

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 5, 2009

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

Present: Ken O'Brien, Tommy Thompson

7:30 PM Public Hearing # 1 For Delaware County's FY 2009 CDBG AND RLF Programs

PUBLIC COMMENT

- 1. Lynn C. Hill- Orange Road Bridge
- 2. Judi Brozek - Sales Tax Money-Round-about
- 3. Phil Panzarella- County Wide Out Door Warning System
- 4. Sharon Schrock-Orange Road Bridge
- 5. Rex Welker-Parking Signs
- 6. Jon Bennehoof- Golf Village Residents Association-Engineer's Budget
- 7. Rick Silk (no additional comments agrees with Mr. Bennehoof's comments)
- 8. George Black -Liberty Community Authority- Engineer's Budget
- 9. Todd Weber- Engineer's Budget
- 10. Peggy Guzzo- County Wide Out Door Warning System

(For a complete record refer to the Official CD minutes).

RESOLUTION NO. 09-01

IN THE MATTER OF APPOINTING FOR YEAR 2009 THE CLERK AND DEPUTY CLERKS FOR THE BOARD OF COMMISSIONERS:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to appoint Letha George, Clerk, Jennifer Walraven and Dottie Brown, Deputy Clerks to the Board of Commissioners for the year 2009.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye ---

RESOLUTION NO. 09-02

IN THE MATTER OF RE-ORGANIZATION OF BOARD OF COMMISSIONERS – PRESIDENT:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to appoint Tommy Thompson as President of the Board of Commissioners for the year 2009.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye ---

RESOLUTION NO. 09-03

IN THE MATTER OF RE-ORGANIZATION OF BOARD OF COMMISSIONERS - VICE-PRESIDENT:

It was moved by Mr. Thompson, seconded by Mr. O'Brien to appoint Ken O'Brien as Vice President of the Board of Commissioners for the year 2009.

Vote on Motion --- Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-04

IN THE MATTER OF APPROVING THE RECORDING AND INDEX OF PROCEEDINGS AND ALLOW FOR THE LIVE STREAMING OF COMMISSIONERS SESSIONS FOR THE BOARD OF COMMISSIONERS:

It was moved by Mr. Thompson, seconded by Mr. O'Brien to approve the following Resolution:

WHEREAS, pursuant to section 305.10(B) of the Ohio Revised Code, a board of county commissioners may elect to maintain a full record of its proceedings by electronic means, including, but not limited to, those listed in section 9.01 of the Revised Code, by adopting a resolution that directs the clerk to maintain a full record of the proceedings by electronic means; and

WHEREAS, the Delaware County Board of Commissioners (the "Board") possesses the necessary equipment to maintain a full record of its proceedings by electronic means; and

WHEREAS, the Board also possesses the necessary equipment to provide live streaming audio and video of its proceedings via the Board's internet site on the world wide web;

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

Section 1. The Board hereby directs the Clerk of the Board to maintain a full record of the Board's proceedings by electronic means.

Section 2. The Board hereby directs the Clerk of the Board to maintain a general index of the electronic record by electronic means.

Section 3. If the electronic means by which the Clerk of the Board maintains a full record of the Board's proceedings and a general index of the electronic record shall ever fail or malfunction, the Board hereby directs the Clerk of the Board to create and maintain a full written record of the Board's proceedings and a written general index of said record as described in section 305.10(A) of the Ohio Revised Code.

Section 4. The Board hereby directs the Clerk of the Board to cause the proceedings of the Board to be broadcast by live streaming audio and video via the Board's internet site on the world wide web when and to the extent such broadcast is possible.

Section 5. Subject to approval in accordance with section 305.11 of the Ohio Revised Code, it is the Board's express intention that the full record of the Board's proceedings maintained and kept by electronic means pursuant to Section 1 of this Resolution, and, if necessary, any written record maintained and kept in accordance with Section 3 of this Resolution, shall serve as the official record of the Board's proceedings, carrying the full force and effect thereof, and admissible as such in any applicable forum, in accordance with the laws of the State of Ohio.

Section 6. The Board hereby permits the Clerk of the Board to maintain the full record of the Board's proceedings in duplicative electronic formats, including, but not limited to, audio, video, or electronic document files, all of which shall constitute the official record in accordance with Section 5 of this Resolution, subject to approval in accordance with section 305.11 of the Ohio Revised Code

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye ----

RESOLUTION NO. 09-05

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 31, 2008:

It was moved by Mr. Thompson, seconded by Mr. O'Brien to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on December 31, 2008; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye ----

RESOLUTION NO. 09-06

7:30 PM - IN THE MATTER OF PUBLIC HEARING # 1 FOR DELAWARE COUNTY'S FY 2009 CDBG AND RLF PROGRAMS:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to open the hearing

Vote on Motion ---- Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-07

IN THE MATTER OF CLOSING THE PUBLIC HEARING # 1 FOR DELAWARE COUNTY'S FY 2009 CDBG AND RLF PROGRAMS:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to close the hearing.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye ----

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RESOLUTION NO. 09-08**IN THE MATTER OF APPROVING RESOLUTION ESTABLISHING MEETING DAYS FOR THE BOARD OF COMMISSIONERS FOR YEAR 2009:**

It was moved by Mr. O'Brien, seconded by Mr. Thompson that in compliance with Section 121.22 Ohio Revised Code the following Resolution be adopted:

Resolved, that Thursday January 8th Board of County Commissioners Meeting shall be at 9:30 AM and beginning January 12, 2009, the Delaware County Board of Commissioners, shall meet in regular session at 6:00 PM on Monday and 6:00 PM on Thursday of each week at their Office at 101 N. Sandusky Street, Delaware, Ohio 43015, except when Monday or Thursday is a legal holiday, in which case, said Board of Commissioners shall meet at the scheduled time on the next regular working day thereafter. The Board of County Commissioners shall meet in regular session on the last Thursday in the month at 1:00 PM with no evening meeting scheduled so that the Board may attend Regional Planning Commission meeting. Beginning on June 1, 2009 the Delaware County Board of Commissioners, shall meet in regular session at 9:00 AM on Monday and 9:30 AM on Thursday of each week at their Office at 101 N. Sandusky Street, Delaware, Ohio 43015, except when Monday or Thursday is a legal holiday, in which case, said Board of Commissioners shall meet at the scheduled time on the next regular working day thereafter. The Board of County Commissioners shall meet in regular session on the 1st Monday in the month at 7:00 PM with no day session being held. All those wishing to come before the Board must provide the purpose of such and schedule a time with the Clerk of the Board by 5:00 PM on the Wednesday preceding the Monday session and on the Tuesday at Noon preceding the Thursday session. A time will be scheduled during regular session whereas the Board will allow presentation and discussion of any matter not previously scheduled.

There will be no Board of County Commissioners meetings scheduled during the weeks of June 28, 2009 to July 4, 2009 and August 9 to August 15, 2009. There will be no meeting scheduled for December 21st, 2009 but a meeting will be held December 23, 2009. There will be no meetings scheduled from December 28, 2009 to January 4, 2010.

It is further Resolved, that notification of all special meetings except those requiring immediate emergency action of the Delaware County Board of Commissioners shall be publicly advertised at least 24 hours in advance by notifying media and posting on internet.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye ----

RESOLUTION NO. 09-09**IN THE MATTER OF APPOINTMENT OF THE BOARD'S REPRESENTATIVE TO VARIOUS BOARDS AND COMMISSIONS:**

It was moved by Mr. O'Brien, seconded by Mr. Thompson to appoint the following to the following boards and commissions:

Regional Planning - All 3 Commissioners

Regional Planning Executive Committee – Ken O'Brien

Regional Planning Alternate-Tommy Thompson

Records Commission-Tommy Thompson

Investment Committee –(2) Ken O'Brien, Tommy Thompson

EMA/LEPC – Ken O'Brien

Threat, Risk, and Needs Committee (TRN)- Ken O'Brien

Data Processing Board –Tommy Thompson

911 Board- Ken O'Brien (Tommy Thompson Alternate)

Board of Revision-Tommy Thompson

Vote on Motion ---- Mr. Thompson Aye Mr. O'Brien Aye

RESOLUTION NO. 09-10**IN THE MATTER OF AWARDING THE BIDS FOR THE FOLLOWING 2009 ENGINEERING MATERIALS:**

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CONCRETE MATERIALS; CORRUGATED POLYETHYLENE TUBING AND PIPE; GUARDRAIL MATERIALS; LIMESTONE AND BITUMINOUS COLD MIX; REINFORCED CONCRETE PIPE; REINFORCING STEEL BARS; ROLLED STEEL SHAPES :

It was moved by Mr. Thompson, seconded by Mr. O'Brien to approve the following:

Bid Award Recommendations, Bids Opened December 22, 2008

As a result of the bids opened December 22, 2008 for various materials to be used during 2009, the following are The Engineer's recommendations for bid awards:

Concrete Materials:

We recommend that a non-exclusive bid award be made to Buckeye Ready Mix.

Corrugated Polyethylene Tubing and Pipe:

We recommend that a non-exclusive bid award be made to ADS, Inc. and Boughman Tile Company.

Guardrail Materials:

We recommend that a non-exclusive bid award be made to Lake Erie Construction Company, M.P. Dory Company and The Paul Peterson Company for the supply and installation of guardrail materials.

Limestone and Bituminous Cold Mix:

We recommend that a non-exclusive bid award be made to National Lime & Stone Company, Kokosing Materials, Inc. and Shelly Materials.

Reinforced Concrete Pipe:

We recommend that an exclusive bid award be made to Hydro Conduit Corporation, dba Rinker Materials.

Reinforcing Steel Bars:

We recommend that a non-exclusive bid award be made to State Highway Supply, Inc., Gastrich Re-Bar, Inc. and The Superior Steel Corporation.

Rolled Steel Shapes:

We recommend that an exclusive bid award be made to The Superior Steel Corporation.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye ----

RESOLUTION NO. 09-11

IN THE MATTER OF APPROVING THE BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR PRETRIAL SUPERVISION:

It was moved by Mr. Thompson, seconded by Mr. O'Brien to approve the following:

Grant #	2008-JG-C01-6270
Source:	Ohio Office of Criminal Justice Services
Grant Period:	January 1, 2009 to December 31, 2009
Federal Grant Amount:	\$ 40,000.00
Local Match:	<u>\$ 10,000.00</u>
Total Grant Amount:	\$ 50,000.00

The Grant is designed to divert individuals charged with a felony from the Delaware County Jail. The grant pays for a pretrial officer to determine what offenders are eligible for bond and what level of supervision is appropriate. The officer then supervises the offenders' placed on pretrial supervision. As a condition of their bond offenders may be subject to drug testing, house arrest, GPS, substance abuse and mental health treatment as well as verifiable employment.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye ----

RESOLUTION NO. 09-12

IN THE MATTER OF AUTHORIZING EXECUTION OF CONTRACT WITH DAN CURTIS FOR APIARY

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INSPECTION SERVICES:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to authorize the execution of the following:

This contract is made this 5th day of January 2009, by and between Delaware County by the Delaware County Commissioners and Dan Curtis, the Contractor.

1. Delaware County requires the services of an Apiary Inspector for calendar year 2009.
2. Dan Curtis, contractor, agrees to provide the services and supplies necessary to perform the tasks as determined by the Commissioners including and limited to providing those services pertaining to apiary inspections.
3. For the services performed by Dan Curtis, the Commissioners agree to pay him a stipend computed on a monthly basis, not to exceed \$5,000.00 for the year 2009.
4. The relationship of the County and the County Commissioners to Dan Curtis, shall be that of an independent contractor and Mr. Curtis shall be responsible for all Federal, State and Local, and Social Security taxes and all insurance and all workers compensation obligations.
5. Either party may terminate this contract by providing the other party 60-day advance notice.
6. This contract constitutes the entire agreement between the parties with respect to the subject matter hereof and may not be modified, changed or amended except in writing signed by each of the parties.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye ----

RESOLUTION NO. 09 -13

IN THE MATTER OF REPEALING RESOLUTION NO. 08-931 (A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$31,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING A NEW COUNTY JUSTICE FACILITY TO PROVIDE COURTROOMS, OFFICE SPACE, MEETING ROOMS, EQUIPMENT AND STORAGE SPACE, AND RELATED PARKING FACILITIES, ACQUIRING ANY NECESSARY INTERESTS IN REAL PROPERTY, AND IMPROVING THE SITE THEREOF, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO.) FROM AUGUST 7, 2008:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to repeal Resolution No. 08-931 (a resolution providing for the issuance and sale of bonds in the maximum principal amount of \$31,000,000 for the purpose of paying the costs of constructing, equipping and furnishing a new county justice facility to provide courtrooms, office space, meeting rooms, equipment and storage space, and related parking facilities, acquiring any necessary interests in real property, and improving the site thereof, together with all necessary and related appurtenances thereto.) from August 7, 2008:

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye ----

RESOLUTION NO. 09 -14

IN THE MATTER OF REPEALING RESOLUTION NO. 08-932 (A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$20,700,000 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, EQUIPPING AND FURNISHING A NEW COUNTY JUSTICE FACILITY TO PROVIDE COURTROOMS, OFFICE SPACE, MEETING ROOMS, EQUIPMENT AND STORAGE SPACE, AND RELATED PARKING FACILITIES, ACQUIRING ANY NECESSARY INTERESTS IN REAL PROPERTY, AND IMPROVING THE SITE THEREOF, TOGETHER WITH ALL NECESSARY AND RELATED APPURTENANCES THERETO.) FROM AUGUST 7, 2008:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to repeal Resolution No. 08-932 (a resolution providing for the issuance and sale of bonds in the maximum principal amount of \$20,700,000 for the purpose of paying the costs of constructing, equipping and furnishing a new county justice facility to provide courtrooms, office space, meeting rooms, equipment and storage space, and related parking facilities, acquiring any necessary interests in real property, and improving the site thereof, together with all necessary and related appurtenances thereto.) From August 7, 2008.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye ----

DISCUSSION ON RESOLUTION FOR PUBLIC COMMENT**DISCUSSION ON HAVING A COMMISSIONERS' COMMITTEE UPDATE LINE ADDED TO THE AGENDA**

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RESOLUTION NO. 09-15

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. Thompson, seconded by Mr. O'Brien to adjourn the meeting.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye ----

There being no further business the meeting adjourned.

Ken O'Brien

Tommy Thompson

N/A

Letha George, Clerk to the Commissioners