

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 12, 2009

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

Present: Todd Hanks, Ken O'Brien, Tommy Thompson

RESOLUTION NO. 09-160

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 9, 2009:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on February 9, 2009; 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 Mr. Hanks Aye

PUBLIC COMMENT

Ron Bullard, Berlin Township Trustee in favor of moving forward with County Wide Outdoor Warning System.

RESOLUTION NO. 09-161

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0211, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0211:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0211, memo transfers in batch numbers MTAPR0211 and Purchase Orders as listed below:

| <u>Vendor</u> | <u>Description</u> | <u>Account Number</u> | <u>Amount</u> |
|-------------------------|--------------------------------|-----------------------|---------------|
| PO's | | | |
| Increases | | | |
| Kindercare | Day Care | 22411610-5348 | \$ 40,000.00 |
| Various Vendors | EMT Reimbursement | 22411601-5355 | \$ 5,000.00 |
| Thomas and Company | Attorney Services Worker Comp | 61311923-5361 | \$ 7,000.00 |
| Delaware City SACC | Day Care | 22411610-5348 | \$ 40,000.00 |
| Big Brothers Big Sister | Family Childrens First Program | 70161607-5348 | \$ 5,200.00 |
| Job For Ohio Grads | Family Childrens First Program | 70161607-5348 | \$ 9,000.00 |

| <u>PR Number</u> | <u>Vendor Name</u> | <u>Line Desc</u> | <u>Line Account</u> | <u>Line Amount</u> | <u>Line Number</u> |
|------------------|----------------------------------|------------------|---------------------|--------------------|--------------------|
| R0902833 | OHIO SCHOOL FOR THE DEAF | DAY CARE | 22411610 - 5348 | \$10,000.00 | 0001 |
| R0902834 | KINDERCARE LEARNING CENTER | DAY CARE | 22411610 - 5348 | \$10,000.00 | 0001 |
| R0902835 | COME N PLAY DAY CARE | DAY CARE | 22411610 - 5348 | \$10,000.00 | 0001 |
| R0902956 | ROYAL ELECTRIC CONSTRUCTION CORP | ELECTRIC CFOA | 43111424 - 5410 | \$17,000.00 | 0001 |

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

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Died for Lack of a Seconded:

Mr. O'Brien's made a motion to amend resolution 09-162 by substitution with: A Resolution Of Necessity For Levying A Tax Exceeding The Ten-Mill Limitation To Provide The Construction Or Acquisition Of A Countywide Outdoor Warning Siren System

RESOLUTION NO. 09-162

IN THE MATTER OF DECLARING THE INTENT OF THE DELAWARE COUNTY COMMISSIONERS TO PROCEED WITH THE INSTALLATION OF A COUNTYWIDE OUTDOOR WARNING SIREN SYSTEM:

It was moved by Mr. Thompson, seconded by Mr. Hanks to approve the following:

Whereas, the Delaware County Board of County Commissioners looks favorably on the installation of an outdoor warning siren system, and

Whereas, the Delaware County Board of County Commissioners have reviewed information provided by the Committee established to research an outdoor warning siren system, and

Whereas, the Board has received additional comments and feedback in regard to implementing an outdoor warning siren system, and

Whereas, the Delaware County Board of County Commissioners have asked for additional information in order to make a sound decision on proceeding with the installation of such a system, and

Whereas, for the Board of County Commissioners still have unresolved questions in regard to the purchase price, on-going maintenance costs, the ownership and installation of such a system, and

Whereas, the cost of a special election could be in excess of \$50,000

THEREFORE BE IT RESOLVED by the Board of Commissioners of Delaware County:

1. The Board of County Commissioners request that the Committee established to research such an outdoor warning system continue to work with the County EMA Office to prepare plans and specifications to conduct a bid to determine the pricing of such a system.
2. That the Board of County Commissioners would like a plan for the on-going maintenance costs of such a system.
3. That the Committee and the EMA provide regular status updates regarding the progress of the project and prepare a comprehensive presentation for the Board no later than March 2, 2009.
4. That the Board of Delaware County Commissioners desire to place this issue on the November 3, 2009 ballot.

Vote on Motion Mr. Hanks Aye Mr. Thompson Aye Mr. O'Brien Nay

Died for Lack of a Seconded:

Mr. O'Brien's made a motion to approve Resolution Of Necessity For Levying A Tax Exceeding The Ten-Mill Limitation To Provide The Construction Or Acquisition Of A Countywide Outdoor Warning Siren System

RESOLUTION NO. 09-163

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Beth Brasseur is resigning her position with the Department of Job and Family Services; effective January 27, 2009.

Recommendation to hire Kathie Elrod as an Employment Counselor with the Department of Job and Family Services; effective date February 23, 2009.

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

RESOLUTION NO. 09-164

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the following:

Recommendation to approve Leave-With-Out-Pay for Rhonda Griffith (911 Department) for Pay Periods

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09010005 and 0901006.

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

RESOLUTION NO. 09-165

IN THE MATTER OF CONCURRING WITH THE CITY OF DELAWARE TO FILE AN APPLICATION WITH THE OHIO DEPARTMENT OF DEVELOPMENT, OFFICE OF HOUSING AND COMMUNITY PARTNERSHIPS FOR THE NEIGHBORHOOD STABILIZATION PROGRAM GRANT:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to authorize the application:

WHEREAS, the Congress of the United States has enacted the Housing and Economic Recovery Act of 2008 (Act) which has as its primary objective of improving neighborhoods by supporting the purchase and redevelopment of abandoned and foreclosed properties, establishing land banks, and demolishing blighted structures, and whereby federal assistance will be provided for the support of neighborhood stabilization, and

WHEREAS, the City of Delaware, Ohio has been designated as the Lead Community responsible for administering the grant provided from the State of Ohio Department of Development to implement project activities identified in Delaware County Neighborhood Stabilization Program (NSP), as a result of the enactment of Title III of Division B of the Housing and Economic Recovery Act of 2008 (HERA); and

WHEREAS, City of Delaware and Delaware County have been notified of the opportunity to apply for the allocated one million one hundred thirty six thousand six hundred fifty five dollars (\$1,136,655) from the State of Ohio Neighborhood Stabilization Program funds; and

WHEREAS, the City of Delaware, as the Lead Community, is responsible for preparing the grant application in cooperation with its partner, Delaware County, including the selection of eligible project activities, and administering the grant in accordance with the NSP rules and regulations.

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 County Commissioners is hereby concurring with the City of Delaware to file an application with the Ohio Department of Development, Office of Housing and Community Partnerships, for the State of Ohio Neighborhood Stabilization Program (ONSP) for the following activities:

| | |
|------------|--|
| Activity 1 | Down Payment Assistance & Rehabilitation |
| Activity 2 | Demolition & New Construction |
| Activity 3 | Demolition & Land banking |

SECTION 2. That the President of the Commissioners is hereby authorized to sign the application.

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

RESOLUTION NO. 09-166

IN THE MATTER OF DELAWARE COUNTY COMMISSIONERS ENTERING INTO A JOINT COOPERATION AGREEMENT WITH THE CITY OF DELAWARE FOR THE NEIGHBORHOOD STABILIZATION PROGRAM:

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

WHEREAS, the Ohio Department of Development (ODOD) was awarded more than \$116.8 million of Neighborhood Stabilization Program (NSP) funds by the U. S. Department of Housing and Urban Development (HUD), and

WHEREAS, the Ohio Department of Development, Office of Housing and Community Partnerships (OHCP) is responsible for the administration of the NSP to local communities, and

WHEREAS, NSP funds are to help stabilize neighborhoods and impede the decline in vacant and foreclosed homes, and

WHEREAS, Delaware County and the City of Delaware are eligible to receive a total of NSP funds in the amount of \$1,136,655, which includes \$113,600 for administration, and

WHEREAS, in order to participate in the program, the communities had to select a lead unit of local government to administer the program; and

WHEREAS, Delaware County Commissioners on Resolution # 09-30 dated January 12, 2009, agreed to have

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the City of Delaware be the lead unit of local government for the NSP funds, and

WHEREAS, Delaware County and the City of Delaware agrees to enter into a Joint Cooperation Agreement for the Neighborhood Stabilization Program.

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. The Board of Commissioners authorizes the President of the Board to sign the Joint Cooperation Agreement.

**ONSP Joint Cooperation Agreement
Between
City of Delaware, Ohio
And
Delaware County**

WHEREAS, the Congress of the United States has enacted the Housing and Economic Recovery Act of 2008 (Act) which has as its primary objective of improving neighborhoods by supporting the purchase and redevelopment of abandoned and foreclosed properties, establishing land banks, and demolishing blighted structures, and whereby federal assistance will be provided for the support of neighborhood stabilization the five eligible uses listed by HUD in the October 6, 2008 Federal Register Notice regarding the HERA of 2008, which are:

- (A) establish finance mechanisms or purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-second, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;
- (B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;
- (C) establish land banks for homes that have been foreclosed upon;
- (D) demolish blighted structures; and
- (E) redevelop demolished or vacant properties.

WHEREAS, City of Delaware, Ohio has been designated as the Lead Community responsible for administering the grant provided from the State of Ohio Department of Development to implement project activities identified in Delaware County Neighborhood Stabilization Program (NSP), as a result of the enactment of Title III of Division B of the Housing and Economic Recovery Act of 2008 (HERA); and

WHEREAS, City of Delaware and Delaware County have been allocated one million one hundred thirty six thousand six hundred fifty five dollars (\$1,136,655) from the State of Ohio Neighborhood Stabilization Program funds; and

WHEREAS, City of Delaware, as the Lead Community is responsible for preparing the grant application in cooperation with its partner, Delaware County, including the selection of eligible project activities, and administering the grant in accordance with the NSP rules and regulations.

NOW, THEREFORE, City of Delaware and Delaware County hereby agree to the following terms of this Cooperation Agreement:

1. City of Delaware and Delaware County agree to implement the NSP in compliance with Community Development Block Grant requirements as modified by the Housing Economic and Recovery Act of 2008 (HERA), the U.S. Department of Housing and Urban Development NSP Notice, the State of Ohio Amended Consolidated Plan, and the NSP application guidelines.
2. This Cooperating Agreement remains in effect until the NSP funds and program income received are expended and the funded activities completed and closed out, and that the Delaware County and the City of Delaware cannot terminate or withdraw from this Cooperating Agreement while it remains in effect.
3. City of Delaware and Delaware County are obligated to take all actions necessary to assure compliance with the certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights of 1964, the Fair Housing Act, Section 109 of the Housing and Community Development Act of 1974 and other applicable laws.
4. The City of Delaware and Delaware County agree that NSP funds are prohibited for activities in, or in support of, any cooperating unit of local government that does not

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- affirmatively further fair housing within its own jurisdictions or that impedes actions to comply with its own fair housing certifications.
5. The City of Delaware agrees that it has a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.
 6. The City of Delaware agrees that it has a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
 7. This Cooperating Agreement does not contain a provision for veto or other restriction that would allow any party to obstruct the implementation of the NSP Program during the period covered by this agreement, which is April 1, 2009 to March 30, 2013.
 8. The City of Delaware, Ohio agrees that pursuant to 24CFR 570.501 (b), if Delaware County undertakes assisted activities with NSP funds, that it is subject to the same requirements applicable to sub-recipient including the requirement of a written agreement as described in 24 CFR 579.503.

Legal Form and Sufficiency

This Cooperating Agreement has been reviewed by legal counsel of the City of Delaware and Delaware County Prosecutor, and it has been determined that the terms and conditions of said agreement are fully authorized under State and local law and that said agreement provides legal authority for the City of Delaware.

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

RESOLUTION NO. 09-167

IN THE MATTER OF APPROVING A REQUEST FOR A POST-AUDIT-APPEAL FOR THE JUVENILE COURT SUBSIDY GRANT:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve A Request For A Post-Audit-Appeal For The Juvenile Court Subsidy Grant.

(Copy available in Juvenile Court until no longer of administrative value).

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

RESOLUTION NO. 09-168

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR JUVENILE COURT:

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

Transfer of Appropriation

| From | To | |
|---|---|----------|
| 27826325-5301 | 27826325-5260 | |
| Juvenile Court Other Projects/Prof Services | Juvenile Court Other Projects/Minor Tools | 8,500.00 |

Supplemental Appropriation

| | | |
|---------------|------------------------------------|----------|
| 27426313-5319 | Crime Victims Grant/Reimbursements | 2,480.00 |
|---------------|------------------------------------|----------|

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

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Hanks

- read an article on increases occurring in retail sales
- MS awareness week occurs in March

Commissioner O'Brien

-none

Commissioner Thompson

-none

RESOLUTION NO. 09-169

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 PENDING OR IMMINENT LITIGATION:

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It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn into Executive Session at 6:48PM.

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

RESOLUTION NO. 09-170

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn out of Executive Session at 7:32PM.

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

RESOLUTION NO. 09-171

IN THE MATTER OF ADJOURNING THE MEETING:

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

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

Todd Hanks

Ken O'Brien

Tommy Thompson

Letha George, Clerk to the Commissioners