

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MARCH 9, 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

6:30 PM Public Hearing For Amendments To The Delaware County Flood Damage Prevention Regulations, Adopting The 2009 Flood Insurance Study For Delaware County And Adopting The 2009 Flood Insurance Rate Maps For Delaware County

RESOLUTION NO. 09-260

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 5, 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 March 5, 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

RESOLUTION NO. 09-261

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0306:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0306 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>		
<b>PO's</b>					
<b>Increases</b>					
Tri State Youth Authority	Residential Treatment	22511607-5342	\$ 45,000.00		
<b>PR Number</b>	<b>Vendor Name</b>	<b>Line Desc</b>	<b>Line Account</b>	<b>Line Amount</b>	<b>Line Number</b>
R0903351	INNOVATIVE MEDIA SYSTEMS	PRESENTATION & SOUND SYSTEM WILLIS	40111402 - 5450	\$15,310.00	0001
R0903487	EMERGENCY COMMUNICATIONS	EMERGENCY NOTIFICATION SYSTEM EXTENSION	21411306 - 5330	\$24,900.00	0001
R0903491	CITY OF DELAWARE	DELAWARE CITY CONTRACT	21411306 - 5301	\$35,000.00	0001

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

RESOLUTION NO. 09 -262

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Veterans Services Department is requesting that Don DeShazo attend the National Association of County Veteran Services Officers Annual Training Conference in San Diego, California June 6-13, 2009, at the cost of \$2,420.00.

The Court of Common Pleas (Adult Court Services) is requesting that Jeff Vandeborne and Ed Werling attend a Community Corrections Training in Columbus, Ohio April 1-3, 2009, at the cost of \$470.00.

The Sheriff's Office is requesting that Kevin Barbeau attend a Financial Investigative Techniques Seminar in Brooklyn Heights March 9-11, 2009, at the cost of \$295.00.

The 911 Department is requesting that Amy Tormasi, Kathy Price, Karla Jacobs attend a CRISIS Intervention Team Training in Delaware County April 13-16, 2009, at no cost.

The 911 Department is requesting that the 911 Personnel Participate in an ACCU-GLOBE E911 Training in The Delaware County Center during 2009, at the cost of \$3,500.00.

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

**RESOLUTION NO. 09-263**

**IN THE MATTER OF CHANGING THE STARTING TIME FOR THE THURSDAY MAY 14, 2009, COMMISSIONERS' SESSION FROM 6:00PM TO 7:00PM:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the time change.

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

**RESOLUTION NO. 09-264**

**IN THE MATTER OF SCHEDULING SPECIAL COMMISSIONERS' SESSIONS FOR FRIDAY MARCH 20, 2009, AT 5:00 PM AND SATURDAY MARCH 21, 2009, AT 9:15 AM FOR ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:**

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Scheduling Special Commissioners' Sessions For Friday March 20, 2009, at 5:00 pm and Saturday March 21, 2009, at 9:15 am for adjourning into executive session for consideration of appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or public official:

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

**RESOLUTION NO. 09-265**

**IN THE MATTER OF APPROVING THE TREASURER'S REPORT:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve the Treasurer's Report.

(Copy available for review at the Commissioners' office until no longer of administrative value.)

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

**RESOLUTION NO. 09-266**

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

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

Permit #	Applicant	Location	Type of Work
U09-014	COLUMBIA GAS	NORTHSTAR SWIM & GOLF	INSTALL GAS IN ROW
U09-015	AEP	MAYNARD RD	DIRECTIONAL BORE
U09-016	EMBARQ	WOODTOWN RD	RELOCATE BURIED CABLE

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

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**RESOLUTION NO. 09-267**

**IN THE MATTER OF ACCEPTING THE BID AND AWARDING THE CONTRACT TO R&I  
CONSTRUCTION FOR THE CENTER VILLAGE ROAD TWIN BRIDGE REPLACEMENT PROJECT:**

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

**Center Village Road Twin Bridge Replacement Project  
Bid Opening of February 25, 2009**

As the result of the above referenced bid opening, The Engineer recommends that a bid award be made to R & I Construction of Tiffin, Ohio, the low bidder for the job. A copy of the bid tabulation is available for your information.

Also available are two copies of the contract with R & I Construction for your approval. All necessary contract documentation as well as the Auditor's and Prosecutor's approvals have been received for this contract award.

**CONTRACT**

THIS AGREEMENT is made this 9<sup>th</sup> day of March, 2009 by and between R & I Construction of Tiffin, Ohio, hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

R & I Construction  
2931 S. State Route 67  
Tiffin, Ohio 44883

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

**ARTICLE 1. Statement of Work**

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project; namely, the "Del - CR 25-4.10 Center Village Road Twin Bridge Replacement Project", and required supplemental work for the project all in strict accordance with the Contract Documents.

**ARTICLE 2. The Contract Price**

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed **Four Hundred Seventy-Eight Thousand Thirty-Seven Dollars and Ninety Cents (\$ 478,037.90)**, subject to additions and deductions as provided in the Contract Documents.

**ARTICLE 3. Contract**

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications - General Provisions
- h. Federal and State Requirements
- i. This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

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

**RESOLUTION NO. 09-268**

**IN THE MATTER OF APPROVING THE ESTIMATE, BID SPECIFICATIONS AND BID OPENING DATE**

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**FOR THE LEWIS CENTER ROAD AND SOUTH OLD STATE ROAD INTERSECTION IMPROVEMENTS:**

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

**Public Notice  
Advertisement for Bids**

Sealed bids will be received at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until **10:00 AM, Wednesday, April 1, 2009**, at which time they will be publicly opened and read aloud, for the project known as Lewis Center & Old State Road Intersection Improvement 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 Lewis Center & Old State Road Intersection Improvement 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 must be obtained by bidders from 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. Registration with the Delaware County Engineer's Office is required to be a bidder.

The Owner requires that all work associated with the project be completed before November 13, 2009 and the estimated commencement of work date of April 13, 2009.

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 is located in northern Orange Township in Delaware County, Ohio.

**PROJECT SCOPE**

This improvement encompasses the intersection of Lewis Center Road and South Old State Road. The project includes minor drainage improvements, widening of the approaches, adding turn lanes, and the installation of a traffic signal.

**ESTIMATE**

CONSTRUCTION SUBTOTAL	\$1,744,612
10% CONSTRUCTION CONTINGENCIES	\$174,461
<b>TOTAL CONSTRUCTION CONTRACT ESTIMATE</b>	<b>\$1,919,100</b>

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

**RESOLUTION NO. 09-269**

**IN THE MATTER OF APPROVING AN ELECTRONIC TRANSACTION PROCESSING AGREEMENT BETWEEN OFFICIAL PAYMENTS CORPORATION; THE DELAWARE COUNTY CLERK OF COURTS AND THE DELAWARE COUNTY COMMISSIONERS:**

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

Whereas, the Delaware County Clerk of Courts Office recommends approval of the electronic transaction processing agreement with Official Payments Corporation;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approves the electronic transaction processing agreement between Official Payments Corporation; The Delaware County Clerk Of Courts And The Delaware County Commissioners.

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

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

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**RESOLUTION NO. 09-270**

**6:30PM; IN THE MATTER OF OPENING THE MARCH 9, 2009, PUBLIC HEARING FOR AMENDMENTS TO THE DELAWARE COUNTY FLOOD DAMAGE PREVENTION REGULATIONS, ADOPTING THE 2009 FLOOD INSURANCE STUDY FOR DELAWARE COUNTY AND ADOPTING THE 2009 FLOOD INSURANCE RATE MAPS FOR DELAWARE COUNTY:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to open the hearing at 6:35PM.

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

**RESOLUTION NO. 09-271**

**IN THE MATTER OF CLOSING THE MARCH 9, 2009, PUBLIC HEARING FOR AMENDMENTS TO THE DELAWARE COUNTY FLOOD DAMAGE PREVENTION REGULATIONS, ADOPTING THE 2009 FLOOD INSURANCE STUDY FOR DELAWARE COUNTY AND ADOPTING THE 2009 FLOOD INSURANCE RATE MAPS FOR DELAWARE COUNTY:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to close the hearing at 7:07PM.

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

**COMMISSIONERS' COMMITTEES REPORTS**

**Refer To CD Minutes For Entire Record**

**Commissioner Hanks**

**-no reports**

**-Economy, the Delaware County unemployment rate is 2 points below the national average**

**Commissioner O'Brien**

**-no reports**

**Commissioner Thompson**

**-against county layoffs because in bad economic times the need for county services increases**

**RESOLUTION NO. 09-272**

**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; AND FOR COLLECTIVE BARGAINING:**

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn into Executive Session at 7:10PM.

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

**RESOLUTION NO. 09-273**

**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 9:47PM.

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

**RESOLUTION NO. 09-274**

**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. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

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Todd Hanks

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Ken O'Brien

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Tommy Thompson

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Letha George, Clerk to the Commissioners