

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 8, 2010**

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. 10-175

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 4, 2010:

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 February 4, 2010; 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. 10-176

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0205:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0205 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R1002485	PRIORITY DISPATCH CORP	INSTRUCTOR TRAINING FOR EMD, EFD & EPD	21411306 - 5305	\$18,930.00	0001
R1002539	ELFORD DEVELOPMENT LTD	GENERAL TRADES HAYES REMODEL	41411435 - 5410	\$694,032.00	0001
R1002540	H AND A MECHANICAL	HVAC HAYES REMODEL	41411435 - 5410	\$110,064.00	0001
R1002541	RADICO INC	HAYES REMODEL PLUMBING	41411435 - 5410	\$53,568.00	0001
R1002543	SIMCO ELECTRIC INC	HAYES REMODEL ELECTRIC	41411435 - 5410	\$212,880.00	0001
R1002544	S A COMUNALE CO INC	HAYES REMODEL FIRE PROTECTION	41411435 - 5410	\$42,072.00	0001
R1002545	TREASURER, DELAWARE COUNTY	HAYES RETAINAGE	41411435 - 5410	\$46,441.00	0001
R1002546	CITY OF DELAWARE	BUILDING PERMIT JAIL	41411434 - 5410	\$5,426.06	0001
R1002582	SHREMSHOCK ARCHITECTS INC	ARCHITECT JAIL	41411434 - 5410	\$60,350.00	0001

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R1002620	PREMIER GRAPHIC SOLUTIONS INC	FOLDER/SEALER	40111402 - 5450	\$8,995.00	0001
R1002647	STEWART SECURITY INC	SECURITY CAMERAS HAYES	41411435 - 5410	\$46,732.00	0001
R1002647	STEWART SECURITY INC	INTERCOM HAYES	41411435 - 5410	\$2,171.00	0002

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

RESOLUTION NO. 10-177

IN THE MATTER OF APPROVING PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0205WC:

It was moved by Mr. O'Brien, seconded by Mr. Hanks to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0205WC:

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

RESOLUTION NO. 10-178

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Juvenile Court is requesting that Deb McCurdy and Kathy Hon attend a National CASA Conference in Atlanta, Georgia April 15-20, 2010, at the cost of \$860.00 (Fund Number 2782635).

Juvenile Court is requesting that Kenneth Spicer attend a National Conference on Juvenile Family Law in Las Vegas, Nevada March 14-17, 2010 at the cost of \$1,514.19 (10026201).

The Environmental Services Department is requesting that John Moss, James Carey and Jim Rutherford attend an Intelligent Motor Control Seminar in Columbus, Ohio on February 16, 2010; at no cost.

The Environmental Services Department is requesting that Dave Cannon, Fred Fowler, and Tiffany Jenkins attend a Central Ohio Housing Economic Forecast Presentation in Powell, Ohio on February 23, 2010; at no cost.

The Department of Job and Family Services is requesting that Angela Hughes attend a NW PCSAO District Meeting in Hancock County February 9, 2010, at no cost.

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

RESOLUTION NO. 10-179

IN THE MATTER OF SUPPORTING A SPECIAL NEEDS REGISTRY IN DELAWARE COUNTY:

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

WHEREAS, introducing an electronic web-based registry for special needs or high risk emergencies will serve the citizens of Delaware County, by providing that first and most critical contact between our citizens and their need for a specialized public safety response, and

WHEREAS, an electronic web-based registry allows public safety agencies to prepare and develop contingency plans to respond, mitigate and restore normality for the residents of the County, and

WHEREAS, with an electronic web-based registry public safety agencies may also develop a relationship or repertoire with those of the community that require unique needs;

Now, Therefore Be It Proclaimed By The County Commissioners Of Delaware County, Ohio, that on February 8, 2010 the Special Needs Registry will be supported and used from this day forward.

Further Be It Resolved That The County Commissioners Of Delaware County, Ohio support the effort to prepare our citizens with unique needs for emergencies by encourage our residents to sign-up for the Special Needs Registry.

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

RESOLUTION NO. 10-180

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

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

Whereas, Delaware County contracts with Child Care Placement 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 Placement providers:

Tri State Youth Authority

AMENDMENT TO CONTRACT
For
Child Placement and Related Services

AMENDMENT NO. 1

This Amendment, effective January 12, 2010, is to amend the Contract for Child Placement and Related Services between the Delaware County Department of Job and Family Services, a department of the Delaware County Commissioners, and Tri State Youth Authority, entered into on the first day of July, 2009.

- I. Article IV. Reimbursement for Placement Services: Changes the amount reimbursable under the contract from \$128,000.00 to \$243,000.00.

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

RESOLUTION NO. 10-181

IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD:

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

WHEREAS, pursuant to the Ohio Revised Code Section 301.29, the Board of Commissioners of Delaware County by Resolution No. 04-1193 dated September 30th, 2004, has adopted a policy for the use of County Procurement Cards. And;

WHEREAS, the appointing authority for the procurement card being the Board of Commissioners has adopted the procurement card policy for the use of the card to pay for specific classes of work related expenses, without submitting a monthly estimate of the expenses, pursuant ORC 301.29 (F)(2). And;

WHEREAS, the list of allowable purchases referenced in the Procurement Policy, Section 5 needs to be amended to include clothing, diapers, formula, medications, emergency food, and photo processing,

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, amend the list of allowable purchases to include clothing, diapers, formula, medications, emergency food, and photo processing and authorize the use of the following procurement cards to the limits indicated and for specific work related expenses designated in the Procurement Card Policy without submitting a monthly estimate of expenses:

- Appointing Authority: Board of Commissioner
- Office/Department: Job and Family Services
- Daily spending per card: \$1,000
- Monthly spending per card: \$5,000
- Single transaction limit: \$1,000
- Daily number of transactions per card: 5
- Monthly number of transactions per card: 50
- Name on Card 1: Debra Benjamin

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Name on Card 2: Angela Thomas
 Name on Card 3: Mona Reilly
 Name on Card 4: Karen Roush
 Name on Card 5: Rhonda Leasure
 Name on Card 6: Amber Huber
 Name on Card 7: Lynn Stacy
 Name on Card 8: Patti Clements

FURTHER BE IT RESOLVED, that Jackie Schonauer is named the Procurement Card Coordinator for the Department of Job and Family Services.

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

RESOLUTION NO. 10-182

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR SHEFFIELD PARK SEC. 3, PHASE B, PART 1:

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

Whereas, the Interim Sanitary Engineer recommends accepting sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Sheffield Park Sec. 3, Phase B, Part 1 594 feet of 8- inch sewer 2- manholes

Therefore be it resolved, that the Board of Commissioners approve and accept the above sanitary sewers for ownership, operation, and maintenance by Delaware County.

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

RESOLUTION NO. 10-183

SETTING BID OPENING DATE AND TIME FOR THE DELAWARE COUNTY REGIONAL SEWER DISTRICT CHESHIRE ELEMENTARY SCHOOL SANITARY SEWER IMPROVEMENTS:

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

**PUBLIC NOTICE
 ADVERTISEMENT FOR BIDS
 DELAWARE COUNTY REGIONAL SEWER DISTRICT
 CHESHIRE ELEMENTARY SCHOOL SANITARY SEWER IMPROVEMENTS
 CONTRACT NO. DCES 10-01**

Sealed Bids for the construction of the CHESHIRE ELEMENTARY SCHOOL SANITARY SEWER IMPROVEMENTS will be received by the County of Delaware, Ohio at the Office of the Delaware County Regional Sewer District, 50 Channing Street (South Wing), Delaware, Ohio until **2:00 PM** local time on **Friday, March 12, 2010**, and then at said Office publicly opened and read aloud.

The Bidder shall furnish all labor and material to construct the Cheshire Elementary School Sanitary Sewer Improvements.

THE CONTRACT DOCUMENTS may be examined at the following location:
 Delaware County Regional Sewer District
 50 Channing Street (South Wing)
 Delaware, Ohio 43015

A CD may be obtained free of charge containing plans, specifications, Bid forms and contract documents in PDF format on or after February 10, 2010 at 12:00 P.M at the Delaware County Regional Sewer District office, 50 Channing Street (South Wing), Delaware, Ohio 43015. Hard copies of the plans, specifications, Bid forms, and contract documents may be obtained from the same location for a \$60.00 non-refundable fee. Checks are to be payable to the Delaware County Regional Sewer District.

Bids shall be submitted in a sealed envelope marked "**Sealed Bid for Construction of the Cheshire Elementary School Sanitary Sewer Improvements.**" Each Bid must contain the full name of every person or company interested in same, and must be accompanied by a Bid Guaranty in the form of a Bid bond or certified check (made payable to the Delaware County Board of Commissioners) in accordance with Section 153.54 of the Ohio Revised Code. Bid security furnished in bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

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The County reserves the right to reject any and all Bids, in whole or in part, to waive any informality in any or all Bids, to accept the Bid it deems most favorable to the County after the Bids have been examined and checked, and subject to the approval of the County Commissioners.

Engineer's Estimate is \$1,956,500.

Prospective Bidders may send questions to the attention of Matthew J. Lambert, P.E., Staff Engineer at (740) 833-2240 or mlambert@co.delaware.oh.us.

A mandatory pre-Bid conference will be held on **Tuesday, March 2, 2010 at 10:00 A.M.** at the Delaware County Regional Sewer District Office, 50 Channing Street (South Wing), 2nd floor Conference Room, Delaware, Ohio 43015.

No Bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read.

The Bid will be advertised on February 12, 2010 and February 19, 2010, in the Delaware Gazette, and posted continuously on the Delaware County website (www.co.delaware.oh.us)

Whereas, the Interim Sanitary Engineer recommends the Bid Opening Date And Time For The Delaware County Regional Sewer District Cheshire Elementary School Sanitary Sewer Improvements;

Therefore be it resolved, that the Board of Commissioners approves 2:00 PM local time on Friday, March 12, 2010, at the Office of the Delaware County Regional Sewer District, 50 Channing Street (South Wing), Delaware, Ohio For The Bid Opening Date And Time For The Delaware County Regional Sewer District Cheshire Elementary School Sanitary Sewer Improvements.

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

RESOLUTION NO. 10-184

IN THE MATTER OF APPROVING AN EASEMENT AGREEMENT WITH DOMINION HOMES, INC. FOR THE CHESHIRE ELEMENTARY SCHOOL SANITARY SEWER IMPROVEMENTS PROJECT:

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

Whereas the Board of County Commissioners have previously executed a resolution of necessity for the Cheshire Elementary School Sanitary Sewer Improvements Project, and

Whereas an additional temporary construction easement is needed for the proposed improvements from Dominion Homes, Inc. on their property east of the Cheshire Elementary School in Berlin Township, Ohio, and

Whereas the required easement is detailed in Exhibit 1, and

Whereas Dominion Homes, Inc. has executed an easement agreement for the County to purchase the required easement, and

Whereas the purchase price of the easement is Three thousand four hundred and eighty-eight dollars (\$3,488.00) and equals the appraised value of the required easement,

Therefore be it resolved that the Board of County Commissioners execute the easement agreement with Dominion Homes, Inc. for the purchase of the easement as described in Exhibit 1.

Furthermore be it resolved that the Board of County Commissioners approve a voucher in the amount of \$3,488.00 to Dominion Homes, Inc. from 66711905-5401.

(Copy of Exhibit 1 available in the Sanitary Engineer's Department until no longer of administrative value.)

EASEMENT AGREEMENT

THIS AGREEMENT made at Delaware, Ohio, this 8th day of February, 2010, by and between Dominion Homes, Inc. SELLER, and the Delaware County Commissioners, BUYER;

WITNESSETH:

In consideration of the promises and covenants herein after contained, the SELLER agrees to sell and convey and the BUYER agrees to purchase and to pay for an Easement across the real estate described on attached Exhibit 1.

The purchase price of said Easement is three thousand four hundred and eighty eight dollars (\$3,488)

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upon the execution of the Deed of Easement.

This transaction is to be closed at the SELLERS convenience, on or before February 12, 2010 at which time the SELLER will execute and deliver to the BUYER the attached Deed of Easement for the above-described real estate.

The temporary construction easement as described on Exhibit 1 shall be effective for a nine-month period, with an effective date that shall be determined by Delaware County following execution of the construction contract. Delaware County will provide written notice of the effective date of the temporary construction easement via certified mail to the SELLER.

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

RESOLUTION NO. 10-185

A RESOLUTION ALLOCATING \$5,162,000 OF RECOVERY ZONE FACILITY BONDS TO LOCH LOMOND REALTY, LLC.

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

WHEREAS, the United States Treasury Department has authorized the County of Delaware, Ohio to issue up to \$5,126,000 of Recovery Zone Facility Bonds ("RZFBs"), which are a type of traditional tax-exempt private activity bond that may be used by private businesses in designated recovery zones to finance a broad range of depreciable capital projects; and

WHEREAS, Loch Lomond Realty, LLC ("Loch Lomond") is an Ohio limited liability company that develops and owns skilled nursing, assisted living and MRDD Facilities; and

WHEREAS, Loch Lomond is developing an assisted living and skilled nursing facility in Liberty Township, Delaware County, Ohio (the "Project"), which is located within the Recovery Zone designated by the Board of County Commissioners of the County of Delaware, Ohio in its Resolution No. 09-1585; and

WHEREAS, the Project is expected to cost approximately \$16.3 million, and to result in the creation of 91 full-time equivalent jobs, which will contribute significantly to the public welfare; and

WHEREAS, issuance of RZFBs for the benefit of Loch Lomond will enable the company to finance all or a portion of the Project; and

WHEREAS, RZFBs may only be issued until December 31, 2010, and time is of the essence due to interest rate and bond closing considerations;

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

Section 1. The Board of County Commissioners of the County of Delaware, Ohio hereby allocates \$5,162,000 of its RZFBs to Loch Lomond to provide financing for the Project.

Section 2. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code, and the rules of this Board in accordance therewith.

Section 3. All resolutions or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

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

RESOLUTION NO. 10-186

9:30 AM - IN THE MATTER OF PUBLIC HEARING # 1 FOR DELAWARE COUNTY'S FY 2010 CDBG AND RLF PROGRAMS:

It was moved by Mr. Hanks, seconded by Mr. Thompson to open the hearing

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

RESOLUTION NO. 10-187

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IN THE MATTER OF CLOSING THE PUBLIC HEARING # 1 FOR DELAWARE COUNTY'S FY 2010 CDBG AND RLF PROGRAMS:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to close the hearing.

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

RESOLUTION NO. 10-188

IN THE MATTER OF AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO TWO A MEMORANDUMS OF UNDERSTANDING; ONE BETWEEN THE IAEP LOCAL R7-11 AND THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO AND ONE BETWEEN OHIO AFSCME COUNCIL 8 AND THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

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

WHEREAS, there was found to be a discrepancy in the current collective bargaining agreement between the International Association of EMT's and Paramedics, Local R7-11 and the Board of Commissioners in regard to wages of a limited number of employees; and

WHEREAS, due to the upcoming consolidation of the City of Delaware 911 Center and the County 911 Center various provisions of the current collective bargaining agreement between AFSCME Ohio Council 8 needed to be amended; and

Whereas, two Memorandums of Understanding have been prepared to clarify the contract language, and

Whereas, Ohio Revised Code 305.30 permits a Board of Commissioners to delegate authority to the County Administrator to perform any or all personnel functions otherwise conferred or incumbent upon the board of county commissioners under Chapter 124. or any other chapter or section of the Revised Code, provided that the board, by resolution, has delegated the specific functions to the administrator

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners, Delaware County, Ohio hereby authorize the County Administrator to enter into a Memorandum of Understanding between the International Association of EMT's and Paramedics, Local R7-11 and the Delaware County Board of County Commissioners, and a Memorandum of Understanding between AFSCME Ohio Council 8 and the Delaware County Board of County Commissioners to clarify language in the collective bargaining agreements.

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

RESOLUTION NO. 10-189

IN THE MATTER OF ACCEPTING THE AWARD FROM THE CRIMINAL JUSTICE SERVICES FOR A DRUG PROSECUTOR:

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

Grant #: 2009-JG-A01-6733
Source: Office of Criminal Justice Services - Edward Byrne Memorial
Justice Assistance Grant
Grant Period: January 1, 2010 - December 31, 2010

Federal Grant Amount: \$60,386.89
Local Match: \$20,128.96
Total Grant Amount: \$80,515.85

Accepting this grant would allow us to hire a Drug Prosecutor. This prosecutor would then help to reduce the impact of drug and firearm traffickers, gangs, pharmaceutical diversion, and other organized criminal activity.

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

**COMMISSIONERS' COMMITTEES REPORTS
(Refer To CD Minutes For Entire Record)**

Commissioner O'Brien

-Question on the DKMM Meeting On The 9th Being For All 12 Commissioners

Commissioner Hanks

-Conveyances

-Email Forward From Mr. Cannon About Auditor's Office Looking Into The Purchase Of Software For Public

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Records Request.

Commissioner Thompson

-Will Check On The DKMM Meeting Date For All 12 Commissioners

-Possible Dates For Conflict Resolution; February 24 Or 26, 2010

RESOLUTION NO. 10-190

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:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn into Executive Session at 10:12AM.

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

RESOLUTION NO. 10-191

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Hanks, seconded by Mr. O'Brien to adjourn out of Executive Session at 10:25AM.

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

RESOLUTION NO. 10-192

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 Aye Mr. O'Brien Aye

Todd Hanks

Ken O'Brien

Tommy Thompson