

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD APRIL 29, 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. 10-535

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 26, 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 26, 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)

Auditor George Kaitsa, Census Update-83% Of County Participated In Mailing  
Thanked The Commissioners For His Opportunity To Chair The "Complete Count" Committee

RESOLUTION NO. 10-536

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0428, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0428:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0428, memo transfers in batch numbers MTAPR0428 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
Synergy	Sprinkler Maintenance Willis	10011105-5325	\$ 5,500.00
Worly Plumbing	Plumbing Supplies	10011105-5201	\$ 1,500.00
Human Resources	Unemployment Insurance Cost	10011301-5370	\$ 2,700.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Desc</u>	<u>Line Account</u>	<u>Line Amount</u>	<u>Line Number</u>
R1004057	FACILITIES	POSTAGE	22411605 - 5331	\$15,000.00	0001
R1004086	OFFICE CITY EXPRESS INC	FURNITURE HAYES REMODEL	41411435 - 5450	\$312,666.54	0001
R1004113	MARION INDUSTRIAL ELECTRICAL SUPPLY INC	REPAIR OF RAW PUMP AT ORANGE ROAD PUMP STATION	66611903-5450	\$6,000.00	0001

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

RESOLUTION NO. 10-537

IN THE MATTER OF APPROVING THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0428BR:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0428BR.

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

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD APRIL 29, 2010**

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**RESOLUTION NO. 10-538****IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The EMS Department is requesting that Robert Farmer attend the NAED EMD Instructors Class in Salt Lake City, Utah May 17-22, 2010, at the cost of \$824.75 (Fund Number 911).

The EMS Department is requesting that Brittany Craig attend the Emergency Medical Fire Dispatching Class in Plain Township May 3-7, 2010, at the cost of \$640.00 (Fund Number 911).

The Child Support Enforcement Agency is requesting that Matthew Smith attend a Hearing Officer Training in Knox County May 6, 2010, at no cost.

The Code Compliance Department is requesting that Dave Diehl attend a Fire Alarm Seminar in Dublin, Ohio May 7, 2010, at the cost of \$150.00 (Fund Number 10011301).

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

**RESOLUTION NO. 10-539****IN THE MATTER OF RECOGNIZING MAY AS OLDER AMERICANS MONTH:**

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

**Proclamation by the  
Delaware County Board of Commissioners  
Recognizing May as Older Americans Month**

**WHEREAS**, Since 1963, every United States president has declared the month of May to be "Older Americans Month" for the purpose of honoring this most significant and rapidly growing segment of our population. We have an opportunity to celebrate the heritage and contribution of our most treasured citizens throughout the month of May as we recognize older Americans who are living longer, healthier and more productive lives. The theme for this year's Older Americans Month is "Age Strong! Live Long!" which recognizes the diversity and vitality of today's older Americans who span three generations.

**WHEREAS**, Delaware County's older population has played an instrumental role in building this county and its institutions, and continue to make invaluable contributions as workers, leaders, volunteers and caregivers, and;

**WHEREAS**, nearly 19,000 county residents are age 60 and older and Delaware County's older population will continue to increase by an estimated 337% over the next 13 years. By the year 2020, 1 out of every 5 county residents are projected to be over the age of 60, and;

**WHEREAS**, the Council for Older Adults wish to involve all community members in these events and activities, including: May 18<sup>th</sup> Celebrating Senior Citizens Day; May 19<sup>th</sup> for the Central Ohio Senior Hall of Fame induction of Delaware County resident Carol Rohde; May 26<sup>th</sup> for Caregiver Recognition Day, as we recognize local residents who care for older loved ones in their homes; and May 29<sup>th</sup> for the 6<sup>th</sup> Annual Seniors Prom.

**THEREFORE, BE IT RESOLVED**, that in recognition the month of May as "Older Americans' Month" the Delaware County Board of Commissioners does hereby honor and congratulate local older adults for the important contributions that they have made and continue to make in Delaware County to our families, communities and society.

**AND FURTHER RESOLVE** that the Delaware County Board of Commissioners recognize and congratulate local health and social service organizations who provide assistance and services for a growing number of older county residents for helping to make Delaware County a better place to live and to grow older.

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

**RESOLUTION NO. 10-540**

**IN THE MATTER OF DECLARING PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE AND THE INTENT OF SELLING SUCH PROPERTY VIA INTERNET AUCTION OR DISPOSAL OF PROPERTY OF NO VALUE:**

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD APRIL 29, 2010

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

- WHEREAS, Delaware County has personal property not needed for public use, obsolete, or unfit for the use for which it was acquired; and
- WHEREAS, Ohio Revised Code Section 307.12 (E) allows, by resolution adopted each calendar year, the sale of such property by internet auction; and
- WHEREAS, the Delaware County Board of Commissioners passed Resolution 10-37 on January 11, 2010, declaring its intent to sell such property by internet auction; and
- WHEREAS, Delaware County has personal property not needed for public use, obsolete, or unfit for the use for which it was acquired; and
- WHEREAS, certain of such property may require a signature to transfer such property from the county to a buyer; and
- WHEREAS, certain of such property may receive no bids during the internet auction and can be declared to be of no value;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Delaware County, State of Ohio, that the following property listed below be sold in the manner prescribed in Resolution 10-37 and the disposal or salvage of property that has no value. The President of the Board of Commissioners is hereby authorized to sign any documents needed to transfer such property on behalf of the Board.

<u>Item/Asset Type</u>	<u>Manufacturer/Model</u>	<u>Serial Number/Asset Number</u>
CAR	99 Ford Crown Vic	2FAFP71W3XX225712
CAR	98 Ford Crown Vic	2FAFP71W7WX146722
SUV	91 GMC Suburban 2500	1GKGV26K9MF511797
CAR/SALVAGE	09 Ford Crown Vic	2FAHP71V59X132385
Burster	Cummins 298	004220
Decollator	Cummins 1272	004221

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

**COMMISSIONER O'BRIEN READ RESOLUTION NO. 09-1585 FROM DECEMBER 23, 2009**

**RESOLUTION NO. 10-541**

**A RESOLUTION ALLOCATING \$1,500,000 OF REALLOCATED 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 \$5,162,000 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, on February 8, 2010, per Resolution No. 10-185, the of County Commissioners of the County of Delaware, Ohio, allocated \$5,162,000 of RZFBs to Loch Lomond, LLC; and

WHEREAS, per a Reallocation Request filed by Delaware County with the Ohio Department of Development on March 31, 2010, the Ohio Department of Development reallocated \$1,500,000 of Franklin County's RZFB allocation on April 26, 2010, to Delaware County; and

WHEREAS, the total Recovery Zone Facility Bond allocation to Delaware County is now \$6,662,000; 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-

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD APRIL 29, 2010**

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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 an additional \$1,500,000 of its RZFBs to Loch Lomond for a total of \$6,662,000 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

**COMMISSIONER O'BRIEN RECUSED HIMSELF FROM THE FOLLOWING RESOLUTION**

**RESOLUTION NO. 10-542**

**IN THE MATTER OF APPROVING A LEASE AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE DELAWARE COUNTY REGIONAL PLANNING COMMISSION REGARDING OFFICE SPACE AT 109 N. SANDUSKY STREET FOR THE DATA CENTER:**

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve a lease agreement between The Delaware County Board Of Commissioners and The Delaware County Regional Planning commission regarding office space at 109 N. Sandusky Street for The DATA Center.

**AMENDMENT NO. 1 TO LEASE AGREEMENT BETWEEN THE BOARD OF DELAWARE COUNTY COMMISSIONERS AND DELAWARE COUNTY REGIONAL PLANNING COMMISSION, DATED OCTOBER 17<sup>th</sup>, 2002**

This Amendment No. 1 to the Lease Agreement dated October 17<sup>th</sup>, 2002, is entered into by mutual consent and agreement this 29<sup>th</sup> day of April, 2010, by and between the Delaware County Board of Commissioners ("Lessor") and the Delaware County Regional Planning Commission ("Lessee"), pursuant to Section 12.06 of the Lease Agreement.

**AMENDMENT TO ARTICLE I**

The text of Article I of the Lease Agreement shall be deleted and replaced by inserting the following:

1.01 Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, that certain property, hereinafter called the "leased premises," situated in the City of Delaware, County of Delaware, and State of Ohio, and described as 109 N. Sandusky Street, to be used only as an office building, and uses normally incident thereto, and for no other purpose, for an initial term of years that shall terminate on December 31, 2018, subject to the rights of renewal and provisions regarding termination set forth in Article IX hereof.

1.02 The leased premises shall include the entirety of the structure located at 109 N. Sandusky Street, with the exception of three (3) offices located on the second floor thereof, which said offices shall be reserved for use by Delaware County Data Center staff. The Data Center shall have access to and use of the first floor conference room, subject to Lessee's use thereof. The Data Center shall also have access to and use of any available storage areas on the third floor.

**AMENDMENT TO ARTICLE II**

The following clause shall be inserted as Section 2.02(C):

(C) Notwithstanding any statement in this Agreement, the Lessor shall be responsible for providing routine maintenance, cleaning, and housekeeping for the Data Center offices.

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD APRIL 29, 2010**

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**AMENDMENT TO ARTICLE IV**

The following paragraph shall be inserted as Section 4.02:

4.02 The Lessor shall reimburse the Lessee for the cost of utilities that can be reasonably attributed to the occupancy and use of the Data Center offices on the second floor. Lessee shall submit itemized invoices with supporting documentation for the cost of utilities attributed to the Data Center, and the Lessor and Lessee agree to negotiate reasonable reimbursement thereon. Lessor agrees to make payment on all undisputed invoices within fifteen (15) days of receipt thereof. Lessor further agrees to assume all costs for the installation of additional or upgraded data or telephone lines, or any other changes to existing utilities, necessary for the Data Center offices.

**AMENDMENT TO ARTICLE IX**

The following paragraph shall be inserted as Sections 9.03:

9.03 In the event Lessee's operations increase to the extent that Lessee requires use of the Data Center offices, Lessee may request in writing that Lessor cause the Data Center to vacate the offices, provided that the request be submitted within the same time period required for a notice of termination pursuant to Section 9.01. Lessor shall respond to Lessee's request, in writing, within three (3) months of receipt thereof. Upon Lessor's denial of Lessee's request, and notwithstanding any provision of Section 9.01, Lessee may terminate this Lease Agreement by providing Lessor with written notice no later than six (6) months prior to the effective date of termination.

**AMENDMENT TO ARTICLE XII**

Section 12.01 is hereby amended to change the Lessee's address to 109 N. Sandusky St., Delaware, OH 43015.

**REMAINING PROVISIONS UNAFFECTED**

All remaining articles and provisions of the Lease Agreement not specifically amended herein are unaffected by this Amendment and shall remain in full force and effect.

(A copy of the lease agreement is on file in the Commissioners' Office until no longer of administrative value).

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

**COMMISSIONERS' COMMITTEES REPORTS**

**(Refer To Cd Minutes For Entire Record)**

**Commissioner O'Brien**

**- Attended And Participated In The DKMM Policy Board Meeting; Working On 10-15 Year Plan  
- Attended And Participated In The Community Action Organization Meeting**

**Commissioner Hanks**

**- Maybe Change Time Of May 6 Session Due To The Columbus Zoo Polar Bear Event  
- Sheriff Master Plan For Offices Developed By Shremshock  
- Columbus Bond For Dam Project**

**Commissioner Thompson**

**- Comment Time Is Adequate  
- Motorcycle Rally May 1**

**RESOLUTION NO. 10-543**

**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. Thompson to adjourn into Executive Session at 9:50AM.

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

**RESOLUTION NO. 10-544**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Hanks, seconded by Mr. Thompson to adjourn out of Executive Session at 10:17AM.

COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD APRIL 29, 2010

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

**RESOLUTION NO. 10-545**

**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 Aye

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Todd Hanks

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Ken O'Brien

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Tommy Thompson

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Letha George, Clerk to the Commissioners