

**COMMISSIONERS JOURNAL NO. 55 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 14, 2011**

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

Present:
Dennis Stapleton, President
Ken O'Brien, Vice President
Tommy Thompson, Commissioner

RESOLUTION NO. 11-248

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 10, 2011:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on March 10, 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

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 11-249

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0301:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0301.

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

RESOLUTION NO. 11 -250

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Environmental Services is requesting that Peggy Roberts and Joe Scherler attend the Ohio Chapter, International Association of Electrical Inspectors Annual Conference and Seminar from May 2, 2011 to May 4, 2011 in Akron, Ohio at a total cost of \$660.50 from org key 10011301.

The Court of Common Pleas, Adult Court Services, is requesting that Doug Missman, Mark Taglione and Lorrie Sanderson attend an Ohio Opiate Epidemic Training in Columbus, Ohio April 5, 2011; at the cost of \$239.00. (Fund Number 25622303).

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

RESOLUTION NO. 11-251

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:

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Permit #	Applicant	Location	Type of Work
U11-013	CENTURY LINK	N. COUNTY LINE RD	REPLACE BURIED CABLE
U11-014	DEL-CO WATER	PIATT RD	INSTALL BORE FOR WATERLINE

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

RESOLUTION NO. 11-252

IN THE MATTER OF DECLARING THE NECESSITY FOR IMPROVEMENTS TO TOWNSHIP ROAD 275 (OXBOW ROAD) INCLUDING REPLACEMENT OF A BRIDGE, AND APPROVING PLANS, SPECIFICATIONS, ESTIMATES AND SETTING THE BID DATES FOR THE PROJECT KNOWN AS DEL-TR275-0.04:

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

Whereas, Section 5555.022 of the Revised Code provides that a Board of County Commissioners may find by a majority vote that the public convenience and welfare require the improving of any part of any public road, may fix the route and termini of the Improvement and may authorize such Improvement, and;

Whereas the County Engineer has determined that the Township Road 275 (Oxbow Road) bridge located 0.04 miles east of Tussic Street Road is structurally deficient and requires replacement, and recommends that the Board proceed with Improvements thereof, and;

Whereas the County Engineer has prepared plans and specifications for the Improvement, and has estimated the cost of the construction contract at \$248,000;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners that:

Section 1: The public convenience and welfare requires the replacement of the Township Road 275 (Oxbow Road) bridge located 0.04 miles east of Tussic Street Road and that the Improvement known as DEL-TR275-0.04 be initiated for such purpose, and;

Section 2: The costs for said Improvement will be paid for from any funds appropriated for road and bridge construction and that no special levies or assessments shall be made to pay for the Improvement, and;

Section 3: The plans, specifications and estimates for the project known as DEL-TR275-0.04 are hereby approved, and;

Section 4: The County Engineer is authorized to advertise for and received bids on behalf of the Board in accordance with the following Invitation to Bid:

Public Notice
Advertisement for Bids

Sealed bids will be received at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 am on Tuesday, April 5, 2011, at which time they will be publicly opened and read aloud, for the project known as DEL-TR275-0.04, Oxbow Road Bridge Replacement.

The proposals must be made on the forms provided in the Contract Documents or a copy thereof and shall contain the full name and address of the bidder. All bids shall be sealed and plainly marked "SEALED BID FOR DEL-TR275-0.04". Bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a one (1) year Maintenance/Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost, and may be submitted with the Bid Proposal.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from the Delaware County Engineer's Office, 50 Channing Street, Delaware, Ohio 43015. Cost for printed copies of each set of plans & specifications is \$20 and the cost is non-refundable. Plans and specifications may also be downloaded, free of charge, from the Delaware County Engineer's website at www.co.delaware.oh.us/ebids. All bidders must register as a plan holder with the Delaware County Engineer's Office in person or through the website.

The Owner requires that all work associated with the project be completed before June 28, 2011. The estimated commencement of work date is May 16, 2011.

This is a prevailing wage contract in accordance with the U.S. Department of Labor Regulations, Title 29, Subtitle A, Part 5, Sections 5.5, 5.31, and 5.32, most recent revision at contract execution. Bidders shall comply

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with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates:
March 18, 2011
March 25, 2011

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

RESOLUTION NO. 11-253

IN THE MATTER OF ESTABLISHING A DRAINAGE MAINTENANCE ACCOUNT AND APPROVING THE DRAINAGE MAINTENANCE EASEMENT FOR THE OBRIEN ID #1102 AND #1103 DRAINAGE IMPROVEMENT PROJECT:

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

Establish Drainage Maintenance Account and Drainage Maintenance Easement as Follows:

RE: O'Brien ID #1102 and #1103 Drainage Improvement Project

ESTABLISH DRAINAGE MAINTENANCE ACCOUNT

The following information may be used to initiate the maintenance accounts:

Name: Obrien
Account: 1102
Organization: 21911401
Amount: \$1,700.00

Name: Obrien-Ohio Department of Transportation Direct Assessment
Account: 1103
Organization: 21911401
Amount: \$8,000.00

In addition, approve both projects for maintenance assessment collection beginning in 2012 at a rate of two percent annually for project ID #1102 and a rate of one percent annually for project ID #1103.

**ESTABLISH DRAINAGE MAINTENANCE EASEMENT
O'BRIEN ID #1102 AND #1103 DRAINAGE IMPROVEMENT PROJECT**

O'Brien # 440 (ID #1102 And #1103 Drainage Improvement Project) In United States Military District Section 3, Township 5, Range 18, Brown Township And City Of Delaware, Delaware County, Ohio

(A copy of the easement map is available in the Commissioners' Office until no longer of administrative value).

WHEREAS, the Delaware County Engineering Staff and the Soil and Water Conservation Staff recommend establishing the drainage maintenance account and approving drainage maintenance easements;

THEREFORE BE IT RESOLVED, that the Commissioners establish the drainage maintenance account and approve the drainage maintenance easements

FURTHER BE IT RESOLVED, that the Commissioners will approve the final schedule of construction assessments (copy available in the Commissioners' Office until no longer of administrative value) when the interest rate of the bond for the borrowing of the money is determined.

BE IT FURTHER RESOLVED, that the Commissioners Office will supply to the Auditor's Office the final schedule of constructions assessments after the bond is issued and the interest rates are determined for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments.

As this project came in under the estimate, some property owners who paid in advance are due a refund, in addition several property owners whose total cost is below the minimum \$10.00 requirement will be increased to meet that requirement.

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

RESOLUTION NO. 11-254

IN THE MATTER OF ACCEPTING AND APPROVING THE DITCH INSPECTION REPORT FOR 2011 AND
ESTABLISHING AND APPROVING PERCENTAGE OF MAINTENANCE ASSESSMENTS FOR 2012:

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

Whereas, the County Engineer recommends accepting and approving the 2011 Ditch Inspection Report and establishing and approving Percentage Of Maintenance Assessments for 2012;

Ditch Inspection Report for 2011

Available for your review and approval is the Ditch Inspection Report for 2011 along with the percentages to be collected for 2012. A Resolution needs to be passed by your Board to adopt this report and approve the percentages to be collected.

(Copy of report available for review at the Commissioner's office until no longer of administrative use.)

INSPECTION REPORT

General Information

1. Name and number of group

2. Type of group:

3. Balance Money as of January 1, 2011
- O=Open Ditch

B=Basin

S/D=Surface Drain
- T=Tile

S=Swale
- ST=Storm Tile

W/W=Waterway

Proposed Work

1. Brush and cattails need sprayed

2. Fertilizer and seeding is needed

3. Pipe is needed

4. Cost of project to do work

5. Assessment Column has percent collected for 2012 and projected income for 2011 and 2012.

JOINT COUNTY 2012 TAXES

Ditch Names	Percentages	County
Adams	5%	Delaware / Marion
Carter Joint County	0%	Delaware / Marion
Cook Joint County	30%	Delaware / Licking
Coomer 435 Main	1%	Delaware / Morrow
Coomer 435 Lateral A	1%	Delaware / Morrow
Darst Joint County	0%	Delaware / Marion
DeGood	20%	Delaware / Union
Pumphrey Joint County	7%	Delaware / Morrow
Tartan Field Jt. Co. 8,9,10,11	1.5%	Delaware / Union

TRI-COUNTY 2012 TAXES

Ditch Name	Percentage	County
Randall Howison Tri-County	0%	Delaware / Marion / Union

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Now Therefore Be It Resolved, that the Delaware County Board of Commissioners accept and approve the 2011 Ditch Inspection Report and establish and approve Percentage Of Maintenance Assessments for 2012.

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

RESOLUTION NO. 11-255

IN THE MATTER OF RENEWING THE CONTRACT FOR LANDSCAPE MAINTENANCE SERVICES FOR THE DELAWARE COUNTY RUTHERFORD B. HAYES SERVICES BUILDING:

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

WHEREAS, Delaware County entered into a contract with Benchmark Landscape Construction, Inc. on April 24, 2008; and

WHEREAS, per the terms of the contract, it may be renewed if agreed upon by both parties for two (2) additional one (1) year periods; and

WHEREAS, per the bid specification, the contractor must notify the County of any cost increase for a renewal period; and

WHEREAS, the proposed renewal includes increased services but does not include increased rates for the services provided; and

WHEREAS, the Facilities Management Office finds the increase services to be reasonable and recommends renewing the contract;

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Delaware County, State of Ohio, authorize the renewal of the contract for landscape maintenance services for the Delaware County Rutherford B. Hayes Services Building at the current rates for the second, one (1) year period.

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

RESOLUTION NO. 11-256

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. Thompson, seconded by Mr. O'Brien 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 March 29th for the purpose of providing a forum in which the Reentry Task Force Strategic plan will be presented to the entire Reentry Task Force and community. The objective of this meeting is to gather valuable information prudent to the strategic planning process as required by the Second Chance Act and receive Task Force approval of the strategic plan; 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 \$250.00, to assist in funding the purchase of food, refreshments and other amenities for The Reentry Task Force.

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

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RESOLUTION NO. 11-257**IN THE MATTER OF AUTHORIZING THE SUBMITTING OF A GRANT APPLICATION FROM THE DEPARTMENT OF JOB AND FAMILY SERVICES TO THE US DEPARTMENT OF LABOR:**

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

Grant: Civic Justice Corps Grants Serving Juvenile Offenders

Source: Department of Labor

Grant Period: 30 months

The Employment and Training Administration (ETA), U.S. Department of Labor (DOL), announced the availability of approximately \$20 million in grant funds authorized by the Workforce Investment Act for Civic Justice Corps Grants to serve juvenile offenders ages 18-24 which have been involved in the juvenile justice system within 12 months before entry into the program. Civic Justice Corps projects focus on community service projects that provide young offenders the opportunity to repair the harm they may have caused to the community in which they expect to return. Such community projects can help rebuild severed relationships between the returning offender and members of the community. Through community service, returning offenders are offered the opportunity to reestablish community-based thrust while enhancing their status in their communities.

Civic Justice Corps programs must include each of the following components: 1) meaningful community service projects and service-learning opportunities; 2) educational interventions that lead to a credential and increase placement opportunities in post secondary education and/or vocational training that lead to long-term employability of participants; 3) community connections that result in opportunities for young offenders to rebuild trust and for the community to view them as assets rather than liabilities; 4) high staff to participant ratios, including close adult supervision on community service projects; 5) a career development component that seeks to place each participant in a job in which skills will be learned, post-secondary education, a registered apprenticeship program, and/or career technical training that leads to an industry - recognized credential; and 6) post-program support and follow-up.

There is no local match requirement.

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

RESOLUTION NO. 11-258**IN THE MATTER OF APPROVING CHANGE ORDER #8 TO THE INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE LOWER SCIOTO WATER RECLAMATION FACILITY:**

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

CHANGE ORDER
Order No. 8
Date: March 14, 2011
Agreement Date: 11/01/07

NAME OF PROJECT: Lower Scioto Water Reclamation Facility

CONTRACTS: Intergovernmental Cooperation Agreement and Design-Build Agreement; both dated November 1, 2007

The following changes are hereby made to the CONTRACT DOCUMENTS:

Provide: Stantec Consulting Services, Inc. has completed tasks for the O'Shaughnessy Reservoir Pump Station Project that are beyond the original scope of work outline in the approved contract. The following additional services were provided: (a) Detailed Depth Study of the Influent Sanitary Sewer, (b) Revised Building Plan for a Submersible Pump Station Design, (c) Building Elevation and Color Rendering, (d) Environmental Permitting, (e) Additional Topo for South Easement Area, and (f) Outfall Sewer Review for the Lower Scioto WRF.

Justification: These additional services were requested by the Regional Sewer District as part of the design and approval process.

Change to Contract Price:

Original Contract Price: \$21,986,625.00

Current Contract Price adjusted by previous Change Order: \$22,586,955.16

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The Contract Price due to this Change Order will be increased by: \$32,700.00
The new Contract Price including this Change Order will be: \$22,619,655.16

Change to Contract Time:

The Contract Time will be (increased/decreased) by zero (0) calendar days

Approvals Required:

To be effective this Order must be approved as required by Section II of the Intergovernmental Cooperation Agreement.

Recommended By: Delaware County Sanitary Engineer

Approved By: Board of County Commissioners, Delaware County, Ohio

Further Be It Resolved, that the Board of County Commissioners approve a purchase order increase in the amount of \$32,700.00 (P1102950 Concord/Scioto Community Authority)

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

RESOLUTION NO. 11-259

IN THE MATTER OF APPROVING CHANGE ORDER #1 TO THE REPAIR AND UPGRADE OF ABS SUBMERSIBLE MIXERS PROJECT:

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

Whereas, the Board of County Commissioners approved an agreement with Michael Bradley Apparatus, LLC to repair and upgrade the ABS submersible mixers at the Alum Creek Water Reclamation Facility in Resolution No. 10-362; and

Whereas, during the repair it was determined that the condition of the mixers was worse than anticipated and additional parts were necessary in order to complete the scope of the contract, as well as for the safe installation and continued operation of the mixer units; and

Whereas, the additional items include the following: crane support, protective covers, replacement ropes, replacement indicator lights and covers, three gear boxes, gear box protection devices, replacement of defective cords, and tension switches with extras for repair; and

Whereas, the cost of the additional items is \$53,206.99, which increases the total amount of the contract to \$190,369.99; and

Whereas, staff recommends approving Change Order #1 to increase the contract price; and

Whereas, there is not a change in the contract times.

Therefore be it resolved that the Board of County Commissioners approve Change Order #1 to the Repair and Upgrade of ABS Submersible Mixers Project.

Furthermore be it resolved that the Board of County Commissioners approve an increase to the purchase order with Michael Bradley Apparatus, LLC in the amount of \$53,206.99.

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

RESOLUTION NO. 11-260

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 911 Communications recommends that Bobbie Henney move from a part-time employee to a full time employee; effective March 14, 2011;

Therefore Be It Resolved, that the Board of Commissioners approve moving Bobbie Henney from a part-time employee to a full time employee; effective March 14, 2011.

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

COMMISSIONERS' COMMITTEES REPORTS

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Commissioner O’Brien
-Email From Red Cross, Director Stuart, On March 26 The Red Cross Is Hosting The First Annual Military And Veteran’s Family Appreciation Day Event From 1-5pm At 380 Hills Miller Road

Commissioner Thompson
-The Farmers Share Breakfast Is Saturday At Dempsey

Commissioner Stapleton
-On Friday Attended A CORSA Meeting; Loss Ratio, Delaware County Has The Highest Deductible
-Had Meeting With Jon Melvin And Data Center Representative Looking At Up Grading Hearing Room Equipment

Administrator Hansley
-EMA Director, Brian Galligher Is Okay (He Was In Japan On His Military Reserve Time During The Earthquake and Tsunami, May Stay Longer Than Anticipated)
-Bob Greenlaw, 911 Communications Director Is Expected To Return Wednesday From FMLA

RESOLUTION NO. 11-261

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; FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. O’Brien, seconded by Mr. Thompson to adjourn into Executive Session at 10:10AM.

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

RESOLUTION NO. 11-262

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. O’Brien, seconded by Mr. Thompson to adjourn out of Executive Session at 10:57AM.

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

There being no further business, the meeting adjourned.

1:30PM WORK SESSION

BRIAN D. MUMFORD AND KARLA HERRON DELAWARE COUNTY BOARD OF ELECTIONS

JOB AND FAMILY SERVICES
PROCUREMENT CARD CHANGES
PURCHASE OF MEALS FOR MEETINGS

JUVENILE COURT
THE COURTS MOMS PROGRAM APPLYING FOR FUNDING OF PROGRAMS THAT PREVENT CHILD ABUSE AND NEGLECT FROM THE FAMILY AND CHILDREN'S FIRST COUNCIL

OTHER BUSINESS TO COME BEFORE THE BOARD

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Ken O'Brien

Dennis Stapleton

Tommy Thompson

Jennifer Walraven, Clerk to the Commissioners