

COMMISSIONERS JOURNAL NO. 57 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 12, 2012

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

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

RESOLUTION NO. 12-693

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 9, 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 July 09 , 2012; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 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 Absent

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 12-694

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0711:

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR 0711 and Purchase Orders as listed below:

PO' Increase

R1201968 Windstream Communications Additional Work Backup Center 21411306-5410 \$5,258.00 Line 1

New PO's

| PR Number | Vendor Name | Line Desc | Line Account | Line Amount | Line Number |
|-----------|-----------------------------|--|-----------------|-------------|-------------|
| R1204726 | B & K LEHNER EXCAVATING LLC | MIDWAY DITCH IMPROVEMENT | 40311433 - 5328 | 84079 | 0001 |
| R1204767 | ARC CENTRAL INC | SCANNER | 10011301 - 5450 | 5710.5 | 0001 |
| R1204816 | NEENAH FOUNDRY | MISC STEEL ADJUSTING RINGS TO RAISE MANHOLES | 66211903 - 5292 | 7800 | 0001 |
| R1204816 | NEENAH FOUNDRY | MISC STEEL ADJUSTING RINGS TO RAISE MANHOLES | 66211904 - 5292 | 7800 | 0002 |
| R1204816 | NEENAH FOUNDRY | MISC STEEL ADJUSTING RINGS TO RAISE MANHOLES | 66211906 - 5292 | 1950 | 0003 |
| R1204816 | NEENAH FOUNDRY | MISC STEEL ADJUSTING RINGS TO RAISE MANHOLES | 66211907 - 5292 | 1950 | 0004 |
| R1204840 | ABLE FENCE | FAIR GROUND FENCE | 10011102 - 5301 | 7595 | 0001 |
| R1204842 | BKM ONSTRUCTION | COMM SLAB & POLE REPAIR | 40111402 - 5328 | 1548 | 0001 |
| R1204842 | BKM ONSTRUCTION | CURB CUT HAYES | 40111402 - 5328 | 1480 | 0002 |
| R1204842 | BKM ONSTRUCTION | SHERIFF CORNER CURB | 40111402 - 5328 | 2244 | 0003 |

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

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RESOLUTION NO. 12-695

IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND B&K LEHNER EXCAVATING LLC FOR THE PROJECT KNOWN AS PEACHBLOW ROAD AND CONNER LANE (MIDWAY GARDENS) DITCH IMPROVEMENT PRJOECT:

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

**Peachblow Road and Conner Lane (Midway Gardens) Ditch Improvement Project
Bid Opening of June 26, 2012**

As the result of the above referenced bid opening, The Engineer recommends that a bid award be made to B&K Lehner Excavating LLC, the low bidder for the project. A copy of the bid tabulation is available for your information; and

Whereas, also available are two copies of the Contract with B&K Lehner for your approval. All necessary documentation for this approval has been received (Certification/Affidavit in Compliance with O.R.C. Section 3517.13, Terrorist Exclusion List, etc.), and

CONTRACT

THIS AGREEMENT is made this 12th day of July, 2012, by and between **B&K Lehner Excavating, LLC, 2356 Troy Road, Delaware, Ohio 43015**, hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named **"Peachblow Road and Connor Lane (Midway Gardens), Ditch Improvement Project**, and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed ***Eighty-Four Thousand Seventy-Nine Dollars and No Cents (\$84,079.00)***, subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

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

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RESOLUTION NO 12- 696

IN THE MATTER OF AUTHORIZING THE PURCHASE OF THIRTY (30) IVOTRONIC VOTING MACHINES FOR DELAWARE COUNTY

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

PREAMBLE

WHEREAS, pursuant to R.C. § 3506.03, the Board of Commissioners, Delaware County, Ohio (“Board”), upon the adoption of voting machines, marking devices, and automatic tabulating equipment shall acquire the equipment by any one or by any combination of the methods set forth in R.C. § 3506.03(A)-(C), including purchasing in whole or in part such equipment and paying the purchase price therefor in cash; and,

WHEREAS, the Board of Elections, Delaware County, Ohio (“BOE”) has a need for an additional thirty (30) voting machines; and,

WHEREAS, the adopted voting machines and those that are currently used and possessed by the BOE are Election Systems & Software, Inc. (“ES&S”) 15” IVotronic voting machines; and,

WHEREAS, the BOE has been able to negotiate a contract with ES&S to acquire thirty (30) such voting machines from ES&S.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Board:

1. The Board hereby approves the contract with Election Systems & Software, Inc. (“ES&S”) and authorizes the purchase of thirty (30) 15” IVotronic voting machines from ES&S at the price of Forty-Eight Thousand Six Hundred Dollars and No Cents (\$48,600.00).
2. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
3. This Resolution shall be in full force and effect immediately upon adoption.

Voted on and signed this 12th day of July , 2012, in the City of Delaware, Delaware County, Ohio.

(Copy of Contract available in the Commissioner’s Office until no longer of administrative value.)

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

RESOLUION NO. 12-697

IN THE MATTER OF APPROVING A CHANGE ORDER TO THE CONTRACT FOR HE 9-1-1 COMMUNICATIONS BACKUP CENTER

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

**CHANGE ORDER TO THE CONTRACT FOR THE
9-1-1 COMMUNICATIONS BACKUP CENTER**

This Change Order to the Original Contract for the 9-1-1 Communications Backup Center entered into on February 22, 2011 is made this ____ day of July, 2012, by and between the Delaware County Board of Commissioners (the “County”) and Windstream Communications (“Windstream”). The Contract shall be changed as follows:

ARTICLE 1

The statement of work provided by Windstream to the County shall be changed to include the additional work and the additional compensation stated in Windstream’s Change Order Quote dated June 21, 2012, which is attached hereto and, by this reference, fully incorporated herein.

ARTICLE 2

All remaining provisions of the Contract shall continue in full force and effect unless specifically amended herein.

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IN WITNESS WHEREOF, the County and Windstream have executed this Change Order as of the date stated herein.

| Quantity | Product Name | Individual Price | Total Sale |
|----------|---|------------------|-------------------|
| | <p>The initial network design was based on a wireless link, which did not meet Cassidian’s IP networking guidelines. Delaware County has now decided to procure a fiber connection as a more reliable means of transport between Side A and B. The fiber connection requires GBIC devices (GBIC transceiver module for Single Mode Fiber (SMF), 1550-nm wavelength, dual SC/PC connector) to support the new network design.</p> <p>Whereas in the original design all remote access, system monitoring, and maintenance to Side B had to originate from Side A at the 911 Center in Delaware. This design did not allow for access directly into Side B in case the fiber or access from Side A was cut.</p> <p>Since the addition of the fiber optic connection provided by Delaware County and needing the ability to access Side B directly additional Routers are needed to complete this design.</p> <p>The routers are required for the dual active firewall configuration Cassidian Communications offers for redundancy. This option allows for both sides of the system to have active firewalls operating at all times. Where in the event that either side is to fail, outside connectivity to the system still remains intact. This allows for remotes services such as Monitoring and Response, Technical Support and mobile Command Posts to still connect to the system. If this option is not chosen then only one firewall would be located at Side A with the other one becoming a cold spare, this only protects failure of the Firewall, but does not allow for site remote connectivity redundancy.</p> <p>In the original design Delaware County had two additional Cisco 2960 Switches that are now not required. Windstream and Cassidian are going to exchange the extra switches for the two routers that are needed.</p> <p>A minimum of two GBICS are required to complete this change; however, four are recommended by Cassidian. As per the County’s request I have attached a quote for 2 GBICs. The County has the option to purchases the GBIC directly from Windstream or a third party vendor.</p> | | |
| 2 | 04000-01089 GBIC SFP Module GLC ZX SM | \$2,629 each | \$5,258.00 |
| | TOTAL | | \$5,258.00 |

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

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RESOLUTION NO. 12-698

IN THE MATTER OF APPROVING A MODIFICATION OF AGREEMENT FOR SANITARY SEWER SERVICE BETWEEN THE CITY OF COLUMBUS AND DELAWARE COUNTY:

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

Whereas, the Director of Environmental Services recommends approval of the following Modification of Agreement;

Now Therefore Be It Resolved that that Delaware County Board of Commissioners approve the following Modification of Agreement for Sanitary Sewer Service.

**MODIFICATION
OF
AGREEMENT FOR SANITARY SEWER SERVICE
BETWEEN THE CITY OF COLUMBUS
AND
DELAWARE COUNTY**

This Modification is made and entered into this 12th day of July, 2012 by the City of Columbus, pursuant to Ordinance No. 1418-2012 passed on July 9, 2012, and the Delaware County Regional Sewer District, acting through the Board of County Commissioners of Delaware County, Ohio, pursuant to Resolution No. 12-698 adopted on July 12, 2012.

WHEREAS, the City of Columbus and the Delaware County Regional Sewer District, acting through the Board of County Commissioners of Delaware County, Ohio, entered into an agreement for sanitary sewer service on November 12, 1991, pursuant to Ordinance No. 2424-91, passed by the City of Columbus, and Resolution No. 91-827, adopted by the Board of County Commissioner of Delaware County; and

WHEREAS, the sewer service agreement describes four different tributary areas and the respective density standards under which sewer service will be provided to each area; and

WHEREAS, the City of Columbus and the Delaware County Regional Sewer District have agreed that it is in the best interests of both parties to modify the density standard for the tributary area designated in the sewer agreement as AREA #1;

NOW THEREFORE, it is agreed that the sewer agreement will be modified as follows:

1. Section III(B) is hereby deleted and replaced in its entirety with the following:

Each party may require the other to oversize sanitary sewers which may be constructed and to extend such sewers to serve upstream properties within the tributary area which may be located outside the parties' respective governmental boundaries. Wastewater flow from the tributary areas shall be based upon the following standards:

- (1) AREA #1 – 16.5 persons per acre.
- (2) AREA #2 and AREA #3 the conditions of service thereto to be determined in accordance with the provisions of I(B) hereinabove set forth, but in any event not to exceed 4 persons per acre.
- (3) AREA #4 – 8 persons per acre.
- (4) 1 person equals 100 gallons per day.

Densities in portions of each area may exceed the maximum density per acre as set forth above, however, the gross density per area shall not be exceeded, and such density shall be reserved for the entire tributary area of each sanitary sewer. Each party shall have the right to discharge wastewater from their respective tributary areas into any sewer owned and operated by the other party under the terms of this Agreement based upon the above densities. Both parties shall maintain records of connection permits, and shall transmit copies of sewer connection/service permits to each other at least quarterly and shall keep and maintain accurate records of all premises connected with their respective sewers, which records shall, upon demand, be made available to each other.

2. It is understood and agreed by and between the City of Columbus and the Delaware County Regional Sewer District that all terms and conditions of the original sewer service agreement shall remain binding and in full force and effect, except as necessarily amended herein, and shall constitute the entire agreement between the parties for sanitary sewer service.

FURTHERMORE, the Delaware County Regional Sewer District may build a new wastewater treatment plant with a discharge directly to Alum Creek Reservoir. The new plant, which will be designed to serve the Central Alum Creek service area as defined in the Delaware County 2005 Sewer Master Plan, will be designed to treat an average flow of 800,000 gallons per day, which is approximately equal to the increased capacity allowed to the City of Columbus per

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this modification of Section III(B) above. Delaware County agrees to site, design, construct, maintain and operate such facility in accordance with Ohio EPA requirements and so as not to degrade the City's water supply to the extent such degradation would require that the City of Columbus institute additional treatment procedures. It is also agreed that if Delaware County designs a plant that is in compliance with this paragraph, the City of Columbus shall not oppose the new plant and shall not request additional treatment requirements beyond the EPA's regulated limits for this facility. It is further agreed that if Delaware County designs a plant that is in compliance with this paragraph, the City of Columbus shall direct its Department of Public Utilities to submit a letter of support to the Board of Commissioners of Delaware County and the Ohio EPA for the new "Central Alum Creek" plant contemplated herein within thirty (30) days after Delaware County files an NPDES permit application therefor with the Ohio EPA.

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

RESOLUTION NO. 12-699

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR DERBY GLEN FARMS, SECION 2:

It was moved by Mr. Thompson , seconded by Mr. Stapleton to approve the following sanitary sewer Improvement plans for Derby Glen Farms Section 2,for submittal to the Ohio EPA for their approval.

Whereas, the Director of Environmental Services recommends the sanitary sewer improvement plans for Derby Glen Farms, Section 2 for submittal to the Ohio EPA for their approval.

Therefore be it resolved, that the Board of Commissioners hereby approves sanitary sewer improvement plans for Derby Glen Farms, Section 2, for submittal to the Ohio EPA for their approval.

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

RESOLUTION NO 12-700

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND OFFICIAL PAYMENTS CORPORATION FOR ELECTRONIC TRANSACTION PROCESSING:

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

Whereas, the Director of Environmental Services recommends approval of the Agreement with Official Payments Corporation;

Whereas, this agreement allows the Regional Sewer District to accept electronic check and credit card payments through an internet interface over the web and an interactive telephone voice response system managed by Official Payments Corporation.

Whereas, the terms of the agreement shall be effective upon the date of full execution and has an initial term of two years. This agreement shall automatically renew for two successive one year periods unless either party provides written notification to the other party of its decision not to renew this agreement no later than 90 days prior to the end of the then current term.

Now Therefore Be It Resolved that that Delaware County Board of Commissioners approve the Agreement for Electronic Transaction Processing

(Copy of contract is available in the Sanitary Engineer's Department until no longer of administrative value)

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

RESOLUTION NO. 12-701

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY DEPARTMENT OF ECOMIC DEVELOPMENT FUNDS TO ASSIST IN FUNDING THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS AND OTHER AMENITIES FOR THE OFFICE OF COMMUNITY DEVELOPMENT CONSOLIDATED PLANNING WORK GROUP MEETING:

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

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Commissioners must pre-approve expenditures for the purchase of coffee, meals, refreshments and other amenities; and

WHEREAS, the Office of Community Development (OCD) of the Ohio Department of Development is beginning to develop a program strategy intended to compensate for federal budget fluctuations from one program year to the next, increase local programmatic sustainability, and generate greater impact with the grant projects that are funded; and

WHEREAS, OCD organized a stakeholder Planning Work Group to identify potential options for the implementation of the Community Development Block Grant (CDBG) programs, beginning with the 2013 Consolidated Plan; and

WHEREAS, the Planning Work Group consists of representatives from varying regions around Ohio that will enable OCD to assemble a diverse cross section of non-entitlement community participants to gain input and collaborate on shaping the future of CDBG programs; and

WHEREAS, the Delaware County Department of Economic Development is hosting the July 17, 2012, Planning Work Group Meeting to be held in the Meeting Room at 101 N. Sandusky St., Delaware, Ohio to discuss the 2013 Consolidated Plan; and

WHEREAS, the Economic Development Department is requesting approval to purchase coffee, meals, refreshments and other amenities for the July 17 meeting in the amount up to \$100.00;

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 Economic Development funds (Org. Key 21011113) in an amount not to exceed \$100, to assist in funding the purchase of coffee, meals, refreshments and other amenities for The Consolidated Planning Work Group meeting to be held July 17, 2012.

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

RESOLUTION NO. 12-702

IN THE MATTER OF APPROVING TRANSFER OF FUNDS, TRANSFER OF APPROPRIATIONS, AND SUPPLEMENTAL APPROPRIATIONS:

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

Supplemental Appropriation

| | | | |
|---------------|---|----|--------------|
| 20411305-5338 | Dog & Kennel/Utilities | \$ | 4,000.00 |
| 20411305-5260 | Dog & Kennel/Inventoried Tools | \$ | 2,000.00 |
| 40111402-5410 | Permanent Improvement/Capital Improvement | \$ | 120,000.00 |
| 24820101-5801 | Title Admin/Transfers | \$ | 60,000.00 |
| 24820101-5001 | Title Admin/Compensation | | 8,800.00 |
| 24820101-5101 | Title Admin/Insurance | \$ | 7,035.00 |
| 24820101-5120 | Tite Admin/PERS | \$ | 1,235.00 |
| 24820101-5102 | Title Admin/Workers Comp | | 80.00 |
| 24820101-5131 | Title Admin/Medicare | \$ | 130.00 |
| 10022202-5001 | Adult Court Services/Compensation | \$ | 1,255.00 |
| 10022202-5131 | Adult Court Services/Medicare | \$ | 20.00 |
| 40311432-5328 | Chadwick Ditch/Construction | \$ | (198,000.00) |

Transfer of Appropriation

| | | | |
|----------------|--------------------------|----|----------|
| From | To | | |
| 28631335-5450 | 28631335-5250 | | |
| LEAP Forward | | | |
| 2011/Equipment | LEAP Forward/Minor Tools | \$ | 2,392.55 |

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Advance

| | | | |
|-----------------------|----------------------------|----|-----------|
| From | To | | |
| 10011102 | 23212103 | | |
| Commissioners General | Jag Drug Prosecutor | \$ | 16,665.00 |
| 10011102 | 24331334 | \$ | 80,000.00 |
| Commissioners General | 2nd Chance Adult Offenders | | |

Transfer of Funds

| | | | |
|---------------|---------------|----|------------|
| From | To | | |
| 24820101-5801 | 10011102-4601 | \$ | 375,515.00 |

Repost payout for Grant Coordinator from Re-Entry Grant 23322310 to 10022202 Adult Court Services

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

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Thompson commented on how pleased he is that a fence is going to be constructed to prohibit fair goers from entering the fairgrounds without paying.

Commissioner Stapleton announced he will be attending a MORPC Administrative Committee meeting in the afternoon.

There being no further business, the meeting adjourned.

Ken O'Brien

Dennis Stapleton

Tommy Thompson

Jennifer Walraven, Clerk to the Commissioners