

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

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. 09-275

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

Refer to CD minutes for entire record

1. Tom Lasher, Friends of Concord Township-objections to the County's Concord Township Water Treatment Plant and the Community Authority.
2. PRESENTATION DELAWARE COUNTY RAIL ROAD TASK FORCE
3. Auditor, George Kaitsa, (comments during Flood Plain Hearing)

RESOLUTION NO. 09-276

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0311 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0311:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0311, memo transfers in batch numbers MTAPR0311 and Purchase Orders as listed below:

	<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>	
PO's					
Add A Line					
	Ohio Job and Family	State over Payment	22411601-5319	\$ 71,762.65	
PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R0903178	OHIO PUBLIC DEFENDER	ALLEN MURDER/FINAL BILL MOONEY	10011202 - 5301	\$9,188.34	0001
R0903358	MILLISOR,TINA	DAY CARE	22411610 - 5348	\$25,000.00	0001
R0903413	OXFORD SCHOOL,THE	DAY CARE	22411610 - 5348	\$25,000.00	0001

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

R0903448	GREENAWALT,CHRISTINE	DAY CARE	22411610 - 5348	\$12,500.00	0001
R0903449	GREASHABER,LORRI	DAY CARE	22411610 - 5348	\$37,500.00	0001
R0903450	FLOWLINE LLC	REPAIR OF CLARIFIERS AT OECC	66290302 - 5328	\$6,650.00	0001
R0903474	KOEPEL,JOYCE	DAY CARE	22411610 - 5348	\$40,000.00	0001
R0903475	EVENER,ASHLEY	DAY CARE	22411610 - 5348	\$50,000.00	0001
R0903476	STERRITT,DENISE	DAY CARE	22411610 - 5348	\$12,000.00	0001
R0903500	COMMISSIONERS	CENTRAL COST ALLOCATION - OECC	66290301 - 5380	\$140,995.00	0001
R0903500	COMMISSIONERS	CENTRAL COST ALLOCATION - ALUM CREEK	66290401 - 5380	\$140,995.00	0002
R0903518	SMITH,KIMBERLY KAY	DAY CARE	22411610 - 5348	\$30,000.00	0001

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

RESOLUTION NO. 09-277

IN THE MATTER OF APPROVING AN APPOINTMENT TO THE BOARD'S REPRESENTATIVE TO THE STRAND CULTURAL ARTS BOARD:

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

Whereas, with Resolution No. 09-53 The Board Of Commissioners Approved The Appointment Of The Board's Representative To Various Boards And Commissions For 2009, and

Whereas, the board wishes to make an additional appointment.

Therefore be it resolved, that the board approve the following appointment

The Strand Cultural Arts Board—Tommy Thompson

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

RESOLUTION NO. 09-278

IN THE MATTER OF APPROVING AMENDMENT NO. 2 TO THE AGREEMENT FOR PROFESSIONAL DESIGN SERVICES BETWEEN GARDNER ARCHITECTS AND DELAWARE COUNTY FOR SUITE IMPROVEMENTS TO THE HAYES COUNTY SERVICES BUILDING:

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

Whereas, the County Administrator recommends approval of the following contract amendment.

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approves the following contract amendment with Gardner Architects For Suite Improvements To The Hayes County Services Building.

AMENDMENT NO. 2
TO THE AGREEMENT FOR PROFESSIONAL DESIGN SERVICES BETWEEN
GARDNER ARCHITECTS AND DELAWARE COUNTY FOR SUITE IMPROVEMENTS

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

TO THE HAYES COUNTY SERVICES BUILDING

This Amendment No. 2 to the agreement for Professional Services (the "Agreement") is made on this twelfth day of March, 2009, by and between Gardner Architects ("Architect") and Delaware County ("Owner"). The Agreement shall be amended as follows, new language in **bold** type:

I. Amend Sheet 1, Project Description, to read:

Hayes Building Suite Improvements
140 N Sandusky Street
Delaware, Ohio

Approximately 29,700 SF Suite Improvements to the ground floor (17,420 SF), second floor (2,960 SF), and third floor (3,900 SF and 5,430 SF). Expansion of existing Hayes Building parking lot to include two Juvenile Court drop-off vehicle spaces at the NE corner of the building. New sidewalk to a newly created secure exterior prisoner entrance into the Juvenile Court space on the north face of the ground floor of the Hayes Building.

II. Amend Sheet 5, Article 4, Section 4.2.1, to read:

The Architect has included in Basic Services **twenty-four (24)** site visits over the duration of the Project during construction, The Architect shall conduct site visits in excess of that amount as an Additional Service

III. Amend Sheet 5, Article 4 Additional Services, Section 4.2.3, to read:

If the services covered by this agreement have not been completed within **twenty-seven (27)** months of the date of this agreement, through no fault of the Architect, extension of the Architect's services beyond that time shall be compensated as additional Services.

IV. Amend Sheet 10, Article 11 Compensation, Section 11.1, basis for, and amount of compensation shall be:

Fixed Fee Basis - \$128,000.00 - One Hundred twenty-eight thousand dollars, if final construction costs total between \$1,600,000.00 and \$2,400,000.00. If final construction costs total less than \$1,600,000.00, compensation shall be based on 8% of final construction costs. If final construction costs total greater than \$2,400,000.00, compensation shall be based on 6.5% of final construction costs.

FURTHER BE IT RESOLVED, that the Commissioners approve a Purchase Order to Gardner Architects in the amount of \$128,000.00 (40111402-5410).

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

RESOLUTION NO. 09-279

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Recommendation to approve 160 hours of Leave-With-Out-Pay for Peggy Roberts, Electrical Safety Inspector; effective March 6, 2009.

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

RESOLUTION NO. 09-280

6:30PM; IN THE MATTER OF OPENING THE MARCH 12, 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 6:30PM.

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

Auditor, George Kaitsa; County's GIS Mapping will be able to ID parcels no longer in Flood Plan (Refer to CD minutes for entire record)

RESOLUTION NO. 09-281

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

IN THE MATTER OF CLOSING THE MARCH 12, 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 6:41PM.

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

RESOLUTION NO. 09-282

IN THE MATTER OF ADOPTING 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 adopt the following:

WHEREAS, the Delaware County Flood Damage Prevention Regulations were last adopted and/or amended on April 28, 1999; and

WHEREAS, the Flood Insurance Study for Delaware County was last adopted on April 21, 1999; and

WHEREAS; the Flood Insurance Rate Maps were last adopted on April 21, 1999; and

WHEREAS, by virtue of Ohio Revised Code 307.37 and 307.85, the Board of Commissioners is authorized and empowered to adopt regulations, flood study and flood maps for participation in the national flood insurance program pertaining to the erection, construction, repair, alteration and maintenance of all buildings within identified flood hazard areas of the unincorporated portions of the County; and

WHEREAS, changes to the regulations have been submitted to the Ohio Department of Natural Resources, Division of Water, and said changes have been found to meet the minimum standards required by the National Flood Insurance Program; and

WHEREAS, the County has provided public notice to its citizens that the regulations, the flood study and flood maps have been made available for public review; and

WHEREAS, two public hearings were advertised and held for public input on March 9 and March 12, 2009; and

WHEREAS, Code Compliance staff confirms the proposed regulations have been declared compliant with the requirements of the National Flood Insurance Program and recommends approval of the April 16, 2009, version of the Flood Damage Prevention Regulations, the Flood Insurance Study and the Flood Insurance Rate Maps.

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

1. That the Delaware County Flood Damage Prevention Regulations (April 16, 2009 version) are hereby adopted.
2. That the Flood Insurance Study for Delaware County (April 16, 2009 version) is hereby adopted.
3. That the Flood Insurance Rate Maps for Delaware County (April 16, 2009 version) are hereby adopted.
4. That the previously adopted Flood Damage Prevention Regulations, Flood Insurance Study, and Flood Insurance Rate Maps are hereby repealed.

This Resolution shall be effective on April 16, 2009.

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

COMMISSIONERS' COMMITTEES REPORTS

Refer to CD minutes for entire record

Commissioner Hanks

-Dow Jones-up 3 days in a row

Commissioner O'Brien

-is it okay to have the March 30, 2009 session in the AM for the Budget Review

Commissioner Thompson

-Kroger up 8%; the economy will turn around; Delaware County will need to be ready

RESOLUTION NO. 09-283

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

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:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn into Executive Session at 6:45PM.

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

RESOLUTION NO. 09-284

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

RESOLUTION NO. 09-285

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

Todd Hanks

Ken O'Brien

Tommy Thompson

Letha George, Clerk to the Commissioners