

COMMISSIONERS JOURNAL NO. 56 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 19, 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. 11-984

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 15, 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 September 15, 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

Boots Sheets, Delaware County Fair Board, A Thank You To The Commissioners For Coming To The Fair

Phil Terry, General Manager Delaware County Fair; Great First Two Days, Trying To Look Ahead To Budget Future Needs For Infrastructure And Equipment

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 11-985

A RESOLUTION OFFERING WARM GREETINGS AND GREAT APPRECIATION TO SHOWA CORPORATION FOR THEIR AMERICAN SHOWA FACILITY AND OPERATIONS IN SUNBURY, DELAWARE COUNTY, OHIO:

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

WHEREAS, Columbus2020 representatives are meeting with Showa Corporation during their visit to Japan during September 2011; and

WHEREAS, Columbus2020 is a public-private partnership, including Delaware County, designed to provide business assistance to existing and new companies within an eleven county area ; to leverage the region's world class research and academic institutions and diverse industries to become the fastest growing economy in the country and a leader in economic development; and

WHEREAS, American Showa has and continues to make important contributions to Delaware County's manufacturing job growth and growth within the local community.

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 Board of Commissioners requests Columbus2020 representatives offer warm greetings and great appreciation for Showa's investment and continued success in Delaware County and the Columbus Region.

Section 2. That this Resolution shall take effect and be in force immediately after passage.

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

RESOLUTION NO. 11-986

IN THE MATTER OF PROCLAIMING FRIDAY, SEPTEMBER 23, 2011, AS "FALLS PREVENTION

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AWARENESS DAY” IN DELAWARE COUNTY:

It was moved by Mr. O’Brien, seconded by Mr. Thompson to adopt the following Resolution:

Falls Prevention Awareness Day 2011

WHEREAS, an estimated 8.3 percent of Delaware County citizens are 65 years of age or older; and

WHEREAS, it is estimated that in any year, one third of persons over the age of 65 will suffer a fall; and

WHEREAS, falling, and the fear of falling, can lead to depression, hopelessness, loss of mobility, and loss of functional independence; and

WHEREAS, older adults who fall are two to three times more likely to fall again; and

WHEREAS, fall related Emergency Room visit and hospitalization rates for Delaware County citizens 65 years and older were higher than rates for all other injuries combined; and

WHEREAS, new research by the Centers for Disease Control and Prevention shows that an estimated 234,000 Americans were treated in emergency rooms in 2008 for fall injuries in bathrooms, and older adults suffered the highest rates of injuries from those bathroom falls;

WHEREAS, injuries from falls are a largely preventable community health problem; and

WHEREAS, the Stepping Up to Prevent Falls of Delaware County Coalition, including more than 24 organizations from across the County, is working to increase awareness of this preventable health hazard, and encourages Delaware County residents to take steps to protect those who are at increased risk of falling;

NOW THEREFORE, the BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO, joins the Delaware General Health District, the Stepping Up to Prevent Falls of Delaware County Coalition, and the National Council on Aging in proclaiming Friday, September 23, 2011, as “FALLS PREVENTION AWARENESS DAY” in Delaware County, and urges all citizens to help seniors enjoy active, independent lives by preventing falls and injuries.

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

RESOLUTION NO. 11-987

IN THE MATTER OF RECOGNIZING CHILD PASSENGER SAFETY WEEK, SEPTEMBER 18-24, 2011, AND NATIONAL CAR SEAT CHECK SATURDAY ON SEPTEMBER 24, 2011:

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

Child Passenger Safety Week 2011

WHEREAS, motor vehicle crashes are the leading cause of death among children aged 3 to 14;

WHEREAS, proper use of child safety seats greatly reduces the likelihood that a child will be injured or killed in a crash;

WHEREAS, studies have shown that too many children are not riding in optimal safety, and that many parents struggle to install and use child safety seats in the safest manner;

WHEREAS, for many years, the Delaware General Health District’s Delaware County Safe Communities-Safe Kids Coalition has worked with parents to ensure child passenger safety;

WHEREAS, the Safe Kids Coalition’s certified car seat technicians show parents how safety seats protect children, how seats need to be installed and used, and the seat configurations which ensure that a family’s children will ride safely;

WHEREAS, over the last two years, the Safe Kids Coalition’s certified car seat technicians checked or installed 1,115 seats and corrected 480 seat misuses which could have compromised children’s safety;

WHEREAS, over those two years, there have been several Delaware County children who survived highway traffic crashes because they were riding in properly installed safety seats;

WHEREAS, the Safe Kids Coalition will conduct at least 17 scheduled car seat inspection events for our county’s parents and children throughout 2011, including events on the third Wednesday afternoon of each month at fire and police stations throughout Delaware County, with appointments for families’ convenience, and these services are free;

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Therefore, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio, joins with the Delaware County Safe Communities-Safe Kids Coalition, law enforcement, fire and EMS, the National Highway Traffic Safety Administration, the American Academy of Pediatrics, and Safe Kids USA in support of Child Passenger Safety Week, September 18-24, 2011, and National Car Seat Check Saturday on September 24, 2011.

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

RESOLUTION NO. 11-988

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0916, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0916 AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER CMAPR0916PC:

It was moved by Mr. O'Brien, seconded by Mr. Thompson to approve then and Now Certificates, payment of warrants in batch numbers CMAPR0916, memo transfers in batch numbers MTAPR0916, Procurement Card Payments in batch number CMAPR0916PC and Purchase Orders as listed below:

<u>Vendor</u>		<u>Description</u>	<u>Account</u>	<u>Amount</u>	
PO' Increase					
Delaware Motive		Vehicle Parts Service Center	10011106-5238	\$ 10,000.00	
Bound Tree Medical		EMS Supplies	10011303-5243	\$ 10,000.00	
PR Number	Vendor Name	Line Desc	Line Account	Line Amount	Line
R1105961	OHIO CAT	PREVIOUS SWITCH - BURNT UP	66611903 - 5450	\$5,647.00	0001
R1105962	ITT WATER AND WASTEWATER	REBUILD RAW PUMP AT ALUM CREEK PUMP STATION	66611904 - 5450	\$31,512.20	0001
R1105963	PRODUCT TOOLING INC	REPLACE SCREEN BASIN BOX AT TARTAN FIELDS	66611906 - 5450	\$13,000.00	0001

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

RESOLUTION NO. 11 -989

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The EMS Department is requesting that Rob Farmer attend the International Association of Emergency Medical Services Chiefs Annual Meeting in Washington D.C. October 28-31, 2011, at the cost of \$2,057.50 (Fund Number 10011303).

Environmental Services is requesting that Duane Matlack and Fred Fowler attend the Certified Floodplain Manager Refresher Course by ODNR in Columbus, Ohio on October 13, 2011 at a total cost of \$130.00 from org key 10011301.

Environmental Services is requesting that Walt Thompson attend a Wastewater Certification Review in Columbus, Ohio from October 31, 2011 to November 1, 2011 at a total cost of \$295.00 from org keys 66211906 (\$125), 66211907 (\$125) and 66211910 (\$45).

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

RESOLUTION NO. 11-990

SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE PEACHBLOW ROAD AND CONNER LANE WATERSHED (MIDWAY GARDENS) DRAINAGE IMPROVEMENT PETITION PROJECT:

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

Whereas, the Board of Commissioners of Delaware County on May 18, 2009, held a public hearing and determined the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the reconstruction and improvement of the Peachblow Road and Conner Lane Watershed (Midway Gardens) Drainage Improvement Petition Project, and

Whereas, at that time 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

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Whereas, the Delaware County Engineer has notified the Commissioners that the plans, reports, and schedules for the construction of the Peachblow Road and Conner Lane Watershed (Midway Gardens) Drainage Improvement Petition Project are ready for their review and consideration.

Therefore be it Resolved, the Board of County Commissioners of The County of Delaware have fixed **Monday the 7th day of November, 2011, at 10:30AM** 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.

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

RESOLUTION NO. 11-991

IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER’S AGREEMENT FOR THE GREENS AT NORTHSTAR PHASE 2, PART 1A:

It was moved by Mr. O’Brien, seconded by Mr. Thompson to approve the following Sanitary Subdivider’s Agreement:

Whereas, the Director of Environmental Services recommends the Sanitary Subdivider’s Agreement For The Greens At Northstar Phase 2, Part 1a;

Therefore be it resolved, that the Board of Commissioners approve the Sanitary Subdivider’s Agreement For The Greens At Northstar Phase 2, Part 1a.

The Greens at Northstar Phase 2, Part 1A

**SUBDIVIDER'S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER**

THIS AGREEMENT executed on this 19th day of September 2011, by and between SHUMATE DEVELOPMENT CORP. (herein known as SUBDIVIDER) and the BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio, as evidenced by **The Greens at Northstar Phase 2, Part 1A** Condominium Plat filed with the Delaware County Recorder, Delaware County, Ohio, is governed by the following considerations and conditions, to wit:

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications for The Greens at Northstar Phase 2, Part 1A, all of which are a part of this AGREEMENT. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

OPTIONS:

- (1) Should SUBDIVIDER elect to record the plat prior to beginning construction, SUBDIVIDER shall execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (**\$15,644.00**) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio.
- (2) Should SUBDIVIDER elect to proceed with construction prior to recording the plat, no approved financial warranties are necessary unless the SUBDIVIDER elects to record the plat prior to final acceptance of the construction. At that time, the SUBDIVIDER shall execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction remaining to be completed as determined by the SANITARY ENGINEER.

The SUBDIVIDER hereby elects to use Option 1 for this project.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of any contractor or sub-contractor or from any material, method or explosive used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date of the approval of said SUBDIVIDER by the COUNTY COMMISSIONERS, but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be

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replaced by the SUBDIVIDER, when in the opinion of the COUNTY, his performance is deemed inadequate.

The SUBDIVIDER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the COUNTY shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this Subdivision.

Should the SUBDIVIDER become unable to carry out the provisions of this AGREEMENT, the SUBDIVIDER'S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this AGREEMENT.

SANITARY SEWER CONSTRUCTION

It is further agreed that upon execution of this AGREEMENT, the SUBDIVIDER shall pay the DELAWARE COUNTY SANITARY ENGINEER **\$547.54**, which is equal to three and one-half percent (3½%) of the estimated construction cost of the IMPROVEMENTS for plan review. The SUBDIVIDER shall also deposit with the DELAWARE COUNTY SANITARY ENGINEER the sum of **\$3,200.00** estimated to be necessary to pay the cost of inspection by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall in his or her sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his or her employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund has been depleted to a level of **\$500.00** or less, as a result of charges against the same at the rate of:

INSPECTOR \$75.00 per hour
CAMERA TRUCK \$150.00 per hour

for time spent by said SANITARY ENGINEER or his or her staff, the SUBDIVIDER shall make an additional deposit of **\$500.00** to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to \$0.75 per foot of sewer which will be deducted to cover re-inspection.

The SUBDIVIDER, for a period of five (5) years after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

The SUBDIVIDER shall provide to the COUNTY all necessary easements or rights-of-way required to complete the IMPROVEMENTS, all of which shall be obtained at the expense of the SUBDIVIDER.

The COUNTY shall, upon certification in writing from the DELAWARE COUNTY SANITARY ENGINEER that all construction is complete according to the plans and specifications, by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION:

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required:

- (1) "as built" drawings of the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible MYLAR (full size), two paper copies (one full size & one 11"x17"), and a Compact Diskette with the plans in DWG format & PDF format.
- (2) An excel spreadsheet, from a template as provided by the DELAWARE COUNTY SANITARY ENGINEER, shall accompany the plan submittal showing the locations of the manholes in Ohio State Plane North Coordinates NAD 1983 (NAVD 1988 datum) and other miscellaneous project data.
- (3) an itemized statement showing the cost of IMPROVEMENTS
- (4) an Affidavit or waiver of lien from all Contractors associated with the project that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.
- (5) documentation showing the required sanitary sewer easements

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance Bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall, during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said

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IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The SUBDIVIDER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or his agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

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

RESOLUTION NO. 11-992

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR ENVIRONMENTAL SERVICES:

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

Transfer of Appropriations		Amount
FROM:	TO:	
66611903 - 5410	66611903 – 5328	\$ 8,000.00
URF OECC/Bld Improvements	URF OECC/ Maintenance & Repairs	
66611903 - 5410	66611903 – 5335	\$ 1,500.00
URF OECC/Bld Improvements	URF OECC/ Rental Services	

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

RESOLUTION NO. 11-993

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE DELAWARE COUNTY FAIR:

It was moved by Mr. Thompson, seconded by Mr. Stapleton 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, during the week of the Delaware County Fair the Board of Delaware County Commissioners is hosting a hospitality tent at the Delaware County Fair Grounds;

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 county funds in an amount not to exceed \$250.00, to assist in funding the purchase of coffee, meals, refreshments and other amenities for the hospitality tent at the Delaware County Fair Grounds.

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

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner O’Brien
-Attended And Participated In The Family Children’s First Council Meeting; “Help Me Grow” And Funding, Home Care Program And Mental Health Concerns
-A Thank-You To The Delaware County Fair Board

Commissioner Thompson
-Echo A Thank-You To The Delaware County Fair Board And The Chance To Market Delaware County

Commissioner Stapleton
-Attended The CCAO Meeting; The Governors Office Sent Representatives and Commissioners In Attendance Expressed Concerns Over The Lack Of Control They Have On Budget Due To Issues That Are Mandated

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-A Thank-You To The Delaware County Fair Board

There being no further business, the meeting adjourned.

Ken O'Brien

Dennis Stapleton

Tommy Thompson

Jennifer Walraven, Clerk to the Commissioners