

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 10, 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. 13-1025

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 7, 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 October 7, 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 Aye Mr. Stapleton Aye Mr. O'Brien Aye

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 13-1026

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1009, MEMO TRANSFERS IN BATCH NUMBERS MTAPR1009:

It was moved by Mr. Merrell, seconded by Mr. Stapleton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1009, memo transfers in batch numbers MTAPR1009 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
United Methodist P1304114	Residential Treatment	22511607-5342	\$10,000.00
Village Network P1303922	Residential Treatment	22511607-5350	\$10,475.45
Status Control & Integration P1304932	Alum Creek Water Reclamation	66211904-5328	\$ 6,000.00
DATA JARC P1301213	Job and Family Transportation program	22411601-5355	\$19,000.00
Delaware Motive Auto Repairs P1301917	Auto Repairs	10011106-5228	\$10,000.00
Line Added			
Status Control & Integration P13044932	Software Updates	66211904-5320	\$ 4,607.80

<u>PR #</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
EMERGENCY SERVICES – SERVICE AND CHARGES				
R1305775	LIBERTY TWP FIRE DEPT	3RD QUARTER -- EMS RUNS	10011303-5345	\$60,715.50
ENVIRONMENTAL SERVICES-SERVICE AND CHARGES				
R1305780	NEENAH FOUNDRY CO	IRON RISER RINGS TO RAISE MANHOLES	66211903-5292	\$10,000.00
R1305780	NEENAH FOUNDRY CO	IRON RISER RINGS TO RAISE MANHOLES	66211904-5292	\$10,000.00
R1305730	AUDITOR	ARC GIS DESKTOP USE LICENSES	66211901-5320	\$12,488.00
R1305766	ALLIED TECHNICAL SERVICE INC	CRITICALLY SILENCED 6" PUMP	66211901-5450	\$48,500.00

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

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RESOLUTION NO. 13-1027**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Director of Delaware County Child Support Enforcement Agency is requesting that Leslie Owens, Zeke Keensbury, Joyce Bowens, Leslie Williams, Sharon Cole, Lisa Thompson, Sandy Disantis and Erynn Ringle attend an OCDA Fall Training on October 28, 2013 as well as Brandy Davenport and Andrea Del Col attend October 29, 2013 at the cost of \$625.00 (fund number 23711630).

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

RESOLUTION NO. 13-1028**IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 60.23 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:**

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

Whereas, on September 13, 2013, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by David C. Ruma, agent for the petitioners, of 60.23 acres, more or less, in Liberty Township to the City of Powell; and

Whereas, ORC Section 709.023-Expedited Type 2 Annexation Petition; Petitions By All Property Owners With Or Without Consent of Municipality & Township(s) – If the Municipality or Township does not file an objection within 25 days after filing of annexation, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

Whereas, 25 days have passed and the Clerk of the Board has not received an objection from the City of Powell or the Township of Liberty;

Therefore, Be It Resolved, the Delaware County Board of Commissioners grants the annexation petition request to annex 60.23 acres, more or less, in Liberty Township to the City of Powell.

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

RESOLUTION NO. 13-1029**SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF THE WINDING CREEK ESTATES SECTION 4 SUBDIVISION DRAINAGE PETITION FILED BY BETHANY PEARSON AND OTHERS:**

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

WHEREAS, on September 17, 2013, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by Bethany Pearson and Others to:

1. To generally improve the drainage, both surface and subsurface, to a good and sufficient outlet, by repairing, or altering the existing improvements as required and/or creating new surface and subsurface drainage mains or lateral as requested by this petition.
2. In Delaware County, Berlin Township, within Winding Creek Estates Section 4 subdivision and generally following, but not limited to the course and termini of existing improvements.

(Exhibit C available for review in the Delaware County Commissioners' Office and Engineer's Office until no longer of administrative value).

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer's cost from the bond in accordance with Section 6131.09 of the Revised Code;

THEREFORE, BE IT RESOLVED, BY THE Board of County Commissioners, that **Monday December 2nd, 2013, at 1:30PM** on Winding Creek Lane near the vicinity of 1157 Winding Creek Lane Delaware, Ohio 43015 is hereby fixed as the time and place for the view thereon, and

BE IT FURTHER RESOLVED, That **Monday February 10th, 2014, at 10:30AM** at the Office of the Board of County Commissioners, 101 North Sandusky Street Delaware, Ohio be and the same is hereby fixed as the time and

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place for the first hearing on the petition, and

BE IT FURTHER RESOLVED, that notice of said view and hearing be given, as required by law.

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

RESOLUTION NO. 13-1030

IN THE MATTER OF SCHEDULING A SPECIAL COMMISSIONERS' SESSION FOR FRIDAY OCTOBER 11, 2013 AT 10:00AM FOR ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT, PROMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Merrell, seconded by Mr. Stapleton to approve scheduling a Special Commissioners' Session for Friday October 11, 2013, at 10:00AM to adjourning into executive session for consideration of employment, promotion, or compensation of a public employee or public official.

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

RESOLUTION NO. 13-1031

IN THE MATTER OF APPROVING OWNER'S AGREEMENT FOR THE SHOPPES AT WEDGEWOOD:

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

Whereas, as The Engineer recommends approving the Owner's Agreement for the Shoppes at Wedgewood;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the Owner's Agreement for the Shoppes at Wedgewood:

Owner's Agreement for The Shoppes at Wedgewood

**OWNER'S AGREEMENT
FOR
PRE-GRADE IMPROVEMENTS**

THIS AGREEMENT made and entered into this 10th day of October 2013 by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **WEDGEWOOD LIMITED PARTNERSHIP, LLC**, hereinafter called the **OWNER**, as evidenced by Pre-grade Construction Plan entitled "**The Shoppes at Wedgewood**" which was approved by the County Engineer on October 8, 2013, hereinafter called the **PLAN**, is governed by the following considerations, to wit:

- 1) The **OWNER** is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the **PLAN**, which is a part of this **AGREEMENT**.
- 2) The **OWNER** shall pay the entire cost and expenses of said improvements.
- 3) The **OWNER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of **ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000)** payable to the **BOARD OF COUNTY COMMISSIONERS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current "**Delaware County Engineering and Surveying Standards for Subdivision Development**" and the current "**Subdivision Regulations of Delaware County, Ohio**".
- 4) The **OWNER** shall deposit **FOURTEEN THOUSAND DOLLARS (\$14,000)**, made payable to the Delaware County Engineer, estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **OWNER** shall replenish the account, upon notice by the **Delaware County Engineer**. Upon completion and acceptance of the construction, the remaining amount in the fund shall be returned to the **OWNER**.
- 5) The **OWNER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer**. Bond release will be contingent upon satisfactory completion of all items in of the approved plans.
- 6) The **OWNER** shall hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of the said improvements.
- 7) The **OWNER** will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site in accordance with the **Ohio Department of Transportation "Uniform Traffic Control Devices"** and "**Traffic Control for Construction and Maintenance**".

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- 8) The **OWNER** further agrees that any violation of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvement.
- 9) If the **OWNER** should become unable to carry out the provisions of this **AGREEMENT**, the **OWNER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.
- 10) Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.
In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **OWNER** or his agent the right and privilege to make the said improvements stipulated herein.

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

RESOLUTION NO. 13-1032

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR THE DATA CENTER:

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

Transfer of Appropriations			
From	To		
20315101-5450	20315101-5250		6,000.00
Data Center Fund/Capital Equipment	Data Center Fund/Minor Tools and Equipment		

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

RESOLUTION NO. 13-1033

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Delaware County Child Support Enforcement Agency recommends the promotion of Lisa Thompson to a case manager with CSEA; effective October 10, 2013.

Therefore Be it Resolved the Board of Commissioners accept the promotion of Lisa Thompson with the Delaware County Child Support Enforcement Agency; effective October 10, 2013.

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

RESOLUTION NO. 13-1034

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR COURT OF APPEALS:

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

Supplemental Appropriations			
10029202-5301	Court of Appeals/Professional Services		7,787.74

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

TIM HANSLEY, COUNTY ADMINISTRATOR
JON MELVIN, MANAGER OF FACILITIES
DISCUSSION: NATURAL GAS PURCHASE AND ELECTRICAL PROCUREMENT PROGRAMS
-CCAO SERVICE CORPORATION
-REQUEST FOR QUALIFICATIONS

Public Comment on Item: Scott Belcastro

RESOLUTION NO. 13-1035

IN THE MATTER OF APPROVING THE TRANSITION OF THE DELAWARE-MORROW MENTAL HEALTH & RECOVERY SERVICES BOARD FROM EIGHTEEN MEMBERS TO FOURTEEN MEMBERS:

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

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WHEREAS, the State of Ohio recently enacted House Bill 59, which included changes to Chapter 340 of the Revised Code governing alcohol, drug addiction, and mental health services districts; and

WHEREAS, newly amended section 340.02 of the Revised Code allows for a board of alcohol, drug addiction, and mental health services district to reduce its membership from eighteen members to fourteen members, subject to notice to and approval by the board of county commissioners or, in the case of a district with two counties, one or both boards of county commissioners; and

WHEREAS, on September 12, 2013, the Delaware-Morrow Mental Health & Recovery Services Board adopted Resolution 13.09.07, electing to reduce its membership from eighteen members to fourteen members; and

WHEREAS, in accordance with section 340.02 of the Revised Code, the Delaware-Morrow Mental Health & Recovery Services Board has provided notice to the Delaware County Board of Commissioners (the "Board") of its election;

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

Section 1. The Board hereby approves the Delaware-Morrow Mental Health & Recovery Services Board's election to reduce its membership from eighteen members to fourteen members. The composition of the Delaware-Morrow Mental Health & Recovery Services Board shall be as set forth in section 340.02 of the Revised Code, with the Board acknowledging that it shall now have seven appointees.

Section 2. The Clerk of the Board shall certify a copy of this Resolution to the Delaware-Morrow Mental Health & Recovery Services Board and the Ohio Department of Mental Health and Addiction Services.

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

RESOLUTION NO. 13-1036

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF DISMISSAL; DISCIPLINE; DEMOTION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES AND FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Merrell, seconded by Mr. Stapleton to adjourn into Executive Session at 10:30AM.

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

RESOLUTION NO. 13-1037

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Merrell, seconded by Mr. Stapleton to adjourn out of Executive Session at 11:12AM.

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

There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

Dennis Stapleton