

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 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

RESOLUTION NO. 08-1130

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 22, 2008 AS CONTAINED IN THE COUNTY’S OFFICIAL ELECTRONIC RECORDINGS OF THE PROCEEDINGS:

It was moved by Mr. Ward, seconded by Mr. Evans to approve the resolutions and records of the proceedings from regular meeting held September 22, 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. 08-1131

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0924 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0924:

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0924, memo transfers in batch numbers MTAPR0924 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account Number</u>	<u>Amount</u>
PO’s			
Maddox NBD INC.	Architect Fees	40211405-5410	\$ 350,000.00
Increases			
Certified Oil	Fuel for JFS Program	22411601-5355	\$ 5,000.00
Crabb Brown	Legal Services	10011102-5361	\$ 20,000.00
ITT Flygt Corp	Alum Creek Pump Repair	66290402-5270	\$ 6,344.00
Thomas & Company	Legal Services	75110902-5361	\$ 5,000.00
CORSA	Deductible	60111901-5370	\$ 4,500.00
Vouchers			
Polydyne Inc.	Polymer-Alum Creek	66290402-5290	\$ 4,462.00
Polydyne Inc.	Polymer-OECC	66290302-5290	\$ 5,238.00
Delaware County Bank	Lock Box Services 2008	66290402-5328	\$ 5,474.88
Delaware County Bank	Lock Box Services 2008	66290302-5328	\$ 5,474.87
J C & Son Builders	DCHIP Home Repairs	23111711-5365	\$ 5,462.70
State of OH Treasurer	Crippled Children BCMH	10011102-5319	\$ 10,457.35
Thrasher, Dinsmore & Dolan	Legal Services	10011102-5361	\$ 13,000.00
Aggressive Mechanical	HVAC/Willis	40411412-5410	\$ 5,878.29
Scioto Mechanical	Plumbing/Willis	40411412-5410	\$ 5,492.28
SIMCO	Electric/Willis	40411412-5410	\$ 17,325.44

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

RESOLUTION NO. 08-1132

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 19.21 ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

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

Whereas, on September 28, 2008 the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Jackson B. Reynolds, III, agent for the petitioners, of 19.21 acres, more or less, in Delaware Township to the City of Delaware.

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation.

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2008

Delaware or the Township of Delaware.

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 19.21 acres, more or less, in Delaware Township to the City of Delaware.

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

RESOLUTION NO. 08-1133

IN THE MATTER OF APPROVING A NEW LIQUOR LICENSE REQUEST FROM KROGER COMPANY AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Orange Township Trustees that Kroger Company has requested new C1 and C2 permits located at 6417 Columbus Pike Orange Township Columbus, Ohio 43240, and

Whereas, the Orange Township Trustees have stated they have no objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

RESOLUTION NO. 08-1134

IN THE MATTER OF FORWARDING A NEW LIQUOR LICENSE REQUEST FROM DILLIGAF CYCLES LLC DBA CHESHIRE CHOPPERS TO THE OHIO DIVISION OF LIQUOR CONTROL WITH A REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Berlin Township Trustees that Dilligaf Cycles Llc Dba Cheshire Choppers has requested a new D-3 permit located at 6999 E. St. Rt. 36 & St. Rt. 37, Sunbury, Ohio, and

Whereas, the Berlin Township Trustees have requested a hearing, and

Whereas, the Delaware County Sheriff has responded--no known reason for a hearing to be requested;

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that an objection was made and a hearing is requested by this Board of County Commissioners.

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

RESOLUTION NO. 08 -1135

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Prosecutor’s Office is requesting that Aric Hochstettler attend a Construction Claims Seminar in Dublin, Ohio November 17, 2008, at the cost of \$259.00.

The Prosecutor’s Office is requesting that Janice Hitzeman attend a Criminal Trial Essentials for New Prosecutors in Akron, Ohio August 21, 2008, at the cost of \$85.20.

The Prosecutor’s Office is requesting that Chris Betts attend an Ohio Township Association Meeting in Blacklick, Ohio November 14, 2008, at the cost of \$65.00.

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

RESOLUTION NO. 08-1136

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2008

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS:

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

Transfer of Appropriation			
From	To		
20411305-5450	20411305-5361	\$	15,000.00
Dog and Kennel/Machinery and Equipment	Dog and Kennel/Attorney Services		
Supplemental Appropriation			
21411306-5361	911/Attorney Fees	\$	60,000.00
Vote on Motion	Mr. Evans	Aye	Mr. Jordan
		Aye	Mr. Ward
			Aye

Discussion On Hiring Outside Legal Counsel To Advise The Commissioners

RESOLUTION NO. 08 -1137

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR EMPLOYEE RECOGNITION LUNCHEON:

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure Of Public Funds For Proper “Public Purpose”, and

WHEREAS, The October 20, 2003, State Auditor’s ruling on payment of Expenditures Of Public Funds For Proper “Public Purpose” states that for persons who are employees or non-employees of the County, the Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities.

WHEREAS, Delaware County Department of Job and Family Services has planned a luncheon to recognize and show appreciation for staff of the Department; and

WHEREAS, costs associated with employee recognition are allowable for Federal reimbursement; and

WHEREAS, the Department requests approval to procure food for this event scheduled for September 26, 2008; and

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. That the Delaware County Board of Commissioners hereby authorizes the use of Department of Job and Family Services funds in an amount not to exceed \$760.00 to assist in funding the purchase of refreshments and other amenities for the Employee Recognition Luncheon.

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

RESOLUTION NO. 08-1138

IN THE MATTER OF APPROVING TRANSFER OF FUNDS AND SUPPLEMENTAL APPROPRIATIONS:

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

Transfer of Funds		Amount
From	To	
40311422-5850	10011102-4601	
Jones Timms/Short Term Advance	Comm General/Interfund Revenue	\$ 50,000.00
10110107-5801	10011102-4601	
Unclaimed Monies/Transfers	Commissioners General/Interfund Revenue	\$ 11,359.82
Supplemental Appropriation		
28329206-5361	Common Pleas Guardian Ad Litem/Attorney Fees	\$ 15,000.00
51411131-5728	BR Ditch Improv Jones Timms/Legal Fees Bonds	\$ 4,500.00

**COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2008**

50111117-4601	Bond Retirement/Interfund Revenue	\$ (1,586,852.47)
---------------	-----------------------------------	-------------------

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

RESOLUTION NO. 08-1139

**IN THE MATTER OF APPROVING THE RECONSIDERATION OF RESOLUTION NO. 08-1118
(APPROVAL OF TRAVEL REQUEST):**

It was moved by Mr. Jordan, seconded by Mr. Evans to approve the reconsideration of Resolution No. 08-1118 (approval of travel request).

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

RESOLUTION NO. 08-1140

IN THE MATTER OF APPROVING THE FOLLOWING TRAVEL EXPENSE REQUESTS PER RESOLUTION NO. 08-1139 {IN THE MATTER OF APPROVING THE RECONSIDERATION OF RESOLUTION NO. 08-1118 (APPROVAL OF TRAVEL REQUEST)}:

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

The Auditor's Office is requesting that Merrill Sheets and Paul Howard attend a Weights and Measures School in Columbus, Ohio October 21-23, 2008, at the cost of \$320.00.

The Environmental Services Department is requesting that Karl Hough attend a Wastewater Workshop November 19 and 21, 2008, in Columbus, Ohio, at the cost of \$390.00.

The Administrative Services Department is requesting that Cindi Blair attend a 2008 Health and Wellness Conference in Columbus, Ohio September 23, 2008, at no cost.

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

RESOLUTION NO. 08-1141

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 LAND ACQUISITION:

It was moved by Mr. Jordan, seconded by Mr. Ward to adjourn into Executive Session at 10:18AM.

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

RESOLUTION NO. 08-1142

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Ward, seconded by Mr. Evans to adjourn out of Executive Session at 11:35AM.

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

RESOLUTION NO. 08-1143

**IN THE MATTER OF ACCEPTING A SETTLEMENT AGREEMENT IN THE MATTER OF OHIO COUNCIL
8, AFSCME V. DELAWARE COUNTY BOARD OF COUNTY COMMISSIONERS, STATE EMPLOYMENT
RELATIONS BOARD CASE NUMBER 08-ULP-04-0153:**

It was moved by Mr. Evans, seconded by Mr. Jordan to Accepting A Settlement Agreement In The Matter Of Ohio Council 8, AFSCME V. Delaware County Board Of County Commissioners, State Employment Relations Board Case Number 08-ULP-04-0153.

(A copy of the agreement is available in the Commissioners' Office until no longer of administrative value).

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

There being no further business the meeting adjourned.

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 25, 2008

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commissioners