community Partnerships (OHCP) in the Ohio Department of Development (ODOD) has requested that Delaware County significantly reduce its Revolving Loan Fund (RLF) balance by spending said funds on eligible CDBG activities meeting a CDBG National Objective; and

WHEREAS, the Ohio Department of Development requires the County to submit a report of the RLF funds for their review.

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. The Delaware County Board of Commissioners hereby authorizes the submittal of the Semi-Annual RLF Report for the period of July 1, 2006 – December 31, 2006 to Ohio Department of Development, Office of Housing and Community Partnership.

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

RESOLUTION NO. 07-155

IN THE MATTER OF APPROVING BID SPECIFICATIONS AND SETTING BID OPENING DATE AND TIME FOR KINTNER 36/37 PROJECT:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve specifications and set bid opening date and time for **Wednesday, February 28, 2007, at 1:00 pm.** This bid opening will be held at the Commissioners’ Office located at 101 N. Sandusky Street, Delaware, Ohio.

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

RESOLUTION NO. 07-156

IN THE MATTER OF APPROVING THE QUARTERLY REPORT OF THE BYRNE GRANT FOR DAY REPORTING FOR ADULT COURT SERVICES:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the quarterly Report of the Byrne Grant.

(Copy of report 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. 07-157

A RESOLUTION TO PLACE THE MONIES NOW CONTAINED IN THE DITCH CONSTRUCTION FUND (#405) INTO THE DRAINAGE IMPROVEMENT FUND (#403) AND TO CLOSE THE DITCH CONSTRUCTION FUND (#405):

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

WHEREAS, the County heretofore created and maintains the Ditch Construction Fund (#405) and within

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that fund the following subaccounts, Sherwood (#40404), Zimmerman (#40412), Delaware Run (#40413), Wilson Russo Lowe (#40414) and Ditch Construction Primmer (#40417), all of which are maintained in the County treasury; and

WHEREAS, the proceeds of special assessments heretofore collected by the County in connection with the construction of the Improvement together with other moneys transferred by the County from its General Fund are on deposit in the Ditch Construction Fund (#405); and

WHEREAS, there is a total balance of \$145,340.50 in the Ditch Construction Fund (#405), including balances of \$48,045.86 in the Sherwood subaccount (#40404), \$20,351.49 in the Zimmerman subaccount (#40412), \$39,745.65 in the Delaware Run subaccount (#40413), \$6,176.46 in the Wilson Russo Lowe subaccount (#40414) and \$0.00 in the Ditch Construction Primmer subaccount (#40417); and \$31,021.04 from the Delaware County General Fund; and

WHEREAS, pursuant to Ohio Revised Code Section 6131.50, the County heretofore created the Drainage Improvement Fund (#403) for the purposes stated therein; and

WHEREAS, in Resolution 06-1613 this Board authorized an application to the Tax Commissioner of the State of Ohio for the approval of the transfer of funds from the Ditch Construction Fund (#405) to the Drainage Improvement Fund (#403); and

WHEREAS, pursuant to the Tax Commissioner’s Journal Entry dated January 23, 2007, the requested transfer is denied on the basis that the action for which the Board made application is not a “transfer” as provided for by Ohio law; and

WHEREAS, pursuant to the Tax Commissioner’s Journal Entry dated January 23, 2007, the action for which the Board made application constitutes the correction of an error, which would effectuate the original purpose of the Ditch Construction Fund (#405) and place the funds in the correct fund, the Drainage Improvement Fund (#403), as required by section 6131.50 of the Revised Code; and

WHEREAS, the funds currently on deposit in the Ditch Construction Fund (#405), and its various subaccounts, must, in compliance with section 6131.50 of the Revised Code, be placed in the Drainage Improvement Fund (#403); and

WHEREAS, the funds to be contained in the Drainage Improvement Fund (#403) shall be used for the same purposes for which the Ditch Construction Fund (#405) was originally created, and the Drainage Improvement Fund (#403) shall continue to collect the special assessments and provide for payment of any costs that may be incurred by the County for the construction of the drainage improvements; and

WHEREAS, the Ditch Construction Fund (#405), and its various subaccounts, shall be closed following the placement of all monies into the Drainage Improvement Fund (#403);

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

Section 1. The funds currently on deposit in the Ditch Construction Fund (#405), and its various subaccounts, shall hereby be placed in the Drainage Improvement Fund (#403), in compliance with section 6131.50 of the Revised Code. The funds to be contained in the Drainage Improvement Fund (#403) shall be used for the same purposes for which the Ditch Construction Fund (#405) was originally created, and the Drainage Improvement Fund (#403) shall continue to collect the special assessments and provide for payment of any costs that may be incurred by the County for the construction of the drainage improvements.

Section 2. Upon placement of the monies from the Ditch Construction Fund (#405) into the Drainage Improvement Fund (#403), the Ditch Construction Fund (#405), and its various subaccounts, shall be closed.

Section 3. This Board finds 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 any of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Supplemental Appropriation

40540404-5801	Sherwood Ditch Construction Fund/Transfers	48,045.86
40540404-5801	Sherwood/General Fund Portion/Transfers	31,021.04
40540412-5801	Zimmerman Ditch Construction Fund/Transfers	20,351.49
40540413-5801	Delaware Run Ditch Construction Fund/Transfers	39,745.65
40540414-5801	Wilson Rosso Ditch Construction Fund Transfer	6,176.46

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Transfer of Funds

From	To	
40540404-5801	40311426-4601	
Sherwood Ditch Construction	DI Sherwood/Interfund Revenue	48,045.86
40540412-5801	40311427-4601	
Zimmerman Ditch Construction	DI Zimmerman/Interfund Revenue	20,351.49
40540413-5801	40311428-4601	
Delaware Run Construction	DI Delaware Run/Interfund Revenue	39,745.65
40540414-5801	40311429-4601	
Wilson Rosso Lowe Construction	DI Wilson Rosso Lowe/Interfund Revenue	6,176.46
40540404-5801	40311409-4601	
Sherwood/General Fund Portion/Transfers	Drainage Improvement/Interfund Revenue	31,021.04
Vote on Motion	Mr. Ward	Aye Mr. Jordan Aye Mr. Evans Aye

RESOLUTION NO. 07-158

7:30 PM - PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY MEMBERS OF THE HOMEOWNERS ASSOCIATION FOR THE RIVERBY SECTION 2, 3, 4 SUBDIVISION:

It was moved by Mr. Ward, seconded by Mr. Jordan to open the hearing at 7:30PM.

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 07-159

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY MEMBERS OF THE HOMEOWNERS ASSOCIATION OF THE RIVERBY SECTION 2, 3, 4 SUBDIVISION:

It was moved by Mr. Ward, seconded by Mr. Jordan to close the hearing at 8:28PM.

Vote on Motion	Mr. Jordan	Aye	Mr. Evans	Aye	Mr. Ward	Aye
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RESOLUTION NO. 07-160

IN THE MATTER OF DIRECTING THE DELAWARE COUNTY ENGINEER TO PROCEED WITH PREPARATION OF PLANS, REPORTS, AND SCHEDULES FOR THE RIVERBY SECTION 2, 3, 4 SUBDIVISION DITCH MAINTENANCE PROJECT:

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

Whereas, on October 11, 2006, a Ditch Petition to the purposed Riverby Section 2, 3, 4 Subdivision ditch maintenance project was filed with the Delaware County Commissioners, and

Whereas, the Board of Commissioners of Delaware County on February 5, 2007, held a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the purposed Riverby Section 2, 3, 4 Subdivision ditch maintenance project, and

Whereas, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, the Board of Commissioners find the action is necessary, conducive to the public welfare, and the benefits exceed the estimated cost.

Therefore, Be It Resolved, The Delaware County Commissioners directs the Delaware County Engineer to proceed with the preparation of plans, reports and schedules as presented for the purposed Riverby Section 2, 3, 4 Subdivision ditch maintenance project. Said information to be presented to the Commissioners at the end of this process.

Further be it Resolved, upon receipt of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye
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There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners