

**COMMISSIONERS JOURNAL NO. 53 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 10, 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. 10-575

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 6, 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 May 6, 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)

Jessie Carter, Jackie Bain And Anne Goodman From The Delaware General Health District; Comments In Support For Resolution No. 10-576 (Proclaiming May 24 To June 6, 2010, As The Click It Or Ticket Mobilization In Delaware County, Ohio) And Resolution No. 10-592 (Approving A Resolution Supporting The Healthy Ohio One-Mile Fitness Walk)

RESOLUTION NO. 10-576

IN THE MATTER OF PROCLAIMING MAY 24 TO JUNE 6, 2010, AS THE CLICK IT OR TICKET MOBILIZATION IN DELAWARE COUNTY, OHIO:

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

**CLICK IT OR TICKET
PROCLAMATION**

WHEREAS, the safety and security of the citizens of **Delaware County** and surrounding areas are vitally important; and

WHEREAS, most of our citizens regularly drive or ride in motor vehicles on our roadways; and

WHEREAS, an estimated 16 percent of motorists nationally still fail to regularly wear their seat belts while driving or riding in motor vehicles; and

WHEREAS, surveys taken by the Delaware County Safe Communities-Safe Kids Program and similar groups throughout Central Ohio showed an average seat belt usage rate above 82 percent, but the rate was below 80 percent for male drivers, drivers aged 15-25, African-Americans, and pickup truck drivers; and

WHEREAS, regular seat belt use is the single most effective way to protect people and to reduce fatalities in motor vehicle crashes;

AND WHEREAS, the use of seat belts is supported by the laws of the State of Ohio;

AND WHEREAS, May 24 through June 6, 2010, has been selected as the national *Click It or Ticket* mobilization enforcement period;

AND WHEREAS, across the country law enforcement officers will actively be participating in the mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes;

AND WHEREAS, increased enforcement of seat belt laws coupled with publicity has proven to be an effective method to increase seat belt use rates and decrease fatal crashes;

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NOW, THEREFORE, the Board of Commissioners of Delaware County does hereby proclaim and announce May 24 to June 6, 2010, as the *Click It or Ticket* Mobilization in Delaware County, Ohio, and urges all citizens to always wear seat belts when driving or riding on our roadways.

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

RESOLUTION NO. 10-577

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0507:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0507, and Purchase Orders as listed below:

PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line Number
R1004171	DELL MARKETING LP	6 DESKTOP COMPUTERS	41411435 - 5260	\$6,040.74	0001
R1004171	DELL MARKETING LP	LAP TOP COMPUTER	41411435 - 5260	\$1,065.72	0002
R1004171	DELL MARKETING LP	WIRELESS ACCESS POINT	41411435 - 5260	\$655.49	0003
R1004171	DELL MARKETING LP	5 DESKTOP COMPUTERS	41411435 - 5260	\$5,033.95	0004
R1004171	DELL MARKETING LP	WIRELESS ACCESS POINT	41411435 - 5250	\$655.49	0005
R1004173	GOVCONNECTION INC	LASER JET PRINTER	41411435 - 5250	\$392.00	0001
R1004173	GOVCONNECTION INC	PRINTER FAX	41411435 - 5250	\$450.00	0002
R1004173	GOVCONNECTION INC	4 NETWORK	41411435 - 5260	\$4,723.40	0003
R1004173	GOVCONNECTION INC	4 LASER JET PRINTERS	41411435 - 5250	\$1,168.00	0004
R1004176	TRUCCO CONSTRUCTION CO INC	PERRY TAGGART SEWER	66711903 - 5415	\$33,145.19	0001
R1004190	SADIKOV RANEY AND ASSOCIATES	SUBSIDIZED EMPLOYMENT	22411601 - 5301	\$8,000.00	0001

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

RESOLUTION NO. 10-578

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0507GC:

It was moved by Mr. Hanks, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0507GC.

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

RESOLUTION NO. 10-579

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Environmental Services Department is requesting that Tiffany Jenkins, Eric Kletrovetz and Matt Lambert attend a CSEAO Summer Conference at the Blackwell Inn on the OSU Campus June 7-8, 2010, at the cost of \$150.00. (Fund Number 66211902).

The Department of Job and Family Services is requesting that Julie King and Larry Hager attend a Workforce Development Conference on "It's Time To Reinvent the Wheel" at Ashland University May 14, 2010, at the cost of \$46.40 (Fund Number 22411603).

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The Auditor’s Office is requesting that Janice Roller attend a HR Law 2010 Seminar in Columbus, Ohio July 22, 2010, at the cost of \$203.07 (REA Funds).

The Sheriff’s Office is requesting that Justin Peterson attend a Narco-Terrorism Training in Fair View Park, Ohio May 10-13, 2010, at the cost of \$207.00 (Fund Number 29131321).

The Sheriff’s Office is requesting that Joshua Clarke attend a Narco-Terrorism Training in Fair View Park, Ohio May 10-12, 2010, at the cost of \$227.66.00 (Fund Number 29131321).

Juvenile/Probate Court is requesting that Amanda Weiss attend an Ohio Association for Court Administration in Toledo, Ohio May 25-26, 2010, at the cost of \$376.58 (Fund Number 27826325).

The EMS Department is requesting approval of the travel expense costs for Rob Farmer’s previously approved request for the NAED EMD Instructor Training in Salt Lake City May 17-22, 2010. (Additional total cost \$597.77 from 911 funds).

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

RESOLUTION NO. 10-580

SETTING TIME AND DATE FOR PUBLIC HEARING FOR CONSIDERATION OF A PETITION REQUEST FROM THE BOARD OF HARLEM TOWNSHIP TRUSTEES FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO ADOPT A RESOLUTION ORDERING WEST STREET IN THE COMMUNITY OF HARLEM DELAWARE COUNTY OHIO VACATED UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:

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

Whereas, on April 30, 2010 the Delaware County Commissioners received a petition filed by the Harlem Township Trustees, For The Delaware County Board Of Commissioners to adopt a Resolution ordering West Street in the Community of Harlem Delaware County, Ohio Be vacated

Whereas, The Harlem Township Trustees’ request was passed with a Resolution dated October 22, 2009;

Harlem Township Board of Trustees
Delaware County, Ohio
Resolution number: 9-10-21T23

The Board of Harlem Township Trustees Petitions the Board of Delaware County Commissioners to adopt a Resolution ordering West Street in the Community of Harlem Delaware County Ohio vacated. Said street has not been in use for a period in excess of twenty-one years. Further we request that the title to the same may pass in fee to the three abutting land owners as provided by law, subject to the right-away, right of access and easements as provided by ORC 5553.042, ORC 5553.043, and ORC 5553.044.

We submit that the Razek’ s have agreed to grant the entire right-away to the Fravel Family which now separates the two properties. Secondly the portion of right-away that separates the Razek's and Gaines & Ray properties shall be split equally.

Motion for Resolution was presented by _Mr. Bachman
Mr. Jackson seconded the resolution and the roll being called upon its adoption the vote resulted as follows:
Mr. Jackson Aye
Mr. Paul Aye
Mr. Bachman Aye
Adopted October 22, 2009

Therefore Be It Resolved, on **Thursday June 3rd, 2010, at 9:30AM** a Public Hearing will be held to consider said vacation petition request at the Office of the Board of County Commissioners, 101 North Sandusky Street Delaware, Ohio.

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

RESOLUTION NO. 10-581

IN THE MATTER OF ACCEPTING ROADS AND APPROVING RECOMMENDED SPEED LIMITS FOR WOODS AT WILDCAT RUN:

It was moved by Mr. Hanks, seconded by Mr. Thompson to release bonds and letters of credit and accept roads within the following:

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Woods at Wildcat Run

Please be advised The Engineer has reviewed the roadway construction of the roads within the referenced subdivision and find them to be constructed in accordance with the approved plans. Therefore, it is his recommendation that the roadways within the referenced subdivision be accepted into the public system and that the **Liberty Township Trustees** be notified of your action.

The roadways to be accepted are as follows:

- ? **Wildcat Run Court**, to be known as **Township Road Number 1610**
- ? **Martelli Way**, to be known as **Township Road Number 1611**

The Engineer also recommends that 25 mile per hour speed limits be established throughout the project.

He also request approval to return the Letter of Credit being held as maintenance surety to the developer, Bryan Ross.

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

RESOLUTION NO. 10-582**IN THE MATTER OF ESTABLISHING STOP CONDITIONS FOR WOODS AT WILDCAT RUN:**

It was moved by Mr. Hanks, seconded by Mr. Thompson to establish stop conditions for the following:

Stop Conditions – Woods at Wildcat Run

It is hereby requested that a stop condition be established at the following roads within the above referenced subdivision:

- ? On Township Road Number 1610, Wildcat Run Court, at its intersection with County Road Number 9, Liberty Road
- ? On Township Road Number 1611, Martelli Way, at its intersection with Township Road Number 1610, Wildcat Run Court

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

RESOLUTION NO. 10-583

**IN THE MATTER OF APPROVING A PROFESSIONAL SERVICES CONTRACT
BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND URS CORPORATION -
OHIO FOR THE PROJECT KNOWN AS DEL-CR10 SOUTH OLD STATE ROAD IMPROVEMENTS,
(PRELIMINARY ENGINEERING – PART 1):**

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

Whereas, the County Engineer recommends approval of the Professional Services Contract Between The Delaware County Board Of Commissioners And URS Corporation - Ohio For The Project Known As Del-CR10 South Old State Road Improvements, (Preliminary Engineering – Part 1):

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the Professional Services Contract Between The Delaware County Board Of Commissioners And URS Corporation - Ohio For The Project Known As Del-CR10 South Old State Road Improvements, (Preliminary Engineering – Part 1):

PROFESSIONAL SERVICES CONTRACT

**DEL-CR10-0.00 SOUTH OLD STATE ROAD IMPROVEMENTS
PRELIMINARY ENGINEERING – PART 1 (Minor PDP Steps 1-2)**

Section 1 – Parties to the Agreement

Agreement made and entered into this 10th day of May, 2010 by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 (“County”), and the firm of URS Corporation - Ohio (“Consultant”).

Section 2 – Contract Administrator

The Delaware County Board of Commissioners hereby designates the Delaware County Engineer as Administrator and agent of the Board for Work performed in accordance with this Agreement. The Administrator shall have general supervision of the Work and authority to order commencement or suspension of Work.

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Section 3 – Scope of Services (Work)

Consultant agrees to furnish, unto the County, professional engineering services for the project known as DEL-CR10 South Old State Road Improvements, (Preliminary Engineering – Part 1) including those services listed in the Scope of Services agreed upon by the County and Consultant and the Price Proposal for Minor PDP Steps 1-2 (last revision date April 6, 2010), by this reference hereby made part of this Agreement. Consultant further agrees to perform the Work promptly and in a skillfully competent manner under the direction of the Administrator and in accordance with generally accepted professional engineering standards.

Section 4 – Compensation

Compensation for Work performed under this Agreement shall be based on a lump sum fee not to exceed One Hundred Ninety One Thousand Three Hundred Thirty Five Dollars (\$191,335) as detailed in April 6, 2010 cost proposal submittal. Compensation for those tasks listed in the Price Proposal shall constitute full payment for all labor, equipment and materials required to complete those tasks.

Section 5 – Payment

Compensation shall be paid based no more than once monthly and shall be based on the Consultant's cost to date in accordance with the Consultant's Price Proposal, determined by the Consultant and approved by the Administrator. Invoices shall be submitted to the Administrator by the Consultant on company letterhead clearly listing the word "Invoice" with a sequential invoice number provided. Consultant shall not commence any "If Authorized" task until written authorization for such work is provided by the County. The County may request additional documentation to substantiate said invoices and the Consultant shall promptly submit documentation as needed to substantiate said invoices. Invoices are due and payable within 30 days of receipt.

Section 6 – Completion of Work, Delays and Extensions

All Work associated with this Agreement shall be completed by the Consultant no later than October 31, 2010. In the event that unforeseen and unavoidable delays prevent the timely completion of the Work provided under this Agreement, the Consultant may make a written request for time extension, and the Administrator may grant such an extension provided that all other terms of the Agreement are adhered to.

Section 7 – Insurance

- 7.1 **General Liability Coverage:** Consultant shall maintain commercial general liability insurance of \$1,000,000 each occurrence with an annual aggregate of \$2,000,000. Identical coverage shall be required to be provided by all subcontractors, if any.
- 7.2 **Automobile Liability Coverage:** Consultant shall maintain automobile liability insurance of \$1,000,000 each accident. Such coverage shall include coverage for owned, hired and non-owned automobiles. Identical coverage shall be required to be provided by all subcontractors, if any.
- 7.3 **Workers' Compensation Coverage:** Consultant shall maintain workers' compensation coverage as required by the laws of the State of Ohio. Identical coverage shall be required to be provided by all subcontractors, if any.
- 7.4 **Professional Liability Insurance:** Consultant hereby agrees to maintain, and require its subconsultants to maintain, professional liability insurance for the duration of the services hereunder and for three (3) years following completion of the Preliminary Engineering services hereunder plus three (3) years following any additional services provided for Final Engineering, services during construction, or other professional services, providing such insurance is readily available at reasonable prices. Such insurance for negligent acts, errors, and omissions shall be provided through a company licensed to do business in the State of Ohio for coverage of One Million Dollars (\$1,000,000) per claim and in the aggregate.
- 7.5 **Additional Insureds:** The County, its elected officials and employees, shall be named as additional insureds with respect to all activities under this Agreement in the policies required by Subsections 7.1 and 7.2. Consultant shall require all of its subcontractors to provide like endorsements.
- 7.6 **Proof of Insurance:** Prior to the commencement of any work under this Agreement, Consultant, and all of its subcontractors, shall furnish the County with properly executed certificates of insurance for all insurance required by this Agreement. Certificates of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the County. Consultant will replace certificates for any insurance expiring prior to completion of work under this Agreement.

Section 8 – Indemnification

The Consultant shall indemnify and hold free and harmless the County and its employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of bodily injury, sickness, disease or death or injury to or destruction of tangible property including the loss of use resulting therefrom, to the proportionate extent caused by any negligent acts, errors or omissions of the Consultant, its employees, agents, subcontractors, and their employees and agents' subcontractors and their employees or any other person for whose acts any of them may be liable.

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Section 9 – Suspension or Termination of Agreement

The County may suspend or terminate this Agreement at any time for the convenience of the County, at which time the County shall provide written notice to the Consultant ordering termination of Work. The Consultant shall immediately suspend or terminate Work, as ordered by the County. In the case of Termination, the Consultant shall submit a final invoice within sixty (60) days of receiving Notice of Termination for Work completed up to the date of termination. The County is not liable for payment for work performed after the date of termination.

Section 10 – Change in Scope of Work

In the event that significant changes to the Scope of Services as defined in Section 3 are required during performance of the Work, the first party shall notify the second party in writing with a detailed explanation of the circumstances believed to have changed beyond those originally contemplated by this Agreement. Any subsequent modifications to this Agreement shall be approved by both parties.

Section 11 – Ownership of Engineering Documents

Upon completion or termination of the Agreement, the Consultant shall provide copies, if requested, to the County of all documents or electronic files produced under this Agreement. Provided Consultant has been paid, the County shall have ownership of said documents, which are considered, but not limited to, any completed or partially completed surveys, calculations, reports, schematics, drawings and any other tangible written or electronic work produced in accordance with the Agreement. This section does not require unauthorized duplication of copyrighted materials.

Section 12 – Change of Key Consultant Staff

The Consultant shall immediately notify the County, in writing, of any change to key Consultant staff or subconsultants assigned to the Work as contemplated at the time of executing this Agreement.

Section 13 – Miscellaneous Terms & Conditions

- 13.1 **Prohibited Interests:** Consultant agrees that no agent, officer, or employee of the County during his/her tenure or for one year there after shall have any interest, direct or indirect, in this Agreement or the proceeds thereof. Consultant further agrees that it will not employ in any manner a current County employee for a minimum period of one (1) year from the completion date of this Agreement, without the prior express written consent of County.
- 13.2 **Entire Agreement:** This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement between the County and the Consultant, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.
- 13.3 **Governing Law:** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.
- 13.4 **Headings:** The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.
- 13.5 **Waivers:** No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 13.6 **Severability:** If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.
- 13.7 **Findings for Recovery:** Consultant certifies that it has no outstanding findings for recovery pending or issued against it by the State of Ohio.
- 13.8 **Homeland Security:** Consultant 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, Consultant agrees to make such certification by completing the declaration of material 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

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certification is attached to this Agreement and by this reference made a part of this Agreement.

- 13.9 Non-Discrimination/Equal Opportunity: Consultant hereby certifies that, in the hiring of employees for the performance of work under this Agreement or any subcontract, that neither it nor any subcontractor, by reason of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry, shall discriminate against any citizen of this state in the employment of a person qualified and available to perform the work to which the Agreement relates.

Consultant further certifies that neither it nor any subcontractor, or person acting on behalf of it or any subcontractor, in any manner, shall discriminate against, intimidate, or retaliate against any employee hired for the performance of work under this Agreement on account of race, color, religion, sex, age, disability as defined in section 4112.01 of the Revised Code, national origin, or ancestry.

Consultant certifies that it has a written affirmative action program for employment and effectively utilizes economically disadvantaged persons, as referred to in division (E)(1) of section 122.71 of the Revised Code.

Consultant certifies that it complies with all applicable laws regarding Non-Discrimination / Equal Opportunity and will not discriminate.

- 13.10 Campaign Finance – Compliance with R.C. 3517.13: Ohio Revised Code Section 3517.13 I(3) and J(3) requires that no political subdivision shall award any contract for the purchase of goods with a cost aggregating more than ten thousand dollars in a calendar year or services with a cost aggregating more than ten thousand dollars in a calendar year to a corporation, business trust, individual, partnership or other unincorporated business, association, including, without limitation, a professional association organized under Chapter 1785 of the Revised Code, estate, or trust unless the political subdivision has received for that calendar year, or the contract includes, a certification that the individuals named in Revised Code Sections 3517.13(I)(1) and (J)(1) are in compliance with the aforementioned provisions. The Contractor/Provider, therefore, is required to complete the attached certificate/affidavit entitled “Certification/Affidavit in Compliance With O.R.C. Section 3517.13.” **Failure to complete and submit the required aforementioned certificate/affidavit with the Contract will prohibit the County from entering, proceeding, and/or performing the Contract.** Such certification is attached to this Contract and by this reference made a part thereof.

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

RESOLUTION NO. 10-584

IN THE MATTER OF APPROVING A DRAINAGE EASEMENT VACATION FOR LOT 7320 AND LOT 7321, IN LAKE SHORE SUBDIVISION, ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO (OFFICIAL RECORD VOL. 750, PAGE 1871):

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

Whereas, available for your approval is a resolution vacating a portion of a drainage easement for Lots 7320 and 7321 of Lake Shore Subdivision, and

Whereas, since the time of the recording of the plat for this project, the grading of these particular lots has been changed so that it increased the size of an existing swale on the opposite side of the lots from this easement, thus making this particular easement unnecessary, and

Whereas, The Engineer is, therefore, requesting that the easement as described in the description be vacated.

Drainage Easement Vacation

The Engineer has received a request from Joe Silvestri (Silvestri Custom Homes), of Yarnell Old State Road LLC, the owner of Lots 7320 and 7321, Lake Shoe Subdivision, Orange Township, commonly known as 2648 and 2668 Alum Crossing Drive, Lewis Center, Ohio 43035, to vacate the original thirty six (36) foot drainage easement on the Lake Shore Subdivision plat that crosses the said Lots 7320 and 7321.

The easement as described on the attached Exhibit A, and as indicated on the attached Exhibit B (*map available in the Engineer’s Office*) as “Easement Vacation” is located along the common lot line between Lots 7320 and 7321, as depicted in Official Record Volume 750, Page 1871, Recorder’s Office, Delaware County, Ohio. The original drainage easement that crosses Lots 7320 and 7321 is no longer required after a drainage swale between Lots 7319 and 7320 was increased in size within the existing easement recorded on the plat. Therefore, the Engineer requests your approval to vacate the easement and to include a marginal reference on Official Record Volume 750, Page 1871 of this action to vacate the easement.

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Situated in the State of Ohio, County of Delaware, Township of Orange, being in Farm Lot 12, Part of Section 1, Township 3, Range 18, United States Military Lands, all being of record in the Recorder's Office, Delaware County, Ohio, and being a 0097 acre portion of an existing 36 foot wide Drainage Easement in Lots 7320 and 7321 as delineated on the plat of Lake Shore Subdivision, recorded on November 14, 2006, in Official Record Book 750, Pages 1871-1873, conveyed to Yarnell Old State Road LLC, and being more particularly described as follows:

BEGINNING, at the most northwesterly point of the line common to said Lots 7320 and 7321, said point lying on the southeasterly right-of-way of Alum Crossing Drive at 60 feet wide;

Thence, South 37°33'51" East, a distance of 20.00 feet, along the common line between said Lots 7320 and 7321 to the southeasterly line of a 20' wide sanitary easement (to remain), being parallel and 20 feet southeasterly from said Alum Crossing Drive right-of-way, and the most northwesterly line of said 36 foot wide drainage easement to be vacated, also being the TRUE POINT OF BEGINNING;

Thence, North 52°26'09" East, a distance of 18.00 feet, along the southeasterly line of said 20 foot wide sanitary easement, to the northeasterly line of said 36 foot wide drainage easement;

Thence, South 37°33'51" East, a distance of 118.81 feet, along said northeasterly line of said 36 foot wide drainage easement, to the northwesterly line of a 20 foot wide drainage easement, being parallel and 20 feet westerly from the southeasterly boundary of said lots;

Thence, South 56°11'21" West, a distance of 36.08 feet, along the northwesterly line of said 20 foot wide drainage easement, to the southwesterly line of said 36 foot wide drainage easement to be vacated, passing said common lot line at 1804 feet;

Thence, North 37°33'51" West, a distance of 116.44 feet, along the southwesterly line of said 36 foot wide drainage easement, to the southeasterly line of said 20 foot wide sanitary easement;

Thence, North 52°26'09" East, a distance of 18.00 feet, along the southeasterly line of said 20' wide sanitary easement, to the common line between said Lots 7320 and 7321 and the TRUE POINT OF BEGINNING. Containing 0.097 acres (4234.5 SF), more or less, and being subject to all easements, restrictions, and rights-of-ways.

This description was prepared from record information obtained from the Lake Shore Subdivision plat recorded on November 14, 2006, in the Delaware County Recorder's Office in Book 750, Pages 1871-1873.

The Basis of Bearings is referenced to the centerline of Alum Crossing Drive, being South 86°20'45" East, 604.11 feet.

This description has been prepared for easement purposes only, and is not to be used for fee transfer.

HALMBACHER ENGINEERING
Glenn Haimbacher, PE, PS
Registered Surveyor #S-7658

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approves the Drainage Easement Vacation For Lot 7320 And Lot 7321, In Lake Shore Subdivision, Orange Township, Delaware County, Ohio (Official Record Vol. 750, Page 1871).

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

RESOLUTION NO. 10-585

IN THE MATTER OF APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS; THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND CHILD PLACEMENT SERVICE PROVIDERS AS LISTED:

It was moved by Mr. Hanks, seconded by Mr. Thompson 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 Jobs & Family Services recommends approval of the following contract;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following contract for a Child Care Placement provider:

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Child Placement Service	Per diem cost and per diem reimbursement for the following categories
Foundations For Living 1451 Lucas Road Mansfield, Ohio 44905	A. Maintenance B. Administration C. Case Management D. Transportation E. Other Direct Services (e.g., special diets, clothing, insurance, respite care) F. Behavioral Healthcare G. Other costs - (any other cost the Agency has agreed to participate in)

(A copy of each of this contract is available in the Commissioners' Office until no longer of administrative value).

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

RESOLUTION NO. 10-586

IN THE MATTER OF APPOINTING A ZONING SECRETARY FOR THE COUNTY RURAL ZONING COMMISSION AND COUNTY BOARD OF ZONING APPEALS:

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

Whereas, the Delaware County Zoning Resolution requires the appointment of a Zoning Secretary, and

Whereas, the Zoning Secretary shall serve as secretary to the Rural Zoning Commission and Board of Zoning Appeals, and

Whereas, the duties of the Zoning Secretary are to: maintain County Zoning records, confirm information in applications, process all notices required by the Zoning Resolution, record the minutes of the Zoning Commission and Board of Zoning Appeals, assist the Zoning Inspector and perform such other duties relating to the Zoning Resolution, and

Whereas, the Code Compliance department is responsible for the administration of the Delaware County Zoning Resolution for Marlboro, Radnor and Thompson Townships, and

Whereas, Wendy Fox is currently employed as the Lead Clerk for the Code Compliance department, and

Whereas, Wendy Fox is qualified to perform the duties of the Zoning Secretary, and

Whereas, Fred Fowler is currently employed as the Department Supervisor for the Code Compliance department, and

Whereas, Fred Fowler is qualified to perform the duties of the Zoning Secretary.

Therefore, be it resolved that the Board of Commissioners of Delaware County, State of Ohio, appoints Wendy Fox to serve as the Zoning Secretary and Fred Fowler to serve as the backup Zoning Secretary.

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

RESOLUTION NO. 10-587

IN THE MATTER OF AMENDING THE APPROVAL OF AN EASEMENT AGREEMENT WITH JOHN & MONICA GRANDMINICO 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 both temporary and permanent easements from John Grandominico and Monica Grandominico at 3496 Cheshire Road and 2805 Devonshire Road in Berlin Township, Ohio are needed for the proposed improvements, and

Whereas the required easements are detailed in Exhibits 1 and 2, and

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Whereas, as described in Resolution #10-374, the County previously executed an agreement with a value of Seven thousand, five hundred (\$7,500) for the required easements in a good faith effort to obtain the easements, and,

Whereas County Sewer District Staff recommends that, in order to finalize the agreement with John Grandominico and Monica Grandominico, an additional \$500 to be added to the agreement price for a total of Eight Thousand Dollars (8,000),

Therefore be it resolved that the Board of County Commissioners execute a new easement agreement with John Grandominico and Monica Grandominico for the purchase of the easements as described on Exhibits 1 and 2.

Furthermore be it resolved that the Board of County Commissioners approve a voucher for payment in the amount of \$500.00 to John Grandominico and Monica Grandominico from 66711905-5401.

(Copy of Exhibits 1 and 2 available in the Sanitary Engineer's Department until no longer of administrative value.)

EASEMENT AGREEMENT

THIS AGREEMENT made at Delaware, Ohio, this 10th day of May, 2010, by and between John Grandominico and Monica Grandominico, 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 Exhibits 1 and 2.

The purchase price of said Easement across the real estate described on Exhibits 1 and 2 is Eight Thousand Dollars (\$8,000) upon the execution of the Deed of Easement.

The temporary construction easement as described on Exhibits 1 and 2 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 through certified mail to the SELLER.

To protect the SELLER's animals, and to provide sanitary service for a potential improvement to the SELLER's lot, the BUYER agrees to include in the plans and/or specifications for the "Cheshire Elementary School Sanitary Sewer Improvements" project the provisions as noted and depicted on Exhibit 3.

This transaction is to be closed at the SELLERS convenience, on or before June 1, 2010 at which time the SELLER will execute and deliver to the BUYER the attached Deed of Easement for the above-described real estate.

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

RESOLUTION NO. 10-588

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of The Child Support Enforcement Agency recommends hiring Erynn Ringle as a Case Manager with the Child Support Enforcement Agency; effective date May 17, 2010.

The Director of The Child Support Enforcement Agency recommends lateral move transfer for Darci Hunsaker, Case Manager Administrative Assistant with the Child Support Enforcement Agency; effective date May 4, 2010.

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

RESOLUTION NO. 10-589

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Maintenance Supervisor recommends hiring Brandon Scott Christian as a Custodian with the Maintenance

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Department; effective May 17, 2010.

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

RESOLUTION NO. 10-590

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).

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:	Board of Commissioner
Office/Department:	Facilities Management
Daily spending per card:	\$1,000
Monthly spending per card:	\$5,000
Single transaction limit:	\$ 250
Daily number of transactions per card:	5
Monthly number of transactions per card:	50
Name on Card 1:	Norman Smith

FURTHER BE IT RESOLVED, that Anna Adkins is named the Procurement Card Coordinator for the Department.

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

RESOLUTION NO. 10-591

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

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

Supplemental Appropriation

25422301-5201	Corrections Grant/General Supplies	8,700.00
25422301-5217	Corrections Grant/Books	2,000.00

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

RESOLUTION NO. 10-592

IN THE MATTER OF APPROVING A RESOLUTION SUPPORTING THE HEALTHY OHIO ONE-MILE FITNESS WALK:

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

Delaware County Commissioners Resolution Healthy Ohio One-Mile Fitness Walk

WHEREAS the Healthy Ohio Program encourages all Ohioans to get active, and

WHEREAS, the 2008 Physical Activity Guidelines for Americans published by the Centers for Disease Control and Prevention say that adults need two hours 30 minutes of moderate intensity aerobic activity – such as walking -- plus two muscle strengthening sessions every week, and

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WHEREAS, a lack of physical activity contributes to overweight or obesity that presently affects more than half of the adults in our community, and leads to chronic illnesses such as heart disease, cancer, and diabetes, which are the leading causes of death in our community today, and

WHEREAS, the Healthy Ohio program reports that obese employees cost employers money by being less productive, missing more work, and incurring significantly greater health care and workers' compensation costs than non-obese employees, and

WHEREAS, adults with healthy and active lifestyles tend to benefit the economy and their employers through good work attendance, and to have lower health care costs, and

WHEREAS, in conjunction with National Employees Health and Fitness Day, the Healthy Ohio Fitness Walk is planned for noon on Wednesday, May 19, 2010, with a goal of recruiting 100,000 Ohioans to walk 100,000 miles during the event, and

WHEREAS, the Delaware General Health District is encouraging local employers to support the Healthy Ohio Fitness Walk by allowing employees to participate in the statewide event, and is organizing a group walk starting in downtown Delaware.

NOW THEREFORE, the Board of Commissioners of Delaware County Ohio hereby resolves to support the health of Delaware County employees by encouraging participation in the Healthy Ohio Fitness Walk at noon on Wednesday, May 19, 2010.

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

RESOLUTION NO. 10-593

IN THE MATTER OF APPROVING A MEMORANDUM OF TENTATIVE AGREEMENT TO RENEW COLLECTIVE BARGAINING AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS; DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES AND LOCAL 3072, OHIO COUNCIL 8, AFSCME:

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

**MEMORANDUM OF TENTATIVE AGREEMENT
TO RENEW COLLECTIVE BARGAINING AGREEMENT**

The parties, the Delaware County DJFS and Local 3072, Ohio Council 8, AFSCME ("Union") desire to enter into a new collective bargaining agreement, subject to the approval of the Delaware County Board of Commissioners. The terms of the new collective bargaining agreement will be the same as the existing collective bargaining agreement with the exception of the following paragraph and other non-substantive clerical/grammatical changes that may be required.

1. Article 34, Paragraph B shall be replaced with the following language:

This Agreement shall become effective June 1, 2010 and shall remain in full force and effect until 11:59p.m. on December 31, 2010.

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

RESOLUTION NO. 10-594

9:30 AM - IN THE MATTER OF OPENING PUBLIC HEARING # 2 TO CONSIDER USING THE REVOLVING LOAN FUND (RLF) TO ASSIST THE CENTRAL OHIO MENTAL HEALTH CENTER FOR REHABILITATION OF TWO FACILITIES :

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

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

RESOLUTION NO. 10-595

IN THE MATTER OF CLOSING THE PUBLIC HEARING #2 TO CONSIDER USING THE REVOLVING LOAN FUND (RLF) TO ASSIST THE CENTRAL OHIO MENTAL HEALTH CENTER FOR REHABILITATION OF TWO FACILITIES :

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

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

RESOLUTION NO. 10-596

IN THE MATTER OF ACCEPTING THE REPORT OF THE VILLAGE OF SUNBURY COMMUNITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE ENTERPRISE ZONE PROGRAM, TAX INCREMENT FINANCING (TIF), AND COMMUNITY REINVESTMENT AREA (CRA) FOR PROGRAM YEAR 2009 AND TO ACCEPT THE RECOMMENDATIONS OF THE TIRC CONCERNING AGREEMENTS WITHIN THE ZONE:

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

WHEREAS, the Delaware County Commissioners, with the consent of the Village of Sunbury Council, have designated areas of the Village of Sunbury as an Enterprise Zone, TIF, and CRA , and

WHEREAS, the purpose of the Village of Sunbury Enterprise Zone, TIF, and CRA is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said areas; and

WHEREAS, the duly appointed Tax Incentive Review Council (TIRC) met on March 16, 2010, and reviewed the status of each active company and made certain recommendations concerning action to either continue, modify, or terminate said Agreements; and

WHEREAS, the Village of Sunbury and Delaware County are required under Ohio Revised Code to submit an annual report regarding the status of each Enterprise Zone, TIF, and CRA Agreements, and the recommendations of the TIRC, by March 31, 2010, to the Director of the Ohio Department of Development, and said report has been submitted.

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 review and recommendations made by the TIRC on March 16, 2010, be accepted and that this report, and all other information required by the State of Ohio, be forwarded to the Director of the Ohio Department of Development as appropriate..

Section 2. TIRC recommendations of the following companies:

Enterprise Zone Agreements

American Showa-R& D –Continue

American Showa- Expansion-Continue

Tax Increment Financing (TIF)

Sunbury Mill Plaza.- Compliance

American Showa Expansion-Compliance

Community Reinvestment Area (CRA)

Green Healthcare Development Group–Modify (modify the time when the additional building and road work are to start)

Section 3. That this Resolution shall take effect and be in force immediately after its passage.

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

RESOLUTION NO. 10-597

IN THE MATTER OF ACCEPTING THE REPORT OF THE ORANGE TOWNSHIP COMMUNITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE ENTERPRISE ZONE PROGRAM AND OLENTANGY CROSSINGS – EAST TAX INCREMENT FINANCING AREA (TIF) FOR PROGRAM YEAR 2009 AND TO ACCEPT THE RECOMMENDATIONS OF THE TIRC CONCERNING AGREEMENTS WITHIN THE ZONE:

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

WHEREAS, the Delaware County Commissioners, with the consent of the Orange Township Trustees, have designated areas of Orange Township as an Enterprise Zone and TIF areas; and

WHEREAS, the purpose of the Orange Township Enterprise Zone and TIF are to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said areas; and

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WHEREAS, the duly appointed Tax Incentive Review Council (TIRC) met on March 17, 2010, and reviewed the status of each active company and made certain recommendations concerning action to either continue, modify, or terminate said Agreements; and

WHEREAS, Orange Township and Delaware County are required under Ohio Revised Code to submit an annual report regarding the status of each Enterprise Zone, and TIF Agreements, and the recommendations of the TIRC, by March 31, 2010, to the Director of the Ohio Department of Development, and said report has been submitted.

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 review and recommendations made by the TIRC on March 17, 2010, be accepted and that this report, and all other information required by the State of Ohio, be forwarded to the Director of the Ohio Department of Development as appropriate..

Section 2. TIRC recommendations of the following companies:

Enterprise Zone Agreements

- Accel Inc – Continue
- ATS-Ohio – Continue
- NexTech – Continue
- ESM – Terminate (per company request)

TIF

- Olentangy Crossing East - Compliance

Section 3. That this Resolution shall take effect and be in force immediately after its passage.

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

RESOLUTION NO. 10-598

IN THE MATTER OF ACCEPTING THE REPORT OF THE DELAWARE COUNTY/DELAWARE CITY COMMUNITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE ENTERPRISE ZONE PROGRAM FOR PROGRAM YEAR 2009 AND TO ACCEPT THE RECOMMENDATIONS OF THE TIRC CONCERNING AGREEMENTS WITHIN THE ZONE:

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

WHEREAS, the Delaware County Commissioners, with the consent of the City of Delaware, have designated areas of the City of Delaware as an Enterprise Zone, pursuant to the Ohio Enterprise Zone Act, which is contained in the Ohio Revised Code; and

WHEREAS, the purpose of the Delaware County Enterprise Zone is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Zone; and

WHEREAS, the duly appointed Tax Incentive Review Council (TIRC), met on March 10, 2010, and reviewed the status of each active Enterprise Zone Agreements and made certain recommendations concerning action to either continue, modify, or terminate said Agreements; and

WHEREAS, the City of Delaware and Delaware County are required under Ohio Revised Code to submit an annual report regarding the status of each Enterprise Zone Agreements and the recommendations of the TIRC, by March 31, 2010, to the Director of the Ohio Department of Development, and said report has been submitted.

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 review and recommendations made by the TIRC on March 10, 2010, be accepted and that this report, and all other information required by the State of Ohio, be forwarded to the Director of the Ohio Department of Development as appropriate..

Section 2: TIRC recommendations of the following companies:

Enterprise Zone Agreements

- Gooseberry Patch – Continue
- Jeg’s Automotive – Continue
- Kroger’s Distribution Center - Continue

Section 3. That this Resolution shall take effect and be in force immediately after its passage.

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

RESOLUTION NO. 10-599

IN THE MATTER OF ACCEPTING THE REPORT OF THE VILLAGE OF ASHLEY COMMUNITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE COMMUNITY REINVESTMENT AREA (CRA) PROGRAM FOR YEAR 2009 AND TO ACCEPT THE RECOMMENDATIONS OF THE TIRC CONCERNING AGREEMENTS WITHIN THE CRA:

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

WHEREAS, the Delaware County Commissioners, with the consent of the Village of Ashley Council, have designated areas of the Village of Ashley as a CRA, pursuant to the Ohio Community Reinvestment Area Act, which is contained in the Ohio Revised Code; and

WHEREAS, the purpose of the Village of Ashley CRA is to provide the community with an effective tool for revitalizing and encouraging investment in residential development and managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said CRA; and

WHEREAS, the duly appointed Tax Incentive Review Council (TIRC) for the CRA met on March 16, 2010, respectively, and reviewed the status of each active CRA Agreements and made certain recommendations concerning action to either continue, modify, or terminate said Agreements and; and

WHEREAS, the Village of Ashley and Delaware County are required under Ohio Revised Code to submit an annual report regarding the status of each CRA Agreements and the recommendations of the TIRC, by March 31, 2010, to the Director of the Ohio Department of Development, and said report has been submitted.

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 review and recommendations made by the TIRC on March 16, 2010, be accepted and that this report, and all other information required by the State of Ohio, be forwarded to the Director of the Ohio Department of Development as appropriate..

Section 2. The twelve residential properties receiving the CRA are in compliance.

Section 3. That this Resolution shall take effect and be in force immediately after its passage.

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

Commissioner O'Brien recused himself from the following resolution

RESOLUTION NO. 10-600

IN THE MATTER OF ACCEPTING THE REPORT OF BERLIN TOWNSHIP COMMUNITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE CRA PROGRAM FOR PROGRAM YEAR 2009 AND TO ACCEPT THE RECOMMENDATION OF THE TIRC CONCERNING THE AGREEMENT WITHIN THE CRA:

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

WHEREAS, the Delaware County Commissioners, with the consent of Berlin Township Trustees, have designated areas of the Township as a CRA, pursuant to the Ohio Community Reinvestment Area Act, which is contained in the Ohio Revised Code; and

WHEREAS, the purpose of the Delaware County CRA's in Berlin Township is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Area; and

WHEREAS, the maintenance of existing and construction of new commercial and industrial structures in these areas would serve to encourage economic stability, maintain real property values, and generate employment opportunities; and

WHEREAS, the duly appointed Tax Incentive Review Council (TIRC) met on March 16, 2010, and reviewed the status of each active CRA Agreement and made certain recommendations concerning action to either continue, modify, or terminate said Agreements; and

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WHEREAS, the Berlin Township and Delaware County are required under Ohio Revised Code to submit an annual report regarding the status of each CRA Agreement and the recommendations of the TIRC, by March 31, 2010, to the Director of the Ohio Department of Development, and said report has been submitted.

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 review and recommendations made by the TIRC on March 16, 2010, be accepted and that this report, and all other information required by the State of Ohio, be forwarded to the Director of the Ohio Department of Development as appropriate.

Section 2: TIRC recommendation for Piranhas Grill is to continue - subject that taxes are paid or payment arrangement made by June 1, 2010

Section 3.That this Resolution shall take effect and be in force immediately after its passage.

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

RESOLUTION NO. 10-601

IN THE MATTER OF ACCEPTING THE REPORT OF LIBERTY TOWNSHIP COMMUNITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE COMMUNITY REINVESTMENT AREA (CRA) PROGRAM/ENTERPRISE ZONE FOR PROGRAM YEAR 2009 AND TO ACCEPT THE RECOMMENDATIONS OF THE TIRC CONCERNING AGREEMENTS:

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

WHEREAS, the Delaware County Commissioners, with the consent of Liberty Township Trustees, have designated areas of the Township as a CRA and Enterprise Zone, pursuant to the Ohio Revised Code; and

WHEREAS, the purpose of the Delaware County CRA/ Enterprise Zone in Liberty Township is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Areas; and

WHEREAS, the maintenance of existing and construction of new commercial and industrial structures in these areas would serve to encourage economic stability, maintain real property values, and generate employment opportunities; and

WHEREAS, the duly appointed Tax Incentive Review Council (TIRC) met on March 16, 2010, and reviewed the status of each active CRA/Enterprise Zone Projects and Agreements and made certain recommendations concerning action to either continue, modify, or terminate said Agreements and the CRA; and

WHEREAS, the Liberty Township and Delaware County are required under Ohio Revised Code to submit an annual report regarding the status of each CRA and Enterprise Zone Agreement and the recommendations of the TIRC, by March 31, 2010, to the Director of the Ohio Department of Development, and said report has been submitted.

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 review and recommendations made by the TIRC on March 16, 2010, be accepted and that this report, and all other information required by the State of Ohio, be forwarded to the Director of the Ohio Department of Development as appropriate..

Section 2. TIRC recommendations of the following companies

- CRA**
- Citigroup – Continue
- State Auto – Continue
- Enterprise Zone**
- Citigroup - Continue

Section 3.That this Resolution shall take effect and be in force immediately after its passage.

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

RESOLUTION NO. 10-602

IN THE MATTER OF ACCEPTING THE REPORT OF LIBERTY/BERLIN TOWNSHIPS COMMUNITY TAX INCENTIVE REVIEW COUNCIL (TIRC) ON THE STATUS OF THE CRA PROGRAM FOR PROGRAM YEAR

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2009 AND TO ACCEPT THE RECOMMENDATIONS OF THE TIRC CONCERNING AGREEMENTS WITHIN THE CRA:

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

WHEREAS, the Delaware County Commissioners, with the consent of Liberty/Berlin Township Trustees, have designated areas of the Townships as a CRA, pursuant to the Ohio Community Reinvestment Area Act, which is contained in the Ohio Revised Code; and

WHEREAS, the purpose of the Delaware County CRA in Liberty/Berlin Townships is to provide the community with an effective tool for managing and guiding economic development by enhancing the tax base, by encouraging and sustaining long term investment in the community, by enhancing the quality of life, and by preserving existing and attracting new business investment within said Areas; and

WHEREAS, the maintenance of existing and construction of new commercial and industrial structures in these areas would serve to encourage economic stability, maintain real property values, and generate employment opportunities; and

WHEREAS, the duly appointed Tax Incentive Review Council (TIRC) met on March 16, 2010, and reviewed the status of each active CRA and made certain recommendations concerning action to either continue, modify, or terminate said Agreements; and

WHEREAS, the Liberty/Berlin Township and Delaware County are required under Ohio Revised Code to submit an annual report regarding the status of each CRA Agreements and the recommendations of the TIRC, by March 31, 2010, to the Director of the Ohio Department of Development, and said report has been submitted.

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 review and recommendations made by the TIRC on March 16, 2010, be accepted and that this report, and all other information required by the State of Ohio, be forwarded to the Director of the Ohio Department of Development as appropriate..

Section 2. TIRC recommendations for P & D Builders is to continue the CRA.

Section 3. That this Resolution shall take effect and be in force immediately after its passage.

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

DISCUSSION ON THE UPGROUND RESERVOIR OWNED BY THE CITY OF COLUMBUS

RESOLUTION NO. 10-603

IN THE MATTER OF SUPPORTING THE PROPOSED CHANGES TO ODNR SURETY REQUIREMENTS AND FEES STRUCTURE FOR NEW DAM CONSTRUCTION UPGROUND RESERVOIRS PROJECT:

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

Whereas the Ohio General Assembly is considering introducing legislation that would establish a Dam Construction Permit Pilot Program that would establish permit fees and bonding requirements different from those currently required by the Ohio Department of Natural Resources (ODNR), and

Whereas the proposed Columbus Upground Reservoir project would qualify as an eligible dam project for this pilot, and

Whereas the Upground Reservoir will be located in northwest Delaware County and will provide water for Columbus water customers, as well as Del-Co Water Company customers, and

Whereas many public meetings were held regarding this project, and

Whereas the proposed legislation will revise permit fees and bonding requirements more appropriate for Upground (or off-stream) reservoir construction than the current fees and bonding structure which were established for traditional on-stream reservoirs., and

Whereas the proposed legislation no way affects the safety of the dam,

Whereas the City of Columbus and Del-Co Water Company have a cooperative agreement for sharing the developed water supply from the Upground Reservoir,

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Therefore Be It Resolved, the Delaware County Commissioners support the Proposed Changes to ODNR Requirements and Fee Structure for New Dam Construction Upground Reservoirs Project

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

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

Commissioner Hanks
-Transfer Gains
-Letter From Kent Kramer; Will Be Passed Along To Economic Development Department

Commissioner O'Brien
-Transfer Gains; Hopefully Will Continue After Incentives End

Commissioner Thompson
--Transfer Gains; Optimistic

RESOLUTION NO. 10-604

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 COLLECTIVE BARGAINING:

It was moved by Mr. Hanks, seconded by Mr. Thompson to adjourn into Executive Session at 10:15AM.

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

RESOLUTION NO. 10-605

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 11:00AM.

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

RESOLUTION NO. 10-605

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Recommendation to terminate Angie Steck a Social Service Worker III with the Department of Job and Family Services; effective the end of the day today May 10, 2010.

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

RESOLUTION NO. 10-606

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

 Todd Hanks

 Ken O'Brien

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MINUTES FROM REGULAR MEETING HELD MAY 10, 2010

Tommy Thompson

Letha George, Clerk to the Commissioners