

**COMMISSIONERS JOURNAL NO. 56 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 26, 2012**

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. 12-94

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 23, 2012:

It was moved by Mr. Thompson, 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 23, 2012; 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. 12-95

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM WORK SESSION HELD JANUARY 23, 2012:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in a work session on January 23, 2012; 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 work session 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 work session.

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

PUBLIC COMMENT

1) Rick Coplin, TechColumbus; Comments During Resolution No. 12-97 (Supporting Techcolumbus's Application For Third Frontier Commission Funding For The Entrepreneurial Signature Program And Making A Two Year Delaware County Financial Commitment)

Jeff Robinson, Powell's communication's director; Comments During Resolution No. 12-97 (Supporting Techcolumbus's Application For Third Frontier Commission Funding For The Entrepreneurial Signature Program And Making A Two Year Delaware County Financial Commitment) And update on the Powell Business Incubator

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 12-96

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0125:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0125 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Cornell Abraxas	Residential Treatment	22511607-5342	\$10,607.00

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

RESOLUTION NO. 12-97

IN THE MATTER OF SUPPORTING TECHCOLUMBUS'S APPLICATION FOR THIRD FRONTIER COMMISSION FUNDING FOR THE ENTREPRENEURIAL SIGNATURE PROGRAM AND MAKING A TWO YEAR DELAWARE COUNTY FINANCIAL COMMITMENT:

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

WHEREAS, Delaware County supports the efforts of TechColumbus to advance its application under the Entrepreneurial Signature Program with the Third Frontier Commission to bring together funds and services to help promising entrepreneurs, particularly those in Delaware County, and

WHEREAS, the Third Frontier Commission has invited applications for grants to be awarded to support the Entrepreneurial Signature Program (ESP) services to Ohio startup technology companies primarily in the imagining and incubating stages. ESP Program funds require a 1-to-1 regional match, and

WHEREAS, in the past several years, Delaware County entrepreneurs have received about \$1.8 million from TechColumbus programs; follow-on capital and revenue generated has exceeded \$102 million; over one hundred jobs have been generated with an average salary of \$73,545, and

WHEREAS, TechColumbus, the central Ohio region's unified voice and advocate for technology based economic development, will make application for Third Frontier Funding under the Entrepreneurial Signature Program:

- Providing services by TechColumbus to coach and mentor technology companies to help the startups create jobs, sell their products and services and attract investment funding;
- Providing TechGenesis grants to imagining stage technology companies;
- Providing Pre-Seed Funds to incubating and demonstrating stage technology companies; and
- Hiring domain and commercialization experts as consultants to assist those same early stage companies define their markets, complete their products, complete regulatory requirements, and go to market, and

WHEREAS, the Delaware County Commissioners strongly encourage the Third Frontier Commission to provide Third Frontier Funding under the Entrepreneurial Signature Program to TechColumbus so Delaware County can continue to benefit from the ongoing growth in high technology jobs and investment.

NOW, THEREFORE, BE IT RESOLVED by the Delaware County Commissioners, State of Ohio, as follows:

Section 1. The Delaware County Commissioners commit \$25,000 per year for two years beginning in July of 2012 and ending in June of 2014.

Section 2. This commitment is contingent upon TechColumbus receiving the Third Frontier Grant.

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

RESOLUTION NO. 12-98

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Recommendation to move Angela Thomas from the temporary position of Acting Director of JFS to the regular position of Assistant Director of the Department of Job and Family Services; effective January 30, 2012;

Therefore Be It Resolved, that the Board of Commissioners approve moving Angela Thomas from the temporary position of Acting Director of JFS to the regular position of Assistant Director of the Department of Job and Family Services; effective January 30, 2012.

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

RESOLUTION NO. 12-99

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR THE EMERGENCY MANAGEMENT AGENCY:

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

WHEREAS, the Delaware County Board of Commissioners approved the appropriation of the Org Keys 21581304 FY09 SHSGP, 21581303 FY10 SHSGP, and 21581305 FY09 CCG;

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WHEREAS, the Delaware County Office of Homeland Security and Emergency Management was awarded these grants and adjustments are needed based on end of year expenditures;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approves the following:

Transfer of Appropriation

From	To		
21581303-5001 FY 10 SHSGP/Compensation	21581304-5215 FY09 SHSGP/Program Supplies	\$	551.05
21581303-5001 FY 10 SHSGP/Compensation	21581305-5215 FY09 CCG/Program Supplies	\$	217.94
21581303-5001 FY 10 SHSGP/Compensation	21581304-5243 FY09 SHSGP/Drugs & Pharmaceuticals	\$	1,207.13
21581303-5101 FY 10 SHSGP/Health Insurance	21581304-5243 FY09 SHSGP/Drugs & Pharmaceuticals		1,496.23
21581303-5102 FY 10 SHSGP/Worker's Comp	21581304-5243 FY09 SHSGP/Drugs & Pharmaceuticals		17.90
21581303-5120 FY 10 SHSGP/PERS	21581304-5243 FY09 SHSGP/Drugs & Pharmaceuticals		276.61
21581303-5131 FY 10 SHSGP/Medicare	21581304-5243 FY09 SHSGP/Drugs & Pharmaceuticals		28.64
21581303-5215 FY 10 SHSGP/Program Supplies	21581304-5243 FY09 SHSGP/Drugs & Pharmaceuticals		5,292.30
21581303-5450 FY 10 SHSGP/Mach & Equipment	21581304-5243 FY09 SHSGP/Drugs & Pharmaceuticals		394.41

Supplemental Appropriation

21581304-5243	FY09 SHSGP/Drugs & Pharmaceuticals		6,841.78
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Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

RESOLUTION NO. 12-100

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE PROSECUTOR'S OFFICE; THE TREASURER'S OFFICE AND THE DELINQUENT TAX FUND:

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

Supplemental Appropriation

10012101-5001	Prosecutor/Compensation	\$	14,912.76
10012101-5120	Prosecutor/Benefits	\$	2,348.37
23512102-5001	Delinquent Tax/Compensation	\$	27,037.26
23512102-5120	Delinquent Tax/Benefits	\$	4,420.34
10014101-5001	Treasurer/Compensation	\$	2,500.00
10014101-5120	Treasurer/Benefits	\$	425.00

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

RESOLUTION NO. 12-101

IN THE MATTER OF ADOPTING A RESOLUTION DECLARING A NECESSITY AND THE INTENT OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY:

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

WHEREAS, the Board of Delaware County Commissioners (the "Board") deems it necessary to construct a

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highway improvement known as the Sawmill Parkway Extension by construction, reconstruction, installation, replacement, repair, maintenance and improvement of Sawmill Parkway north of Hyatts Road in Delaware County, Ohio (the "Improvement"); and

WHEREAS, the Board has determined that additional land is necessary for the Improvement and that the Board and property owners were unable to agree on the terms of conveyance through good faith negotiations;

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

Section 1. The Board deems it necessary, and it is hereby declared to be the intention of the Board, to appropriate the following property necessary for the Improvement:

Property Owner(s)	Interest to be Appropriated
Donald Scott & Kathy J. Bauder	16 WL, WL-1, WD
Donald E. & Barbara E. Bauder	24 WD
Carolyn Edwards	18 WD, T
Robert L. Poliseno	27 WD, WL
JFMG, LLC	28 WL
Michael & Michelle McKay	32 WL, T, T-1
Barbara Harrison & Joaquin Jordan	33 WL, WD
G.T. Mitchell & Joan M. Ranz	34 WD
Mark A. Hope & Julie K. Hope	35 WD
Matthew J. O'Brien & Scarlet O'Brien	37 WL
Steven W. & Nikki Steinlage	45 WL, WD, T
Christopher R. & Sharon L. Piggott	47 WL, T
Jon W. & Deborah L. Bauder	55, WD, WD-1, SH, T
Milo D. & Susan A. Hilty, Trustees	56 WL, WD, WD-1, CH, T-1,2,3,4
Anton Freihofner	60 WL, WL-1, WD, T-1, 2
Shawn K. & Norma Nanette Osborn	61 WL, WL-1, T
Teresa Marie Morris	62 WL, T, WA
Richard Ray & Kelli Morris	63 WL, WD, T
Lawrence J. & Christine A. Hunt	64 WD, T
Neale W. Yeomans & Jacqueline A. Yeomans	66 WD, T
Joseph J. & Rachael A. Grove	71 WL, WD, T, WA

The parcel identifiers listed in the table above are taken from the approved right-of-way plans and highway construction plans for the Improvement, which are, by this reference, fully incorporated herein and are on file and available for inspection or copying at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015.

Section 2. The Board hereby directs the Delaware County Prosecuting Attorney to commence the appropriation proceedings on behalf of the Board.

Section 3. This Resolution shall take effect and be in force immediately upon passage.

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

RESOLUTION NO. 12-102

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY ECONOMIC DEVELOPMENT FUNDS TO FUND THE PURCHASE OF COFFEE, MEALS, AND REFRESHMENTS FOR ECONOMIC DEVELOPMENT:

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

WHEREAS, in accordance with Ohio Attorney General Opinion No. 82-006 and Ohio Auditor of State Bulletin 2003-005, the Delaware County Board of Commissioners (the "Board") may expend public funds to purchase coffee, meals, refreshments, and other amenities for its officers or employees or other persons if it determines that such expenditures are a "public purpose" and are necessary to perform a statutory function or power, provided the determination is not manifestly arbitrary or unreasonable; and

WHEREAS, the Board's determination must be memorialized by a duly enacted resolution and may have prospective effect only; and

WHEREAS, the Delaware Economic Development Director schedules planned meetings with current and potential business officials to discuss the growth, expansion, and retention of existing businesses and the attraction of new businesses; and

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WHEREAS, the meetings arranged by the Director and attended by the Director, other Delaware County officials and employees, and current or potential business officials further Delaware County's goals to develop and promote plans and programs designed to assure that county resources are efficiently used, economic growth is properly balanced, and that county economic development is coordinated with that of the state and other local governments; and

WHEREAS, The Economic Development Director is requesting authorization to use Economic Development funds to pay for the coffee, meals, and refreshments for these business meetings;

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

Section 1. The Board hereby declares that business meetings including the provision of coffee, meals, refreshments, and other amenities, wherein the meetings are arranged by the Delaware County Director of Economic Development (the "Director"), constitute a public purpose necessary for the performance of the Director's functions and duties pursuant to Section 307.07 of the Revised Code and furthering the goal of robust and orderly economic development in Delaware County.

Section 2. Subject to the conditions hereinafter set forth, the Board hereby authorizes the Director to be reimbursed from the Economic Development funds for the purchase of coffee, meals, refreshments, and other amenities, including a reasonable gratuity not to exceed twenty percent (20%), for business meeting attendees, including the Director, other Delaware County officials and employees, and current or potential business officials. The Director shall not be reimbursed for sales tax charged or paid. Reimbursement is contingent upon sufficient appropriation by the Board, supervisory approval of the reimbursement request by the County Administrator, the submission of complete and accurate receipts and any other supporting documentation required by the County Auditor, and approval of the purchase order and voucher by the Board.

Section 3. The Board hereby approves the establishment of a new organizational key, by renaming org key 21011116-5382 to Business Development Meetings, from which all expenses incurred pursuant to this Resolution shall be paid.

Section 4. The Board declares that the reimbursement of expenses incurred pursuant to this Resolution is specifically excluded and exempt from the Board's Travel and Expense Reimbursement Policy, in that the expenses incurred serve a special economic development public purpose beyond the scope of ordinary travel expenses.

Section 5. This Resolution shall take effect immediately upon adoption.

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

Board Of Commissioners Discussion On Possible Resolution; Approving Eligibility Criteria For A Two Percent (2%) Cost Of Living Pay Increase For All Employees Under The Direction Of The Board Of Commissioners

RESOLUTION NO. 12-103

IN THE MATTER OF DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR AND OTHER STAFF FOR CERTAIN ADMINISTRATIVE MATTERS:

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

WHEREAS, pursuant to section 305.30 of the Revised Code, the Delaware County Board of Commissioners (the "Board") may delegate specific authority to the County Administrator for contracting on behalf of the Board, allowing and paying claims, performing personnel functions, performing Board functions in the event of a disaster or emergency, and performing additional duties as the Board may determine by resolution; and

WHEREAS, the County Administrator may be absent or unavailable, requiring the appointment of an acting county administrator to perform the duties delegated pursuant to section 305.30 of the Revised Code; and

WHEREAS, pursuant to section 4115.071 of the Revised Code, the Board shall designate and appoint an employee to serve as prevailing wage coordinator for all contracts subject to prevailing wage requirements;

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

Section 1. The Board hereby delegates the following authority and duties to the County Administrator, pursuant to section 305.30 of the Revised Code:

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- (a) Upon prior notice to each Commissioner, negotiate, approve, and execute contracts, agreements, or change orders that are for amounts not exceeding Five Thousand Dollars (\$5,000) and that are for a period of one year or less;
- (b) Review and approve departmental payrolls for all departments under the direction and control of the Board;
- (c) Review and approve requests for unpaid leaves of absence for up to two weeks;
- (d) Review and approve employee action forms for any and all personnel matters, except those matters that involve favorable employment actions, such as a promotion or pay increase, unless the favorable employment action has been approved by prior Board action;
- (e) Review, in conjunction with the Director of Administrative Services, all requests for leave under the Family and Medical Leave Act ("FMLA"), and approve those requests that meet FMLA requirements;
- (f) Serve as the Contract Administrator, having general supervision over the contract and any work performed thereunder, for any contracts or agreements the Board has entered into and not specifically designated a Contract Administrator; and
- (g) Request written opinions or instructions from the Prosecuting Attorney on behalf of the Board and coordinate the services provided by all outside counsel retained by the Board pursuant to sections 305.14 and 309.09 of the Revised Code.

Section 2. The Board hereby declares that Resolution No. 10-211, delegating to the County Administrator the authority to carry out certain functions of the Board during a disaster or emergency, shall remain in full force and effect.

Section 3. In the event the County Administrator is or will be absent due to illness, vacation, or other approved leave, the County Administrator shall, to the extent practicable, inform all members of the Board and the Clerk to the Board in writing of the absence and its expected duration. For absences expected to be less than or equal to two weeks, the Board hereby designates the Assistant County Administrator as the Acting County Administrator with authority to perform all functions delegated in Section 1(b), (d), and (e). All other functions delegated in Section 1 shall revert to the Board during the County Administrator's absence. For absences expected to be longer than two weeks, all functions delegated in Section 1 shall revert to the Board during the County Administrator's absence unless the Board specifically delegates any or all of those functions by separate action of the Board.

Section 4. The Board hereby designates and appoints the following employees to serve as prevailing wage coordinator for the specified contracts that are subject to prevailing wage requirements:

- (a) The Delaware County Engineer, for all Motor & Gas and Road & Bridge projects;
- (b) The Director of Environmental Services, for all Environmental Services Fund projects;
- (c) The Director of Economic Development, for all Economic Development Fund and Grant projects;
- (d) The Facilities Supervisor, for all other projects.

Section 5. This Resolution supersedes Resolution No. 11-08 and shall take effect immediately upon adoption.

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

RESOLUTION NO. 12-104

IN THE MATTER OF SELECTING COMMISSIONER O'BRIEN AS THE BOARD OF COMMISSIONERS' MEMBER ON THE BOARD OF REVISION:

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

WHEREAS, pursuant to section 5715.02 of the Revised Code, the county treasurer, county auditor, and a member of the board of county commissioners selected by the board of county commissioners shall constitute the county board of revision; and

WHEREAS, Commissioner Thompson has been selected by the Board of County Commissioners to serve on the Board of Revision for the preceding three years; and

WHEREAS, the Board of County Commissioners wishes to select a different Commissioner to serve on the Board of Revision;

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

Section 1. The Board hereby selects Commissioner O'Brien to serve on the Board of Revision.

Section 2. This Resolution shall take effect immediately upon adoption.

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

COMMISSIONERS' COMMITTEES REPORTS

Commissioner O'Brien

- Attended the 911 Administrative Committee Meeting
- Board of Revision and a Hearing Board

Commissioner Thompson

- Attended A Community Action Organization Meeting

Commissioner Stapleton

- Attended CCAO Meeting
- Elected Lunch Meeting Today
- OSU Extension Lunch
- Delaware Area Chamber Of Commerce Dinner Tonight; Job And Family Services Receiving Award
- Friday Is The United Way Cook-off

RESOLUTION NO. 12-105

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT; EMPLOYMENT; DISCIPLINE; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to adjourn into Executive Session at 11:15AM.

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

RESOLUTION NO. 12-106

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Thompson, seconded by Mr. Stapleton to adjourn out of Executive Session at 11:57AM.

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

There being no further business, the meeting adjourned.

Ken O'Brien

Dennis Stapleton

Tommy Thompson