

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 13, 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. 09-817

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 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 July 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. Carol Huntzinger, has concerns about the health care her husband is receiving at the Delaware County Jail
2. Maggie Webb; against proposed round-about on Rt. 315-
3. Judi Brozek; against proposed round-about on Rt. 315-
4. Jim Hurt; against proposed round-about on Rt. 315-
5. Ellen Hardymon; against proposed round-about on Rt. 315-

RESOLUTION NO. 09-818

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0710, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0710:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0710, memo transfers in batch numbers MTAPR0710 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R0905401	COLUMBUS ZOOLOGICAL PARK ASSOCIATION	FEASIBILITY STUDY	23111709 - 5301	\$10,000.00	0001
R0905418	SKYLINE SEALANTS	COURTHOUSE EXTERIOR WORK	40111402 - 5410	\$13,100.00	0001
R0905290	BOARD OF DEVELOPMENTAL DISABILITIES	FAMILY CHILDREN'S FIRST	70161603-5301	\$10,821.00	0001
R0905290	BOARD OF DEVELOPMENTAL DISABILITIES	FAMILY CHILDREN'S FIRST	70161602-5301	\$10,821.00	0002

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO'S Increases			
Delaware Motive	Auto Parts	100111106-5228	\$ 4,700.00
Child Care Unlimited	Day Care	22511607-5348	\$ 2,000.00

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DATA Client Transportation 22411601-5355 \$ 10,000.00

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

RESOLUTION NO. 09 -819

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Environmental Services Department is requesting that Eric Kletrovetz and Tiffany Jenkins attend a Soil Mechanics and Engineering for Buildings Professionals in Worthington, Ohio July 24, 2009, at the cost of \$518.00. (Fund Number 66211902-5305).

The Engineer's Office is requesting that Doug Riedel and Erik Mackling attend the 2009 APWA International Public Works Congress and Exposition in Columbus, Ohio September 13-16, 2009, at the cost of \$1,680.00. (Fund Number 29214005).

The Economic Development Department is requesting that Gus Comstock attend the International Economic Development Council Annual Conference in Reno, Nevada October 4-7, 2009, at the cost of \$1,800.00. (Fund number 21011113).

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

RESOLUTION NO. 09-820

SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE RHODES #7 WATERSHED DITCH PETITION PROJECT:

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

Whereas, the Board of Commissioners of Delaware County on October 31, 2005, held a public hearing and determined the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the reconstruction and improvement of the Rhodes #7 Watershed Ditch Petition Project, and

Whereas, at that time the Delaware County Commissioners directed the Delaware County Engineer to proceed with the preparation of plans, reports, and schedules for the completion of the ditch project, and

Whereas, the Delaware County Engineer has notified the Commissioners that the plans, reports, and schedules for the construction of the Rhodes #7 Watershed Ditch Petition Project are being finalized for their review and consideration.

Therefore be it Resolved, the Board of County Commissioners of The County of Delaware have fixed **Monday the 5th day of October, 2009, at 7:30 PM** at the Commissioners Hearing Room 101 North Sandusky Street Delaware, Ohio as the time and place of the final hearing by the Commissioners on the report of the County Engineer.

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

RESOLUTION NO. 09-821

IN THE MATTER OF APPROVING PLATS FOR FAIR HAVEN AND SCHYBAL SUBDIVISION NUMBER II:

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

Whereas, the plats for the following developments have been approved by the County Engineer, and

Whereas, the County Engineer recommends that the Commissioners approve the following plats;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the following plats.

Fair Haven

Situated In The Township Of Harlem, County Of Delaware, State Of Ohio, And Being Part Of Farm Lot #21 And Farm Lot #22 In Section 4 Of Township 3N, Range 16W, Of The "United States Military Lands" Land Survey. Being A Survey Of All Of The Lands Containing A 16.834 Acre Tract, O.R. Volume 777, Page 2103, And An 11.206 Acre Tract Being Of Record By Deed Of Volume 651, Page 145, A Total Of 28.040 Acres Currently Conveyed To Robert A. Fry, And In The Record Of Deeds In The Delaware County Recorders

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Office, Delaware, Ohio. Cost \$12.00

Schybal Subdivision Number II

Situated In The Township Of Harlem, County Of Delaware, State Of Ohio, Being Part Of Farm Lot 7, Section 2, Township 3, Range 16 United States Military Lands And Being All Of The 31.026 Acre Tract (11.251 Acres In Lot 468 Of Schybal Subdivision , Cab. 2, Slide 238) As Conveyed To Joseph And Beverly Schybal In Volume 468, Page 101, Recorder’s Office, Delaware County, Ohio. Cost \$9.00

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

RESOLUTION NO. 09-822

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR THE GREENS AT NORTHSTAR:

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

WHEREAS, on July 8, 2009 a Ditch Maintenance Petition for the **Greens at Northstar** was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within the subdivision; and

WHEREAS, the Petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the Petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements being \$233,235.00 for the benefit of a total of 150 units, the basis for calculating the assessment for each lot is, therefore, \$1,554.90 per unit. An annual maintenance fee equal to two percent (2%) of this basis (\$31.10) shall be collected for each lot. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year’s assessment for all of the lots in the amount of \$4,664.70 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3. This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

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

RESOLUTION NO. 09-823

IN THE MATTER OF APPROVING OWNER'S AGREEMENT FOR NORTHSTAR SECTION 1 - WILSON ROAD CHANGE ORDER NUMBER 3:

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

Whereas, the County Engineer recommends approval of the following owner’s agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following

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owner's agreement for Northstar Section 1 - Wilson Road Change Order Number 3:

Owner's Agreement for Northstar Section 1 - Wilson Road Change Order Number 3

OWNER'S AGREEMENT

THIS AGREEMENT made and entered into this 13th day of July 2009 By and between the COUNTY OF DELAWARE (acting through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and SHUMATE DEVELOPMENT COMPANY, hereinafter called the OWNER, as evidenced by the Engineering and Construction Plan entitled "NORTHSTAR SECTION 1 – WILSON ROAD CHANGE ORDER NUMBER 3" which was approved by the County Engineer, hereinafter called the PLAN, is governed by the following considerations to wit:

1. The OWNER is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the PLAN, which is part of this AGREEMENT.
2. The OWNER shall pay the entire cost and expenses of said improvements.
3. The OWNER is to provide an irrevocable letter of credit or other approved financial warranties in the amount of FIFTY-EIGHT THOUSAND ONE HUNDRED TWELVE DOLLARS payable to the BOARD OF COUNTY COMMISSIONERS to insure the faithful performance of this AGREEMENT and the completion of all of the said improvements in accordance with the current "Delaware County Engineering and Surveying Standards for Subdivision Development" and current "Subdivision Regulations of Delaware County, Ohio".
4. The OWNER shall deposit inspection fees in the amount of FOUR THOUSAND SIX HUNDRED DOLLARS (\$4,600) estimated to be necessary to pay the cost of inspection by the Delaware County Engineer. Upon completion of the project and acceptance of the improvements by the Delaware County Commissioners, the remaining amount in the fund shall be returned to the OWNER.
5. The OWNER is to complete all construction to the satisfaction of the COUNTY as evidenced by an approval letter from the Delaware County Engineer.
6. The OWNER shall hold the COUNTY free and harmless from any and all claims for damages of every nature arising or growing out of the construction of said improvements.
7. The OWNER will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the Delaware County Engineer. Construction signs, barricades and lights shall be placed as needed on the job site as needed in accordance with the Ohio Department of Transportation "Uniform Traffic Control Devices" and "Traffic Control for Construction and Maintenance".
8. The OWNER further agrees that any violation of or noncompliance with any of the provisions as stipulations of this AGREEMENT shall constitute a breach of contract, and the Delaware County Engineer shall have the right to stop work forthwith and use the surety for the completion of the improvements.
9. If the OWNER should become unable to carry out the provisions of this AGREEMENT, the OWNER'S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this AGREEMENT.
10. Upon approval and acceptance of the improvements, the original copy of the PLAN shall become the property of the COUNTY and shall be filed in the office of the Delaware County Engineer.
11. In consideration whereof, the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO hereby grants to the OWNER or his agent the right and privilege to make the said improvements stipulated herein.

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

RESOLUTION NO. 09-824

IN THE MATTER OF APPROVING OWNER'S AGREEMENT FOR GREENS AT NORTHSTAR PHASE 1:

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

Whereas, the County Engineer recommends approval of the following owner's agreement;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following owner's agreement for Greens at Northstar Phase 1

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Owner's Agreement for Greens at Northstar Phase 1

OWNER’S AGREEMENT

THIS AGREEMENT made and entered into this 13th day of July 2009 by and between the COUNTY OF DELAWARE (acting through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and SHUMATE DEVELOPMENT COMPANY, hereinafter called the OWNER, as evidenced by the Engineering and Construction Plan entitled “GREENS AT NORTHSTAR PHASE 1” which was approved by the County Engineer, hereinafter called the PLAN, is governed by the following considerations to wit:

1. The OWNER is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the PLAN, which is part of this AGREEMENT.
2. The OWNER shall pay the entire cost and expenses of said improvements.
3. The OWNER is to provide an irrevocable letter of credit or other approved financial warranties in the amount of TWENTY-TWO THOUSAND EIGHT HUNDRED SIXTY-FOUR DOLLARS payable to the BOARD OF COUNTY COMMISSIONERS to insure the faithful performance of this AGREEMENT and the completion of all of the said improvements in accordance with the current “Delaware County Engineering and Surveying Standards for Subdivision Development” and current “Subdivision Regulations of Delaware County, Ohio”.
4. The OWNER shall deposit inspection fees in the amount of ONE THOUSAND EIGHT HUNDRED THIRTY DOLLARS estimated to be necessary to pay the cost of inspection by the Delaware County Engineer. Upon completion of the project and acceptance of the improvements by the Delaware County Commissioners, the remaining amount in the fund shall be returned to the OWNER.
5. The OWNER is to complete all construction to the satisfaction of the COUNTY as evidenced by an approval letter from the Delaware County Engineer.
6. The OWNER shall hold the COUNTY free and harmless from any and all claims for damages of every nature arising or growing out of the construction of said improvements.
7. The OWNER will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the Delaware County Engineer. Construction signs, barricades and lights shall be placed as needed on the job site as needed in accordance with the Ohio Department of Transportation “Uniform Traffic Control Devices” and “Traffic Control for Construction and Maintenance”.
8. The OWNER further agrees that any violation of or noncompliance with any of the provisions as stipulations of this AGREEMENT shall constitute a breach of contract, and the Delaware County Engineer shall have the right to stop work forthwith and use the surety for the completion of the improvements.
9. If the OWNER should become unable to carry out the provisions of this AGREEMENT, the OWNER’S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this AGREEMENT.
10. Upon approval and acceptance of the improvements, the original copy of the PLAN shall become the property of the COUNTY and shall be field in the office of the Delaware County Engineer.
11. In consideration whereof, the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO hereby grants to the OWNER or his agent the right and privilege to make the said improvements stipulated herein.

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

RESOLUTION NO. 09-825

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR WOODLAND HALL SECTION II; CROSS CREEK SECTION 3, PHASE A; SCIOTO RESERVE EXPANSION SECTION 2, PHASE A; SCIOTO RESERVE EXPANSION SECTION 2, PHASE B:

It was moved by Mr. O’Brien, seconded by Mr. Hanks to release bonds and letters of credit and accept roads within the following:

Woodland Hall Section 2 ; See Resolution 09-843.-- July 16, 2009

Please be advised the Engineer has reviewed the roadway construction of the roads within the referenced subdivision and find them to be constructed in accordance with the approved plans. Therefore, it is his

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*recommendation that the roadways within the referenced subdivision be accepted into the public system and that the **Liberty Township Trustees** be notified of your action.*

The roadways to be accepted are as follows:

- *An addition of 0.64 mile to **Township Road Number 1364, Woodland Hall Drive***
- ***Red Emerald Way**, to be known as **Township Road Number 1600***
- ***Dutch Court**, to be known as **Township Road Number 1601***

The Engineer also recommends that 25 mile per hour speed limits be established throughout the project.

The Engineer also request approval to return the Letter of Credit being held as maintenance surety to the developer, West Point Holdings, Inc.

Cross Creek Section 3, Phase A

Please be advised the Engineer has reviewed the roadway construction of the road within the referenced subdivision and find it to be constructed in accordance with the approved plans. Therefore, it is his recommendation that the roadway within the referenced subdivision be accepted into the public system and that the **Orange Township Trustees** be notified of your action.

The roadway to be accepted is as follows:

- **Keaton Court**, to be known as **Township Road Number 1605**

The Engineer also recommends that 25 mile per hour speed limits be established throughout the project.

The Engineer also request approval to return the Letter of Credit being held as maintenance surety to the developer, Homewood Corporation.

Scioto Reserve Expansion Section 2, Phase A

Please be advised The Engineer has reviewed the roadway construction of the road within the referenced subdivision and find it to be constructed in accordance with the approved plans. Therefore, it is his recommendation that the roadway within the referenced subdivision be accepted into the public system and that the **Concord Township Trustees** be notified of your action.

The roadway to be accepted is as follows:

- **Pleasant View Loop**, to be known as **Township Road Number 1604**

The Engineer also recommends that 25 mile per hour speed limits be established throughout the project.

The Engineer also request approval to return the Letter of Credit being held as maintenance surety to the developer, Village Communities.

Scioto Reserve Expansion Section 2, Phase B

Please be advised the Engineer has reviewed the roadway construction of the roads within the referenced subdivision and find them to be constructed in accordance with the approved plans. Therefore, it is his recommendation that the roadways within the referenced subdivision be accepted into the public system and that the **Concord Township Trustees** be notified of your action.

The roadways to be accepted are as follows:

- An addition of 0.11 mile to **Township Road Number 1592, Letterman Drive**
- An addition of 0.11 mile to **Township Road Number 1593, Clear Creek Loop**
- **Creek View Court**, to be known as **Township Road Number 1602**
- **Pleasant Creek Court**, to be known as **Township Road Number 1603**

The Engineer also recommends that 25 mile per hour speed limits be established throughout the project.

The Engineer also request approval to return the Letter of Credit being held as maintenance surety to the developer, Village Communities.

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

RESOLUTION NO. 09-826

IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR WOODLAND HALL

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SECTION II; CROSS CREEK SECTION 3, PHASE A; SCIOTO RESERVE EXPANSION SECTION 2, PHASE A; SCIOTO RESERVE EXPANSION SECTION 2, PHASE B:

It was moved by Mr. Hanks, seconded by Mr. Thompson to establish stop conditions for the following:

Stop Conditions – Woodland Hall Section 2 – See Resolution No. 09-843--July 16, 2009

- On Township Road Number 1369, Woodland Hall Drive, at its intersection with Township Road Number 1600, Red Emerald Way
- On Township Road Number 1369, Woodland Hall Drive, at its intersection with Township Road Number 1369, Woodland Hall Drive (“T” intersection)
- On Township Road Number 1369, Woodland Hall Drive, at its intersection with Township Road Number 1601, Dutch Court

Stop Conditions –Cross Creek Section 3, Phase A

- On Township Road Number 1605, Keaton Court, at its intersection with Township Road Number 1219, Abbey Knoll Drive

Stop Conditions – Scioto Reserve Expansion Section 2, Phase A

- On Township Road Number 1604, Pleasant View Loop, at its intersection with Township Road Number 1210, Scioto Chase Boulevard
- On Township Road Number 1604, Pleasant View Loop, at its intersection with Township Road Number 1592, Letterman Drive

Stop Conditions – Scioto Reserve Expansion Section 2, Phase B

- On Township Road Number 1593, Clear Creek Loop, at its intersection with Township Road Number 1602, Creek View Court
- On Township Road Number 1602, Creek View Court, at its intersection with Township Road Number 1592, Letterman Drive
- On Township Road Number 1603, Pleasant Creek Court, at its intersection with Township Road Number 1592, Letterman Drive

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

RESOLUTION NO. 09-827

IN THE MATTER OF ACCEPTING MAINTENANCE BOND FOR LITTLE BEAR VILLAGE SECTION 2:

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

Little Bear Village Section 2

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer’s recent field review, he has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period. Therefore, in accordance with the Owner’s Agreement, The Engineer recommends that the maintenance bond be set at **\$75,310** (10% of the original construction estimate) and the project be placed on the required one year maintenance period. A Letter of Credit in that amount is in place.

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

RESOLUTION NO. 09-828

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
U09-017 REVISED	AEP	HOME RD	RELOCATE FACILITIES
U09-038	AEP	BALE KENYON RD	RELOCATE FACILITIES
U09-046	AEP	LIBERTY RD	TRENCH PRIMARY TO NEW POLE

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

RESOLUTION NO. 09-829

IN THE MATTER OF APPROVING A CONTRACT MODIFICATION WITH TETRA TECH INFRASTRUCTURE GROUP FOR THE HOME ROAD/S.R. 257/ SECTION LINE ROAD

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IMPROVEMENTS:

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

Whereas, the County Engineer recommends approval of the Contract Modification for the Home Road/S.R. 257/ Section Line Road Improvements

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following Contract Modification for the Home Road/S.R. 257/ Section Line Road Improvements

CONTRACT MODIFICATION # 1

**HOME ROAD / SR 257 / SECTION LINE ROAD IMPROVEMENTS
PART 2 – FINAL DESIGN (PDP STEPS 5-10)**

Section 1 – Parties to the Agreement

Agreement entered into on March 10, 2008 by and between the Delaware County Board of Commissioners, Delaware County, Ohio (“County”), and the firm of **Tetra Tech | Infrastructure Group, 3366 Riverside Drive, Suite 206/207 | Columbus, Ohio 43221** (“Consultant”), attached for reference and modified herein, this 13th day of July , 2009.

Section 2 – Contract Administrator

This section unchanged.

Section 3 – Scope of Services (Work)

Consultant agrees to furnish, unto the County, additional professional engineering services for the project known as **DEL-CR124-1.88 HOME ROAD / SR 257 / SECTION LINE ROAD IMPROVEMENTS** including services listed in the Scope of Services and Price Proposal for Contract Modification Number 1, revised June 12, 2009, by this reference hereby made part of this Agreement. Consultant further agrees to perform the Work promptly and in a skillfully competent manner under the direction of the Administrator and in accordance with generally accepted professional engineering standards.

Section 4 – Compensation

Compensation for Work performed under Part 2 of this Agreement shall be based on a lump sum not to exceed Three Hundred Ninety One thousand Eight Hundred Ten dollars and zero cents (\$391,810.00) as detailed in the Consultant’s aforementioned Price Proposal. The grand total for Parts 1 & 2 is therefore not to exceed \$985,549.00 (\$593,739 Part 1 + \$391,810 Part 2) without further written authorization.

Section 5 – Payment

Compensation shall be paid based on periodic estimates, made no more than once per month, of the percentage of work completed to date. Invoices shall be submitted to the Administrator by the Consultant on company letterhead clearly listing the word “Invoice” showing a sequential invoice number and the dates that work was performed, the percentage and cost of work completed within the period and completed to date. Consultant shall not commence any “If-Authorized” task listed in the Price Proposal until written authorization for such work is provided by the County. The County may request additional documentation substantiating said invoices and the Consultant shall promptly submit documentation as needed to substantiate said invoices.

Section 6 – Completion of Work, Delays and Extensions

All Work associated with this Agreement shall be completed by the Consultant no later than October 31, 2011. In the event that unforeseen and unavoidable delays prevent the timely completion of the Work provided under this Agreement, the Consultant may make a written request for time extension, and the Administrator may grant such an extension provided that all other terms of the Agreement are adhered to.

Section 7 – Insurance

This section unchanged.

Section 8 – Indemnification

This section unchanged.

Section 9 – Termination of Agreement

This section unchanged.

Section 10 – Change in Scope of Work

This section unchanged.

Section 11 – Ownership of Engineering Documents

This section unchanged.

Section 12 – Change of Key Consultant Staff

This section unchanged.

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Section 13 – Miscellaneous Terms & Conditions

This section unchanged.

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

RESOLUTION NO. 09-830

IN THE MATTER OF AMENDING RESOLUTION NUMBER 09-324 (DECLARING COUNTY PERSONAL PROPERTY OBSOLETE, UNFIT OR NOT NEEDED FOR PUBLIC USE):

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

WHEREAS, with Resolution Number 09-324, the Board of Delaware County Commissioners declared the following County Personal Property obsolete, unfit or not needed for public use.

Office/Dept. Delaware County Engineer's Office

<u>Asset Tag #</u>	<u>Item Description</u>	<u>Serial #</u>
4810310087	International 4900 Dump Truck	1HTSDNGN5MH351427

And, Whereas, the Delaware County Engineer's Office received no bids at auction and therefore the above described equipment was not sold, and

Whereas, at this time, the Engineering Staff has recommended to not try to sell the item again and will continue to maintain and use the vehicle in some capacity;

NOW THEREFORE BE IT RESOLVED, that the Delaware County Board of Commissioners removes the International 4900 Dump Truck, Serial Number 1HTSDNGN5MH351427 from the list of personal property declared obsolete, unfit or not needed for public use.

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

RESOLUTION NO. 09 -831

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY CHILD SUPPORT ENFORCEMENT AGENCY FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR CHILD SUPPORT CASH MEDICAL SUPPORT TRAINING AWARENESS:

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure Of Public Funds For Proper "Public Purpose", and

WHEREAS, The October 20, 2003, State Auditor's ruling on payment of Expenditures Of Public Funds For Proper "Public Purpose" states that for persons who are employees or non-employees of the County, the Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities.

WHEREAS, August is recognized as Child Support Awareness month; and

WHEREAS, Delaware County Child Support Enforcement Agency has planned Cash Medical Support training to provide changes in requirements for establishment and enforcement of child support, medical support and case medical support to staff and local attorneys to be held on August 21st; and

WHEREAS, Delaware County Child Support Enforcement Agency plans to use incentive dollars to pay for the event; and

WHEREAS, the Department requests approval to procure food for this event; and

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 Delaware County Board of Commissioners hereby authorizes the use of Child Support Enforcement Agency funds in an amount not to exceed \$75.00 to assist in funding the purchase of refreshments and other amenities for Child Support Awareness Month 2009.

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

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RESOLUTION NO. 09-832

IN THE MATTER OF AWARDING THE BID TO MASTER MAINTENANCE LLC FOR JANITORIAL SERVICES FOR DELAWARE COUNTY:

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

WHEREAS, Delaware County received bids for janitorial services for the Delaware County Offices at the Engineering Complex 50 Channing Street and the Wolf Building 149 N Sandusky Street on June 15, 2009. And;

WHEREAS, after carefully reviewing the bids received, the bid submitted by Master Maintenance LLC has been determined to be the lowest and best bid for janitorial services;

NOW THEREFORE BE IT RESOLVED, that the board of Commissioners of Delaware County, State of Ohio, accept and award the bid for all locations submitted by Master Maintenance LLC for janitorial services for Delaware County.

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

RESOLUTION NO. 09-833

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR JOB AND FAMILY SERVICES FOR FAMILY CHILDREN'S FIRST:

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

Appropriation Transfers

From	To		
70161603-5301	70161603-5260		
FCFC Admin/Contract Professional Services	FCFC Admin/Inv Tools, Equip, Furniture	\$	2,000.00

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

RESOLUTION NO. 09-834

IN THE MATTER OF APPROVING THE AMENDMENT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FORMULA 2008 FOR THE VILLAGE OF ASHLEY WATER FACILITY IMPROVEMENTS:

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

WHEREAS, the State of Ohio, Department of Development, provides financial assistance to local governments under the Community Development Block Grant (CDBG) Program for the purpose of addressing local government needs; and

WHEREAS, Delaware County has been awarded Formula 2008 funds by the Ohio Department of Development to facilitate the implementation of activities in the County, and

WHEREAS, Village of Ashley, Water Facility Improvements, is one project currently approved for funding in the amount of \$40,000 under the CDBG FY 2008 Grant, the Delaware Revolving Loan Fund (RLF) in the amount up to \$5,000, and \$5,000 from the Village of Ashley, and

WHEREAS, the Village has requested to amend the scope of work from replacing nine existing valves and installing six new valves to replacing nine existing fire hydrant and valve assemblies at the same cost in the original grant, and

WHEREAS, since the grant application was submitted, the Village of Ashley has replaced many of the valves due to water line breaks.

Whereas, the Director of the Economic Development Department recommends approval of the following:

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

SECTION I. The Board of Commissioners approves the Village of Ashley to amend the CDBG Formula 2008 scope of work from replacing nine existing valves and installing six new valves to replacing nine existing fire hydrant and valve assemblies at the same cost in the original grant.

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SECTION 2. That this resolution shall take effect and be in force immediately after its passage.

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

RESOLUTION NO. 09-835

IN THE MATTER OF APPOINTING GARY MERRELL AND MINDY YOCUM AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVES TO THE COMMUNITY ACTION ORGANIZATION OF DELAWARE, MADISON AND UNION COUNTIES:

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

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, The Board of Commissioners of Delaware County shall appoint individual(s) to the Community Action Organization of Delaware, Madison, and Union Counties. Gary Merrell and Mindy Yocum shall be appointed for a three year term effective July 16, 2009 and ending July 15, 2012;

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, appoint Gary Merrell and Mindy Yocum to the Community Action Organization of Delaware, Madison, and Union Counties for a three year term effective July 16, 2009 and ending July 15, 2012.

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

RESOLUTION NO. 09-836

IN THE MATTER OF APPOINTING CYNTHIA TIZZANO AND THOMAS HELMRATH AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVES TO THE DELAWARE - MORROW COUNTY MENTAL HEALTH & RECOVERY SERVICES BOARD:

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

Whereas, The Board of Commissioners of Delaware County is responsible to make appointments from the public to various boards, councils and committees, and

Whereas, the Board of Commissioners of Delaware County shall appoint representatives to the Delaware-Morrow County Mental Health and Recovery Services Board. Cynthia Tizzano will be appointed to complete an unexpired term which began July 6, 2007 and ends June 30, 2010. Thomas Helmrath shall be appointed to serve a term effective July 1, 2009, and ending June 30, 2013;

Therefore, be it resolved that the Board of Commissioners at Delaware County, State of Ohio, appoint Cynthia Tizzano to complete an unexpired term which began on July 6, 2007 and ends on June 30, 2010. Thomas Helmrath will be appointed to serve a term effective July 1, 2009, and ending June 30, 2013 to the Delaware-Morrow County Mental Health and Recovery Board.

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

RESOLUTION NO. 09 -837

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY 911 FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS, AND OTHER AMENITIES FOR THE DELAWARE COUNTY 911 DIRECTOR INTERVIEWS:

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

WHEREAS, The Ohio Attorney General Opinion No. 82-006 addresses the issue Expenditure Of Public Funds For Proper "Public Purpose", and

WHEREAS, The October 20, 2003, State Auditor's ruling on payment of Expenditures Of Public Funds For Proper "Public Purpose" states that for persons who are employees or non-employees of the County, the Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities.

WHEREAS, the Delaware County 911 Board is recruiting a 911 Director; several candidates are from out of state; the interview process will be a day long process and meals need to be provided;

NOW THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED, by the Board of Commissioners, County of Delaware, State of Ohio as follows:

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Section 1. That the Delaware County Board of Commissioners hereby authorizes the use of 911 Funds in an amount not to exceed \$500.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for The Delaware County 911 Director Recruitment Process

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

RESOLUTION NO. 09-838

IN THE MATTER OF SCHEDULING A SPECIAL SESSION ON WEDNESDAY JULY 15, 2009 AT 9:00AM FOR CONSIDERATION OF APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to schedule a special session on Wednesday July 15, 2009 At 9:00AM for consideration of appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or public official.

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

COMMISSIONERS' COMMITTEES REPORTS

Refer to CD minutes for entire record

Commissioner Thompson

- Special meeting on Wednesday for Executive Session for interview finalist
- on July 21st DKMM solid waste district meeting in Marion for all 4 counties and commissioners

Commissioner Hanks

- Gazette article, sales tax are slightly up
- Thanks the Sheriff for Delaware County safety; (heard a person remark on the news, that there were places in Franklin County that one should not go into without police)

Commissioner O'Brien

- attended 911 Board meeting; moving along well
- might have conflict on the 21st for DKMM; EOC meeting and 911 Board Meetings are scheduled

RESOLUTION NO. 09-839

IN THE MATTER OF ADJOURNING THE MEETING:

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

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

Todd Hanks

Ken O'Brien

Tommy Thompson