

COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JANUARY 10, 2011

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**THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:**

**Present: Ken O'Brien, Dennis Stapleton, Tommy Thompson**

**RESOLUTION NO. 11-20**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 6, 2011:**

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on January 6, 2011; 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. Stapleton Aye Mr. O'Brien Aye

**RESOLUTION NO. 11-21**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM SPECIAL MEETING HELD JANUARY 7, 2011:**

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in special session on January 7, 2011; 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. Stapleton Aye Mr. Thompson Aye Mr. O'Brien Aye

**RESOLUTION NO. 11-22**

**IN THE MATTER OF RE-ORGANIZATION OF BOARD OF COMMISSIONERS – PRESIDENT:**

It was moved by Mr. Thompson, seconded by Mr. O'Brien to appoint Dennis Stapleton as President of the Board of Commissioners for the year 2011.

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

**RESOLUTION NO. 11-23**

**IN THE MATTER OF RE-ORGANIZATION OF BOARD OF COMMISSIONERS - VICE-PRESIDENT:**

It was moved by Mr. Stapleton, seconded by Mr. Thompson to appoint Ken O'Brien as Vice President of the Board of Commissioners for the year 2011.

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

**PUBLIC COMMENT**

**ELECTED OFFICIAL COMMENT**

**RESOLUTION NO. 11-24**

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**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND  
PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0107:**

It was moved by Mr. Thompson, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0107 and Purchase Orders as listed below.

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

**RESOLUTION NO. 11-25**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Administrative Services Department is requesting that Dawn Huston attend an Ohio Public Employer Labor Relations Association Conference in Newark, Ohio February 6-8, 2011, at the cost of \$260.00. (Fund Number 100111108).

The Administrative Services Department is requesting that Brad Euans attend an Ohio BWC SI Education Conference in Columbus, Ohio January 21, 2011, at the cost of \$150.00 (Fund Number 613).

Environmental Services is requesting that William Southan, Ricky Thomas and Greg Blevins attend the Basic Wastewater Treatment Course by OTCO in Lewis Center, Ohio starting on January 13 thru April 28, 2011 (Thursdays) at a total cost of \$1,905.00 from org keys 66211903 - 5305 (\$1,270) and 66211904 - 5305 (\$635).

The Engineer's Office is requesting that Cathleen Paulus attend a Machine Guarding Seminar in Mansfield, Ohio January 12, 2011, at no cost.

The EMS Department is requesting that Brent Staley attend an EMS Conference and Workshop in Columbus, Ohio February 24-27, 2011, at the cost of \$245.00 (Fund Number 10011303).

The Child Support Enforcement Agency is requesting that Kelly Mills, Leslee Millington and Christine Dobrovich attend training on Basic Interstate by Ohio Department of Job and Family Services in Columbus, Ohio January 20, 2011, at no cost.

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

**RESOLUTION NO. 11-26**

**SETTING DATE, TIME AND PLACE FOR THE VIEWING AND FINAL HEARING BY THE  
COMMISSIONERS FOR THE CHADWICK DITCH NO. 135 DITCH PETITION PROJECT (2007):**

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

Whereas, on June 19, 2007, a Ditch Petition to The Chadwick Ditch No. 135 Watershed Ditch was filed with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on Monday the 3<sup>RD</sup> day of December, 2007 opened and on Monday the 4<sup>th</sup> day of August, 2008 and Monday the 6<sup>th</sup> day of October, 2008 reconvened a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Chadwick Ditch No. 135 Watershed Ditch; and

Whereas, at that time with Resolution NO. 08-1190 the Delaware County Commissioners directed the Delaware County Engineer to proceed with the preparation of plans, reports, and schedules for the completion of the ditch project, and

Whereas, the Delaware County Engineer has notified the Commissioners that the plans, reports, and schedules for the construction of the Chadwick Ditch No. 135 Ditch Petition Project (2007) are finalized for their review and consideration.

Therefore, Be It Resolved, By The Board of County Commissioners, that **Monday February 28, 2011, at 1:30PM** at the Carter Lumber Distribution Center gravel lot (3477 County Road 605), be and the same is hereby fixed as the time and place for the view thereon, and

Therefore Be It Resolved, By The Board of County Commissioners have fixed **Monday March 7, 2011, at 10:30 AM** at the Commissioners Hearing Room 101 North Sandusky Street Delaware, Ohio as the time and place of the final hearing by the Commissioners on the report of the County Engineer.

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

RESOLUTION NO. 11-27

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH  
MAINTENANCE ASSESSMENTS FOR A PROJECT KNOWN VET CLINIC:

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

WHEREAS, on January 5, 2011 a Ditch Maintenance Petition for the **Vet Clinic** was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within the subdivision; and

WHEREAS, the Petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for each lot in the subject subdivision to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the Petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements being \$18,858.87 for the benefit of a total of 1.471 acres, the basis for calculating the assessment for each lot is, therefore, \$12,820.44 per acre. An annual maintenance fee equal to two percent (2%) of this basis (\$256.41 per acre) shall be collected for each the commercial. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year’s assessment for all of the lots in the amount of \$377.18 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3. This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

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

RESOLUTION NO. 11-28

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

It was moved by Mr. O’Brien, seconded by Mr. Thompson to approve the following work permits:

Whereas the below requests to perform work within the right of way have been reviewed and approved by the Delaware County Engineer;

Now Therefore be it resolved that the following permits are hereby approved by the Board of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
U11-003	CONSOLIDATED ELECTRIC	SOUTH OLD STATE	DIRECTIONAL BORE
U11-004	CONSOLIDATED ELECTRIC	PATRICK RD	SET 2 POLES

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

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**RESOLUTION NO. 11-29**

**IN THE MATTER OF AWARDING THE BIDS FOR THE FOLLOWING 2011 ENGINEERING MATERIALS: READY MIX CONCRETE; PLASTIC SEWER PIPE; GUARDRAIL INSTALLATION; STONE AGGREGATE; CONCRETE PIPE; SEEDING AND MULCHING; TREE CLEARING:**

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

**Bid Award Recommendations; Bids Opened December 21, 2010**

Whereas, as a result of the bids opened December 21, 2010 for various materials to be used during 2011, the following are The Engineer's recommendations for bid awards:

**Ready Mix Concrete:**

The Engineer recommends that a non-exclusive bid award be made to Buckeye Ready Mix, Ellis Brothers and Hensel Ready Mix.

**Plastic Sewer Pipe:**

The Engineer recommends that a non-exclusive bid award be made to ADS, Inc. and Baughman Tile Company.

**Guardrail Installation:**

The Engineer recommends that a non-exclusive bid award be made to M.P. Dory Company and The Paul Peterson Company.

**Stone Aggregate:**

The Engineer recommends that a non-exclusive bid award be made to National Lime & Stone Company and Shelly Materials, Inc.

**Concrete Pipe:**

The Engineer recommends that a non-exclusive bid award be made to Rinker Materials.

**Seeding and Mulching:**

The Engineer recommends that a non-exclusive bid award be made to John K. Leohner Company, Inc. and B&K Lehner Excavating.

**Tree Clearing:**

The Engineer recommends that a non-exclusive bid award be made to Oberlander's Tree & Landscape, Ltd.; Timberland Tree Company; and Waugh's Landscape Maintenance.

Bid tabulations for these materials are available for your information.

Therefore be it resolved that the Board of Delaware County Commissioners approve bid awards for the various materials to be used during 2011.

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

**RESOLUTION NO. 11-30**

**IN THE MATTER OF ADOPTING AMENDMENTS TO SECTION DC 407 OF THE BUILDING CODE OF DELAWARE COUNTY:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to adopt the following:

WHEREAS, the Building Code of Delaware County was originally adopted in October, 1964 and most recently amended in June, 2006; and

WHEREAS, by virtue of Ohio Revised Code 307.37 and 3781.10, the Board of Commissioners is authorized and empowered to adopt regulations pertaining to the erection, construction, repair, alteration and maintenance of all buildings within the unincorporated portion of the County and any other jurisdiction under contract with the County; and

WHEREAS, this Board has determined to adopt such regulations; and

WHEREAS, the County has provided public notice to its citizens that the regulations have been made available for public review; and

WHEREAS, two public hearings were advertised and held for public input on December 13 and December 16, 2010.

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NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, STATE OF OHIO:

1. That Section DC 407 (Paragraph 1) of The Building Code of Delaware County read as follows:

At the time of adoption of this building code, the Board of County Commissioners shall establish a fee schedule. These fees will be effective immediately and may be amended by the Board of County Commissioners. It shall be the responsibility of Delaware County Code Compliance to collect fees.

*The language of DC 407 paragraphs 2 & 3 will not change.*

2. That this Resolution shall become effective immediately.

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

**RESOLUTION ON ADOPTING CHANGES TO THE DELAWARE COUNTY RESIDENTIAL AND COMMERCIAL PLAN EXAMINATION, PERMIT AND INSPECTION FEE SCHEDULES DIED FOR LACK OF A SECOND**

**RESOLUTION NO. 11-31 WAS NOT UTILIZED**

**RESOLUTION NO. 11-32**

**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 THE REENTRY TASK FORCE MEETING:**

It was moved by Mr. O'Brien, 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, the Delaware County Department of Job and Family Services has the responsibility for reentry task force activities; and

WHEREAS, Delaware County has received funds for the purpose of Reentry Task Force meetings, training and activities in Delaware County; and

WHEREAS, a meeting has been organized and will be held January 10th for the purpose of providing a forum in which offenders will share their experiences with the adult probation, adult parole, county jail, prison settings and their experiences with Reentry in Delaware County. The objective of this meeting is to gather valuable information prudent to the strategic planning process as required by the Second Chance ACT; and

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 \$60.00, to assist in funding the purchase of refreshments and other amenities for The Reentry Task Force.

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

**RESOLUTION NO. 11-33**

**IN THE MATTER OF ACCEPTING GRANT FUNDING FOR A SENIOR CHORES PROGRAM PROVIDED BY THE WORKFORCE INVESTMENT YOUTH PROGRAM:**

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

Whereas, The Council For Older Adults offers grant funding for programs to assist senior citizens; and

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Whereas, Job and Family Services Provides a Youth Employment and Training Program;

Therefore Be It Resolved, that the Board of Commissioners and Job and Family Services accepts grant funds in the amount of \$32, 881.00 to Provide Senior Chore Services through the Youth Employment and Training Program.

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

**RESOLUTION NO. 11-34**

**IN THE MATTER OF SETTING BID OPENING DATE AND TIME FOR MCNAMARA PARK, HILMAR PARK, FREEMAN PARK, AND CENTER GREEN PARK WITH ADA RENOVATIONS:**

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

Whereas, the Economic Development Director recommends the Bid Opening date of 10:30 am , Friday, January 28, 2011, at 101 North Sandusky Street, Delaware, Ohio 43015, for Genoa Township Parks ADA Renovations. The County Commissioners approved Revolving Loan Funds (RLF) up to \$125,300 for this project on Resolution No. 10-1305 dated October 4, 2010.

Now Therefore Be It Resolved, that the Delaware County Commissioners approve the Bid Opening date and time of 10:30 am, Friday, January 28, 2011, at 101 North Sandusky Street, Delaware, Ohio 43015, and the approval of advertising the project:

**NOTICE TO CONTRACTORS**

Sealed proposals will be received by Delaware County located at 101 N. Sandusky St., Delaware, Ohio until **Friday, January 28, 2011, at 10:30am** for the **MCNAMARA PARK, HILMAR PARK, FREEMAN PARK, AND CENTER GREEN PARK WITH ADA RENOVATIONS** set forth in the plans and specifications on file in the above office. At the time hereinbefore mentioned and at the above-indicated office, sealed bids will be publicly opened and read. Work to be performed is described in the bid form.

The proposed work includes; ADA parking spaces, ADA parking signs, ADA sidewalk ramps, ADA accessible fishing dock, ADA picnic table, and ADA playground equipment

The estimated cost for this project is \$125,300.00

All proposals shall be sealed and endorsed for Genoa Township Parks ADA Renovations and mailed or delivered to the Delaware Commissioners Office located at 101 N. Sandusky St., Delaware, OH 43015. Proposals are to be on blanks furnished in the Contract Documents and included with the specifications.

Plans, specifications, bid forms and contract documents may be viewed and secured at the office of:

Genoa Township  
Attn: Joe Clase  
5111 S. Old 3C Hwy.  
Westerville, Oh 43082  
(614) 895-1126

A \$25.00 non-refundable deposit will be required for each set of drawings, specifications, and contract documents, plus \$10.00 for shipping expenses if required. Checks for bidding documents should be made payable to Genoa Township.

Each bid must be accompanied by a bid guaranty in the form of a bond with an approved surety company as surety for the execution of the contract. The bid guaranty and contract bond shall be for the full amount of the bid proposal and in the form as contained in the contract documents. Alternately, a certified check, cashier's check or letter of credit pursuant to Chapter 1305 of the revised code, in the amount of 10 percent of the bid will be accepted as a bid guaranty. Each proposal must contain the full name and address of every person or company interested in the same.

The County of Delaware hereby notify all bidders that they affirmatively insure that regard to any contract entered into pursuant to this advertisement, Minority Business Enterprise (MBE) AND Women's Business Enterprise (WBE) will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award. The County of Delaware is an equal opportunity employer and requires all persons contracting with the County to certify that they are equal opportunity employers and that they do not discriminate on the grounds of race, color, religion, sex or national origin.

Bidders are required to comply with the MBE/WBE requirements set forth. In part, this means that any bidder, to

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the extent that it subcontracts work, shall award subcontracts to certified Minority Business Enterprise/Women's Business Enterprise in an aggregate dollar value of no less than 7.3% of the contract for MBE and 6.9% of the contract for WBE. This percent can include materials and supplies. The bid specifications provided further details on these requirements.

All Contractors and subcontractors involved with the project will, to the extent practicable use Ohio products, materials, services, and labor in the implementation of their project. Additionally contractor compliance with the equal employment opportunity requirements of Ohio Administrative Code Chapter 123, the Governor's Executive Order of 1972, and Governor's Executive Order 84-9 shall be required.

Attention of bidders is called to all of the requirements contained in this bid packet, particularly to the Federal Labor Standards Provisions and Davis-Bacon Wages, various insurance requirements and various equal opportunity provisions. Bidders must comply with the provisions of the Americans with Disabilities Act of 1990.

A Pre-bid conference will be held at 2:00pm on Monday, January 24, 2011, at 101 N. Sandusky St., Delaware, Ohio. It is recommended that all bidders attend the pre-bid conference; however, non-attendance at pre-bid conference does not preclude Contractor from submitting bid.

Copies of the Bidding documents are available for inspection by prospective bidders at the following locations:

Genoa Township  
Attn: Joe Clase  
5111 S. Old 3C Hwy.  
Westerville, Oh 43082  
(614) 895-1126

No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof. The County reserves the right to reject any and all bids and to waive any irregularities. All bids will be considered based on lowest and best bid including any combinations of alternates chosen by the owner.

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

**RESOLUTION NO. 11-35**

**IN THE MATTER OF SETTING BID OPENING DATE AND TIME FOR DELAWARE COUNTY FORMULA 2010 FAMILY PROMISE PUBLIC SERVICE VAN:**

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

Whereas, the Economic Development Director recommends the Bid Opening date of 10:00am, Friday, January 28, 2011, at 101 North Sandusky Street, Delaware, Ohio 43015, for Public Service Van. The County approved CDBG Formula 2010 funds in the amount of \$24,900 and Revolving Loan Funds (RLF) up to \$5,500 for this project on Resolution No. 10-821 and Resolution No. 10-822.

Now Therefore Be It Resolved, that the Delaware County Commissioners approve the Bid Opening date and time of 10:00am, Friday, January 28, 2011, at 101 North Sandusky Street, Delaware, Ohio 43015, and the approval of advertising the project:

**NOTICE TO AUTO DEALERS**

Sealed proposals will be received by Delaware County, located at 101 N. Sandusky St., Delaware, Ohio, until 10:00am on Friday, January 28, 2011, for the Family Promise-Public Service Van set forth in the specifications on file in the above office. At the time hereinbefore mentioned and at the above-indicated office, sealed bids will be publicly opened and read.

The proposal is for a 15 passenger van.

**Interior Features:**

Air Conditioning with 3-Zone temperature control  
Rear-seat air conditioner and heater with controls  
Stain repel-stain/odor/static resistant fabric  
Power front one-touch, second-row windows  
Third-row power vented windows

**Exterior Features:**

16-inch x 6.5 aluminum wheels  
225/65R16 BSW all season tires  
Sunscreens glass



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**RESOLUTION NO. 11-36**

**IN THE MATTER OF SETTING DATE AND TIME FOR PUBLIC HEARING #1 FOR CDBG FORMULA FUNDING, COMMUNITY HOUSING IMPROVEMENT PROGRAM (CHIP), REVOLVING LOAN FUND (RLF), AND NEIGHBORHOOD STABILIZATION PROGRAM:**

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

Whereas, a public hearing will be held on **Monday, February 14, 2011, at 10:00 am** in the County Commissioners Office located at 101 North Sandusky Street in Delaware, Ohio. This hearing is needed to consider the applications for 2011.

**Notice of Public Hearing #1**

**Delaware County's FY 2011 CDBG Formula Funding, Community Housing Improvement Program, Delaware County's Revolving Loan Fund (RLF), and Neighborhood Stabilization Program**

Delaware County intends to apply to the Ohio Department of Development for funding under the Community Development Block Grant (CDBG) Small Cities Program, a federally funded program administered by the State of Ohio. The County is eligible for fiscal Year 2011 CDBG funding including approximately \$166,000 in formula funds, Economic Development funds up to \$500,000 per application, Water and Sanitary Sewer funds up to \$500,000, Downtown Revitalization up to \$400,000, Community Housing Improvement Program (CHIP) funding up to \$500,000 and Neighborhood Stabilization Program (NSP).

Delaware County intends to administer its Revolving Loan Fund and has designated from the Delaware County's Revolving Loan Funds the following Projects:

1. Village of Ostrander – Sidewalk Improvements	\$ 12,000
2. US 36/ 1-71 Interstate Study	\$ 40,000
3. Village of Powell-Business Incubator -ADA	\$ 7,059
4. Delaware Community Housing Improvement Program	\$ 5,735
5. Columbus Zoo Impact Study	\$ 18,900
6. Central Ohio Mental Health-Rehabilitation	\$184,709
7. Family Promise-Public Service (Van)	\$ 5,500
8. Delaware Creative Housing –Consultant	\$ 25,000
10. Parks- ADA Renovations	\$125,300
11. Strand Theatre-ADA Renovations	\$150,000
12. Andrews House-ADA Renovations	\$ 75,000

Delaware County projected remaining unencumbered Revolving Loan Fund balance is approximately \$168,273.01. The RLF is intended to meet the primary development goals of: 1) Encouraging the expansion and stability of the economic base of the designated area of the RLF and 2) Encouraging increased employment opportunities, particularly for low-and moderate-income persons in designated areas of the RLF. A primary use of the RLF is for providing low-interest gap financing loans to assist eligible businesses with fixed asset investment needs.

The first of two public hearings will be held on **Monday, February 14, 2011, at 10:00 am** in the Board of County Commissioners Hearing Room located at 101 N. Sandusky Street in Delaware, Ohio to provide citizens with information about the CDBG and RLF programs, including eligible activities and program requirements. The CDBG program can finance a variety of activities, including public facility improvements, demolition, housing rehabilitation, and economic development. The activities must be designed to primarily benefit low and moderate-income persons, eliminate slum and blight, or meet an urgent need of the community.

Citizens are encouraged to attend this meeting on February 14, 2011, to provide their input on the County's CDBG, CHIP, NSP, and RLF programs.

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

**RESOLUTION NO. 11-37**

**IN THE MATTER OF SELLING PERSONAL PROPERTY, WHICH IS NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED BY INTERNET AUCTION:**

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

WHEREAS, Delaware County Board of Commissioners may determine each year that the county has surplus property, including motor vehicles acquired for the use of county officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired; and

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WHEREAS, Ohio Revised Code Section 307.12 (E) allows by resolution adopted each calendar year the sale of such property by internet auction;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, declares its intent to sell such property by internet auction and adopt the following;

**Delaware County**

Online Surplus Property Disposition  
General Guidelines

Delaware County hereby creates the following rules pursuant to Ohio Revised Code 307.12 (E):

1. The Delaware County Board of Commissioners has determined that surplus personal property including motor vehicles acquired for the use of County Officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for the public use, or is obsolete or unfit for the use it was acquired is appropriate to be sold by Internet auction.
2. The auctions shall be conducted on a continuous basis through accessing the Delaware County surplus property through the Delaware County website located at [www.co.delaware.oh.us](http://www.co.delaware.oh.us).
3. The surplus property will be posted for a period of no less than 10 days, including Saturdays, Sundays, and legal holidays, but such time may be extended at the discretion of the Board or its representative in order to maximize the financial return to the County.
4. The Board or its representative on an item-by-item basis may determine minimum price or reserve price and the terms or conditions of sale, including but not limited to requirements for pickup and/or delivery, method of payment, and payment of sales tax in accordance with applicable laws for that item. Such information shall be available on the website.
5. The highest bid for the surplus property will prevail. However Delaware County reserves the right for its representative to withdraw the offer or cancel bids in an auction if one or more of the following circumstances apply:
  - a. It is determined that an auction shall be canceled or terminated early,
  - b. A bidder requests permission to back out of a bid,
  - c. The identity of the bidder cannot be verified, or
  - d. It is determined that a bidder is purchasing the surplus for a use contrary to the health and welfare of Delaware County or its citizens.
6. The Board of Commissioners has contracted with GovDeals, Inc. to provide the software necessary for the County to conduct the Internet auction.

**Online Sales – Terms and Conditions**

**All bidders and other participants of this auction agree that they have read and fully understand these terms and agree to be bound thereby.**

**Guaranty Waiver.** All property is offered for sale “AS IS, WHERE IS.” **Board of County Commissioners of Delaware County, Ohio (Seller)** makes no warranty, guaranty or representation of any kind, expressed or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect, or consequential.

**Description Warranty.** **Seller** warrants to the Buyer that the property offered for sale will conform to its description. Any claim for misdescription must be made prior to removal of the property. If **Seller** confirms that the property does not conform to the description, **Seller** will keep the property and refund any money paid. The liability of **Board of County Commissioners of Delaware County, Ohio** shall not exceed the actual purchase price of the property. Please note that upon removal of the property, **all sales are final**.

**Personal and property risk.** Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person and property and specifically release the seller and **GovDeals** from liability therefore.

**Inspection.** Most items offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the item description. Please contact the individual listed on the item description (special instructions) to schedule an inspection.

**Consideration of Bid.** **The Board of County Commissioners of Delaware County, Ohio** reserves the right to reject any and all bids and to withdraw from sale any of the items listed.

**Buyer’s Certificate.** Successful bidders will receive a Buyer’s Certificate by email from **GovDeals**.

**Payment.** Payment in full is due not later than **5 business days** from the time and date of the Buyer’s Certificate. Acceptable forms of payment are:

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- ? U. S. Currency in the exact amount of the total purchase(s) (County offices cannot provide change)
- ? Certified Check
- ? Cashiers Check
- ? Money Order
- ? Company Check (with Bank Letter guaranteeing funds – **mandatory**)

Checks shall be made payable to: **Delaware County**. Payments shall be made at the location listed in the Buyer's Certificate.

**Escrow Payment.** When the purchase price (of a single item or the aggregate purchase price of multiple items) totals \$5,000 or greater, the Seller may require a down payment from the winning Buyer. This non-refundable fee will be 20% of the total purchase price. When the Seller exercises this option, the Buyer will have 48-hours from the time of issuance of the Buyers Certificate, to comply with this requirement. If Buyer fails to comply with this requirement within the stated time frame, the Seller can declare Buyer in default, bar them from further bidding and have them removed from the GovDeals system. If Buyer is in default, Seller may negotiate with next closest bidder, re-list at another auction and/or pursue all legal proceedings. All monies collected in escrow, will be deducted from total monies due at time of final payment.

**Removal.** All items must be removed within **10 business days** from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal and any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will **Board of County Commissioners of Delaware County, Ohio** assume responsibility for packing, loading or shipping. Property may be removed between the hours of **9:00a.m. and 3:00p.m. , Monday through Friday**, excluding legal holidays. For additional information, please contact the individual listed on the item description (special instructions). A daily storage fee of \$10.00 may be charged for any item not removed within the 10 business days allowed and stated on the Buyer's Certificate.

**Vehicle Titles.** Seller will issue a title or certificate upon receipt of payment. Titles may be subject to any restrictions as indicated in the item description on the website. Open titles cannot be issued. **Board of County Commissioners of Delaware County, Ohio** will not issue replacement titles.

**Default.** Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all items within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, **Seller** may exercise such rights and may pursue such remedies as are provided by law. Seller reserves the right to reclaim and resell all items not removed by Buyer thirty (30) days from the expiration of specified removal date.

**Acceptance of Terms and Conditions.** By submitting a bid, the bidder agrees that they have read, fully understand and accept these Terms and Conditions of Online Sales, and agree to pay for and remove the property, if the bid is accepted, by the dates and times specified. These Terms and Conditions are displayed at the top of each page of each item listed on GovDeals.

**State/Local Sales and/or Use Tax.** Buyers may be subject to payment of State and/or local sales and/or use tax. The **Board of County Commissioners of Delaware County, Ohio** is **not** responsible for collection of taxes. Buyers are responsible for contacting the appropriate tax office, completing any forms, and paying any taxes that may be imposed.

**Sales to Employees.** Employees of the **Board of County Commissioners of Delaware County, Ohio** may bid on the property listed for auction, so long as they do NOT bid while on duty. Any officer or employee participating in the determination of certain property as surplus shall not submit a bid for its purchase.

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

**RESOLUTION NO. 11-38**

**IN THE MATTER OF DECLARING PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE AND AUTHORIZING THE INTERNET AUCTION OR DISPOSAL OF CERTAIN PERSONAL PROPERTY:**

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

WHEREAS, Delaware County throughout the year will have miscellaneous office furniture, office equipment, building hardware and materials, and minor tools and equipment such as; chairs, desks, tables, filing cabinets, book shelves, shelving, modular office furniture, computers, monitors, printers, fax machines, copiers, typewriters, adding machines, small hand and

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power tools which are not needed for public use, or are obsolete or unfit for the use for which they were acquired.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, declare that when the above type of personal property becomes obsolete, unfit, or not needed for public use and when the estimated fair market value of each item is less than \$250.00, the Board authorizes the internet auction, or the disposal or salvage of property that has no value, as set by the Ohio Revised Code Section 307.12.

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

**RESOLUTION NO. 11-39**

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

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

The Director of Emergency Medical Services recommends approving up to 5 weeks of Leave-With-Out-Pay for Pat Pennington; effective December 25, 2010.

Therefore Be It Resolved, that the Board of Commissioners approve up to 5 weeks of Leave-With-Out-Pay for Pat Pennington; effective December 25, 2010.

The Director of Emergency Medical Services recommends promoting Allison Holtsberry to a full-time paramedic; effective date January 12, 2011;

Therefore Be It Resolved, that the Board of Commissioners approves promoting Allison Holtsberry to a full-time paramedic; effective date January 12, 2011.

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

**COMMISSIONERS' COMMITTEES REPORTS**

**Commissioner O'Brien**

**-911 Board Meeting Postponed Until 9:30 A.M. Thursday**

**-Asked Fellow Commissioners To Submit Ideas For Rules To Aric Hochstettler For Possible Resolution**

**Commissioner Thompson**

**-Snow Is On The Way; Think About Engineer Staff**

**-Will Think About Rules**

**Commissioner Stapleton**

**Appreciates The Confidence From Fellow Board Members For His Appointment As President**

**-Will Consider Rules**

**RESOLUTION NO. 11-40**

**IN THE MATTER OF ADJOURNING THE MEETING:**

It was moved by Mr. O'Brien, seconded by Mr. Thompson to adjourn the meeting.

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

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Ken O'Brien

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Dennis Stapleton

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Tommy Thompson

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Jennifer Walraven, Clerk to the Commissioners