

COMMISSIONERS JOURNAL NO. 58 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 11, 2013

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

Present:
Ken O'Brien, President
Dennis Stapleton, Vice President
Gary Merrell, Commissioner

RESOLUTION NO. 13-230

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 4, 2013:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on March 4, 2013; 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. Merrell Aye Mr. Stapleton Aye Mr. O'Brien Aye

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 13-231

IN THE MATTER OF PROCLAIMING MARCH 11TH -17TH, 2013 AS MULTIPLE SCLEROSIS AWARENESS WEEK:

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

Whereas, Multiple Sclerosis is an unpredictable, chronic, and often disabling disease that randomly attacks the central nervous system, and

Whereas, Multiple Sclerosis affects the lives of approximately 400,000 people in the United States and more than two million people around the world; and

Whereas, Multiple Sclerosis symptoms are unpredictable. Symptoms vary from person to person and from time to time in the same person. Multiple Sclerosis can cause blurred vision, loss of balance, poor coordination, slurred speech, tremors, numbness, extreme fatigue, problems with memory and concentration, paralysis, blindness and more, and

Whereas, the cause is unknown and anyone may develop Multiple Sclerosis, and

Whereas, Multiple Sclerosis cannot be cured but there are FDA-approved medications that have been shown to "modify" or slow down the underlying course of MS. In addition, many therapeutic and technological advances are helping people manage symptoms. Advances in treating and understanding MS are made every year, and progress in research to find a cure is very encouraging; and

Whereas, the aims of Multiple Sclerosis Awareness Week are to raise awareness and mobilize the global movement;

NOW THEREFORE, be it resolved, that the Board of County Commissioners of Delaware County, Ohio, hereby proclaim

March 11th – 17th MS Awareness Week in Delaware County

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

RESOLUTION NO. 13-232

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES,

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AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0308:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0308 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
DATA	JFS Client Travel	22411601-5355	\$ 40,000.00
Ports Petroleum	Fuel	10011106-5228	\$ 25,000.00

PR	Vendor Name	Line Description	Line Account	Line Amount
Number				
MOVING FORWARD OHIO GRANT – SERVICES AND CHARGES				
R1303095	LAWYERS TITLE AGENCY OF DELAWARE INC	TITLE SEARCHES MOVING OHIO FORWARD	22911716-5301	25,000.00
PERMANENT IMPROVEMENT – SERVICES AND CHARGES				
R1303057	EMPIRE WINDOWS OF CENTRAL OHIO LTD	WINDOWS – 115 N SANDUSKY	40111402-5328	16,560.00
R1303057	EMPIRE WINDOWS OF CENTRAL OHIO LTD	WINDOWS – 22 COURT ST	40111402-5328	9,417.00
SANITARY ENGINEER – MATERIAL AND SUPPLIES				
R1303050	HD SUPPLY WATERWORKS LTD	REPLACING OLD ONES THAT ARE CRACKED	66211903-5201	9,112.00
R1302986	MUSSAN SALES INC	INTAKE FANS FOR ALUM CREEK PUMP STATIONS	66211904-5260	9,895.00

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

RESOLUTION NO. 13-233

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The EMS Department is requesting that Eric Burgess, Dan Jividen, Glen Keating, and Josh Boliantz attend a Local Simulation USER Network Course in Columbus, Ohio March 27, 2013, at the cost of \$10.00 (fund number 10011303).

Juvenile/Probate Court is requesting that John Eufinger attend a 2013 Ohio Association of Magistrates Spring Conference in Dayton, Ohio April 24-26, 2013, at the cost of \$715.35 (fund number 27826325-5305).

The Engineer's Office is requesting that Michael Seiter attend a Traffic Sign and Pavement Markings Course in Columbus, Ohio March 19, 2013; at the cost of \$67.00 (fund number 29214001).

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

RESOLUTION NO. 13-234

IN THE MATTER OF SCHEDULING A SPECIAL SESSION ON MARCH 18, 2013 AT 9:00AM TO FORM A JOINT BOARD WITH THE UNION COUNTY BOARD OF COMMISSIONERS TO ADDRESS THE CITY OF COLUMBUS UPGROUND RESERVOIR SITE NO. 2 (PROJECT NO. 690370) DRAINAGE PETITION PROJECT FILED BY THE CITY OF COLUMBUS DEPARTMENT OF PUBLIC UTILITIES:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to schedule a Special Session on March 18, 2013 At 9:00AM to form a Joint Board With The Union County Board Of Commissioners to address the City Of Columbus Upground Reservoir Site No. 2 (Project No. 690370) Drainage Petition Project filed by The City Of Columbus Department Of Public Utilities.

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

RESOLUTION NO. 13-235

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF THE JUDGMENT ENTRY DENYING THE APPEAL IN THE MATTER OF THE APPEAL OF THE CHADWICK #135 CASE NO. 11 CV F 03 0399 AND TO ENTER THE JUDGMENT ON THE JOURNAL OF THE BOARD:

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It was moved by Mr. Stapleton, seconded by Mr. Merrell to acknowledge that, the Clerk to the Board of Commissioners received the judgment entry denying the appeal in the matter of the appeal of the Chadwick #135 case no. 11 CV F 03 0399 and to enter the judgment on the Journal of the Board.

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

RESOLUTION NO. 13-236

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR THE PUBLIC HEARING TO CONSIDER THE TEXT AMENDMENTS TO THE DELAWARE COUNTY ZONING RESOLUTION:

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

WHEREAS, the Delaware County Board of Commissioners has adopted the Delaware County Zoning Resolution, applicable to Marlboro, Radnor, and Thompson Townships in Delaware County; and

WHEREAS, the Zoning Resolution is enacted for the purpose of promoting public health, safety, comfort and general welfare; to conserve and protect the natural resources and scenic areas; to secure the most appropriate use of land, to facilitate adequate but economical provision for public improvements, all in accordance with existing county or township plans or plans which may be later adopted and as permitted by the provisions of Chapter 303, Ohio Revised Code; and

WHEREAS, the Delaware County Rural Zoning Commission has moved for and recommends approval of the text amendments to the Delaware County Zoning Resolution; and

WHEREAS, the text amendments are considered amendments to the Zoning Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio, will hold a public hearing on the Text Amendments to the Delaware County Zoning Resolution requested by motion of the Delaware County Rural Zoning Commission;

BE IT FURTHER RESOLVED, the public hearing will be held on **Thursday, April 4, 2013, at 10:00AM**, in the Hearing Room of the County Commissioners, 101 North Sandusky Street, Delaware, Ohio 43015. A copy of the proposed Text Amendments to the Delaware County Zoning Resolution is available for review at the Office of the Zoning Inspector – 50 Channing Street, Delaware, Ohio and in the Commissioners' Office during normal business hours. Interested persons may appear and voice opinion in respect to the proposed Text Amendments to the Delaware County Zoning Resolution.

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

RESOLUTION NO. 13-237

IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR OLENTANGY FALLS SECTION 3:

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

Whereas, Crown Ridge Investments LLC has submitted the Plat of Subdivision ("Plat") for Olentangy Falls Section 3, including related development plans ("Plans") and requests approval thereof by the Board of Commissioners of Delaware County; and

Whereas, the Liberty Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on July 2, 2012; and

Whereas, Del-Co Water Company has reviewed said Plat and Plans for conformance with its rules and regulations and approved said Plat on January 14, 2013; and

Whereas, the Delaware County Sanitary Engineer has reviewed said Plat and Plans for conformance with the Rules, Regulations, Standards and General Procedures Governing Sewerage in Delaware County and approved said Plat on January 28, 2013, and

Whereas, the Delaware County Engineer has reviewed said Plat and Plans for conformance with Delaware County Engineering and Surveying Standards and approved said Plat on February 1, 2013; and

Whereas, the Delaware County Regional Planning Commission has reviewed said Plat and Plans for conformance with Delaware County Subdivision Regulations and approved said Plat on March 1, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for Olentangy Falls Section 3.

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Olentangy Falls Section 3

Situated in the Township of Liberty, County of Delaware, State of Ohio, located in part of Farm Lots 6 and 7, Section 1, Township 3, Range 19, United States Military Lands, being a 32.536 acre subdivision out of a 49.584 acre tract conveyed to Crown Ridge Investments, LLC, an Ohio Limited Liability Company, by Official Record Volume 971, Page 2677. There being 32.401 acres in Farm Lot 6 and 0,1355 acres in Farm Lot 7. All references being to the Records of the Recorder’s Office in Delaware County, Ohio. Cost \$99

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

RESOLUTION NO. 13-238

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR DERBY GLEN FARMS SECTION 2:

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

WHEREAS, on February 28, 2013, a Ditch Maintenance Petition for Derby Glen Farms Section 2 was filed with the Board of Commissioners of Delaware County (the “Board”), and

WHEREAS the Petition sets forth the drainage improvements that have been or will be constructed within Derby Glen Farms Section 2 located off of Jewett Road in Liberty Township; and

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

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

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

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

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

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

The cost of the drainage improvements is \$107,903.39 for the benefit of the lots being created in this subdivision. Eleven lots are being created and each lot received an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore \$9,809.40 per lot. An annual maintenance fee equal to 2% of this basis (\$196.19) will be collected for each lot. It is understood that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$2,158.09 has been paid to Delaware County, receipt of which is hereby acknowledged.

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

RESOLUTION NO. 13-239

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

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve the following work permits:

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

Now Therefore Be It Resolved that the following permits are hereby approved by The Board of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
U13-008	TW Telecom	Enterprise Drive	Bore road
U13-0012	Time Warner Cable	Alexander Road	Bore along road

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

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RESOLUTION NO. 13-240

IN THE MATTER OF APPROVING A CONTRACT OF SALE AND PURCHASE BETWEEN TAB AND MAGGIE LLC, AND THE BOARD OF DELAWARE COUNTY COMMISSIONERS FOR THE DEL-CR124-1.88 HOME ROAD/SR 257/SECTION LINE ROAD INTERSECTIONS IMPROVEMENTS:

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

Whereas, the County Engineer recommends approval of the contract of sale and purchase with Tab and Maggie LLC for the DEL-CR124-1.88 Home Road/SR 257/Section Line Road Intersections Improvements.

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the contract of sale and purchase with Tab and Maggie LLC for the DEL-CR124-1.88 Home Road/SR 257/Section Line Road Intersections Improvements.

**CONTRACT FOR SALE AND PURCHASE OF REAL PROPERTY
WITHOUT BUILDING(S)**

**PARCEL(S): 11WD
DEL-CR124-1.88**

This Agreement is by and between the Delaware County Board of Commissioners ["Purchaser"] and Tab and Maggie LLC ["Seller"; "Seller" includes all of the foregoing named persons or entities]. Purchaser and Seller are referred to collectively in this Agreement as "Parties."

In consideration of the mutual promises, agreements and covenants herein contained the Parties contract as follows:

1. Price and Consideration

Purchaser shall pay to Seller the sum of \$ 18,157.00, which sum shall constitute the entire amount of compensation due Seller for: (a) the real property to be conveyed, including all fixtures; (b) any and all damages to any residual lands of Seller; (c) Seller's covenants set forth herein; (d) any and all supplemental instruments reasonably necessary to transfer the title of the subject property.

Seller shall be exclusively responsible for all delinquent taxes and assessments, including penalties and interest, and for all other real estate taxes and assessments that are a lien as of the date on which this Agreement closes. The taxes and assessments for the current calendar year shall be prorated on an estimated basis to the date of acquisition of title or date of possession, whichever is earlier in time. Seller shall be responsible for any and all future installments of any special assessments levied and assessed against the real property, whether or not any such special assessment has been certified to the county auditor for collection, provided that such installments of special assessments shall be a lien on the subject real property as of the date of transfer of title. Purchaser may withhold in escrow a sufficient amount of the purchase money to satisfy the foregoing items to be paid by Seller; any balance remaining after such taxes, assessments, etc., are discharged shall be paid to Seller and any deficiency shall be the responsibility of Seller.

2. Estate Sold and Deed to Transfer

Seller, upon fulfillment of all the obligations and terms of this Agreement, shall sell and convey to Purchaser, its successors and assigns, the property which is more particularly described in Exhibit A attached hereto and by this reference incorporated herein, together with all improvements now located thereon and all fixtures of every nature now attached to or used with said land and improvements including, but not limited to, driveways, signs, utility fixtures, shrubbery and trees.

If the rights, titles and estates described in Exhibit A constitute the fee simple in, to and of the real property, then such sale and conveyance by Seller shall be by a good and sufficient general warranty deed with, if applicable, full release of dower. In the event the rights, titles, and estates described in Exhibit A constitute something less than the fee simple of the real property, then such sale and conveyance by Seller shall be by a good and sufficient deed or other instrument regularly and ordinarily used to transfer such lesser rights, titles and estates with, if applicable, full release of dower.

3. Limited Access Parcels - Waiver of Abutters' Rights

If the property described in Exhibit A is designated by Purchaser as a limited access parcel, then Seller further agrees to release to Purchaser, its successors and assigns, any and all abutters' rights, including access rights, appurtenant to any remaining lands of Seller (from which the property described in Exhibit A is being severed) in, over, on, from and to the property described in Exhibit A.

4. Supplemental Instruments

Seller agrees to execute any and all supplemental instruments or documents necessary to vest Purchaser with the rights, titles and interests described in Exhibit A.

5. Warranty of Title

Seller shall, and hereby does, warrant that the property described in Exhibit A is free and clear from all liens and encumbrances whatsoever, except: (a) easements, restrictions, conditions and covenants of record; (b) all legal highways; (c) zoning and building laws, ordinances, rules and regulations; and (d) any and all taxes and assessments not yet due and payable.

6. Elimination of Others' Interests

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Seller shall assist, in whatever manner reasonably possible under the circumstances, to procure and deliver to Purchaser releases and cancellations of any and all other rights, titles and interests in the property described in Exhibit A, such as, but not limited to, those belonging to tenants, lessees, mortgagees or others now in possession or otherwise occupying the subject premises, and all assessment claims against said property.

Seller and Purchaser agree that if a mortgagee of Seller or of a predecessor in title fails to cooperate with the efforts to obtain a release of that mortgagee's mortgage lien secured by the property described in Exhibit A, then and in that event this Agreement shall become null and void and the parties to this Agreement shall be discharged and released from any and all obligations created by this Agreement; for the purposes of this provision, the term "fails to cooperate" shall include a demand or request by any such mortgagee for a fee to process such a release of that mortgagee's mortgage lien that Purchaser, in its sole discretion, deems to be excessive.

7. No Change in Character of Property

Seller shall not change the existing character of the land or alter, remove, destroy or change any improvement located on the property described in Exhibit A. If, prior to the date on which possession of the subject property is surrendered to Purchaser, the subject property suffers any damage, change, alteration or destruction then, and without regard to the cause thereof, Seller shall restore the subject property to the condition it was in at the time Seller executed this Agreement; in the alternative, Seller may agree to accept the abovementioned purchase price less the costs associated with such restoration. If the Seller refuses to either restore the premises or accept the decreased consideration as aforementioned, then Purchaser, at its option after discovery or notification of such damage, change, alteration or destruction, may terminate and cancel this Agreement upon written notice to Seller.

8. Offer to Sell

If Seller executes this Agreement prior to Purchaser, then this Agreement shall constitute and be an Offer to Sell by Seller that shall remain open for acceptance by Purchaser for a period of 20 days immediately subsequent to the date on which Seller delivers such executed Agreement to Purchaser. Upon Purchaser's acceptance and execution of this Agreement within said period of 20 days, this Agreement shall constitute and be a valid Contract for Sale and Purchase of Real Property that is binding upon the Parties.

9. Designation of Escrow Agent

Seller agrees that Purchaser may designate an escrow agent to act on behalf of the Parties in connection with the consummation and closing of this Agreement.

10. Closing Date

The consummation and closing of this Agreement shall occur at such time and place as the Parties may agree, but no later than 10 days after Purchaser notifies Seller in writing that Purchaser is ready to consummate and close this Agreement. Provided, however, in no event shall such consummation and closing occur more than 120 days after the last date on which one of the Parties executes this Agreement.

11. Physical Possession of Structures Occupied by Seller

Seller shall surrender physical possession of the land and improvements to Purchaser not later than the date on which Purchaser tenders the purchase price to Seller.

12. Control of Property Occupied by Seller's Tenant(s)

Control of property occupied by Seller's tenant(s) shall be assumed by Purchaser on the date Purchaser tenders the purchase price to Seller. From that date forward, Purchaser shall be entitled to collect and retain as its own funds any and all rental payments thereafter made by such tenant(s). If any rents due under the lease(s) with Seller have been prepaid by Seller's tenant(s), then said prepaid rents shall be prorated to the date on which the purchase price is tendered by Purchaser, and said prepaid rents shall be paid to Seller and Purchaser in accordance with such proration.

13. Binding Agreement

Any and all of the terms, conditions and provisions of this Agreement shall be binding upon and shall inure to the benefit of Seller and Purchaser and their respective heirs, executors, administrators, successors and assigns.

14. Multiple Originals

This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which together shall constitute but one and the same instrument.

15. Entire Agreement

This instrument contains the entire agreement between the Parties, and it is expressly understood and agreed that no promises, provisions, terms, warranties, conditions or obligations whatsoever, either express or implied, other than herein set forth, shall be binding upon Seller or Purchaser.

16. Amendments and Modifications

No amendment or modification of this Agreement shall be valid or binding upon the Parties unless it is made in writing, cites this Agreement and is signed by Seller and Purchaser.

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

RESOLUTION NO. 13-242

IN THE MATTER OF APPROVING AN AMENDMENT TO SECTION (2) TWO OF PROPOSED RESOLUTION NO. 13-141, A RESOLUTION CERTIFYING A REQUEST FOR RELEASE OF FUNDS FOLLOWING THE PUBLIC COMMENT PERIOD FOR A PUBLISHED ENVIRONMENTAL REVIEW RECORD NOTICE OF INTENT TO REQUEST A RELEASE OF FEDERAL FUNDS (NOI/RROF) FOR FY2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED ACTIVITIES:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve the following amendment to proposed

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Resolution No. 13-141, (A Resolution Certifying A Request For Release Of Funds Following The Public Comment Period For A Published Environmental Review Record Notice Of Intent To Request A Release Of Federal Funds (NOI/RROF) For Fy2012 Community Development Block Grant (CDBG) Funded Activities).

Replace proposed Section 2

The Board hereby authorizes the President of the Board of Commissioners to sign the RROF.

To read as follows:

Section 2.

The Board hereby authorizes, if available, the CEO at the time of the Grant Agreement's approval, Commissioner Stapleton, to sign the RROF or the current president of the board of Commissioners.

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

RESOLUTION NO. 13-243

IN THE MATTER OF TABLING RESOLUTION NO. 13-241 [A RESOLUTION, AS AMENDED WITH RESOLUTION NO. 13-242, CERTIFYING A REQUEST FOR RELEASE OF FUNDS FOLLOWING THE PUBLIC COMMENT PERIOD FOR A PUBLISHED ENVIRONMENTAL REVIEW RECORD NOTICE OF INTENT TO REQUEST A RELEASE OF FEDERAL FUNDS (NOI/RROF) FOR FY2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED ACTIVITIES]:

It Was Moved By Mr. O'Brien, Seconded By Mr. Merrell To Table Resolution No. 13-241 [A Resolution, As Amended With Resolution No. 13-242, Certifying A Request For Release Of Funds Following The Public Comment Period For A Published Environmental Review Record Notice Of Intent To Request A Release Of Federal Funds (NOI/RROF) For Fy2012 Community Development Block Grant (CDBG) Funded Activities]:

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

RESOLUTION NO. 13-241

IN THE MATTER OF APPROVING, AS AMENDED WITH RESOLUTION NO. 13-242, A RESOLUTION CERTIFYING A REQUEST FOR RELEASE OF FUNDS FOLLOWING THE PUBLIC COMMENT PERIOD FOR A PUBLISHED ENVIRONMENTAL REVIEW RECORD NOTICE OF INTENT TO REQUEST A RELEASE OF FEDERAL FUNDS (NOI/RROF) FOR FY2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED ACTIVITIES:

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

WHEREAS, Resolution 13-186 certified the environmental review record statutory checklists and authorized publication of a NOI/RROF for FY2012 Community Development Block Grant Funded Activities; and

WHEREAS, the local public comment period for the February 27, 2013 published NOI/RROF ends on March 6, 2013; and

WHEREAS, the Delaware County CEO, or President of the Board of Commissioners, is required to certify the RROF prior to forwarding to the Ohio Development Services Agency;

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. The Board hereby certifies the RROF.

Section 2. The Board hereby authorizes, if available, the CEO at the time of the Grant Agreement's approval, Commissioner Stapleton, to sign the RROF or the current president of the board of Commissioners.

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

Vote on Motion Mr. O'Brien Mr. Merrell Mr. Stapleton

RESOLUTION NO. 13-245

IN THE MATTER OF TABLING RESOLUTION NO. 13-244 (APPROVING AND AUTHORIZING THE SIGNING AND SUBMITTAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) B-F-11-1AT-1 FINAL PERFORMANCE REPORT WITH THE OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT):

It was moved by Mr. O'Brien, seconded by Mr. Merrell to table Resolution No. 13-244 (Approving And Authorizing The Signing And Submittal Of The Community Development Block Grant (CDBG) B-F-11-1AT-1

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Final Performance Report With The Ohio Development Services Agency, Office Of Community Development).

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

RESOLUTION NO. 13-244

IN THE MATTER OF APPROVING AND AUTHORIZING THE SIGNING AND SUBMITTAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) B-F-11-1AT-1 FINAL PERFORMANCE REPORT WITH THE OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to authorize the submittal of the following report:

WHEREAS, the Ohio Development Services Agency awarded \$138,356 in State of Ohio Fiscal Year 2011 CDBG funds to the Delaware County Board of Commissioners, per CDBG B-F-11-1AT-1; and

WHEREAS, CDBG funding assists Delaware County communities with necessary and useful public improvements which are responsive to the CDBG national program objectives; and

WHEREAS, the B-F-11-1AT-1 Grant Agreement requires Delaware County to submit a Final Performance Report; and

WHEREAS, the following projects were completed:

Activity 1	Ashley	Street Improvements
Activity 2	Ostrander	Street Improvements and Traffic Signal
Activity 3	Sunbury	Sidewalk Improvements
Activity 4	DATA	Fuel Costs for Elderly and Disabled Transit
Activity 5	Delaware County	Fair Housing Program
Activity 6	Delaware County	Housing Policy and Procedures Manual

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. The Delaware County Board of Commissioners hereby approves the CDBG Final Performance Report for B-F-11-1AT-1.

Section 2. The Delaware County Board of Commissioners hereby authorizes the president of the Board of Commissioners to sign the CDBG Final Performance Report; then directs the Director of Economic Development to submit the Final Performance Report to the Ohio Development Services Agency.

Vote on Motion Mr. Merrell Mr. O'Brien Mr. Stapleton

RESOLUTION NO. 13-246

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Emergency Medical Services recommends accepting the resignation of Cory Yutzy as a part-time paramedic with the EMS Department; effective November 14, 2012 (last day worked);

Therefore Be It Resolved, the Board Of Commissioners accept the resignation of Cory Yutzy as a part-time paramedic with the EMS Department; effective November 14, 2012 (last day worked).

The Interim Director of 911 Communications recommends Tele Communicator Kathleen Parker for an Acting CTO Assignment; effective March 5, 2013;

Therefore Be It Resolved, the Board Of Commissioners approve Tele Communicator Kathleen Parker for an Acting CTO Assignment; effective March 5, 2013.

The Interim Director of 911 Communications recommends Tele Communicator Bobbi Henney for an Acting CTO Assignment; effective March 5, 2013;

Therefore Be It Resolved, the Board Of Commissioners approve Tele Communicator Bobbie Henney for an Acting CTO Assignment; effective March 5, 2013.

The Interim Director of 911 Communications recommends Tele Communicator Leann Collick for an Acting CTO Assignment; effective March 5, 2013;

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**3) CHRIS BAUSERMAN, COUNTY ENGINEER;
REVIEW OF PROPOSED ROAD PROJECTS**

Gary Merrell

Ken O'Brien

Dennis Stapleton

Jennifer Walraven, Clerk to the Commissioners