

COMMISSIONERS JOURNAL NO. 51 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 6, 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

- 7:30

PM

Final Hearing By The Commissioners For The Braemar At Wedgewood Phases 1, 2 And 3 Subdivision Ditch Maintenance Project
- 8:00

PM

Continuation (2nd One) Of The First Hearing For The Consideration Of The Chadwick Ditch No. 135 Ditch Petition Filed By Thomas C. Heston Jr. And Marlene Heston

PUBLIC COMMENT

RESOLUTION NO. 08-1174

IN THE MATTER OF APPROVING THE RESOLUTIONS AND RECORDS OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 2, 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 October 2, 2008 as contained in the county’s official electronic recordings of the proceedings.

Vote on Motion	Mr. Ward	Aye	Mr. Jordan	Aye	Mr. Evans	Aye
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RESOLUTION NO. 08-1175

IN THE MATTER OF APPROVING PURCHASE ORDERS, VOUCHERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR103 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1003:

It was moved by Mr. Evans, seconded by Mr. Ward to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1003, memo transfers in batch numbers MTAPR1003 and Purchase Orders and Vouchers as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO’s			
Increases			
Flowline	Debris Removal from Pumps	66290302-5301	\$ 3,000.00
Delaware Cab	Client Transportation JFS	22511607-5355	\$ 5,000.00
Vouchers			
Del Area Career Center	ABLE	22411601-5348	\$ 8,547.50
Jobs for OH Graduates	JOG	22311611-5348	\$ 57,026.50
LHS Family and Youth Services	Residential Treatment	22511607-5342	\$ 22,258.00
AEP	Electric Service	66290407-5338	\$ 9,718.59
Ameritcon Inc.	Repair Clarifiers at OECC	66690302-5450	\$ 63,273.00
AEP	Electric Service	66290702-5338	\$ 73,942.53
Pitney Bowes	Postage for Mailroom	10011105-5331	\$ 9,800.00

Vote on Motion	Mr. Evans	Aye	Mr. Jordan	Aye	Mr. Ward	Aye
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RESOLUTION NO. 08 -1176

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Debra Benjamin attend a Job and Family Human Resources Meeting in Delaware County October 1, 2008, at the cost of \$25.00.

The 911 Department is requesting that Gary Lyons attend a National Center for Missing and Exploited Children Directors Training November 7, 2008, at no cost.

The Sheriff’s Office is requesting that Todd Woolum attend a Sheriff’s Training class in Richfield, Ohio October 6-10, 2008, at the cost of \$175.00.

The Sheriff’s Office is requesting that Nicholas Karafa, Francis Pastorious., Brandon Ford, Scott Warren, attend a Corrections Academy Training in Ashland County November 3-26, 2008, at the cost of \$4,172.00.

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

RESOLUTION NO. 08-1177

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

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

Permit #	Applicant	Location	Type of Work
U08-107	VERIZON	TROY RD	BURY CABLE & BORE RD
U08-108	WOW	E. ORANGE RD & HOLDERMAN ST	PLACE CABLE IN ROW

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

RESOLUTION NO. 08-1178

IN THE MATTER OF ESTABLISHING OR UPDATING POSTED WEIGHT RESTRICTIONS ON VARIOUS COUNTY BRIDGES :

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

Whereas, section 5591.42 of the Revised Code allows the Board of County Commissioners together with the County Engineer to ascertain the safe carrying capacity of county bridges;

Whereas, if it is determined that the carrying capacity of the bridge is less than the legal limit established by chapter 5577 of the Revised Code, warning notice shall be conspicuously posted near the ends of the bridge;

Whereas, the County Engineer has ascertained that the bridges in the table below have a carrying capacity less than that established by chapter 5577 of the Revised Code;

Whereas, the County Engineer recommends to the Board that the load limits shown in the table below be declared and that the County Engineer be immediately authorized to erect new signs and update and/or maintain existing signs in accordance with the Ohio Manual of Uniform Traffic Control Devices.

Bridge #	Structure File Number	Road Name	Feature Intersected	Location	Bridge Type	Posted Weight Limit
25-04.12	2135396	Center Village Rd.	Duncan Run	0.2 miles west of Green Cook Rd.	Single Span Steel Beam	18 tons
29-02.26	2130750	Green-Cook Rd.	Duncan Run	0.2 miles south of Center Village Rd.	Single Span Steel Beam	18 tons
176-00.08	2130890	Brown Rd.	Bokes Creek	0.1 miles north of State Route 37	Single Span Truss	9 tons
198-00.10	2130939	Radnor Rd.	Scioto River	0.1 miles east of State Route 257	Two Span Steel Truss	3 tons

Now, therefore, be it Resolved by the Board of Commissioners of Delaware County, Ohio that:

The load limits shown in the above table are hereby declared and the County Engineer is hereby ordered to erect posted weight limit signs at the ends of the bridges and at adjacent intersections, where applicable and in accordance with the Ohio Manual of Uniform Traffic Control Devices, at the earliest possible date and to update and maintain any signs that are already in place.

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

RESOLUTION NO. 08-1179

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Derrek Holtsberry is resigning his position as a Paramedic with the EMS Department; effective date *July 24, 2008*.

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

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RESOLUTION NO. 08-1180

IN THE MATTER OF APPROVING A PERSONAL SERVICES CONTRACT BETWEEN GENOA TOWNSHIP, HARLEM TOWNSHIP, DELAWARE COUNTY AND RW MANAGEMENT GROUP INC. FOR A FIRE/RESCUE/EMS CONSOLIDATION FEASIBILITY STUDY:

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

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

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

RESOLUTION NO. 08-1181

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS, SUPPLEMENTAL APPROPRIATIONS AND ESTABLISHING A NEW ORGANIZATIONAL KEY FOR THE SHERIFF’S OFFICE:

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

Establish New Org Key

10031322		School Resource Officers	
Transfer of Appropriation			
From	To		
10031301-5001	10031301-5201		
Sheriff Deputies/Compensation	Sheriff Deputies/Supplies	\$	10,000.00
10031301-5001	10031301-5224		
Sheriff Deputies/Compensation	Sheriff Deputies/Uniforms	\$	30,000.00
10031301-5001	10031301-5250		
Sheriff Deputies/Compensation	Sheriff Deputies/Minor Tools	\$	10,000.00
10031301-5001	10031301-5328		
Sheriff Deputies/Compensation	Sheriff Deputies/Equip Maintenance	\$	5,000.00
10031301-5001	10031301-5338		
Sheriff Deputies/Compensation	Sheriff Deputies/Utilities	\$	9,000.00
10031301-5001	10031301-5361		
Sheriff Deputies/Compensation	Sheriff Deputies/Legal Fees	\$	15,000.00
10031301-5001	10031301-5370		
Sheriff Deputies/Compensation	Sheriff Deputies/Insurance Claims	\$	8,000.00
1003131-5001	10031303-5201		
Sheriff Deputies/Compensation	Sheriff Jail	\$	30,000.00
10031301-5001	10031303-5224		
Sheriff Deputies/Compensation	Sheriff Jail/Uniforms	\$	6,000.00
10031301-5001	10031303-5294		
Sheriff Deputies/Compensation	Sheriff Jail/Food	\$	40,000.00
10031301-5001	10031303-5325		
Sheriff Deputies/Compensation	Sheriff Jail/Maint Contracts	\$	15,000.00
10031301-5101	10031303-5328		
Sheriff Deputies/Insurance	Sheriff Jail/Repair Services	\$	10,000.00
10031301-5101	10031303-5338		
Sheriff Deputies/Insurance	Sheriff Jail/Utilities	\$	40,000.00
10031301-5101	10031303-5342		
Sheriff Deputies/Insurance	Sheriff Jail/Inmate Medical	\$	30,000.00

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10031301-5101	10031303-5361		
Sheriff Deputies/Insurance	Sheriff Jail/Legal Services	\$	25,000.00
10031303-5120	10031303-5101		
Sheriff Jail/PERS	Sheriff Jail/Insurance	\$	14,000.00
10031317-5001	10031317-5101		
Contract Deputies/Compensation	Contract Deputies/Insurance	\$	13,100.00
10031317-5004	10031317-5101		
Contract Deputies/Overtime	Contract Deputies/Insurance	\$	3,000.00
10031304-5001	10031304-5224		
Sheriff Conveyance/Compensation	Sheriff Conveyance/Uniforms	\$	6,000.00
10031304-5001	10031304-5332		
Sheriff Conveyance/Compensation	Sheriff Conveyance/Cell Phone Allowance	\$	1,000.00

Transfer of Appropriation

From	To		
10031301-5001	10031303-5250		
Sheriff Deputies/Compensation	Sheriff Jail/Minor Tools	\$	1,000.00
10031301-5001	10031303-5450		
Sheriff Deputies/Compensation	Sheriff Jail/Equipment	\$	13,520.00

Supplemental Appropriation

10031307-5201	Sheriff Pay to Stay/Supplies	\$	1,500.00
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Vote on Motion Mr. Evans Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 08-1182

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Recommendation to extend Leave-with-out-pay for Bill Jackson, EMS Employee, till November 15, 2008.

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

RESOLUTION NO. 08-1183

7:30 PM FINAL HEARING FOR THE BRAEMAR AT WEDGEWOOD PHASES 1, 2 AND 3 SUBDIVISION
DITCH MAINTENANCE PROJECT:

It was moved by Mr. Evans, seconded by Mr. Ward to open the Hearing at 7:33PM.

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

RESOLUTION NO. 08-1184

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. Evans 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 Aye Mr. Ward Aye

RESOLUTION NO. 08-1185

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE BRAEMAR AT
WEDGEWOOD PHASES 1, 2 AND 3 SUBDIVISION DITCH MAINTENANCE PROJECT:

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

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

RESOLUTION NO. 08-1186

IN THE MATTER OF COMMISSIONERS FINDING AFFIRMING ORDER AND CONFIRMING THE ASSESSMENTS FOR THE BRAEMAR AT WEDGEWOOD PHASES 1, 2 AND 3 SUBDIVISION DITCH MAINTENANCE PETITION PROJECT:

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

Whereas, on October 31, 2007, a Ditch Petition for The Braemar At Wedgewood Phases 1, 2 And 3 Subdivision Ditch Maintenance Petition Project was filed with the Board of Commissioners of Delaware County (the “Board”); and

Whereas, the Board on April 7, 2008 with Resolution 08-395 directed 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 Project, and

Whereas, the Board on Monday the 6th day of October 2008, held a final 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 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. Evans Aye Mr. Jordan Aye Mr. Ward Aye

Ohio Revised Code 6131.60 Commissioner personally interested shall not act.

If one or more members of a board of county Commissioners are petitioners for an improvement or own land that will be taken, benefited, or damaged by the improvement petitioned for, the clerk of the board of county Commissioners shall notify the Judge Of The Court Of Common Pleas of the county who shall within 10 days appoint as may disinterested freeholder of the county as are necessary to take the place of the interested members. The appointees shall not be related by blood or affinity to the interested members. They shall before acting be sworn to perform faithfully and impartially the duties of the members in the matter of the improvement, which oath shall be signed by them and by the officer before whom the same is taken and filed with the clerk. Upon appointment and qualification the appointee shall, in the proceedings upon the improvement, perform all the duties of the disqualified members and shall receive from the general drainage improvement fund the same per diem rate as the disqualified members receives, as shown by the record for

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such services, and the amount so paid shall be costs taxed in the proceedings.

Mr. Gary Skinner will be filling in for Commissioners Glenn Evans for the Chadwick Ditch Project

RESOLUTION NO. 08-1187

8:00PM – CONTINUATION OF FIRST PUBLIC HEARING FOR CONSIDERATION OF THE CHADWICK DITCH NO. 135 DITCH PETITION FILED BY THOMAS C. HESTON JR. & MARLENE HESTON:

It was moved by Mr. Ward, seconded by Mr. Skinner to reconvene the hearing at 8:00PM.

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

RESOLUTION NO. 08-1188

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. Skinner 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. Skinner Aye Mr. Jordan Aye Mr. Ward Aye

RESOLUTION NO. 08-1189

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE CHADWICK DITCH NO. 135 DITCH PETITION FILED BY THOMAS C. HESTON JR. & MARLENE HESTON:

It was moved by Mr. Ward, seconded by Mr. Skinner to close the hearing at 9:40PM.

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

RESOLUTION NO. 08-1190

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 CHADWICK DITCH NO. 135 DITCH PETITION FILED BY THOMAS C. HESTON JR. & MARLENE HESTON:

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

Whereas, on June 19, 2007, a Ditch Petition to The Chadwick Ditch No. 135 Watershed Ditch was filed with the Board of Commissioners of Delaware County (the “Board”); and

Whereas, the Board on Monday the 10th day of September, 2007, conducted a view of the proposed improvements; and

Whereas, the Board on Monday the 3RD day of December, 2007 opened and on Monday the 4th day of August, 2008 and Monday the 6th day of October, 2008 reconvened 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 Chadwick Ditch No. 135 Watershed Ditch; 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 transfers \$Zero from the general revenue funds of the county to the general drainage improvement fund.

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Section 3. Upon the transfer of funds ordered in Section 2, the Board hereby orders the Delaware County Engineer to proceed with the preparation of plans, reports and schedules as presented for the proposed Chadwick Ditch No. 135 Watershed Ditch. The Board hereby fixes October 6, 2010 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 CHADWICK (2007) DITCH NO. 135 DITCH PROJECT 40311432.

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 Nay Mr. Skinner Aye

There being no further business the meeting adjourned.

Glenn A. Evans

Kristopher W. Jordan

James D. Ward

Letha George, Clerk to the Commis sioners