

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 26, 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,**  
**Absent: Tommy Thompson**

**RESOLUTION NO. 09- 612**

**IN THE MATTER OF APPOINTING JON PETERSON ACTING TREASURER FOR DELAWARE COUNTY:**

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

WHEREAS, by virtue of Delaware County Treasurer Dale Wilgus' retirement, effective May 22, 2009, the office of Delaware County Treasurer is vacant; and

WHEREAS, pursuant to section 305.02(F) of the Revised Code, the Board of County Commissioners may appoint a person to hold the office of County Treasurer as an acting officer and to perform the duties thereof between the occurrence of the vacancy and the time when the officer appointed by the central committee qualifies and takes the office; and

WHEREAS, given the time that will elapse before the central committee makes an appointment to fill the open office of Delaware County Treasurer and the need to have a person perform the statutory and administrative duties and responsibilities of County Treasurer, the Board of Commissioners has determined that it is necessary and proper to appoint an acting officer to perform said duties and responsibilities;

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

Section 1. Jon Peterson is hereby appointed to hold the office of County Treasurer as an acting officer to perform the duties thereof between the effective date of this Resolution and the time when the County Treasurer appointed by the central committee qualifies and takes the office.

Section 2. This Resolution shall take effect immediately upon passage.

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

**RESOLUTION NO. 09-613**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 21, 2009:**

It was moved by Mr. Hanks, 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 May 21, 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    Absent    Mr. O'Brien        Aye        Mr. Hanks        Aye

**PUBLIC COMMENT**

**RESOLUTION NO. 09-614**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0522:**

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0522, and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO'S Increases</b>			
Marion Tech College	Tuition Program JFS	22311611-5348	\$ 5,000.00
Road Master Drivers School	Tuition Program JFS	22311611-5348	\$ 5,000.00

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<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>Vouchers</b>			
Bank of New York	Interest	50111117-5720	\$ 61,162.50
Bank of New York	Interest	50111117-5720	\$ 320,996.87
Bank of New York	Interest	50111117-5720	\$ 55,498.13
Bank of New York Trust	Interest	50111117-5720	\$ 54,691.25
Bank of New York Trust	Interest	50111117-5720	\$ 109,396.87
Bank of New York Trust	Interest	50111117-5720	\$ 14,590.63
Bank of New York Trust	Interest	50111117-5720	\$ 52,091.25
Huntington Bank	Interest	50811125-5720	\$ 48,782.50
Huntington Bank	Interest	50411121-5720	\$ 52,617.50
Huntington Bank	Interest	50911126-5720	\$ 31,800.50
Huntington Bank	Interest	50511122-5720	\$ 1,158.00
Huntington Bank	Interest	51011127-5720	\$ 714.00
Huntington Bank	Interest	51211129-5720	\$ 2,228.00
Huntington Bank	Interest	51111128-5720	\$ 980.00
Huntington Bank	Interest	50611123-5720	\$ 624.00
Huntington Bank	Interest	50711124-5720	\$ 108.00
Bank of New York	Interest	50211119-5720	\$ 226,237.50
US Bank	Interest	66311901-5720	\$ 676,487.50
Delaware County Bank	Interest	50311120-5720	\$ 2,940.00
Delaware County Bank	Interest	50411121-5720	\$ 1,181.33
Delaware County Bank	Interest	50811125-5720	\$ 1,093.92
Delaware County Bank	Interest	51311130-5720	\$ 3,627.00
Delaware County Bank	Interest	51411131-5720	\$ 7,316.55

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

**RESOLUTION NO. 09 -615**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Department of Job and Family Services is requesting that Kathy Butler attend a Social Worker training in Delaware County June 6, 2009, at the cost of \$45.00. (Fund Number 22411604).

The Economic Development Department is requesting that Dottie Brown attend an Acquisitions and Home Marketing Training in Columbus, Ohio June 9-10, 2009, at the cost of \$15.00 (Administrative Economic Development funds).

Juvenile Court is requesting that Judge Kenneth Spicer attend the 2009 Ohio Association of Probate, Domestic and Juvenile Judges Conference in Huron, Ohio June 8-9, 2009, at the cost of \$550.00. (Fund 27826325-5305).

The Department of Job and Family Services is requesting that Mona Reilly and Julie King attend a Ohio Department of Job and Family Services Director's Training in Columbus, Ohio June 1-3, 2009, at the cost of \$545.00. (Fund Number 22411605).

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

**RESOLUTION NO. 09-616**

**IN THE MATTER OF CHANGING THE STARTING TIME FOR THE THURSDAY JUNE 11, 2009, COMMISSIONERS' SESSION TO 10:30AM:**

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve changing the starting time for the Thursday June 11, 2009, Commissioners' Session To 10:30am.

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

**RESOLUTION NO. 09-617**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

The Director of Environmental Services recommends to end the probationary period and approval of the end-of-probationary pay raise for Anthony Cooper, an Operator with the Water Reclamation Department, effective

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date May 6, 2009.

The Director of Environmental Services recommends to end the probationary period and approval of the end-of-probationary pay raise for Robert Brode, a Maintenance Mechanic with the Water Reclamation Department, effective date May 10, 2009.

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

**RESOLUTION NO. 09-618**

**IN THE MATTER OF ACCEPTING THE CERTIFICATE OF SUBSTANTIAL COMPLETION FOR THE STRUCTURAL REPAIRS TO THE SOLID WASTE TRANSFER STATION:**

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

Whereas, the Board of County Commissioners has previously executed a contract with BC&G Weithman Construction of Bucyrus, Ohio to complete the improvements known as Structural Repairs to the Solid Waste Transfer Station, Contract DCES 08-01, and

Whereas, Article 14.04 of the General Conditions of the Contract Documents requires the contractor to notify the Owner and Engineer in writing that the work is substantially complete, and

Whereas, BC&G Weithman Construction has provided this required notification of substantial completion in writing as of May 5, 2009, and

Whereas, the design of the project was performed by County staff and a consulting structural engineer, and

Whereas, the County staff and the structural engineer have inspected the work per the contract documents and have determined that the work is substantially complete, and

Whereas, County staff recommends that the Board of Commissioners accept the certificate of substantial completion for the Structural Repairs to the Solid Waste Transfer Station, Contract DCES 08-01.

Therefore be it resolved, that the Board of County Commissioners sign and accept the Certificate of Substantial Completion for the Structural Repairs to the Solid Waste Transfer Station, Contract DCES 08-01.

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

**RESOLUTION NO. 09-619**

**IN THE MATTER OF APPROVING A VOUCHER TO RETURN THE FIVE YEAR MAINTENANCE DEPOSIT TO BIG WALNUT ASSOCIATES FOR WILLOW BEND SECTION 2:**

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

Whereas, the Board of County Commissioners previously executed a subdivider's agreement with Big Walnut Associates for the Willow Bend Section 2 Sanitary Sewer Improvements, and

Whereas, Big Walnut Associates constructed the sanitary sewer improvements per the County requirements and provided a cash deposit of \$9,000.00 to meet the five-year maintenance bond requirement per the Subdivider's Agreement, and

Whereas, the Board accepted the Willow Bend Section 2 sanitary sewer improvements for public ownership and operation on October 6, 2003,

Whereas, the developer has fulfilled his obligation to maintain the accepted sewer for the required five-year maintenance period which expired in October 2008, and

Whereas, the deposited funds were not used by the County for maintenance purposes at Willow Bend Section 2.

Therefore, be it resolved that the \$9,000.00 cash deposit be refunded and approval of the voucher to Big Walnut Associates per the Subdivider's Agreement.

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

**RESOLUTION NO. 09-620**

**IN THE MATTER OF APPROVING A CHANGE ORDER FOR THE CENTRIFUGE DEWATERING FACILITY**

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**IMPROVEMENTS (DCRSD 08-1) AT OLENTANGY ENVIRONMENTAL CONTROL CENTER:**

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

Whereas the County has previously awarded the Centrifuge Dewatering Facility Improvements (DCRSD 08-1) at the Olentangy Environmental Control Center to Peterson Construction Company Incorporated, and

Whereas County staff has provided construction management and administration for the project, and

Whereas Malcolm Pirnie, Inc., the design engineer, has provide guidance to County staff on technical issues for the project, and

Whereas the contractor has requested revisions to the project scope for various reasons, and

Whereas both the County staff and Malcolm Pirnie have reviewed the change requests by the contractor, and

Whereas County staff and Malcolm Pirnie concur that the change order requests as provided in Change Order No. 2 are in the best financial and operational interest of the County, and

Whereas both the County staff and Malcolm Pirnie recommend approval of the change order requests as provided in Change Order No. 2, and

Whereas the contract documents permit Peterson Construction Company's contract amount to be adjusted when changes in scope are approved, and

Whereas to expedite the completion of the overall project, the County staff in concert with Malcolm Pirnie recommends executing Change Order No. 2 with Peterson Construction Company.

Therefore be it resolved that the Board of County Commissioners approve Change Order No. 2.

**Change Order 2**

Date of Issuance: 5/18/2009 Effective Date: \_\_\_\_\_

Project: OECC Centrifuge Dewatering Facility	Owner: Delaware County Board of Commissioners	Owner's Contract No.: DCRSD 08-1
Contract: Centrifuge Dewatering Facility Improvements		Date of Contract: 02/08
Contractor: Peterson Construction Company		Engineer's Project No.: DCRSD 08-1

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description: Reroute 6" WAS lines and 2" PW line, changes in asphalt paving, Hardie cement siding, 2" compression valve addition, ODOT guardrail changes, and north downspout changes detailed in attached memo.

Attachments: (List documents supporting change): C.O. Requests Letter

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:  \$ <u>2,850,000.00</u>	Original Contract Times: ☛ Working days ☛ Calendar days Substantial completion (days or date): <u>No Change</u> Ready for final payment (days or date): <u>No Change</u>
Increase from previously approved Change Orders No. <u>1</u> to No. <u>1</u> :  \$ <u>17,162.21</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial completion (days): <u>No Change</u> Ready for final payment (days): <u>No Change</u>
Contract Price prior to this Change Order:  \$ <u>2,867,162.21</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>No Change</u> Ready for final payment (days or date): <u>No Change</u>
Decrease of this Change Order:  \$ <u>6,322.00</u>	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): <u>No Change</u> Ready for final payment (days or date): <u>No Change</u>
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>No Change</u>

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\$ 2,860,840.21

Ready for final payment (days or date): No Change

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

**COMMISSIONERS' COMMITTEES REPORTS**

**Refer to CD minutes for entire record**

**Commissioner Hanks**

**-at 6.6% Delaware County's unemployment rate is lowest in state**

**Commissioner O'Brien**

**No additional comments**

**RESOLUTION NO. 09-621**

**IN THE MATTER OF ADJOURNING THE MEETING:**

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

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