

COMMISSIONERS JOURNAL NO. 58 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 28, 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

Absent:
Gary Merrell, Commissioner

RESOLUTION NO. 13-307

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 21, 2013:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on March 21, 2013; 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. Merrell Absent Mr. Stapleton Aye Mr. O'Brien Aye

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 13-308

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0327, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0327:

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0327, memo transfers in batch numbers MTAPR0327 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Flowline	Alum Creek Water Rec. Repair	66211904-5328	\$ 20,000.00
Nancy Axline	Case Reviewer Job and Family	22411601-5301	\$ 15,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Line Amount</u>
JOBS AND FAMILY SERVICES – SERVICES AND CHARGES				
R1303078	DELAWARE AREA TRANSIT AUTHORITY	CLIENT TRANSPORTATION	22411601-5355	50,000.00
R1303306	KIDS COUNT TOO INC	RESIDENTIAL TREATMENT	22511607-5342	6,630.00
SANITARY ENGINEER – SERVICES AND CHARGES				
R1301460	FLOWLINE LLC	EMERGENCY REPAIRS TO REGIONAL SEWER DISTRICT	66211901-5328	40,000.00
R1303351	MAYS CONSULTING & EVALUATION SVS INC	COST ESTIMATE FOR DEFECTIVE WORK	66211905-5301	10,500.00

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

RESOLUTION NO. 13-309

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Juvenile/Probate Court is requesting that Kenneth Spicer attend the National College of Probate Judges Annual

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Spring Conference in San Antonio, Texas May 8-11, 2013; at the cost of \$2,433.45 (fund number 28726325).

Juvenile/Probate Court is requesting that Dodie Davenport and April Nelson attend an Association of Family and Conciliation Courts Training in Los Angeles, California May 29-June 1, 2013; at the cost of \$4,222.64 (fund number 28726325).

The Sheriff's Office is requesting that Daniel Hartman attend an Ohio APCO/NENA State Conference in Sandusky, Ohio April 14-17, 2013; at the cost of \$695.65 (fund number 10031301).

The Child Support Enforcement Agency is requesting that Aaron Howard, Leslie Owens, Zeke Keesbury, Joyce Bowers, Sharon Cole, Debra Benjamin, Wendy Shannon and Matt Smith attend the Ohio Child Support Director's Association Spring Symposium in Dublin, Ohio April 22-23, 2013 at the cost of \$675.00 (fund number 23711630).

The EMS Department is requesting that Joshua Boliantz attend a "Laerdal Medical Education" Course in Columbus, Ohio March 27, 2013; at no cost.

The EMS Department is requesting that Joshua Harper attend an OSU Local Heroes Conference in Columbus, Ohio April 15, 18, 19, 20, 2013; at the cost of \$125.00 (fund number 10011303).

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

RESOLUTION NO. 13-310

IN THE MATTER OF ACCEPTING THE TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 2013:

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to accept the Treasurer's Report for the month of February 2013.

(Copy available for review at the Commissioners' Office until no longer of administrative value.)

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

RESOLUTION NO. 13-311

IN THE MATTER OF ACCEPTING AND APPROVING THE DELAWARE COUNTY SHERIFF'S OFFICE TRANSPORT REPORTS FOR THE MONTHS OF JANUARY 2013 AND FEBRUARY 2013:

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

WHEREAS, section 325.07 of the Revised Code requires the County Sheriff to submit monthly expense reports to the Board of County Commissioners; and

WHEREAS, the Delaware County Sheriff has submitted monthly reports for January 2013 and February 2013;

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

Section 1. The Board hereby accepts and approves the Delaware County Sheriff's Office Transport Reports for the months of January 2013 and February 2013.

Section 2. The Board hereby allows the expenses contained in the monthly reports.

(Copy available for review at the Commissioners' Office until no longer of administrative value.)

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

RESOLUTION NO. 13-312

IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND B&K LEHNER EXCAVATING FOR THE PROJECT KNOWN AS CHADWICK #135 DITCH IMPROVEMENT PROJECT:

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

**Chadwick #135 Ditch Improvement Project
Bid Opening of March 4, 2013:**

As the result of the above referenced bid opening, The Engineer recommends that a bid award be made to B&K Lehner Excavating, the low bidder for the project per the Bid Tabulation.

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CONTRACT

THIS AGREEMENT is made this 28th day of March, 2013 by and between B&K Lehner Excavating, 2356 Troy Road, Delaware, Ohio 43015, hereinafter called the “Contractor” and the Delaware County Board of 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 “Chadwick #135, 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 One Hundred Fifty-Four Thousand Fifty-Seven Dollars and Twenty Cents (\$154,057.20), 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.

Further Be It Resolved, that the Board of Commissioners approve the following purchase order:

R1303221	B&K LEHNER EXCAVATING LLC	DITCH CONSTRUCTION	40311432-5328	\$154,057.20
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Vote on Motion Mr. Merrell Absent Mr. Stapleton Aye Mr. O'Brien Aye

RESOLUTION NO. 13-313

IN THE MATTER OF ACCEPTING THE AWARD OF THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE OF CRIMINAL JUSTICE SERVICES FOR DELAWARE COUNTY JUVENILE COURT:

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

WHEREAS, the Delaware County Juvenile Court has applied for and been awarded the Ohio Department of Public Safety grant; and

WHEREAS, the Grant will be used to pay for staffing with in the Juvenile Court and

WHEREAS, the Board of County Commissioners accepts this grant award and designates the Delaware County Juvenile Court Administrator David A Hejmanowski to execute the agreement;

WHEREAS, the Board desires uninterrupted compliance with the Grant reporting requirements by maintaining Court Administrator Hejmanowski as the designated official;

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

Section 1. The Board hereby accepts the award of the Grant as follows:

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Grant # 2012-JG-D01-6951
Source: Ohio Department of Public Safety
Grant Period: 1-1-13 thru 12-31-13

Federal Grant Amount: \$ 59,998.23
Local Match: 19,999.41

Total Project Amount: \$ 79,997.64

Section 2. The Board hereby authorizes Court Administrator Hejmanowski, as the designated official, to execute reports and administrative documents for the Grant.

Section 3. When reports or administrative documents require execution by the designated official, a copy of the report or documents will be on file at Juvenile Court office of fiscal and grants.

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

RESOLUTION NO. 13-314

IN THE MATTER OF APPROVING AND AUTHORIZING THE SIGNING AND SUBMITTAL OF THE HOUSING SEMI-ANNUAL PROGRAM INCOME REPORT TO THE OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT (ODSA OCD):

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to approve and authorize the signing and submittal of the Housing Semi-Annual Program Income Report.

WHEREAS, the Ohio Development Services Agency provides financial assistance to Delaware County through the CDBG and HOME programs; and

WHEREAS, the Board of Commissioners is required to submit a Housing Semi-Annual Program Income Report to the ODSA OCD.

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 of Commissioners approves and authorizes the President of the Board to sign the Housing Semi-Annual Program Income Report for June 30, 2012 – December 31, 2012.

Section 2. The Board of Commissioners authorizes the submittal of Housing Semi-Annual Program Income Report for the period June 30, 2012 – December 31, 2012, to the Ohio Development Services Agency, Office of Community Development.

Section 3. The Director of Economic Development is directed to submit the Housing Semi-Annual Program Income Report to ODSA OCD.

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

RESOLUTION NO. 13-315

IN THE MATTER OF CERTIFYING AND AUTHORIZING THE SIGNING OF THE ENVIRONMENTAL REVIEW RECORDS STATUTORY/ENVIRONMENTAL CHECKLISTS AND AUTHORIZING THE PUBLICATION OF A COMBINED NOTICE FOR FY2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED ACTIVITIES, AND AUTHORIZING THE SIGNING OF THE REQUEST FOR RELEASE OF FUNDS (RROF) FOLLOWING THE PUBLIC COMMENT PERIOD:

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") approved activity funding, per Resolutions 12-1361(CDBG Grant B-F-12-1AT-1) and 12-605 (authorizing use of Revolving Loan Funds), for Ashley street improvements (Grant Activity 1), Ostrander sidewalk improvements (Grant Activity 2), Shawnee Hills sidewalk improvements (Grant Activity 3), Galena public rehabilitation (Grant Activity 4), county-wide home repair (Grant Activity 5), and fair housing (Grant Activity 6); and

WHEREAS, prior to activity funding, an Environmental Review Record (ERR) must be completed that documents each activity's positive and negative social, economic and environmental impacts. A Combined Notice (Finding of No Significant Impact on the Environment, FONSI, and a Notice of Intent to Request Release of Funds, NOI/RROF) is published for public comment; and

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WHEREAS, the Combined Notice must be published one time for a fifteen day public comment period in a local newspaper of general circulation and paid subscription; and

WHEREAS, the ERR for the Galena activity was determined to be Categorically Excluded, per 40 CFR 1508.4 (Categorical Exclusions are activities that do not involve significant environmental impacts). The ERR for the Shawnee Hills activity required an Environmental Assessment (sufficient evidence and analysis was needed to determine whether to prepare an environmental impact statement or a finding of no significant impact); the Environmental Assessment indicated no significant impact on the environment, per 40 CFR 1508.9; and

WHEREAS, following the local public comment period, the RROF must be signed and submitted to the Ohio Development Services Agency (ODSA). ODSA reviews for completeness and publishes for further public comment. Once ODSA processing requirements are completed, an Environmental Release is sent to the chief executive officer authorizing activity funding to begin.

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 ERRs for the activities known as Shawnee Hills sidewalk improvements (Grant Activity 3) and Galena public rehabilitation (Grant Activity 4), and authorizes the following documents to be signed: (1) if available, the CEO at the time of the Grant Agreement's approval, Commissioner Stapleton, to sign the Statutory/Environmental Checklists for the ERRs indicating approval, and (2) if available, the CEO at the time of the Grant Agreement's approval, Commissioner Stapleton, or the current president of the Commissioners, to sign the RROF, following the public comment period, indicating approval.

Section 2. The Board hereby authorizes the publication of the following Combined Notice in the Delaware Gazette on April 3, 2013; then following a fifteen day public comment period and RROF signing, the Board directs the Director of Economic Development to forward the RROF and supporting documents to the Ohio Development Services Agency.

COMBINED NOTICE

NOTICE TO PUBLIC OF A FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT (FONSI)

April 3, 2013

Delaware County
Delaware County Commissioners
101 N. Sandusky St.
Delaware, OH 43015
740-833-2100

To All Interested Persons, Agencies, and Groups:

Delaware County proposes to request that the State of Ohio release Federal funds under Section 104 (g) of Title I of the Housing and Community Development Act of 1974, as amended; Section 288 of Title II of the Cranston Gonzales National Affordable Housing Act (NAHA), as amended; and/or Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended; to be used for the following projects:

Delaware County 2012 CDBG Community Development Block Grant Program

Projects: Sidewalk Improvements and Public Rehabilitation

Source of Federal Funds: CDBG

Description: Sidewalk Improvements will be made in the Village of Shawnee Hills and Building Improvements will be made in the Village of Galena to the Village Hall.

Single-Year Project in Delaware County

Cost: \$53,900

Delaware County has determined that the projects will have no significant impact on the environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969, as amended, is not required.

Delaware County has prepared an Environmental Review Record (ERR) for each of the projects listed above. The ERRs document the environmental review of the projects. The ERRs are on file and available for the public's examination and copying, upon request, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday (except holidays) at the above address.

No further environmental review of the projects will be conducted prior to the request for release of Federal funds.

Delaware County plans to undertake the projects described above with the Federal funds cited above. Any interested person, agency, or group wishing to comment on the project or disagreeing with this Finding of No Significant Impact decision may submit written comments for consideration to the Delaware County Commissioners at the above listed address by 4:00 p. m. on April 18, 2013, which is at least 15 days after the publication of this combined notice. A

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notice regarding the responsible entity’s intent to request the release of funds is listed immediately below.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI/RROF)

To All Interested Persons, Agencies, and Groups:

On or about, but not before, April 19, 2013, Delaware County will submit a request to the State of Ohio for the release of Federal funds under Section 104 (g) of Title I of the Housing and Community Development Act of 1974, as amended; Section 288 of Title II of the Cranston Gonzales National Affordable Housing Act (NAHA), as amended; and/or Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended; to be used for the project(s) listed above.

Delaware County certifies to the State of Ohio that Dennis Stapleton, in his capacity as Vice President, consents to accept the jurisdiction of Federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied.

The legal effect of the certification is that upon its approval, Delaware County may use the Federal funds, and the State of Ohio will have satisfied its responsibilities under the National Environmental Policy Act of 1969, as amended.

The State of Ohio will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following grounds: (a) the certification was not, in fact, executed by the responsible entity’s Certifying Officer; (b) the responsible entity has failed to make one of the two findings pursuant to Section 58.40 or to make the written determination required by section 58.35, 58.47, or 58.53 for the project, as applicable; c) the responsible entity has omitted one or more of the steps set forth at subpart E of 24 CFR Part 58 for the preparation, publication, and completion of an Environmental Assessment; d) the responsible entity has omitted one or more of the steps set forth at subparts F and G of 24 CFR Part 58 for the conduct, preparation, publication, and completion of an Environmental Impact Statement; e) the recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification by the State; or f) another federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Written objections must meet the conditions and procedures set forth in subpart H of 24 CFR Part 58, and be addressed to: State of Ohio Department of Development; Office of Community Development; Environmental Officer; P. O. Box 1001; Columbus, Ohio 43216-1001.

Objections to the Release of Funds on bases other than those stated above will not be considered by the State of Ohio. No objections received after May 7, 2013 (which is 15 days after it is anticipated that the State will receive a request for release of funds) will be considered by the State of Ohio.

The address of the certifying officer is:

Dennis Stapleton, Vice-President
Delaware County Board of Commissioners
101 N. Sandusky St.
Delaware, OH 43015

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

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

RESOLUTION NO. 13-316

IN THE MATTER OF ACCEPTING THE RECOMMENDATIONS OF THE DELAWARE COUNTY TAX INCENTIVE REVIEW COUNCILS (TIRCS) FOR PROGRAM YEAR 2012:

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

WHEREAS, the Delaware County TIRCS were established per Board of Commissioner Resolution 13-226; and

WHEREAS, the TIRCS reviewed projects for compliance per Ohio Revised Code 5709.85(C) on Thursday, March 14, 2013; and

WHEREAS, the TIRCS’ recommendations are as follows:

Orange Township TIRC recommends:

- Enterprise Zone 247C
- None
- Community Reinvestment Area 041-58618-01
- Menards: Continue 2012 – 2024 Agreement (opening planned for June 2013)
- Tax Increment Financing Districts

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Olentangy Crossings 2004: Compliant (\$1.75 million public infrastructure improvement bond in repayment by Delaware County; 2012 revenue: \$168,473; 2012 payments: \$114,809; bond matures in 2027)

Berlin Township TIRC recommends:

Enterprise Zone 247 C (Berlin Township)
None
Community Reinvestment Area 041-05788-02
None

Village of Sunbury TIRC recommends:

Enterprise Zone 220C
American Showa 2004 – 2015 R&D: Continue Agreement (28 jobs/104%; \$756,878 payroll/158%)
American Showa 2006 - 2016 Expansion: Continue Agreement (612 jobs/89%; \$2.3 million payroll/94%)
Community Reinvestment Area 041-75602-01
None
Tax Increment Financing Districts
Sunbury Mills Plaza 2008: Compliant (\$1 million in public infrastructure improvement bonds in repayment by Sunbury; 2012 revenue: \$56,988/ 2012 payments: \$21,900; bonds mature in 2028 and 2029)
American Showa Project 2006: Compliant (\$104,000 public infrastructure improvement bond in repayment by Sunbury; 2012 revenue: \$2951/2012 payments: \$2210; bond matures in 2027)

Village of Ashley TIRC recommends:

Community Reinvestment Area 041-02582-01
Residential: Continue all residential abatements
Expired: 403 East High Street, Ashley
111 West High Street, Ashley

Liberty Township TIRC recommends:

Enterprise Zone 247 C (LibertyTownship)
CitiCorp North America (personal property): Continue 2006 Agreement (see CRA Agreement)
Community Reinvestment Area 041-05788-01
CitiCorp North America (real property): Continue 2006 – 2022 Agreement (58 jobs/105%; \$3.4 million payroll/120%)
State Auto: Continue 2008 - 2021 Agreement (14 jobs/140%; \$729,322 payroll/162%)

Berlin and Liberty Townships TIRC recommends:

Enterprise Zone 247 C (Berlin and Liberty Townships)
None
Community Reinvestment Area 041-05788-01
P&D Builders: Continue 2008 – 2018 Agreement (41 jobs/273%; \$2 million payroll/264%)

Village of Shawnee Hills TIRC recommends:

Tax Increment Financing District
TIF District 2002: Compliant (Shawnee Hills funds projects as revenue allows; 2012 revenue: \$19,267/ 2012 payments: \$23,363; 30 years)

WHEREAS, the Board of Commissioners is required by the Ohio Revised Code to submit an annual report (now done electronically) on the status of each agreement and the recommendations of the TIRCs, by March 31, 2013, to the Director of 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 accepts the TIRCs' recommendations.

Section 2. The Board directs the Economic Development Director to file all information required by the State of Ohio to the Director of the Ohio Development Services Agency.

Section 3. The Board hereby thanks the members of the TIRCs for their service.

Section 4. This Resolution shall take effect and be in force immediately after its passage.

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

Died For Lack Of A Second: Commissioner's O'Brien Motion To Move To Reject The Recommendations Of The Delaware County Tax Incentive Review Councils (TIRCS)

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RESOLUTION NO. 13-317

IN THE MATTER OF AUTHORIZING THE SIGNING AND SUBMITTAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (CDBG ED RLF) SEMI-ANNUAL REPORT TO THE OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT (ODSA OCD):

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to authorize the signing and submittal of the CDBG ED RLF Semi-Annual Report:

WHEREAS, the Ohio Development Services Agency provides financial assistance to Delaware County through the CDBG ED RLF; and

WHEREAS, the Board of Commissioners is required to submit a semi-annual CDBG ED RLF Report to the ODSA OCD;

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 of Commissioners approves, and authorizes the President of the Board to sign, the CDBG ED RLF Semi-Annual Report for June 30, 2012 – December 31, 2012.

Section 2. The Board of Commissioners authorizes the submittal of CDBG ED RLF Semi-Annual Report for the period June 30, 2012 – December 31, 2012, to Ohio Development Services Agency, Office of Community Development.

Section 3. The Director of Economic Development is directed to submit the Semi-Annual Report to ODSA OCD.

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

RESOLUTION NO. 13-318

IN THE MATTER OF DELAWARE COUNTY APPROVING AN ENGAGEMENT LETTER TO RETAIN THE LEGAL SERVICES OF FROST BROWN TODD, LLC.:

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

Whereas, the Delaware County Prosecutor recommends approval of the engagement letter between Delaware County and Frost Brown Todd, Llc.;

Therefore Be It Resolved, that the Board of Commissioners approve the engagement letter between Delaware County and Frost Brown Todd, Llc..

March 22, 2013
Ms. Carol Hamilton O'Brien
Prosecutor
Delaware County
140 N. Sandusky Street, 3 floor
Delaware, Ohio 43015

Re: Engagement Letter

Dear Ms. O'Brien:

We are pleased that you have asked Frost Brown Todd to serve as your counsel in this matter. This letter will confirm our discussion with you regarding your engagement of our firm and will describe the basis upon which our firm will provide legal services to you. Accordingly, we submit for your approval the following provisions governing our engagement. If you are in agreement, please sign the enclosed copy of this letter in the space provided below. If you have any questions about these provisions, do not hesitate to call. Again, we are pleased to have the opportunity to serve you.

Client: Scope of Representation. Our client in this matter will be Delaware County, Ohio (the "Client" or "you"). We will be engaged to advise you in connection with representing Delaware County in the arbitration matter captioned Kokosing Construction Company, Inc. v. Delaware County, Ohio, currently scheduled for a hearing May 6-17, 2013, and any other related work directed by you. You may limit or expand the scope of our representation from time to time, provided that any substantial expansion must be agreed to by us. While we would be interested in assisting you in other matters, unless we are specifically engaged for some other future matter this will confirm that our representation of you is limited to the foregoing matter and will end when it is concluded.

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Fees. Our fees are based primarily upon the time expended by our attorneys and paralegals on the engagement, including attorney and paralegal travel time which is charged at regular hourly rates. Attorneys and paralegals have been assigned hourly rates based upon their experience and level of expertise. The rates of those attorneys likely to work on this matter range from \$180 per hour to \$440 per hour. The hourly rate for Steve Withee is \$325 per hour, the hourly rate for Dan King is \$295.00 per hour, and the hourly rate for Frank Reed is \$380 per hour. Our hourly rates are reviewed periodically and may be increased from time to time. It may be necessary to add or change attorneys working on your behalf. You will receive a detailed invoice each month for our services, which you agree to pay within 30 days of receipt.

Advance Payment. Normally, we would request a retainer for new clients in order to retain our services, however, for this engagement, the retainer has been waived.

Potential Conflicts. As we have discussed, you are aware that our firm represents many other companies and individuals, including contractors, subcontractors, material suppliers, architects, engineers, sureties, and insurers. Our firm does not represent any other party in the arbitration with Kokosing Construction Company. However, this fact can create situations where work for one client on a matter might preclude us from assisting other clients on unrelated matters. It is possible that during the time that we are representing Delaware County in this dispute with Kokosing, some of our present or future clients will have unrelated disputes or transactions with the Delaware County. In order to avoid the potential for this kind of restriction on our practice, the Client agrees that we may continue to represent or may undertake in the future to represent existing or new clients in any matter that is not substantially related to matters in which we have represented the Client, even if the interests of such clients in those other matters are directly adverse to yours. We do not intend, however, for you to waive your right to have our firm maintain confidences or secrets that you transmit to our firm, and we agree not to disclose them to any third party without your consent. We would, of course, take appropriate steps to insure that such information is kept confidential by us.

ABA Statement of Policy. We wish to inform the Client, and the Client acknowledges, that it is our firm's policy to comply strictly with the terms of the ABA Statement of Policy Regarding Lawyers' Responses to Auditors' Requests for Information (December 1975) in any response that the Client requests we make to the Client's auditors regarding "loss contingencies" affecting the Client.

Additional Standard Terms. Our engagement is also subject to the policies included in the enclosed memorandum.

We appreciate the opportunity to represent you. If these terms of our engagement are acceptable to you, please return a signed copy of this letter to me in the enclosed envelope. Our representation of you will commence upon receipt of the signed engagement letter.

We look forward very much to working with you on this matter. Very truly yours, Frank J Reed, Jr. Enclosures
One Columbus, Suite 2300 10 West Broad Street Columbus, OH 43215-3484 614.464.1211
frostbrowntodd.com Offices in Indiana, Kentucky, Ohio, Tennessee and West Virginia

**FROST BROWN TODD LLC
ADDITIONAL TERMS AND CONDITIONS OF CLIENT ENGAGEMENTS**

1. Expenses. Expenses we incur on the engagement are charged to the Client's account. Expenses include such items as court costs, charges for computerized research services and hard copy document reproductions, long distance telephone, travel expenses, messenger service charges, overnight mail or delivery charges, extraordinary administrative support, filing fees, fees of court reporters and charges for depositions, fees for expert witnesses and other expenses we incur on your behalf. Our charges for these services reflect our actual out-of-pocket costs based on usage, and in some areas may also include our related administrative expenses.
2. Monthly Statements. Unless a different billing period is agreed upon with the Client, the Firm will render monthly statements indicating the current status of the account as to both fees and expenses. The statements shall be payable upon receipt. If statements are not paid in full within 30 days or if it becomes necessary for the Firm to file suit or to engage a collection agency for the collection of fees or expenses, the Client shall pay all related costs and expenses, including reasonable attorneys' fees.
3. Advance Payments. Any advance payment to be paid by the Client will normally be less than the Firm's ultimate fees and expenses. Such a payment or series of payments is not intended as a limitation upon the Firm's fees and expenses. The Firm may apply the advance payment toward any unpaid fees and expenses, in which event the Client shall make an additional deposit to restore the advance payment to its original level. Additional advance payments must be made within fifteen days of the date the request is made. Any unexpended balance of advance payments will be refunded to the Client, without interest, at the end of this engagement.
4. Litigation Matters. If this engagement involves litigation, the Client may be required to pay the opposing party's trial costs. Such costs include filing fees, witness fees, and fees for depositions and documents used at trial. We will not settle litigated matters without the Client's express consent. We require the Client's active participation in all phases of the case.
5. Termination. The Client has the right to terminate our representation at any time by notifying us of your

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intention to do so in writing. We will have the same right, subject to an obligation to give the Client reasonable notice to arrange alternative representation. In the event that either party should elect to terminate our relationship, our fees and expenses incurred up to that point still will be due to us. Upon payment to us of any balance due for fees and expenses, we will return to the Client, or to whomever the Client directs, any property or papers of the Client in our possession. We will retain our files pertaining to any matters on which we have been engaged to represent the Client.

6. Withdrawal. Under the rules of professional conduct by which we are governed, we may withdraw from our representation of the Client in the event of, for example: nonpayment of our fees and expenses; misrepresentation or failure to disclose material facts concerning the engagement; action taken by the Client contrary to our advice; and in situations involving a conflict of interest with another client. If such a situation occurs, which we do not expect, we will promptly give the Client written notice of our intention to withdraw.

7. Post-Engagement Services. The Client is engaging our Firm to provide legal services in connection with a specific matter. After completion of that matter, changes may occur in the applicable laws or regulations that could have an impact on the Client's future rights and liabilities. Unless the Client engages us after completion of the matter to provide additional advice on issues arising from the matter, the Firm has no continuing obligation to advise the Client with respect to future legal developments.

8. Parent/Subsidiary/Affiliate Relationships. The Client may be a subsidiary of a parent organization or may itself have subsidiary or affiliated organizations. The Client agrees that the Firm's representation of the Client in this matter does not give rise to an attorney-client relationship between the Firm and any parent, subsidiary or affiliate of the Client (any of them being referred to as "Affiliate"). The Firm, during the course of its representation of the Client, will not be given any confidential information regarding any of the Client's Affiliates. Accordingly, representation of the Client in this matter will not give rise to any conflict of interest in the event other clients of the Firm are adverse to any of the Client's Affiliates.

9. Authorization. By the Client's agreement to these terms of our representation, the Client authorizes us to take any and all action we deem advisable on the Client's behalf on this matter. We will, whenever possible, discuss with the Client in advance any significant actions we intend to take.

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

RESOLUTION NO. 13-319

IN THE MATTER OF APPROVING RENAMING OF ORG KEY, SUPPLEMENTAL APPROPRIATIONS, TRANSFER OF APPROPRIATIONS AND TRANSFER OF FUNDS FOR JUVENILE COURT:

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

Renaming of Org Key 26226206

From	To
Family Drug Court ARRA	Specialized Court Docket

Supplemental Appropriations

26226206-5001	Specialized Court Docket/Compensation	49,496.63
26226206-5101	Specialized Court Docket/Health Insurance	22,362.24
26226206-5102	Specialized Court Docket/Workers Comp	494.76
26226206-5120	Specialized Court Docket/OPERS	6,926.61
26226206-5131	Specialized Court Docket/Medicare	717.40

Transfer of Appropriations

From	To	
10026201-5001	10026201-5801	12,375.01
Juvenile Court/Compensation	Juvenile Court/Miscellaneous Cash Transfers	
10026201-5101	10026201-5801	5,590.56
Juvenile Court/Health Insurance	Juvenile Court/Miscellaneous Cash Transfers	
10026201-5102	10026201-5801	123.69
Juvenile Court/Workers Comp	Juvenile Court/Miscellaneous Cash Transfers	
10026201-5120	10026201-5801	1,731.65
Juvenile Court/OPERS	Juvenile Court/Miscellaneous Cash Transfers	
10026201-5131	10026201-5801	178.50
Juvenile Court/Medicare	Juvenile Court/Miscellaneous Cash Transfers	

Transfer of Funds

From	To	
10026201-5801	26226206-4601	
Juvenile Court/Miscellaneous Cash Transfers	Specialized Court Docket/Interfund Revenues	19,999.41

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

RESOLUTION NO. 13-320

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The County Administrator and the Assistant County Administrator/ Director of Administrative Services recommend accepting the resignation of Rob Farmer as the Director of Emergency Medical Services; effective April 12, 2013;

Therefore Be it Resolved, the Board of Commissioners accept the resignation of Rob Farmer as the Director of Emergency Medical Services; effective April 12, 2013.

The Director of Job and Family Services recommends accepting the resignation of Alba Rosansky from the Social Service Supervisor-Ongoing Unit; effective April 4, 2013;

Therefore Be it Resolved, the Board of Commissioners accept the resignation of Alba Rosansky from the Social Service Supervisor-Ongoing Unit; effective April 4, 2013.

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

RESOLUTION NO. 13-321

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS:

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

Transfer of Appropriations

From	To	
40111402-5410	40111402-5260	
Permanent Improvement	Permanent Improvement	15,000.00
Admin/Building and Improvements	Admin/Inventoried Equipment	
40111402-5410	40111402-5328	131,000.00
Permanent Improvement	Permanent Improvement Admin/Maint	
Admin/Building and Improvements	and Repair Services	

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

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Stapleton

- No Reports Today
- Future Discussion On Security Check Points At Hayes And Court House

Commissioner O'Brien

- Up Coming DKMM Executive Committee Meeting; Deputy Director And Parking Lot Issues.

There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

Dennis Stapleton

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Jennifer Walraven, Clerk to the Commissioners