

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JULY 28, 2008

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

PRESENTATION: TOWNSHIP TRUSTEES OUTDOOR WARNING SYSTEMS

Speakers:	Brian Gallager	Delaware County EMA
	James Agan	Orange Township Trustee
	Peggy Guzzo	Liberty Township Trustee
	Roger VanSickle	Delaware Township Trustee
	Phil Panzarella	Berlin Township Trustee
	Ken Obrien	Berlin Township
	Jim Jenson	Fire Chiefs Association

Discussion available on CD of Official Minutes

RESOLUTION NO. 08-885

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE  
PROCEEDINGS FROM REGULAR MEETING HELD JULY 24, 2008 AS CONTAINED IN THE  
COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Evans , seconded by Mr. Ward to approve the resolutions and records of the  
proceedings from regular meeting held July 24, 2008 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. 08-886

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW  
CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0725.  
:

It was moved by Mr. Ward, seconded by Mr. Evans to approve Then And Now Certificates, payment of  
warrants in batch numbers CMAPR0725 , and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
<b>PO’s Increases</b>			
Techskills	Job and Family Services Program	22311611-5348	\$ 5,500.00
New Horizons	Workforce Program	22311611-5348	\$ 3,000.00
Bair Foundations	Residential Treatment	22511607-5342	\$ 17,000.00
<b>Vouchers</b>			
Page Excavating	Basinger Ditch	40311419-5430	\$ 63,885.50
Turning Point	Domestic Violence 90%	24911311-5301	\$ 13,514.15

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

RESOLUTION NO. 08 -887

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Emergency Management Agency is requesting that Brian Galligher and Bob Lavender attend a SERC  
Conference at the Ohio Fire Academy August 14, 2008, at no cost.

The Emergency Management Agency is requesting that Brian Galligher and Bob Lavender attend an EMA  
Conference at the Ohio Fire Academy September 29-30, 2008, at no cost.

The Emergency Management Agency is requesting that Linda Schultz attend an EMA Conference at the Ohio  
Fire Academy September 29, 2008, at no cost.

The Emergency Management Agency is requesting that Sean Miller attend an EMA Conference at the Ohio  
Fire Academy September 30, 2008, at no cost.

The EMS Department is requesting that Rob Farmer attend a FEMA ICS 300 and 400 Training in Fairfield  
County August 24-26, 2008, at no cost.

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The Department of Job and Family Services is requesting that Sue Ware attend a County Risk Sharing Authority Training in Grove City, Ohio August 13, 2008, at the cost of \$19.20.

Juvenile Court is requesting that Patty Cram attend a Preventing Child Abuse Networking Meeting at Children’s Hospital August 15, 2008, at the cost of \$20.00.

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

**RESOLUTION NO. 08-888**

**SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR CONSIDERATION OF A DITCH VACATION PETITION FILED BY THE GLIMCHER COMPANY:**

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

Whereas, the Board of Commissioners of Delaware County on July 30, 2007, held a public hearing and determined the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the vacation of the Becker Ditch, and

Whereas, at that time the Delaware County Commissioners directed the Delaware County Engineer to proceed with the preparation of reports and schedules of assessments for the vacation of the ditch, and

Whereas, the Delaware County Engineer notified the Commissioners that the report, and schedules of assessments for the vacation of the Becker Ditch are ready for their review and consideration.

Therefore be it Resolved, the Board of County Commissioners of the County of Delaware have fixed the **Thursday the 11<sup>th</sup> day of September 2008, at 9:45 AM** at the Commissioners Hearing Room 101 North Sandusky Street Delaware, Ohio as the time and place of the final hearing by the Commissioners on the report of the County Engineer.

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

**RESOLUTION NO. 08-889**

**IN THE MATTER OF APPROVING RESOLUTION FOR RETAINING CERTAIN LEGAL SERVICES OF VORYS, SATER, SEYMOUR & PEASE LLP IN CONNECTION WITH MATTERS RELATING TO BOARD OF TAX APPEALS FOR DELAWARE COUNTY:**

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

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

**Section 1.** This Board of County Commissioners, in conjunction with the Prosecuting Attorney of this County, desires to retain the legal services of the law firm of Vorys, Sater, Seymour & Pease LLP (the Firm) for advice and assistance in matters relating to Board of Tax Appeals matters. For reasonable fees as shall be approved by this Board, plus reimbursement for actual out-of pocket expenses (including but not limited to travel, long-distance telephone, and duplicating expenses) incurred in rendering the legal services as may from time to time be requested by this Board, the Firm will provide advice and representation; in court or preparation relating thereto.

**Section 2.** In rendering such legal services, as an independent contractor and in an attorney-client relationship, Vorys, Sater, Seymour & Pease LLP shall not exercise any administrative discretion on behalf of this Board in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, or cities or of this Board, or the execution of public trusts. The retention of such services may be terminated at any time by this Board or the Firm by written notice to the other.

**Section 3.** This Board of County Commissioners shall join with the Prosecuting Attorney of this County in application pursuant to Section 305.14, Ohio Revised Code, to the Court of Common Pleas of Delaware County for approval of the retention of the legal services of the Firm for the purposes stated in Section 1 hereof and for authority to pay the Firm for those legal services as provided for in Section 1 hereof from funds appropriated, or that may be appropriated, by this Board from time to time for such purpose. The County Auditor is hereby authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for the payment of the same as they shall become payable.

**Section 4.** It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meetings of this Board, and that all deliberations of this Board and of any of it committees that resulted in such formal action, were in meetings, open to the public,

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in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.  
The foregoing motion having been put to vote, the results of the roll call was as follows:

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

RESOLUTION NO. 08-890

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS  
FOR WALNUT GROVE ESTATES SECTION 2:

It was moved by Mr. Ward, seconded by Mr. Evans to release bonds and letters of credit and accept roads within the following:

Walnut Grove Estates Section 2

The roadways to be accepted are as follows:

- An addition of 0.11 mile to **Township Road Number 1339, Braymoore Drive**
- An addition of 0.30 mile to **Township Road Number 1493, Mahogany Drive**
- **Blessing Court** , to be known as **Township Road Number 1589**

The Engineer also recommends that 25 mile per hour speed limits be established throughout the project.

The Engineer also request approval to return the Letter of Credit being held as maintenance surety to the developer, Walnut Grove Estates, Inc.

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

RESOLUTION NO. 08-891

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR WALNUT GROVE ESTATES  
SECTION 2:

It was moved by Mr. Evans , seconded by Mr. Ward to establish stop conditions for the following:

Stop Conditions –Walnut Grove Estates Section 2

- On Township Road Number 1339, Braymoore Drive, at its intersection with County Road Number 13, Worthington Road
- On Township Road Number 1339 Braymoore Drive, at its intersection with Township Road Number 1493, Mahogany Drive
- On Township Road Number 1589, Blessing Court, at its intersection with Township Road Number 1493, Mahogany Drive

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

RESOLUTION NO. 08-892

IN THE MATTER OF APPROVING THE RELEASE OF THE LETTER OF CREDIT FOR RETREAT  
AT POLARIS RIGHT TURN LANE:

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

Retreat at Polaris Right Turn Lane

In August, 2007, your Board entered into agreement with Olympus Homes, Inc., the developer for the above referenced project. The developer has completed this project to the satisfaction of this office and the Engineer therefore request that you release Olympus Homes from their responsibility to this project and approve release of their Letter of Credit being held as construction surety.

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

RESOLUTION NO. 08-893

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

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

Permit #	Applicant	Location	Type of Work
U08-075	AT&T	SOUTH OLD 3 C HWY	BURY CABLE IN ROW

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U08-074	VERIZON	SOUTH OLD ST/HOLLENBACK RD	BURY CABLE IN ROW
U08-073	FIRST ENERGY	BUNTY STATION RD	ADD TO SUBSTATION
U08-072	DEL-CO	RED BANK RD	INSTALL RD BORE & WATERLINE
U08-071	WOW	SOUTH OLD STATE RD	PLACE CABLE IN ROW

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

RESOLUTION NO. 08-894

IN THE MATTER OF APPROVING SPECIFICATIONS, ESTIMATE, PLANS AND SETTING BID  
OPENING DATE AND TIME FOR THE SAWMILL PARKWAY EXTENSION PROJECT:

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

WHEREAS, in Resolution No. 06-1212, the Delaware County Board of Commissioners (the “Board”) approved the centerline alignment for the Sawmill Parkway Extension, pursuant to R.C. 5555.022; and

WHEREAS, the Board has found that the public convenience and welfare require the improvement of Sawmill Parkway by constructing a new road along the centerline previously approved; and

WHEREAS, the road shall be constructed without levying special assessments;

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

Section 1. The Board hereby finds that the public convenience and welfare require the improvement of Sawmill Parkway by constructing a new road in accordance with the centerline alignment plans adopted in Resolution No. 06-1212.

Section 2. The Board hereby determines that special assessments are not to be levied and collected to pay any part of the county’s costs of the improvement.

Section 3. Sealed bids will be received at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, **until 10:00 AM, Tuesday, August 19, 2008**, at which time they will be publicly opened and read aloud, for the project known as Del – CR 609-4.84 Sawmill Parkway Extension Project.

The proposals must be made on the forms provided in the Contract Documents or a copy thereof and shall contain the full name and address of the bidder. All bids shall be sealed and plainly marked “Sealed Bid For Del – CR 609-4.84 Sawmill Parkway Extension Project”. Bids shall be accompanied by a Bid Bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a one (1) year Maintenance/Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost, and may be submitted with the Bid Proposal.

Copies of the plans and specifications are on file at the **Delaware County Engineer’s Office, 50 Channing Street, Delaware, Ohio 43015**. Cost for each set of plans & specifications is \$20 and the cost is not-refundable.

The Owner requires that all work associated with the project be completed before August 28, 2009 and the estimated commencement of work date of September 8, 2008.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4111 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

LOCATION

This project will be an extension of Sawmill Parkway to the north through Hyatts Road.

PROJECT SCOPE

This project will extend the existing Sawmill Parkway to the north through Hyatts Road. The new intersection will be a modern roundabout. The project will also include the widening and improvements of Hyatts Roads at the roundabout.

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ESTIMATE

CONSTRUCTION CONTRACT SUBTOTAL	\$ 2,771,696.31
CONSTRUCTION CONTINGENCIES (10%)	\$ 277,169.63
TOTAL ESTIMATED CONSTRUCTION CONTRACT	\$ 3,049,000.00

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

RESOLUTION NO. 08-895

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND CHILD PLACEMENT SERVICE PROVIDER TRANSITIONS FOR YOUTH:

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

Child Placement Service	Per diem cost and per diem reimbursement for the following categories
Transitions for Youth 5801 State Route 141 Gallipolis, Ohio 45631	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare G. Other costs - (any other cost the Agency has agreed to participate in)

(A copy of this contact is available in the Commissioners’ Office until no longer of administrative value).

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

RESOLUTION NO. 08-896

IN THE MATTER OF APPROVING A REVISED FIRST QUARTER REPORT AND THE SECOND QUARTER REPORT FOR THE MENTAL HEALTH GRANT FOR ADULT COURT SERVICES:

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

Grant #	2007-JG-C01-6596
Source:	Ohio Office of Criminal Justice Services
Grant Period:	January 1, 2008 to December 31, 2008
Federal Grant Amount:	\$ 61,000.00
Local Match:	<u>\$ 20,333.33</u>
Total Grant Amount:	\$ 81,333.33

The Grant funds the joint effort of the Delaware County Adult Court Services and the Delaware Municipal Court for supervision of offenders that are eligible for the Mental Health Docket. These offenders qualify due to clinically proven mental health issues.

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

INVESTMENT COMMITTEE MEETING  
DALE WILGUS, TREASURER, ABSENT DUE TO ILLNESS

RESOLUTION NO. 08-897

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: ; PENDING OR IMMINENT LITIGATION AND FOR LAND ACQUISITION:

It was moved by Mr. Jordan , seconded by Mr. Ward to adjourn into Executive Session at 10:22 AM.

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

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RESOLUTION NO. 08-898

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 11:07 AM.

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

There being no further business, the meeting adjourned.

\_\_\_\_\_  
Glenn A. Evans

\_\_\_\_\_  
Kristopher W. Jordan

\_\_\_\_\_  
James D. Ward

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Letha George, Clerk to the Commissioners