

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 26, 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

1:30 PM Viewing For Consideration Of The Hardin #267 Watershed Area Ditch Petition Filed By Cathy Eggleston And Others

RESOLUTION NO. 10-523

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 22, 2010:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on April 22, 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. Hanks Aye Mr. O'Brien Aye

PUBLIC COMMENT
(Refer To Cd Minutes For Entire Record)

Phil Panzarella, Berlin Township Trustee
-EMS Lease Agreement Amendments

RESOLUTION NO. 10-524

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0423, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0423:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0423, memo transfers in batch numbers MTAPR0423, and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Beem's BP	Gasoline	10011106-5228	\$ 35,000.00
Delaware Motive	Auto Parts	10011106-5228	\$ 7,500.00

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

RESOLUTION NO. 10-525

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0423GC:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0423GC and Purchase Orders as listed below:

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Desc</u>	<u>Line Account</u>	<u>Line Amount</u>	<u>Line Number</u>
R1004002	SOIL AND ENVIRONMENTAL CONSULTING SERVICES	DCHIP CLIENT SEWAGE	23111711 - 5365	\$200.00	0001

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

RESOLUTION NO. 10-526

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Whereas, The County Administrator recommends this measure for adoption by the Board,

The Court of Common Pleas (Adult Court Services) is requesting that Jeff Vandeborne attend a Community Corrections Meeting in Columbus, Ohio May 20-21, 2010, at the cost of \$250.00 (Fund Number 25422301).

The Child Support Enforcement Agency is requesting that Adeana Gray attend a Civil Rights Training Conference in Columbus, Ohio May 20, 2010, at no cost.

The EMS Department is requesting that Sheila Perin attend a "Just the Basics Webinar" at the Delaware County Library May 10, 2010, at the cost of \$20.00 (Fund Number 10011303).

The Environmental Services Department is requesting that Jim Rutherford and John Moss attend a 2010 ITT Flygt Product Education Class in Milford, Ohio on May 5-6, 2010 at a cost of \$161.75 from org keys 66211903 and 66211904.

The Environmental Services Department is requesting that Regina DeWitt and Cathleen Rider attend a "Just the Basics: Webinar" in Delaware, Ohio on May 10, 2010; at a cost of \$40.00 from org key 66211902.

The Department of Job and Family Services is requesting that Debra Benjamin attend a "Just the Basics: Webinar" in Delaware, Ohio on May 10, 2010; at a cost of \$20.00 (Fund Number 22411605).

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

RESOLUTION NO. 10 -527

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR FOSTER PARENT RECOGNITION BANQUET:

It was moved by Mr. Hanks, seconded by Mr. Thompson 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, May is recognized as Foster Parent Appreciation month; and

WHEREAS, Delaware County Department of Job and Family Services has planned a banquet to honor Foster Parents and for the purpose of recruitment of Foster/Adoptive families to be held on May 26th; and

WHEREAS, Delaware County Department of Job and Family Services plans to use Donated funds to pay for the event; and

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

Whereas, The County Administrator recommends this measure for adoption by the Board,

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 Department of Job and Family Services funds in an amount not to exceed \$500.00 to assist in funding the purchase of refreshments and other amenities for Foster Parent Appreciation Month 2010.

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

RESOLUTION NO. 10-528

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

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Whereas, The County Administrator recommends this measure for adoption by the Board,

The Director of Job and Family Services recommends to accept the resignation of Stephanie Acker as an Income Maintenance Worker III with the Department of Job and Family Services; effective date April 19, 2010.

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

RESOLUTION NO. 10-529

IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD FOR THE CORONER'S OFFICE:

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

WHEREAS, pursuant 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 County Coroner, Mark Hickman 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).

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, 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:	County Coroner Mark Hickman
Office/Department:	Coroner
Daily spending per card:	\$2,500.00
Monthly spending per card:	\$2,500.00
Single transaction limit:	\$2,500.00
Daily number of transactions per card:	10
Monthly number of transactions per card:	50
Name on Card:	Earl Crowe

FURTHER BE IT RESOLVED, that Jennifer Walraven is named the Procurement Card Coordinator for the Coroner's Office.

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

RESOLUTION NO. 10-530

IN THE MATTER OF APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND W.E. MONKS AND COMPANY FOR THE DELAWARE COUNTY RECORDS SUITE-WILLIS BUILDING PROJECT:

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

Whereas, the Facilities Supervisor recommends approval of the contract between the Delaware County Commissioners and W.E. Monks And Company for The Delaware County Records Suite-Willis Building Project;

Whereas, The County Administrator recommends this measure for adoption by the Board,

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the contract between The Delaware County Commissioners and W.E. Monks And Company for The Delaware County Records Suite-Willis Building Project.

**DELAWARE COUNTY BOARD OF COMMISSIONERS
CONTRACT**

This Contract made by and between:

W. E. Monks & Company
3073 North High Street
Columbus, Ohio 43202-1180

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(the "Contractor") and the Delaware County Board of Commissioners (the "Owner").

In consideration of the mutual promises herein contained, the Delaware County Board of Commissioners and the Contractor agree as set forth below:

ARTICLE 1 – SCOPE OF WORK

- 1.1 The Contractor shall provide the services as described in the proposal dated March 25, 2010 for Delaware County Records Suite – Willis Building, WEM #10007 (the "Proposal"), which is attached hereto as Exhibit "A"

ARTICLE 2 – REMUNERATION

- 2.1 The Delaware County Board of Commissioners shall pay the Contractor for the performance of this Contract, subject to additions and deletions as provided in the Proposal the amount of \$8,700.00 Eight Thousand, Seven Hundred Dollars (the "Contract Price").
- 2.2 The Contract Price shall be paid in current funds by the Owner upon payment requests issued by the Contractor and approved by the Delaware County Board of Commissioners as provided in the Contract Documents.

ARTICLE 3 – TERMINATION

- 3.2 The Delaware County Board of Commissioners may, at its sole option, terminate this Contract with the contractor upon thirty (30) days written notice of its intent to do so. Furthermore, it is understood and agreed that should the contractor fail to provide the quality of service(s) as specified in the Proposal, such failure shall constitute a breach of this Contract. Upon a breach of the Contract, the Delaware County Board of Commissioners may, at its sole option, terminate this Contract with the contractor effective immediately upon written notice of its intent to do so.

ARTICLE 4 – GENERAL PROVISIONS

- 4.1 Entire Agreement: The Proposal shall embody the entire understanding of the parties and form the basis of the Contract between the Delaware County Board of Commissioners and the Contractor. The Proposal shall be considered to be incorporated by reference into this Contract as if fully rewritten herein.
- 4.2 Governing Law: The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be filed in and heard before the courts of Delaware County, Ohio.
- 4.3 Severability: If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.
- 4.4 Indemnification: To the fullest extent permitted by law, the Contractor shall indemnify, save and hold the Delaware County Board of Commissioners, its officers, agents, servants, and employees free and harmless of all actions, claims, demands, judgments, damages, losses and expenses, including but not limited to attorney's fees, arising from any accident or occurrence related in any manner to the Contractor's performance of this Contract. The Contractor shall undertake to defend, at its own expense, any and all actions, claims, or demands brought against the Delaware County Board of Commissioners by reason of the things above specified, and to pay, settle, compromise and procure the discharge of any and all judgments, damages, losses and expenses, including but not limited to attorney's fees. No employee of the Contractor shall at any time be considered an agent or employee of the Delaware County Board of Commissioners.
- 4.5 Assignability: The Contract shall be binding on the Contractor and the Delaware County Board of Commissioners, their successors and assigns, in respect to all covenants and obligations contained in the Contract Documents, but the Contract may not be assigned by the Contractor without the prior written consent of the Delaware County Board of Commissioners.
- 4.6 Findings for Recovery: The Contractor certifies that it has no outstanding findings for recovery pending or issued against it by the State of Ohio.
- 4.7 Homeland Security: Contractor certifies that it does not provide material assistance to any organization on the United States Department of State Terrorist Exclusion list. Pursuant to R.C. § 2909.33, Contractor agrees to make such certification by completing the declaration of material

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assistance/nonassistance described in R.C. § 2909.33(A) and understands that this Agreement is contingent upon full completion of such certificate and "No" being the response to all questions in the Declaration portion of the certificate. Such certification is attached to this Agreement and by this reference made a part of this Agreement.

ARTICLE 5 – EFFECTIVE DATE

- 5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Contract Documents shall be valid and enforceable unless the Delaware County Auditor first certifies funds are available.
- 5.2 The Contract shall become binding and effective upon the completion of 5.1 and execution by the Delaware County Board of Commissioners.

ARTICLE 6 – CONTRACT COMPONENTS

- 6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract, which may be introduced in evidence or used for any other purpose without production of any other counterparts.

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

RESOLUTION NO. 10-531

**IN THE MATTER OF APPROVING THE CONSTRUCTION PLANS FOR THE TIP FLOOR
REHABILITATION TO THE SOLID WASTE TRANSFER STATION:**

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

Whereas Delaware County previously executed an agreement per Resolution 09-772 with BBC&M Engineering, Inc. of Dublin, Ohio to provide professional engineering services for the Solid Waste Transfer Station tip floor rehabilitation, and

Whereas Delaware County staff has reviewed the construction plans completed by BBC&M Engineering, Inc. and recommends approval of the said plans.

Whereas, The County Administrator recommends this measure for adoption by the Board,

Therefore be it resolved that the Board of County Commissioners approve the construction plans and specifications completed by BBC&M Engineering, Inc. for the Solid Waste Transfer Station tip floor rehabilitation.

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

RESOLUTION NO. 10-532

**SETTING BID OPENING DATE AND TIME FOR THE TIP FLOOR REPAIRS TO THE DELAWARE
COUNTY SOLID WASTE TRANSFER STATION FOR THE DELAWARE COUNTY DIVISION OF
ENVIRONMENTAL SERVICES:**

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

Whereas, The County Administrator recommends this measure for adoption by the Board,

**PUBLIC NOTICE
INVITATION TO BID**

Sealed bids will be received by the Board of Commissioners, Delaware, Ohio at 50 Channing Street, Delaware, Ohio 43015 at **3:00 PM** prevailing time on **May 20, 2010** at which time they will be publicly opened and read and the contract awarded as soon as possible for the following:

**TIP FLOOR REPAIRS TO THE DELAWARE COUNTY
SOLID WASTE TRANSFER STATION
DCES 10-02**

Bid packages will be available on April 28, 2010 after 8:00 AM.
A required Pre-Bid conference will be held on Wednesday, May 12, 2010 at 5:30 PM at the Solid Waste Transfer Station, 888 US 42 North, Delaware, Ohio.

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Engineer's Estimate is \$92,965.50.

Each bid must contain the full name of every person or company interested in same, and must be accompanied by a fee of \$25.00 (non-refundable) and an appropriate bid bond or certified check made payable to Delaware County Board of Commissioners. Bid specifications may be obtained from Delaware County Division of Environmental Services, 50 Channing Street Delaware, Ohio 43015 between 8:00 AM and 5:00 PM. Requests should be made toward the attention of Blake Jordan, Staff Engineer, at 740-833-2240 or bjordan@co.delaware.oh.us

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 or part it deems most favorable to the County after the bids have been examined and checked, and subject to the approval of the County Commissioners. Bids shall be submitted in a sealed envelope marked "DCES 10-02".

No bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read. Delaware County Commissioners, Letha George, Clerk

The Bid will be advertised on April 28, 2010 and May 5, 2010, in the Delaware Gazette, and posted continuously on the Delaware County website (www.co.delaware.oh.us/).

Therefore be it resolved, that the Board of County Commissioners approve 3:00 PM May 20, 2010 for the bid opening date and time for the Tip Floor Repairs To The Delaware County Solid Waste Transfer Station DCES 10-02.

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
-None

Commissioner Hanks
-Federal Prisoner Article In Dispatch
-Email From Holly Foust On Regional Planning Commission Office Space For DATA Center
-City Of Columbus Bond Legislation For Dam Building Bond

Commissioner Thompson
-None

**Additional Public Comment Due To Terminating Resolution
(Refer To Cd Minutes For Entire Record)**

Treasurer Jon Peterson Spoke In Favor Of:
-Continuing The Current Employment Of The County Administrator

Auditor George Kaitsa Spoke In Favor Of:
-Continuing The Current Employment Of The County Administrator

Phil Panzarella, As Berlin Township Resident
- Continuing The Current Employment Of The County Administrator

RESOLUTION NO. 10-533

IN THE MATTER OF TERMINATING THE EMPLOYMENT OF THE COUNTY ADMINISTRATOR AND DESIGNATING AN ACTING COUNTY ADMINISTRATOR:

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

WHEREAS, pursuant to Section 305.29 of the Revised Code, the board of county commissioners may appoint a county administrator, who shall be the administrative head of the county under the direction and supervision of the board and who shall hold office at the pleasure of the board; and

WHEREAS, the Delaware County Board of Commissioners (the "Board") has properly appointed David Cannon to serve as the Delaware County Administrator; and

WHEREAS, the Board desires a change in the position of Delaware County Administrator; and

WHEREAS, pursuant to Section 305.29 of the Revised Code, in the event of the county administrator's removal

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from office, the chairman of the board or a qualified person designated by him with the approval of the board shall act as county administrator and perform all duties of the office, until such time as the board appoints a new county administrator;

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

Section 1. The Board hereby terminates the employment of David Cannon as Delaware County Administrator, effective immediately upon the adjournment of the Board's regular session held today, Monday, April 26, 2010.

Section 2. The Board hereby designates the Chairman of the Board to act as the Delaware County Administrator and perform all duties of the office of Delaware County Administrator until such time as the Board appoints a new county administrator.

Section 3. The Board affirms that the Chairman of the Board is not entitled to, and shall not receive, any additional compensation for serving as acting Delaware County Administrator and performing the duties thereof.

Section 4. The Board hereby finds and determines that approval of this Resolution and all deliberations thereon are in compliance with the laws of the State of Ohio, including specifically Section 121.22 of the Revised Code.

Section 5. The Board hereby orders that this Resolution shall take full force and effect immediately upon passage.

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

RECESS TILL 1:30PM IN THE FIELD

IN THE FIELD:

1:30 PM VIEWING FOR CONSIDERATION OF THE HARDIN #267 WATERSHED AREA DITCH PETITION FILED BY CATHY EGGLESTON AND OTHERS

On Monday the 26th day of April, 2010, at 1:30PM near the following " 5321 Liberty Rd. Powell OH 43065" The Delaware County Commissioners viewed the watershed area with staff members from the Delaware County Soil and Water Conservation District.

Commissioners Commissioner Todd Hanks , Ken O'Brien and Tommy Thompson were present

On January 28, 2010, a ditch petition for the Hardin #267 watershed was filed with the Board of County Commissioners to: 1. Commencing in Delaware County, Liberty Township within the Hardin #267 watershed and generally following, but not limited to the course and termini of the existing improvement. 2. To generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by replacing or repairing, or altering the existing improvement as required and/or creating new surface and subsurface drainage mains or laterals as requested by this petition.

The Commissioners:

- Looked At And Followed The Tile That Ms. Eggleston Pointed Out; Tile That A Scope Is Unable To Go Thru
- Viewed Lateral Junction Points And Outlets On Hardin Road
- Some Parcel Will Have Two Assessments If Approved Since They Are Part Of Maintenance On Another Project; -Viewed The Drop On Liberty Road;
- After First Hearing If Move Forward Outside Parcels May Drop Off Project;
- 4 Factors Determine Possible Assessment: Acres Benefited, Land Use, Percent Of Improvement Used; Remote Factor

The following is a PDF copy of the Commissioners' Office sign-in sheet of the people present at the viewing who chose to sign the sign-in sheet.

SIGN-IN SHEET FOR APRIL 26, 2010

1:30 PM Viewing For Consideration Of The Hardin #267 Watershed Area Ditch Petition Filed By Cathy Eggleston And Others

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NAME	ADDRESS
1 Jennifer Wallraven	Assistant Clerk Comm
2 Tommy Thompson	Commissioner
3 Todd Hanks	Commissioner
4 MARK HOPE	1991 FORD RD Delaware OH
5 SCOTT BAUDEE	3665 Clark Street Rd.
6 Scott STEPHENS	DSWCD
7 Harry Starling	SWCD
8 M. T. Link	"
9 Mark Moxley	"
10 Larry Ufferman	"
11 Ken O'Brien	
12 Marinda Brohard	2105 Hardin Lane, Powell
13 Paula Day	2100 Hardin Ln, Powell
14 Don Bauder	3465 Clark Street RD.
15 Cathy Eggleston	5321 Liberty Rd N
16 Randy Leib	Liberty Twp
17 Charles Brodbeck	5361 Liberty Rd
18 SA [Signature]	1200 WARDEN RD 220
19	

Commissioner O'Brien expressed his disgust at what would happen at the adjourning of today session and it is a travesty what is happening in Delaware County at this time.

RESOLUTION NO. 10-534

IN THE MATTER OF ADJOURNING THE MEETING:

It was moved by Mr. Hanks, seconded by Mr. Thompson to adjourn the meeting.

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

Todd Hanks

Ken O'Brien

Tommy Thompson

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