

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 8, 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. 09-1106

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 3, 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 September 3, 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

**Kelley Wenzlaff, Executive Sports Management Delaware County, New Event Happening September 19, 2009 at Alum Creek State Park Beach-American Power Boat Association (Refer To Cd Minutes For Entire Record)**

RESOLUTION NO. 09-1107

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0904:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0904 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R0906225	DAKIN INSURANCE	EXCESS WORKERS COMP	61311923-5370	\$43,861.00	0001

Vendor	Description	Account	Amount
<b>PO'S Increases</b>			
National City Bank	Pro Card	66290305-5200	\$ 2,000.00
National City Bank	Pro Card	66290405-5200	\$ 2,000.00
National City Bank	Pro Card	66290302-5200	\$ 3,000.00
National City Bank	Pro Card	66290302-5300	\$ 3,000.00
Farm Plan		66290401-5228	\$ 8,000.00
<b>Add A Line</b>			
National City Bank (line 2)	Pro Card	66290305-5300	\$ 1,000.00
National City Bank (line 2)	Pro Card	66290405-5300	\$ 1,000.00

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

RESOLUTION NO. 09 -1108

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Child Support Enforcement Agency is requesting that Adeana Gray, Deb Duke, Kelly Mills and Cindy Sprague attend an OCDA Fall Conference in Columbus, Ohio September 17-18, 2009, at the cost of \$350.00. (Fund Number 23711630).

The Administrative Services Department is requesting that Dawn Huston attend an Employment Law Seminar in Columbus, Ohio on September 16, 2009, at no cost.

**COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 8, 2009**

---

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

**RESOLUTION NO. 09-1109**

**IN THE MATTER OF APPROVING AMENDMENT NO. 3 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. Hanks, seconded by Mr. Thompson to approve the following:

Whereas, the Facilities Supervisor 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.

Further Be It Resolved, that the Commissioners approve A Purchase Order Increase to Gardner in the amount of \$6,000.00 (40111402-5410).

**AMENDMENT NO. 3  
TO THE AGREEMENT FOR PROFESSIONAL DESIGN SERVICES BETWEEN  
GARDNER ARCHITECTS AND DELAWARE COUNTY FOR SUITE IMPROVEMENTS  
TO THE HAYES COUNTY SERVICES BUILDING**

This Amendment No. 3 to the agreement for Professional Services (the "Agreement") is made on this 8<sup>th</sup> day of September, 2009, by and between Gardner Architects ("Architect") and Delaware County ("Owner"). The agreement shall be amended as follows, strikethrough (~~strikethrough~~) removed language, new language in bold (**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 (17,420SF), second floor (2,960SF), and third floor (3,900SF) and (5,430SF). ~~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.~~ **Include architectural/engineering services for the remodeling of approximately 4,000SF of the Jobs and Family Services (JFS) suite on the second floor to enable an add alternate bid to the base bid project described above.**

II. 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.~~ **\$134,000.00-One Hundred Thirty-Four Thousand Dollars**, if final construction costs total between \$1,600,000.00 and \$2,400,000.00, **or \$1,800,000.00 and \$2,600,000.00 if the JFS alternate bid is accepted.** If final construction costs total less than \$1,600,000.00 (**\$1,800,000.00 with JFS alternate**), compensation shall be based on 8% of final construction costs. If final construction costs total greater than \$2,400,000.00 (**\$2,600,000.00 with the JFS alternate**), compensation shall be based on 6.5% of final construction costs.

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

**RESOLUTION NO. 09-1110**

**IN THE MATTER OF AMENDING THE CHILD CARE PROVIDER CONTRACTS BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY COMMISSIONERS AND CHILD CARE PROVIDERS AS LISTED:**

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

Whereas, Delaware County contracts with Child Care providers in accordance with state and federal regulations, and

Whereas, the Director of Job & Family Services recommends approval of the following contract amendments;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following contract amendments for Child Care providers:

**COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 8, 2009**

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**Journey Christian Academy**

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT  
AMENDMENT NO. 5

This amendment, effective January 1, 2009, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Journey Christian Academy entered into on the 1<sup>st</sup> day of January 2009.

Article 4. Cost and Delivery of Purchased Services:Payment Rates:

Increases amount of contract from \$75,000 to \$90,000

**Adventure Academy**

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT  
AMENDMENT NO. 1

This amendment, effective January 1, 2009, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Adventure Academy entered into on the 1<sup>st</sup> day of January 2009.

Article 4. Cost and Delivery of Purchased Services:

(A) Payment Rates: The total amount of services to be reimbursed under this contract is increased from \$110,000 to \$150,000.

**Nikou Learning Center**

AMENDMENT TO PURCHASE OF CHILD CARE SERVICES CONTRACT  
AMENDMENT NO. 2

This amendment, effective January 1, 2009, is to amend the Purchase of Child Care Services Contract between the Delaware County Department of Job and Family Services and Nikou Learning Center entered into on the 1<sup>st</sup> day of January 2009.

Article 4. Cost and Delivery of Purchased Services:Payment Rates:

Changes amount reimbursable from \$75,000 to \$100,000

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

**RESOLUTION NO. 09-1111**

**IN THE MATTER OF RE-APPOINTING BEN BROWN AS THE DELAWARE BOARD OF COUNTY COMMISSIONERS' REPRESENTATIVE TO THE DELAWARE COUNTY TRANSIT 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 for making appointments from the public to various boards, councils and committees; and

Whereas, The Board of Commissioners of Delaware County previously appointed Ben Brown who was filling an original two year appointment to the Delaware Area Transit Board in 2006 for a term ending September 7, 2009; and

Whereas, a reappointment is appropriate so that there are sufficient board members available to conduct the business of the Delaware Area Transit Board and to ensure the staggered terms contemplated by statute after the original one, two and three year terms; and

Therefore, be it resolved that the Board of Commissioners, County of Delaware, State of Ohio, reappoint Ben Brown as a member to the Delaware County Transit Board effective September 8, 2009 and ending December 31, 2010.

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

**RESOLUTION NO. 09-1112**

**IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR**

**COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 8, 2009**

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**THE SHEETS #318 DITCH PROJECT:**

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

WHEREAS, With Resolution No. 09-358 The Delaware County Commissioners Established A Drainage Maintenance Account (#09-03) And Approved The Permanent Drainage Maintenance Easement For The Sheets #318 Ditch Project, and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined, and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 3.5%, and

WHEREAS, the Delaware County Engineering Staff and the Soil and Water Conservation Staff recommends the Final Schedule Of Construction Assessments;

THEREFORE BE IT RESOLVED, The Delaware County Commissioners approves the final schedule of construction assessments for the Sheets #318 ditch project. (Copy available in the Commissioner's Office until no longer of administrative value). As this project came in under the estimate, some property owners who paid in advance are due a refund, in addition those property owners whose total cost is below the minimum \$10.00 requirement will be increased to meet that requirement.

FURTHER BE IT RESOLVED, THAT The Commissioners' Office will supply to the Auditor's Office the final schedule of construction assessments with the interest rates for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments.

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

**RESOLUTION NO. 09-1113**

**IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE MCNAMARA #582 DITCH PROJECT:**

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

WHEREAS, With Resolution No. 09-854 The Delaware County Commissioners Established A Drainage Maintenance Account (#09-06) And Approved The Permanent Drainage Maintenance Easement For The McNamara #582 Ditch Project, and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined, and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 3.5%, and

WHEREAS, the Delaware County Engineering Staff and the Soil and Water Conservation Staff recommends the Final Schedule Of Construction Assessments;

THEREFORE BE IT RESOLVED, The Delaware County Commissioners approves the final schedule of construction assessments for the McNamara #582 ditch project. (Copy available in the Commissioner's Office until no longer of administrative value). As this project came in under the estimate, some property owners who paid in advance are due a refund, in addition several property owners whose total cost is below the minimum \$10.00 requirement will be increased to meet that requirement.

FURTHER BE IT RESOLVED, THAT The Commissioners' Office will supply to the Auditor's Office the final schedule of construction assessments with the interest rates for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments.

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

**RESOLUTION NO. 09-1114**

**IN THE MATTER OF MODIFYING THE CERTIFICATION OF SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR FOR IMPROVING THE WIDENING OF LEWIS CENTER ROAD AS APPROVED IN RESOLUTION NO. 07-1190:**

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

**COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 8, 2009**

---

Whereas on September 24, 2007 the Delaware County Commissioners approved Resolution No. 07-1190 levying special assessments for improving and Widening Of (I) Lewis Center Road From A Point Commencing Approximately 400 Feet East Of Its Intersection With Dubois Road And Proceeding Westerly To Its Intersection With U. S. Route 23 And (Ii) U. S. Route 23 From A Point 700 Feet South Of Its Intersection With Lewis Center Road And Proceeding Northwesterly To Its Intersection With Orangewick Drive By Excavating, Grading, Paving, Drainage, Conduit, Curbs And Gutters, Traffic Pavement Markings, Signalization And Street Signs, and

Whereas the Clerk of the Board has prepared the certification of the special assessment for tax year 2009 to be collected in year 2010 based on necessary modifications.

Therefore be it resolved that the Clerk of the Board shall certify to the County Auditor the special assessments for placement on the tax duplicate for collection in 2010 and thereafter in accordance with Resolution 07-1190 for the project as referenced above. (Copy available in the Commissioner's Office until no longer of administrative value).

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

**RESOLUTION NO. 09-1115**

**IN THE MATTER OF MODIFYING THE CERTIFICATION OF SPECIAL ASSESSMENTS TO THE COUNTY AUDITOR FOR THE EXTENSION OF SAWMILL PARKWAY AS APPROVED IN RESOLUTION NO. 07-1191:**

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

Whereas on September 24, 2007 the Delaware County Commissioners approved Resolution No. 07-1191 Levying Special Assessments For The Extension Of Sawmill Parkway From A Point Commencing At The Intersection Of Home Road And Sawmill Parkway And Proceeding Northerly For Approximately 5,000 Linear Feet By Excavating, Grading, Paving, Drainage, Street Lighting, Conduit, Curbs And Gutters, Traffic Pavement Markings, And Street Signs, Together With All Necessary And Related Appurtenances

Whereas the Clerk of the Board has prepared the certification of the special assessment for tax year 2009 to be collected in year 2010 based on necessary modifications.

Therefore be it resolved that the Clerk of the Board shall certify to the County Auditor the special assessments for placement on the tax duplicate for collection in 2010 and thereafter in accordance with Resolution No. 07-1191 for the project as referenced above. (Copy available in the Commissioner's Office until no longer of administrative value).

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

**RESOLUTION NO. 09-1116**

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

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

The 911 Communications Director recommends the demotion and entrance into a Last Chance Agreement with a Telecommunications Officer III to a Telecommunications Officer II (Dispatcher) within the 911 Center for matters unrelated to operations; effective September 8, 2009.

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

**COMMISSIONERS' COMMITTEES REPORTS**

**Refer To Cd Minutes For Entire Record**

**Commissioner O'Brien**

**-there is a Workforce Investment Board Meeting on Wednesday**

**Commissioner Hanks**

**-asks Dave Cannon about talks with the Auditor in preparing for the upcoming borrowing**

**-Worthington Industries**

**Commissioner Thompson**

**-Horse Parade coming up this weekend**

**-Banking**

COMMISSIONERS JOURNAL NO. 52 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 8, 2009

**RESOLUTION NO. 09-1117**

**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. Hanks, seconded by Mr. Thompson to adjourn into Executive Session at 9:25AM.

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

**RESOLUTION NO. 09-1118**

**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 11:30AM.

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

**RESOLUTION NO. 09-1119**

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

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Todd Hanks

\_\_\_\_\_  
Ken O'Brien

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Tommy Thompson