

**COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 3, 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. 09-1092

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 31, 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 August 31, 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. 09-1093

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0902:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0902 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO'S Increases			
Beems BP Distribution	Gasoline	10011106-5228	\$ 35,000.00
Franklin County Coroner	Autopsies	10030301-5342	\$ 32,000.00
JV Court	Court Contract	23711630-5360	\$ 30,000.00
Netcare	Services for Public Defender	10011202-5342	\$ 10,000.00

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

RESOLUTION NO. 09-1094

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Commissioners' Office is requesting that Dave Cannon attend a CCAO Regional Briefing in Wood County September 30, 2009 and Lisa Iannotta attend the CCAO Regional Briefing in Clinton County October 5, 2009, at no cost.

The Sheriff's Office is requesting that Busty Yates attend a Homicidal Drowning Investigations Training in Summit County September 2-3, 2009, at the cost of \$396.20 (Fund Number 29131321).

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

RESOLUTION NO. 09-1095

IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM 6477 PULLMAN INC. 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 Orange Township Trustees that 6477 Pullman INC. has requested a new D5 permit located at 6477 Pullman Drive Orange Township Lewis Center, Ohio 43035, and

**COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 3, 2009**

Whereas, the Orange Township Trustees have not filed an 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. 09-1096

IN THE MATTER OF A LIQUOR LICENSE TRANSFER REQUEST FROM BIGELOW AND CUSICK LTD. TO CADDY SHACK PUB INC. DBA CADDY SHACK PUB 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 Liberty Township Trustees that Caddy Shack Pub INC. DBA Caddy Shack Pub, has requested a transfer of the D1, D2, D3 and D3A permits from Bigelow and Cusick Ltd. Both business located at 9852 Brewster Lane Liberty Township Powell, Ohio 43065, and

Whereas, the Liberty Township Trustees have not filed an 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. O'Brien Aye Mr. Thompson Aye Mr. Hanks Aye

RESOLUTION NO. 09-1097

IN THE MATTER OF WAIVING THE CLIENT-ATTORNEY PRIVILEGE FOR SPECIFIC COMMUNICATIONS RELATED TO THE MEETING NOTES OF A MEETING TO DISCUSS A REQUEST FOR PROPOSALS FOR WASTE ENERGY:

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

WHEREAS, a meeting was held on July 2, 2009 to discuss a Request for Proposals (RFP) for waste energy; and

WHEREAS, the Delaware County Prosecuting Attorney serves as statutory counsel to the Board, pursuant to Chapter 309 of the Revised Code; and

WHEREAS, a member of the Board of County Commissioners and staff met to seek the professional services and advice of its legal counsel regarding an RFP; and

WHEREAS, the communication the Board received in response to its request for legal services and advice and the request itself are protected by the client-attorney privilege as a confidential communication; and

WHEREAS, the Board recognizes the importance of maintaining the confidentiality of client-attorney communications in order to procure open and candid legal advice from counsel; and

WHEREAS, the Board determines that it is no longer necessary to invoke the client-attorney privilege for the specific communications related to the meeting of July 2, 2009;

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

Section 1. The Board hereby waives the client-attorney privilege for the specific communications related to the meeting notes, documents, and opinions of the July 2, 2009 meeting. This waiver shall in no way waive, limit or diminish the privilege as it may relate to any other matters or communications.

Section 2. The Board hereby directs the County Administrator to release the notes, documents and opinion of the July 2, 2009 meeting to discuss a Request for Proposals for waste energy.

**COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 3, 2009**

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

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

RESOLUTION NO. 09-1098

IN THE MATTER OF AUTHORIZING THE SUBMITTING OF AN APPLICATION FOR A PRETRIAL SUPERVISION GRANT FOR ADULT COURT SERVICES :

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

Grant #	2009-JG-C01-T11767
Source:	Office of Criminal Justice Services
Grant Period:	January 1, 2010 to December 31, 2010
OCJS Grant Amount:	\$ 44,528.15
Local Match:	\$ 14,842.71
Total Grant Amount:	\$ 59,370.86

The Grant is designed to provide the Judges with concise relevant information and supervise appropriate offenders at the appropriate level, enhance public safety, and ultimately reduce jail population.

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

RESOLUTION NO. 09-1099

IN THE MATTER OF AUTHORIZING THE SUBMITTING OF AN APPLICATION FOR A MENTAL HEALTH DOCKET GRANT FOR ADULT COURT SERVICES :

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

Grant #	2009-JG-C01-T11724
Source:	Office of Criminal Justice Services
Grant Period:	January 1, 2010 to December 31, 2010
OCJS Grant Amount:	\$ 35,505.33
County Match:	\$ 5,917.55
City Match:	\$ 5,917.55
Total Grant Amount:	\$ 47,340.43

The Grant is designed as collaboration between Delaware County Court of Common Pleas and the Delaware City Municipal Court to divert individuals with mental illnesses from incarceration and further contact with the criminal justice system.

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

RESOLUTION NO. 09-1100

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR ADULT COURT SERVICES:

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

Supplemental Appropriation

25622303-5001	Intensive Supervision	\$ 25,330.00
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Transfer of Appropriation

From	To:	
25622303-5301	25622303-5120	
Intensive Supervision/Prof Services	Intensive Supervision/PERS	\$ 35.00
25622303-5310	25622303-5120	
Intensive Supervision/Travel	Intensive Supervision/PERS	\$ 2,020.00
25622303-5328	25622303-5120	
Intensive Supervision/Inv Tools	Intensive Supervision/PERS	\$ 600.00
25622303-5260	25622303-5120	
Intensive Supervision/Training	Intensive Supervision/PERS	\$ 2,000.00
25622303-5301	25622303-5131	
Intensive Supervision/Prof Services	Intensive Supervision/Medicare	\$ 465.00
25622303-5308	25622303-5102	
Intensive Supervision/Membership	Intensive Supervision/Workers Comp	\$ 620.00

**COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 3, 2009**

25622303-5308	25622303-5001	
Intensive Supervision/Membership	Intensive Supervision/Compensation	\$ 100.00
25622303-5330	25622303-5001	
Intensive Supervision/Communication	Intensive Supervision/Compensation	\$ 500.00
25622303-5201	25622303-5101	
Intensive Supervision/General Supplies	Intensive Supervision/Insurance	\$ 6,000.00
25622303-5215	25622303-5001	
Intensive Supervision/Program Supplies	Intensive Supervision/Compensation	\$ 1,000.00
25622303-5238	25622303-5001	
Intensive Supervision/Safety & Security	Intensive Supervision/Compensation	\$ 2,000.00
25622303-5201	25622303-5001	
Intensive Supervision/General Supplies	Intensive Supervision/Compensation	\$ 2,000.00

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

RESOLUTION NO. 09-1101

**IN THE MATTER OF ESTABLISHING NEW FUNDS AND APPROVING TRANSFER OF
APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR JOB AND FAMILY SERVICES
FAMILY CHILDREN'S FIRST COUNCIL:**

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

Establish New Fund

70161604	FCF Part C Stimulus
70161605	FCF System of Care

Supplemental Appropriation

70161604-4515	FCF Part C Stimulus/ARRA Revenue	\$ 36,933.00
70161605-4501	FCF System of Care/Federal Reimb	\$ 13,430.00
22311614-4515	WIA-ARRA/ARRA Revenue	\$ 212,282.13
22311614-5348	WIA-ARRA/ Client Services	\$ 212,282.13
70161604/5348	FCF Part C Stimulus/ARRA Client Services	\$ 36,933.00
70161605-5348	FCF System of Care/Client Services	\$ 13,430.00

Transfer of Appropriation

From	To	
22411601-5348	22411604-5309	
JFS Income Maint/Client Services	JFS Child Protection/Travel	\$ 15,000.00

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

RESOLUTION NO. 09-1102

**IN THE MATTER OF AMENDING RESOLUTION NO. 09-1078 (A RESOLUTION AUTHORIZING THE USE
OF THE DELAWARE COUNTY REVOLVING LOAN FUND (RLF) TO ASSIST THE VILLAGE OF
SHAWNEE HILLS WITH ADA SIDEWALKS) AS FOLLOWS:**

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

Whereas, Resolution No. 09-1078 was passed on August 31, 2009, to approve the use of Revolving Loan Funds (RLF) to assist the Village of Shawnee Hills with ADA sidewalks on SR 745, and

Whereas, the Resolution had an error in Section 1 in naming the area.

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

Resolution Was Passed as:

Section 1. The Delaware County Commissioners authorize the use of the Delaware County RLF in a total amount up to and not to exceed \$25,000, to assist the Village of **Sunbury** with ADA curbs and ramps on SR 745

Amend To:

Section 1. The Delaware County Commissioners authorize the use of the Delaware County RLF in a total amount up to and not to exceed \$25,000, to assist the Village of **Shawnee Hills** with ADA curbs and ramps on SR 745

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

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 3, 2009

COMMISSIONERS' COMMITTEES REPORTS; Refer To Cd Minutes For Entire Record

Commissioner Hanks

- sheriff deeds are down
- local business interested in expanding in Delaware County

Commissioner O'Brien

- attended the 911 Board meeting with the new director of 911; the 911 board adopted a public comment policy
- toured the Lower Scioto Water Reclamation Facility

Commissioner Thompson

The Delaware County Fair is this month; the Commissioners will have their Monday Meeting at the Fair Grounds

RESOLUTION NO. 09-1103

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 LAND ACQUISITION:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to adjourn into Executive Session at 9:52AM.

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

RESOLUTION NO. 09-1104

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 10:30AM.

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

RESOLUTION NO. 09-1105

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

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 3, 2009

Letha George, Clerk to the Commissioners