

COMMISSIONERS JOURNAL NO. 50 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 7, 2008

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

Present: Kristopher W. Jordan, James D. Ward
Absent: Glenn A. Evans

- 1:00 PM Prosecutor Session
- 7:00 PM Commissioners Regular Session
- 7:30 PM Public Hearing For Consideration Of A Ditch Petition Filed By Homeowners Association Members, Michael J. Holtschulte And Others, For The Braemar At Wedgewood Phases 1, 2 And 3 Subdivision Ditch Maintenance Project
- 8:00 PM Final Hearing By The Commissioners For The Crystal Valley Sections 1 & 2 Subdivision Ditch Maintenance Project

RESOLUTION NO. 08-381

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION 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 Absent Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 08-382

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 1:30PM.

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

RESOLUTION NO. 08-383

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. Ward to adjourn into Executive Session at 1:32PM.

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

RESOLUTION NO. 08-384

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 2:00PM.

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

RECESS TILL 7:00PM FOR REGULAR BUSINESS

PUBLIC COMMENT

RESOLUTION NO. 08-385

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 3, 2008 AS CONTAINED IN THE COUNTY'S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve the resolutions and records of the proceedings from regular meeting held April 3, 2008 as contained in the county's official electronic recordings of the proceedings.

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

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0404:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO's			
Consolidated Electrical Dist.	Channing Street	40111402-5268	\$ 5,200.00
Motorola Inc.	Mobile & Portable Radios	21411306-5260	\$ 84,239.00
B & C Communications	Interface Units and Radio	21411306-5260	\$ 7,849.15
B & C Communications	Installation of Radio Interface	21411306-5333	\$ 1,000.00
Sunbelt Software Distribution	Maintenance Contract/Doubletake	21411306-5325	\$ 4,297.50
Sunbelt Software Distribution	Doubletake Disaster Recovery	21411306-5450	\$ 10,728.75
Robert, Berry LPA	Legal Services	10011102-5361	\$ 4,401.98
Crabb Brown and James	Legal Services	10011102-5361	\$ 32,805.48
Vouchers			
Adventure Academy	Day Care	22411610-5348	\$ 9,998.00
Hartford Croton Fair	Grant	10011102-5601	\$ 7,000.00
Emergency Communications	Emergency Notification System	21411306-5330	\$ 24,900.00
Downes, Hurst & Fishel, Attys	Legal Services	10011303-5361	\$ 5,923.42
Bound Tree Medical LLC	EMS Medical Supplies	10011303-5201	\$ 5,168.26
Nancy Lucas	Day Care	2411610-5348	\$ 6,577.73
Patricia Jones	Day Care	22411610-5348	\$ 5,270.03
The Village Network	Residential Treatment	22511607-5342	\$ 70,517.67
Maryhaven Inc.	Residential Treatment	22511607-5342	\$ 6,887.00
Delaware Area Career Center	ABLE	22411601-5348	\$ 12,222.50
Robert, Berry LPA	Legal Services	10011102-5361	\$ 4,401.98
Crabb Brown and James	Legal Services	10011102-5361	\$ 32,805.48

RESOLUTION NO. 08-387

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

The Treasurer's Office is requesting that Dale M. Wilgus attend a Spring Treasurer Conference in Cincinnati, Ohio May 13-15, 2008, at the cost of \$366.40.

Juvenile Court is requesting that David Andrews, Darlene Miller and Lisa Lemaster attend a Sex Offender Management Training in Columbus, Ohio May 21-22, 2008, at no cost.

Juvenile Court is requesting that David Andrews and Lisa Lemaster attend an Are Our Kids Safe Training in Delaware, Ohio April 18, 2008, at the cost of \$80.00.

Juvenile Court is requesting that Kim Algoe attend a Speak Peace Workshop in Columbus, Ohio April 17-19, 2008, at no cost.

The 911 Department is requesting that Karla Jacobs, Amy Tormasi and Jeanett Adair attend a Navigator 2008 Conference in Baltimore, Maryland April 22-25, 2008, at the cost of \$3,496.00

The Auditor's Office is requesting that Mark Potts attend an Appraisal Training School in Dayton, Ohio April 13-18, 2008, at the cost of \$1,357.20.

The EMS Department is requesting that Stacey Montague attend a Crisis Intervention Team Training in Delaware County April 21-24, 2008, at no cost.

The 911 Department is requesting that Matthew Fletcher and Joseph Schick attend a NENA Conference in Tampa Bay, Florida in June 8-12, 2008, at the cost of \$2,725.00

Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Absent
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RESOLUTION NO. 08-388

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

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

Permit #	Applicant	Location	Type of Work
U08-017	VERIZON	BLUE CHURCH RD.	BURY CABLE

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

RESOLUTION NO. 08-389

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Recommendation to hire Darendia Sue Day as a Maintenance Custodial Employee with the Facilities Department; effective date April 7, 2008.

Recommendation to hire Ramon Simpson Jr. as a Maintenance Custodial Employee with the Facilities Department; effective date April 7, 2008.

Recommendation to hire Jeff Bowen as a Maintenance Tech II with the Facilities Department; effective date April 21, 2008.

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

RESOLUTION NO. 08-390

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Recommendation to hire Casey Swendrick as a Dispatcher with the 911 Department; effective date April 28, 2008.

Recommendation to hire Joshus Ripley as a Dispatcher with the 911 Department; effective date April 28, 2008.

Recommendation to hire Sharon Ray as a Dispatcher with the 911 Department; effective date April 28, 2008.

Recommendation to hire Aaron Robbins as a Dispatcher with the 911 Department; effective date April 28, 2008.

Recommendation to terminate Craig Poling a part-time employee with the EMS Department; effective date March 31, 2008.

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

RESOLUTION NO. 08-391

IN THE MATTER OF ESTABLISHING A NEW FUND AND APPROVING SUPPLEMENTAL APPROPRIATIONS:

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

Establish New Fund
27826325

JUVENILE COURT OTHER PROJECTS

Supplemental Appropriation	Amount
27826325-4201 Juvenile Court Other Projects/Fees/General	\$ 12,000.00
27826325-5301 Juvenile Court Other Projects/Services	\$ 12,000.00
10011102-5361 Commissioners General/Attorney Services	\$ 100,000.00
Vote on Motion Mr. Evans Absent Mr. Jordan Aye Mr. Ward Aye	

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RESOLUTION NO. 08-392

7:30 PM - PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY HOMEOWNERS ASSOCIATION MEMBERS, MICHAEL J. HOLTSCHULTE AND OTHERS, FOR THE BRAEMAR AT WEDGEWOOD PHASES 1, 2 AND 3 SUBDIVISION DITCH MAINTENANCE PROJECT:

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

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

RESOLUTION NO. 08-393

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

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

RESOLUTION NO. 08-394

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF A DITCH PETITION FILED BY HOMEOWNERS ASSOCIATION MEMBERS, MICHAEL J. HOLTSCHULTE AND OTHERS, FOR THE BRAEMAR AT WEDGEWOOD PHASES 1, 2 AND 3 SUBDIVISION DITCH MAINTENANCE PROJECT:

It was moved by Mr. Ward, seconded by Mr. Jordan to close the hearing at 7:42PM.

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

RESOLUTION NO. 08-395

IN THE MATTER OF GRANTING THE PRAYER OF THE PETITION AND DIRECTING THE DELAWARE COUNTY ENGINEER TO PROCEED WITH PREPARATION OF PLANS, REPORTS, AND SCHEDULES FOR THE BRAEMAR AT WEDGEWOOD PHASES 1, 2 AND 3 SUBDIVISION DITCH MAINTENANCE PETITION FILED BY HOMEOWNERS ASSOCIATION MEMBERS, MICHAEL J. HOLTSCHULTE AND OTHERS:

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

Whereas, on October 31st, 2007, a Ditch Petition to The Braemar at Wedgewood Phases 1, 2 and 3 Subdivision Watershed was filed with the Board of Commissioners of Delaware County (the “Board”); and

Whereas, the Board on Monday the 28th day of January, 2008, conducted a view of the proposed improvements; and

Whereas, the Board on Monday the 7th day of April, 2008, 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 Braemar at Wedgewood Phases 1, 2 and 3 Subdivision Watershed Ditch Maintenance Petition; and

Whereas, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, the Board is prepared to issue its findings on the proposed improvements.

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio as follows:

Section 1. The Board hereby finds that the proposed improvement is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement will be less than the benefits. Accordingly, the Board hereby grants the prayer of the petition. The hearing on the Petition is hereby adjourned to the date fixed for the filing of the reports, plans, and schedules by the Delaware County Engineer.

Section 2. The Board hereby orders the Delaware County Auditor to transfer \$ Zero from the general revenue funds of the county to the general drainage improvement fund.

Section 3. Upon the transfer of funds ordered in Section 2, the Board hereby orders the Delaware County

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Engineer to proceed with the preparation of plans, reports and schedules as presented for the proposed Braemar at Wedgewood Phases 1, 2 and 3 Subdivision Watershed Ditch Maintenance Petition. The Board hereby fixes (April 7, 2009) as the date for filing of the engineer’s reports, plans, and schedules. Upon filing of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

Section 4. The board hereby approves establishing a new organization key for the Braemar at Wedgewood Phases 1, 2 and 3 Subdivision watershed ditch maintenance petition project (*Maintenance petition will not need a organization key.*)

Section 5. 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.

Section 6. Sections 1, 4, 5, and 6 of this Resolution shall take immediate effect upon passage. Sections 2 and 3 of this Resolution shall take effect upon the expiration of the twenty-one day appeal period, provided no appeal has been taken.

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

RESOLUTION NO. 08-396

8:00 PM FINAL HEARING FOR THE CRYSTAL VALLEY SECTIONS 1 & 2 SUBDIVISION DITCH MAINTENANCE PETITION PROJECT:

It was moved by Mr. Ward, seconded by Mr. Jordan to open the Hearing at 8:00PM.

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

RESOLUTION NO. 08-397

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Ward, seconded by Mr. Jordan to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

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

RESOLUTION NO. 08-398

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE CRYSTAL VALLEY SECTIONS 1 & 2 SUBDIVISION DITCH MAINTENANCE PETITION PROJECT:

It was moved by Mr. Ward, seconded by Mr. Jordan to close the Hearing at 8:15PM.

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

RESOLUTION NO. 08-399

IN THE MATTER OF COMMISSIONERS FINDING AFFIRMING ORDER AND CONFIRMING THE ASSESSMENTS FOR THE CRYSTAL VALLEY SECTIONS 1 & 2 SUBDIVISION DITCH MAINTENANCE PETITION PROJECT:

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

Whereas, on May 15, 2007, a Ditch Petition for The Crystal Valley Sections 1 & 2 Subdivision Ditch Maintenance Petition Project was filed with the Board of Commissioners of Delaware County (the “Board”); and

Whereas, the Board on August 6, 2007 with Resolution 07-943 directed The Delaware County Engineer To Proceed With Preparation Of Plans, Reports, And Schedules For The Crystal Valley Sections 1 & 2 Subdivision Ditch Maintenance Project, and

Whereas, the Board on Monday the 7th day of April 2008, held a final public hearing to determine if the action is

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necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Crystal Valley Sections 1 & 2 Subdivision Ditch Maintenance Petition Project; and

Whereas, after hearing testimony from property owners; considering the schedules, plans, and reports filed by the County Engineer; and-considering the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, the Board is prepared to issue its findings on the proposed improvements.

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio as follows:

The Board hereby finds that the proposed improvement (maintenance assessment) is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement (maintenance assessment) will be less than the benefits. Accordingly, the Board hereby grants the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer, and

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.

FURTHER BE IT RESOLVED, The maintenance fund shall be maintained, as needed, by an assessment levied not more often than once annually upon the benefited owners, as defined in [section 6131.01](#) of the Revised Code, apportioned on the basis of the estimated benefits for construction of the improvement. An assessment shall represent such a percentage of the estimated benefits as is estimated by the engineer and found adequate by the board or joint board to effect the purpose of [section 6137.02](#) of the Revised Code, except that at no time shall a maintenance fund have an unencumbered balance greater than twenty per cent (20%) of all construction costs of the improvement. The minimum assessment shall be two dollars. Any cost incurred from the petition project process will be paid from the annual ditch maintenance assessments

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

Glenn A. Evans

Kristopher W. Jordan

James D. Ward