

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 16, 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. 09-428

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 13, 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 April 13, 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. 09-429

IN THE MATTER OF CONGRATULATING THE DELAWARE HAYES GIRLS BASKETBALL TEAM:

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

WHEREAS, the Delaware Hayes Girls basketball team completed an undefeated 20-0 regular season, becoming the Ohio Capital Conference Capital Division Champions, and

WHEREAS, the team went on to the next level to win the Division I Central District Sectional Championship, and culminated the season with a 22-1 overall record,

WHEREAS, the entire team merits recognition for the hard work and dedication required to achieve this accomplishment; and

WHEREAS, Head Coach Erin Fragale and her staff, including coaches and trainers deserve recognition for the outstanding job they did in coaching these young women; and

WHEREAS, the families of the players, students, and faculty of Delaware Hayes High School, and all of the supporters of Delaware Hayes High School, are to be congratulated for their commitment to, and pride in, the girls basketball program at Hayes High School..

THEREFORE, BE IT RESOLVED, Todd Hanks, Ken O'Brien and Tommy Thompson the Delaware County Board of Commissioners, congratulate the Delaware Hayes Girls Basketball Team on this outstanding accomplishment.

Be it Further Resolved: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 09-430

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0415, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0415:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0415, memo transfers in batch numbers MTAPR0415 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO'S			

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Increases

Craun Liebing Co.	Preventative Main. Sewer Pumps	66290306-5270	\$ 11,943.75
Liberty Community Center	Day Care	22411610-5348	\$ 90,000.00

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Number
R0904072	MASIMO CORPORATION	RAD-57 HANDHELD CO-OXIMETERS	21311322 - 5260	\$ 37,506.00	0001

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

RESOLUTION NO. 09-431

IN THE MATTER OF APPROVING A NEW LIQUOR LICENSE REQUEST FROM DFKF LLC DBA WATERS EDGE PIZZA & CAFÉ & PATIO AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Berlin Township Trustees that DFKF LLC DBA Waters Edge Pizza & Café & Patio has requested a new D3 permit located at 2475 Africa Road Berlin Township Galena, Ohio 43021 ,and

Whereas, the Berlin Township Trustees have stated they have no objection, the Delaware County Sheriff has responded--no known reason for a hearing to be requested and the Delaware County Commissioners have received no objections.

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

RESOLUTION NO. 09-432

IN THE MATTER OF APPOINTING THE COUNTY ADMINISTRATOR TO SERVE AS THE BOARD'S REPRESENTATIVE AT THE CLOSING OF THE PURCHASE OF THE REAL PROPERTY KNOWN AS 7991 COLUMBUS PIKE AND APPROVING THE CONTINGENT TRANSFER OF SAID REAL PROPERTY TO THE DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES :

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

WHEREAS, on December 22, 2008, the Delaware County Board of Commissioners (the "Board") approved a real estate purchase agreement with the Delaware County Board of Mental Retardation and Developmental Disabilities ("MRDD") and 7991 Columbus Pike, LLC, for the purchase of real property known as 7991 Columbus Pike (the "Property"); and

WHEREAS, the Closing on said purchase is scheduled to occur on or before Friday, April 19, 2009; and

WHEREAS, the Board wishes to have the County Administrator represent the Board at the Closing, in order to carry out any administrative tasks on behalf of the Board, including, but not limited to, the execution of documents required for Closing; and

WHEREAS, pursuant to section 307.10(B) of the Revised Code, the Board may transfer real property in fee simple belonging to the county and not needed for public use to MRDD; and

WHEREAS, the purchase of the Property is intended solely for the use and benefit of MRDD as a new administrative and services facility; and

WHEREAS, the Property is not needed for public use by the County in any manner other than the purposes expressed above;

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

Section 1. The Board hereby appoints and designates the County Administrator to represent the Board at the Closing of the Property, in order to carry out any administrative tasks on behalf of the Board, including, but not limited to, the execution of documents required for Closing.

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Section 2. Contingent upon the successful Closing of the purchase of the Property and vesting of title to the same in the Board, the Board hereby approves the transfer in fee simple of the Property to MRDD, the Board finding that the Property is not needed for any public use by the County. The Board hereby approves the deed to effect said transfer and directs the County Administrator to deliver the deed upon the satisfaction of the contingency and execute any necessary documents to effect the transfer on the Board's behalf as part of his duties and responsibilities as set forth in Section 1 of this Resolution.

Section 3. This Resolution shall take immediate effect upon adoption.

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

RESOLUTION NO. 09-433

IN THE MATTER OF APPROVING A SUPPLEMENT TO THE REAL ESTATE PURCHASE AGREEMENT WITH THE DELAWARE COUNTY BOARD OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES AND 7991 COLUMBUS PIKE, LLC:

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

WHEREAS, on December 22, 2008, the Delaware County Board of Commissioners (the "Board") approved a real estate purchase agreement with the Delaware County Board of Mental Retardation and Developmental Disabilities ("MRDD") and 7991 Columbus Pike, LLC, for the purchase of real property known as 7991 Columbus Pike (the "Property"); and

WHEREAS, as part of the purchase agreement, MRDD agreed to fund certain improvements to the Property; and

WHEREAS, a Supplement to the Real Estate Purchase Agreement has been drafted to provide the parties' respective obligations for the additional improvements;

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

Section 1. The Board hereby approves the Supplement to the Real Estate Purchase Agreement with MRDD and 7991 Columbus Pike, LLC.

Section 2. This Resolution shall take immediate effect upon adoption.

(Copy of agreement available for review in the Commissioners' Office until no longer of administrative value.)

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

RESOLUTION NO. 09-434

IN THE MATTER OF APPROVING A CONTRACT MODIFICATION WITH B & K LEHNER EXCAVATING FOR THE MCNAMARA DITCH IMPROVEMENT PROJECT:

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

Whereas, due to unforeseen subsurface soil conditions that were not detected during the design phase of the project and not included in the original estimate or contract, and

Whereas, it has become necessary to modify the original contract by increasing the contract amount by \$5,379.48, and

Whereas, a time extension of 10 days has been requested due to unforeseen conditions and weather related issues experienced to date which would extend the original completion date of April 17, 2009 to April 27, 2009, and

Whereas, the County Engineer and the Soil and Water Conservation District recommends approval of the following contract modification;

Therefore be it Resolved, The Delaware County Commissioners approve the following Contract Modification (Modification # 1):

CONTRACT (Modification) # 1

MODIFICATION AGREEMENT made and entered into this 16th day of April, 2009, by and between the **DELAWARE COUNTY COMMISSIONERS**, Delaware County, Ohio, and hereinafter designated as **FIRST**

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PARTY, and, **B&K LEHNER EXCAVATING LLC.**, hereinafter designated as **SECOND PARTY**.

THIS MODIFICATION AGREEMENT herein after modifies the original agreement dated **March 2nd, 2009**, by and between the **DELAWARE COUNTY COMMISSIONERS and B&K LEHNER EXCAVATING , LLC.**

That said **FIRST AND SECOND PARTY**, hereby agree to increase the current contract amount of **\$39,894.12 as in the original contract dated March 2, 2009 by an amount of \$5,379.48 (FIVE THOUSAND THREE HUNDRED SEVENTY NINE DOLLARS AND FORTY EIGHT CENTS)**. The revised contract amount is, therefore, increased to a **TOTAL of \$ 45,273. 60 (FORTY FIVE THOUSAND TWO HUNDRED SEVENTY THREE DOLLARS AND SIXTY CENTS)** to be paid as specified in the terms of the original agreement.

SAID SECOND PARTY further agrees to furnish said materials and to do the said work and labor promptly, in a good, substantial and workmanship manner, under the direction of the **Delaware County Engineer and Delaware Soil and Water Conservation District**.

Furthermore **FIRST AND SECOND PARTY** , hereby agree to a time extension of the current completion date of **APRIL 17TH, 2009** as in the original contract dated March 2nd, 2009 by an amount of 10 days. The revised completion date is, therefore, extended to **APRIL 27TH, 2009**.

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

RESOLUTION NO. 09-435

IN THE MATTER OF AUTHORIZING THE SUBMITTING OF AN APPLICATION FOR THE COPS GRANT FOR THE SHERIFF'S OFFICE:

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

Grant #	
Source:	COPS
Grant Period:	October 1, 2009 to September 30, 2010
Grant Amount:	\$1,160,820
Local Match:	<u> 0</u>
Total Grant Amount:	\$ 1,160,820

The COPS Grant will pay for five new School Resource Officers in the Delaware County Schools. The Resource Officers will be paid 100% by the grant for three (3) years and the County is committed to funding the positions in the fourth (4) Year.

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

RESOLUTION NO. 09-436

IN THE MATTER OF AUTHORIZING THE SUBMITTING OF AN APPLICATION FOR THE JAG GRANT FOR SHERIFF'S OFFICE:

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

Grant #	
Source:	JAG
Grant Period:	October 1, 2009 to September 30, 2010
Grant Amount:	\$ 77,346
Local Match:	<u> 0</u>
Total Grant Amount:	\$ 77,346

The JAG Grant is a shared grant with the City of Delaware. The City will receive \$52,944 and the County will receive \$24,402 in grants funds for equipment. The Sheriff's office will be the fiscal coordinator for the grant and will process payment on behalf of the City and the County. The City and County will be purchasing equipment with the grant proceeds, such as in-car digital video cameras and a digital fingerprint system.

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

RESOLUTION NO. 09-437

IN THE MATTER OF ACCEPTING THE OCJS BALLISTIC VEST GRANT:

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

Grant #	2004-DG-E0V-V7540	Tactic Team Ballistic Vest Up Fit
Source:	Office of Criminal Justice	
Grant Period:	March 9, 2009 through June 1, 2009	
Grant Amount:	\$18,325.58	
Local Match:	\$0.00	
Total Grant Amount:	\$ 18,325.58	

The Tactic Team Ballistic Vest Up Fit Grant will allow the Sheriff's Office to purchase new ballistic vests. There are not matching funds required.

Further be it Resolved that the Board of County Commissioners rename Org Key 28531309 for the Ballistic Vest Grant and approve a supplemental appropriation to 28531309-5225 in the amount of \$18,325.58.

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

RESOLUTION NO. 09-438

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Aubrey Dudra is resigning her position as a Part-Time Paramedic with the EMS Department; effective date April 13, 2009.

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

RESOLUTION NO. 09-439

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR COMMON PLEAS SPECIAL PROJECTS:

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

Transfer of Appropriation		Amount
From	To	
25222203-5260	25222203-5450	
Common Pleas Special Projects/Inventoried Tools	Common Pleas Special Projects/Machinery & Equipment	\$ 13,700.00

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

COMMISSIONERS' COMMITTEES REPORTS

Refer to CD minutes for entire record

Commissioner O'Brien-gave Commissioners' to Congressman Pat Tiberi concerning the US36/37 I-71 Interchange

Commissioner Hanks-report on Investment Committee

Commissioner Thompson-Heart of Ohio Meeting in Pickaway County Organic Crops and Livestock (will have a meeting here in Delaware later this year)

RESOLUTION NO. 09-440

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 COLLECTIVE BARGAINING AND PENDING OR IMMINENT LITIGATION:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn into Executive Session at 6:55PM.

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

RESOLUTION NO. 09-441

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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 8:45PM.

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

RESOLUTION NO. 09-442

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

**Delaware County Investment Committee
Held Quarterly Meeting on April 16, 10:00 AM
Present:
Dale Wilgus, Treasurer
Todd Hanks, Commissioner
Tommy Thompson, Commissioner**

INVESTMENT COMMITTEE RESOLUTION NO. 09-01

IN THE MATTER OF ACCEPTING THE REPORT:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve the report (Copy available for review at Treasurer's Office until no longer of administrative value.)

Vote on Motion Mr. Thompson Aye Mr. Wilgus Aye Mr. Hanks Aye

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INVESTMENT COMMITTEE RESOLUTION NO. 09-02

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. Hanks, seconded by Mr. Wilgus adjourn the meeting.

Vote on Motion Mr. Thompson Aye Mr. Wilgus Aye Mr. Hanks Aye