

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 30, 2014

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

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

RESOLUTION NO. 14-90

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 27, 2014:

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 January 27, 2014; 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

-Mark Butler; Act 17 Ministries Pastor. Received a call about the heating conditions at the jail (being too cold). Administrator Hansley stated Maintenance was aware of the boiler issue and are in the process of fixing the problem.

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 14-91

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director Emergency Medical Services recommends accepting the retirement resignation of James Longshore; effective January 30, 2014;

Therefore Be It Resolved, that the Board of Commissioners accept the retirement resignation of James Longshore; effective January 30, 2014.

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

RETIREMENT TRIBUTE, JAMES LONGSHORE

RESOLUTION NO. 14-92

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0129, AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0129:

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0129, memo transfers in batch numbers MTAPR0129 and Purchase Orders as listed below:

<u>Vendor</u>		<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase				
B & L Packrat		Snow Removal Services	10011105-5325	\$ 20,000.00
PR				
Number	Vendor Name	Line Description	Line Account	Amount
ENVIRONMENTAL SERVICES				
R1401569	SIEMENS INDUSTRY INC	BIOXIDE - OECC	66211903 - 5290	\$ 50,000.00
R1401569	SIEMENS INDUSTRY INC	BIOXIDE - ALUM CREEK	66211904 - 5290	\$ 54,000.00
R1401569	SIEMENS INDUSTRY INC	BIOXIDE - TARTAN	66211906 - 5290	\$ 8,000.00

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R1401569	SIEMENS INDUSTRY INC	BIOXIDE - SCIOTO RESERVE	66211907 - 5290	\$ 3,750.00		
R1401569	SIEMENS INDUSTRY INC	BIOXIDE - NORTHSTAR	66211911 - 5290	\$ 3,750.00		
R1401573	TREASURER,STATE OF OHIO	DISCHARGE PERMIT FEE - OECC	66211903 - 5316	\$ 5,200.00		
R1401573	TREASURER,STATE OF OHIO	DISCHARGE PERMIT FEE - ALUM CREEK	66211904 - 5316	\$ 5,200.00		
R1401573	TREASURER,STATE OF OHIO	DISCHARGE PERMIT FEE - HOOVERWOODS	66211909 - 5316	\$ 200.00		
R1401573	TREASURER,STATE OF OHIO	DISCHARGE PERMIT FEE - SCIOTO HILLS	66211910 - 5316	\$ 200.00		
R1401573	TREASURER,STATE OF OHIO	DISCHARGE PERMIT FEE - BENTTREE	66211908 - 5316	\$ 200.00		
R1401573	TREASURER,STATE OF OHIO	SLUDGE FEE - OECC	66211903 - 5316	\$ 2,000.00		
R1401573	TREASURER,STATE OF OHIO	SLUDGE FEE - ALUM CREEK	66211904 - 5316	\$ 3,000.00		
R1401573	TREASURER,STATE OF OHIO	SLUDGE FEE - HOOVERWOODS	66211909 - 5316	\$ 100.00		
R1401573	TREASURER,STATE OF OHIO	SLUDGE FEE - SCIOTO HILLS	66211910 - 5316	\$ 100.00		
R1401573	TREASURER,STATE OF OHIO	DISCHARGE FEE - LOWER SCIOTO	66211905 - 5316	\$ 200.00		
R1401592	XYLEM WATER SOLUTIONS USA INC	OECC	66211903 - 5201	\$ 20,000.00		
R1401592	XYLEM WATER SOLUTIONS USA INC	EQUIPMENT PARTS - REBUILD KITS	66211904 - 5201	\$ 20,000.00		
R1402197	CONCORD/SCIOTO COMMUNITY AUTHORITY	STANTEC - DESIGN OF PUMP STATION	66611905 - 5415	\$ 18,418.62		
EMERGENCY MEDICAL SERVICES						
R1402245	CITY OF DELAWARE	4TH QUARTER EMS RUNS	10011303 - 5345	\$155,239.89		
LAND AND BUILDINGS						
R1402289	DUDE SOLUTIONS INC	ANNUAL SUPPORT FOR MAINTENANCE EDGE SOFTWARE	10011105 - 5320	\$ 2,748.00		
R1402289	DUDE SOLUTIONS INC	MAINTENANCE EDGE SOFTWARE	10011105 - 5320	\$ 2,331.00		
Vote on Motion	Mr. O'Brien	Aye	Mr. Merrell	Aye	Mr. Stapleton	Aye

RESOLUTION NO. 14-93

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Director of Emergency Medical Services is requesting that Captain Joseph Farmer attend the ITLS Emergency Care Conference in Columbus, OH from February 27-March 2, 2014 at no cost.

The Director of Emergency Communications is requesting that two DelComm employees attend an Active Shooter Training class in Twinsburg, OH on March 10, 2014 at the cost of \$358.00 (fund number 21411306).

The Director of Emergency Communications is requesting that two DelComm employees attend a Domestic Violence class in Medina, OH on April 17, 2014 at the cost of \$358.00 (fund number 21411306).

The County Administrator is requesting that Tim Hansley, Gus Comstock, Teri Morgan, Commissioner Merrell and Commissioner O’Brien attend the Powell Chamber Annual Meeting at the Scioto Reserve Country Club on February 18, 2014 at the cost of \$100.00 (fund number 10011101).

The Director of Administrative Services/Assistant County Administrator is requesting that Molly Levings attend a NPELRA Conference (The Negotiations Process) in Granville, Ohio February 2, 2014; at the cost of \$229.00 (fund number 10011108).

The Director of Administrative Services/Assistant County Administrator is requesting that Molly Levings attend an Ohio PELRA Conference in Newark, Ohio February 2, 2014; at the cost of \$499.00 (fund number 10011108).

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

RESOLUTION NO. 14-94

IN THE MATTER OF A TRANSFER LIQUOR LICENSE REQUEST FROM BIG RED LP & TERRACE TO DOUBLE EAGLE CLUB LLC & TERRACE AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Berlin Township Trustees that Big Red LP & Terrace has requested a transfer of a permit to Double Eagle Club & Terrace located at 6025 Cheshire Road, Berlin Township, Galena, OH 43021.

Whereas, the Delaware County Board of Commissioners has found no reason to file an objection,

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

RESOLUTION NO. 14-95

ADOPTING RESOLUTION OF CONGRATULATIONS TO ZACH KREFT UPON EARNING HIS EAGLE SCOUT AWARD

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

WHEREAS, Zach Kreft has been a member of Boy Scout Troop #94; and

WHEREAS, Zach Kreft has met all the requirements and been approved by the National Council of Boy Scouts to receive the Eagle Scout Award, and

WHEREAS, The Board of Commissioners of Delaware County wishes to express congratulations to Zach Kreft on earning the Eagle Scout Award.

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners of Delaware County hereby officially congratulates Zach Kreft on attaining Scouting's highest rank - the Eagle Scout Award. Your diligence and hard work have earned you the distinction of being an Eagle Scout. You join company with a select group of individuals who are recognized as outstanding in all that Scouting represents.

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

RESOLUTION NO. 14-96

IN THE MATTER OF SCHEDULING A SPECIAL SESSION ON MONDAY FEBRUARY 24th, 2014 AT 9:15AM FOR THE JOINT BOARD OF THE DELAWARE COUNTY AND UNION COUNTY BOARDS OF COMMISSIONERS TO SET DATE AND TIME FOR A FINAL HEARING 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. O'Brien to schedule a Special Session on Monday February 24th, 2014 At 9:15AM for the Joint Board Of The Delaware County And Union County Boards Of Commissioners to set date and time for a final hearing 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. Merrell Aye Mr. Stapleton Aye Mr. O'Brien Aye

RESOLUTION NO. 14-97

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Job and Family Services recommends the transfer of Renee Menssen from an Income Maintenance Caseworker to an Employment Services Representative; effective February 10, 2014.

Therefore Be it Resolved, the Board of Commissioners accept the transfer of Renee Menssen from an Income Maintenance Caseworker to an Employment Services Representative; effective February 10, 2014.

The Director of Job and Family Services recommends accepting the voluntary resignation of Kelcie Paxson-Clark; effective January 13, 2014.

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Therefore Be it Resolved, the Board of Commissioners accept the voluntary resignation of Kelcie Paxson-Clark; effective January 13, 2014.

The Director of Emergency Medical Services recommends accepting the resignation of Patrick Pennington as a paramedic with the EMS Department; effective January 25, 2014;

Therefore Be it Resolved, the Board of Commissioners accept the resignation of Patrick Pennington as a paramedic with the EMS Department; effective January 25, 2014.

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

RESOLUTION NO. 14-98

IN THE MATTER OF APPOINTING A DEPUTY APIARIST AND APPROVING AN AGREEMENT WITH DAN CURTIS FOR APIARY INSPECTION SERVICES FOR 2014:

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

WHEREAS, section 909.07 of the Revised Code authorizes the Delaware County Board of Commissioners (the "Board") to appropriate such funds as it deems sufficient for the inspection of apiaries in the county and to appoint a deputy apiarist with the consent and concurrence of the Ohio Director of Agriculture ("Director"); and

WHEREAS, the Board has appropriated \$10,000.00 for apiary inspections in 2014;

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

Section 1. The Board hereby appoints Dan Curtis as deputy apiarist for Delaware County for the 2014 apiary season, subject to the consent and concurrence of the Director.

Section 2. The Board directs the Clerk of the Board to complete the county apiary inspector appointment form and submit the form to the Director.

Section 3. The Board hereby approves the following Contract for Apiary Inspection Services:

CONTRACT FOR APIARY INSPECTION SERVICES
DEPUTY APIARIST

Section 1 – Parties to the Agreement

This Agreement is made and entered into this 30th day of January, 2014 by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 ("Board"), and Dan Curtis, 8399 Hickory Road, Galena, Ohio 43021 ("Contractor").

Section 2 – Purpose of Agreement

Section 909.07 of the Revised Code authorizes the Board to appropriate such funds as it deems sufficient for the inspection of apiaries in the county. The Board may appoint a deputy apiarist with the consent and concurrence of the Ohio Director of Agriculture ("Director"), said deputy to serve during the pleasure of the Board. Pursuant to this Agreement, the Board hereby appoints the Contractor as deputy apiarist for Delaware County, Ohio. The Contractor shall work under the direction of the Director and shall be responsible to the Director for the enforcement of sections 909.01 to 909.18, inclusive, of the Revised Code. The Director may terminate the appointment of the Contractor upon submitting to the Board a statement that the Contractor has shown himself to be incompetent, inefficient, or untrustworthy in the discharge of his duties. The Contractor shall furnish to the Director such reports as are required and upon blanks furnished by the Director. A duplicate of such reports shall be presented to the Board each time that a statement of salary and expense is presented for payment.

Section 3 – Compensation

The Board shall appropriate an amount not to exceed Ten Thousand Dollars and No Cents (\$10,00.00) for the inspection of apiaries in the county. This amount shall be payable to the Contractor, subject to the Director's approval in accordance with section 909.07 of the Revised Code, and shall be full and total payment for all services provided and expenses incurred by Contractor in furtherance of this Agreement.

Section 4 – Term

This Agreement shall take effect as of the date first written above, subject to the Director's consent and concurrence, and shall continue through the 2014 apiary season, which terminates on approximately October 31, 2014.

Section 5 – Insurance

5.1 **Liability Coverage:** Contractor shall maintain general liability and automobile liability insurance coverage in amounts sufficient to protect the Board and the Contractor from liability that may arise from performance

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of this Agreement.

- 5.2 N/A
- 5.3 Additional Insureds: Delaware County, its elected officials and employees, shall be named as additional insureds with respect to all activities under this Agreement in the policies required by Subsection 5.1.
- 5.4 Proof of Insurance: Contractor shall furnish the Board with properly executed certificates of insurance for all insurance required by this Agreement and properly executed endorsements indicating the listing of additional insureds in accordance with Subsection 5.3. Certificates of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the County. Contractor will replace certificates for any insurance expiring prior to termination of this Agreement.

Section 6 – Indemnification

The Contractor shall indemnify and hold free and harmless Delaware County, the Board, and its employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of bodily injury, sickness, disease or death or injury to or destruction of tangible property including the loss of use resulting therefrom, to the extent caused by any negligent acts, errors or omissions of the Contractor, its employees, agents, subcontractors, and their employees and agents’ subcontractors and their employees or any other person for whose acts any of them may be liable.

Section 7 – Termination

The Board or the Director may terminate the appointment of Contractor in accordance with section 909.07 of the Revised Code. This Agreement shall terminate automatically upon the termination of Contractor’s appointment.

Section 8 – Miscellaneous Terms & Conditions

- 8.1 Entire Agreement: This Agreement shall constitute the entire understanding and agreement between the Board and the Contractor, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.
- 8.2 Governing Law: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.
- 8.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.
- 8.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 8.5 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.
- 8.6 Independent Contractor: The Contractor and the Board agree and acknowledge that no employment relationship is created between the Contractor and the Board and that Contractor’s status under this Agreement shall be that of an independent contractor. As an independent contractor, the Contractor is responsible for all Federal, State and Local, and Social Security taxes, all insurance, and all workers compensation obligations.

Further Be It Resolved, that the Board of County Commissioners approve the following purchase order:
R1400693 DAN CURTIS APIARY SERVICES 10011102 - 5301 \$10,000.00

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

ADMINISTRATOR REPORTS

-Tim Hansley wanted some clarification on the February 6th meeting for the MOU discussion. It was decided the Bond Council should be present for the discussion between the Administrator and the Commissioners on the 6th and for the public discussion with the City of Delaware on February 13th.

COMMISSIONERS’ COMMITTEES REPORTS

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Commissioner Stapleton
-Looking forward to get into a regular schedule after the cold weather.

Commissioner O’Brien
-Attending a Regional Planning meeting tonight and looking forward to it.

Commissioner Merrell
-Very appreciative of his fellow Commissioners for filling in for him while he was absent.

RESOLUTION NO. 14-99

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF
EMPLOYMENT, DISMISSAL, AND DISCIPLINE OF A PUBLIC EMPLOYEE OR PUBLIC
OFFICIAL AND FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Stapleton, seconded by Mr. O’Brien to adjourn into Executive Session at 9:50AM.

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

RESOLUTION NO. 14-100

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Stapleton, seconded by Mr. O’Brien to adjourn out of Executive Session at 11:20AM.

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

RESOLUTION NO. 14-101

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

 The Director of Job and Family Services recommends the termination of employment of Curt Lumley, as an Employment Services Representative from the Department of Job and Family Services; effective immediately (11:20AM) on January 30, 2014;

 Therefore Be It Resolved, that the Board of Commissioners terminate the employment of Curt Lumley, as an Employment Services Representative from the Department of Job and Family Services; effective immediately (11:20AM) on January 30, 2014.

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

RESOLUTION NO. 14-102

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF
PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Stapleton, seconded by Mr. O’Brien to adjourn into Executive Session at 11:23AM.

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

RESOLUTION NO. 14-103

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Stapleton, seconded by Mr. O’Brien to adjourn out of Executive Session at 11:42AM.

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

There being no further business, the meeting adjourned.

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Gary Merrell

Ken O'Brien

Dennis Stapleton

Jennifer Walraven, Clerk to the Commissioners