

**COMMISSIONERS JOURNAL NO. 68 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 1, 2018**

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

Present:
Gary Merrell, President
Barb Lewis, Vice President

Absent:
Jeff Benton, Commissioner

1
RESOLUTION NO. 18-96

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 25, 2018:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on January 25, 2018; 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 Mrs. Lewis Aye Mr. Benton Absent

2
PUBLIC COMMENT

3
ELECTED OFFICIAL COMMENT

4
RESOLUTION NO. 18-97

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0131:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0131 and Purchase Orders as listed below:

	<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase				
P1801137	Stantec Consulting	Environmental Services	66711918-5410	\$ 189,500.00

PR Number	Vendor Name	Line Description	Account	Amount
R1800326	EVERBRIDGE INC	COMMUNITY NOTIFICATION SOFTWARE	21411306 - 5320	\$23,232.88
R1800607	FORENSIC FLUIDS LABS	DRUG SCREENING	22511607 - 5342	\$18,000.00
R1801645	VERIZON	MI FI FOR IPADS	10011303 - 5330	\$10,000.00
R1801736	SHERIFFS OFFICE	MOU DETECTIVE WORK	22511607 - 5301	\$36,500.00
R1801815	LIBERTY TWP FIRE DEPT	4TH QUARTER 2017 EMS RUNS	10011303 - 5345	\$62,491.93
R1801824	HORTON EMERGENCY CO INC	MEDIC REPAIR -- PARTS	10011303 - 5228	\$ 4,500.00
R1801824	HORTON EMERGENCY CO INC	MEDIC REPAIR -- LABOR	10011303 - 5328	\$ 3,500.00
R1801847	TRANE COMPANY INC	TRACER SC UPGRADES - HAYES BUILDING	40111402 - 5450	\$20,600.00
R1801853	MI HOMES OF CENTRAL OHIO LLC	RETURN OF UNUSED INSPECTION FEES FOR SCIOTO RIDGE	66211902 - 5319	\$ 6,197.75

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R1801862	SHAW INDUSTRIES INC	EOC CARPET - STS721 800483	40111402 - 5328	\$17,363.62
R1801863	SHAW INDUSTRIES INC	HAYES 2ND FLOOR CARPET - STS721 800483	40111402 - 5410	\$39,526.16
R1801895	STRAIGHT UP EQUIPMENT CO LLC	ELECTRIC SCISSOR LIFT - FACILITIES	40111402 - 5450	\$12,656.45

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Absent

**5
RESOLUTION NO. 18-98**

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Economic Development department is requesting that Jenna Jackson attend an OU EDI- IEDC Certification Preparatory Course in Dayton, Ohio from February 26-27, 2018 at the cost of \$386.52 (fund number 21011113).

The Economic Development department is requesting that Bob Lamb attend a meeting with Montgomery County and Dayton Airport Authority in Dayton, Ohio on February 12-13, 2018 at the cost of \$253.68 (fund number 21011113).

The Emergency Medical Services department is requesting that Lt. Jen Ranson and Shelly Gannon attend a 2018 Ohio Child Passenger Safety Conference in Columbus, Ohio from May 1-2, 2018 at the cost of \$300.00 (fund number 10011303).

The Emergency Medical Services department is requesting that Lt. Keith Gordon attend a Leadership II for Fire and EMS in Columbus, Ohio from March 1-2, 2018 at the cost of \$50.00 (fund number 10011303).

The Emergency Medical Services department is requesting that Lt. Keith Gordon attend a Leadership III for Fire and EMS in Columbus, Ohio from April 9-10, 2018 at the cost of \$50.00 (fund number 10011303).

Vote on Motion Mr. Benton Absent Mr. Merrell Aye Mrs. Lewis Aye

**6
RESOLUTION NO. 18-99**

IN THE MATTER OF APPROVING A TRANSFER OF FUNDS:

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

Transfer of Funds	
From	To
29811182-5801 Medicaid Local Sales Tax Transitional/Miscellaneous Cash Transfer	10011102-4601 Commissioner General/Interfund Revenue
	111,571.50

Vote on Motion Mr. Merrell Aye Mr. Benton Absent Mrs. Lewis Aye

**7
RESOLUTION NO. 18-100**

IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTH OF DECEMBER 2017:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to accept the Treasurer’s Report for the month of December 2017.

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

Vote on Motion Mrs. Lewis Aye Mr. Benton Absent Mr. Merrell Aye

**8
RESOLUTION NO. 18-101**

IN THE MATTER OF APPROVING THE DKMM COUNTY RECYCLING AND LITTER PREVENTION OFFICE PROGRAM FINAL STATUS REPORT FOR 2017:

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

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**Program Status Report Final
Report of DKMM District Funds Spent**

Reports due: January 31, 2018
Date of Report: January 18, 2018

AMOUNT OF FUNDS RECEIVED:	\$72,954.00
APPROVED CARRYOVER BALANCE	\$0.00
TOTAL FUNDS AVAILABLE	\$-1,911.32

EXPENDITURES:

Salaries	\$22,299.57
Fringe Benefits	\$13,531.79

Advertising (general)	\$403.60
Event Advertising	\$1,212.27
Equipment	\$0.00
Travel	\$281.34
Other	\$0.00
Supplies	\$69.06

Total Expenditures	\$37,797.63
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Vote on Motion	Mrs. Lewis	Aye	Mr. Benton	Absent	Mr. Merrell	Aye
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**9
RESOLUTION NO. 18-102**

RESOLUTION OF NECESSITY FOR PURCHASE OR LEASE OF AUTOMOBILES FOR THE USE OF THE COUNTY SHERIFF OR HIS EMPLOYEES:

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

WHEREAS, pursuant to section 307.41 of the Revised Code, the Board of Commissioners of Delaware County, Ohio (the "Board") may find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of a new automobile to be used by the County Commissioners, by any county department, board, commission, office or agency, or by any elected county official or his or her employees; and

WHEREAS, the Board has before it a request from the Sheriff's Office to expend county monies for the purchase of new automobiles; and

WHEREAS, the automobiles are available for purchase through the State of Ohio's cooperative purchasing program (the "Program"); and

WHEREAS, pursuant to section 125.04(C) of the Revised Code, the Board may purchase supplies from another party instead of through participation in Program contracts if the Board can purchase those supplies or services from the other party upon equivalent terms, conditions, and specification but at a lower price than it can through the Program contract; and

WHEREAS, the vehicles are available from another party, Statewide Ford Lincoln Mercury, upon equivalent terms, conditions, and specifications but at a lower price than through the Program contract;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

Section 1. The Board hereby declares that it is necessary to expend county monies for the purchase of new automobiles to be used by the County Sheriff or his employees for the following reasons: (1) existing automobiles have reached the end of their useful service lives; (2) new automobiles are necessary to provide safe and reliable transportation for the County Sheriff and his employees; and (3) new automobiles will ensure optimal service, safety, and security for the citizens of Delaware County.

Section 2. The Board hereby authorizes the purchase of eight (8) 2018 Ford Utility Police Interceptors at a cost of \$35,323.00 each and one (1) 2018 Ford Utility Police Interceptor Canine Equipped Vehicle at a cost of \$39,854.00 from Statewide Ford Lincoln Mercury, upon the equivalent terms, conditions, and specifications of State of Ohio STS Contract #RS900718.

Section 3. The Board hereby authorizes the Sheriff's Office to initiate the necessary purchase order(s) to one or more approved vendors and hereby approves the purchase order(s) from fund number 41711436-5450.

Section 4. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the County Sheriff and the County Auditor.

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Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Absent

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RESOLUTION NO. 18-103

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

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

WHEREAS, the Ohio Development Services Agency has provided financial assistance to Delaware County through CDBG Housing RLF; and

WHEREAS, the Board of Commissioners is required to submit a semi-annual CDBG Housing 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 Housing Semi-Annual Report for June 30, 2017 to December 31, 2017.

Section 2. The Board of Commissioners authorizes the submittal of CDBG Housing RLF Semi-Annual Report for the period of June 30, 2017 to December 31, 2017 to the Ohio Development Services Agency, Office of Community Development.

Section 3. The Economic Development Coordinator is directed to submit the Semi-Annual Reports to ODSA OCD.

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Absent

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RESOLUTION NO. 18-104

IN THE MATTER OF APPROVING AND 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 Mrs. Lewis, seconded by Mr. Merrell to approve the following:

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, 2017 to December 31, 2017.

Section 2. The Board of Commissioners authorizes the submittal of CDBG ED RLF Semi-Annual Report for the period of June 30, 2017 to December 31, 2017 to the Ohio Development Services Agency, Office of Community Development.

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

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Absent

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RESOLUTION NO. 18-105

IN THE MATTER OF APPROVING THE PURCHASE OF EQUIPMENT FOR DELAWARE COUNTY EMERGENCY MEDICAL SERVICES:

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") has before it a request from Delaware County Emergency Medical Services to purchase Zoll X Series monitors/defibrillators and additional equipment ancillary thereto (the "Equipment"); and

WHEREAS, the Board participates in the State of Ohio's cooperative purchasing program (the "Program"); and

WHEREAS, the Equipment is available for purchase via the Program; and

WHEREAS, pursuant to section 307.12(G) of the Revised Code, if the Board finds, by resolution, that the county has personal property that is not needed, or is unfit for public use, the Board may offer to sell the property to a firm from which the Board proposes to purchase new property and have the selling price credited to the firm against the purchase price of the new property; and

WHEREAS, Zoll Medical Corporation is offering a trade-in value for existing Delaware County monitors for a credit on the purchase price of the Equipment; and

WHEREAS, the Director of Emergency Medical Services recommends approval of the purchase and trade-in;

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

Section 1. The Board hereby finds and determines that the County has defibrillators/monitors that are not needed, obsolete, or unfit for public use and authorizes the sale of said equipment to Zoll Medical Corporation, as a credit in the amount of \$120,477.00 against the purchase of Equipment approved herein.

Section 2. The Board hereby approves the purchase of the Equipment from Zoll Medical Corporation, an authorized vendor under the Program, at the price of \$326,475.80, less the credit of \$120,477.00, for a total price of \$205,998.80.

Section 3. The Board hereby declares that the purchase of the Equipment shall be in accordance with the contract and terms and conditions of Contract # 800265, Index # STS652 of the Program, which are, by this reference, fully incorporated herein and of which the purchase order approved herein shall be made a part.

Section 4. The Board hereby approves a purchase order for a total of \$205,998.80 to Zoll Medical Corporation, from Fund Number 41711436.

Section 5. This Resolution shall take immediate effect upon passage.

Vote on Motion Mr. Merrell Aye Mr. Benton Absent Mrs. Lewis Aye

**Commissioner Merrell read a letter from the Honor Flight Executive Director thanking Krista Garner, Bryan Porter, Julie Jones and Mike Sherron for their time and assistance during the 2017 flight season.

13

RESOLUTION NO. 18-106

IN THE MATTER OF AUTHORIZING THE SUBMITTING OF AN APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, ASSISTANCE TO FIREFIGHTER GRANT, FOR STRYKER COTS AND LOAD SYSTEMS:

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

- Source: Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Grant Programs Directorate (GPD)**
- Title of Opportunity: Assistance to Firefighters Grants**
- Grant Period: December 26, 2017 – February 2, 2018**
- Application Deadline: February 2, 2018 5:00pm**

The primary goal of the Assistance to Firefighters Grants (AFG) is to meet the firefighting and emergency response needs of fire departments and nonaffiliated emergency medical services organizations. Since 2001, AFG has helped firefighters and other first responders to obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards. The Grant Programs Directorate of the Federal Emergency Management Agency administers the grants in cooperation with

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the U.S. Fire Administration.

This is a 90/10 grant funding match where FEMA funds 90% of the total cost and the County’s portion being 10%.

If these grant monies are awarded to Delaware County these funds shall be used to purchase Stryker Power Load Cots and their loading systems for each DCEMS ambulance. We have researched the equipment and multiple manufacturer representatives have visited with their products. A budgetary quote was given for purpose of grant writing. The proposed project cost breakdown is as follows:

Stryker Power Lift Cost and Loading Systems:	\$189,416.00
Stryker Cot Power Load System:	\$237,168.00
Total Grant Amount:	\$426,584.00
Federal AFG Share (90%):	\$387,804.00
County Cost Share (10%):	\$38,780.00

Vote on Motion Mrs. Lewis Aye Mr. Benton Absent Mr. Merrell Aye

14

RESOLUTION NO. 18-107

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR HEATHER RIDGE SECTION 1:

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider’s Agreement;

THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider’s Agreement for Heather Ridge Section 1.

SUBDIVIDER’S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on this 1st day of February 2018, by and between **Homewood Corporation**, hereinafter called “Subdivider”, and the Delaware County Board of Commissioners (hereinafter called “County Commissioners” or “County”) as evidenced by the **Final Subdivision Plat for Heather Ridge Section 1** Subdivision Plat filed or to be filed with the Delaware County Recorder, Delaware County, Ohio, and is governed by the following considerations and conditions, to wit:

The Subdivider is to construct, install or otherwise make all public improvements (the “Improvements”) shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications for Section 1 of the **Sanitary Sewer Improvements for Heather Ridge Sections 1 & 2**, dated **September 22, 2017**, and approved by the County on **October 26, 2017**, all of which are a part of this Agreement. The Subdivider shall pay the entire cost and expense of the Improvements.

SECTION II: CAPACITY

There are **32** single family residential equivalent connections approved with this Agreement. Capacity shall be reserved for one year from the date of this Agreement, unless the County Commissioners grant an extension in writing. Capacity is not guaranteed until the final Subdivision Plat is recorded. If the final Subdivision Plat is not recorded prior to expiration of the reservation deadline as set forth herein, the Subdivider agrees and acknowledges that capacity shall not be guaranteed.

SECTION III: FINANCIAL WARRANTY

OPTIONS:

- (1) Should the Subdivider elect to record the plat prior to beginning construction, the Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (**\$219,660.00**) which is acceptable to the County Commissioners to insure faithful performance of this Agreement and the completion of all Improvements in accordance with the Subdivision Regulations of Delaware County, Ohio.
- (2) Should the Subdivider elect to proceed with construction prior to recording the plat, no approved financial warranties are necessary until such time as Subdivider elects to record the plat. At that time, the Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction remaining to be completed as determined by the Delaware County Sanitary Engineer.

The Subdivider hereby elects to use Option 2 for this project.

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Initials _____

Date _____

The Subdivider shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the Delaware County Sanitary Engineer a five (5) year maintenance bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The Subdivider further agrees that any violations of or noncompliance with any of the provisions and stipulations of this Agreement shall constitute a breach of contract, and the County shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the Improvements for Section 1 of the **Sanitary Sewer Improvements for Heather Ridge Sections 1 & 2**.

SECTION IV: FEES

It is further agreed that upon execution of this Agreement, the Subdivider shall pay the Delaware County Sanitary Engineer three and one-half percent (3½%) of the estimated construction cost of the Improvements for plan review of Section 1 of the **Sanitary Sewer Improvements for Heather Ridge Sections 1 & 2 (\$7,688.10)**. The Subdivider shall also deposit with the Delaware County Sanitary Engineer the sum of **\$18,600.00** estimated to be necessary to pay the cost of inspection for **Heather Ridge Section 1** by the Delaware County Sanitary Engineer. The Delaware County Sanitary Engineer shall in his or her sole discretion inspect, as necessary, the Improvements being installed or constructed by the Subdivider and shall keep accurate records of the time spent by his or her employees and agents in such inspections for which the Delaware County Sanitary Engineer shall be reimbursed from charges against the deposit. At such time as the fund has been depleted to a level of \$600.00 or less, as a result of charges against the fund at the rate of:

INSPECTOR \$75.00 per hour
CAMERA TRUCK \$150.00 per hour

for time spent by the Delaware County Sanitary Engineer or his or her staff, the Subdivider shall make an additional deposit of \$600.00 to the fund. Upon completion of all Improvements provided herein and acceptance of Improvements by the County, any unused portions of the inspection fund shall be repaid to the Subdivider less an amount equal to \$0.75 per foot of sewer which will be deducted to cover re-inspection.

In addition to the charges above, the Subdivider shall pay the cost of any third party inspection services for **Sanitary Sewer Improvements for Heather Ridge Sections 1 & 2** as required by the County.

SECTION V: CONSTRUCTION

All public improvement construction shall be performed within one (1) year from the date of the approval of this Agreement by the County Commissioners, but extension of time may be granted if approved by the County Commissioners.

The Subdivider shall indemnify and save harmless the County, Townships, Cities, and/or Villages and all of their officials, employees, and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of the Subdivider, and any of its contractors or sub-contractors, or from any material, method, or explosive used in the Work, or by or on account of any accident caused by negligence, or any other act or omission of the Subdivider, and any of its contractors or the contractors' agents or employees in connection with the Work.

The Subdivider shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the County. The representative shall be replaced by the Subdivider when, in the opinion of the County, the representative's performance is deemed inadequate.

If, due to unforeseen circumstances during construction activities, the Subdivider must install any of the Improvements to a different location than shown on the approved and signed construction plans, the Subdivider shall request a revision to the construction plans and the Delaware County Sanitary Engineer shall evaluate this request. If the request for a revision is approved in writing by the Delaware County Sanitary Engineer, then the Subdivider shall provide and record a revised, permanent, exclusive sanitary easement prior to the County's acceptance of the sewer. The language and dimensions of the revised, permanent, exclusive sanitary easements shall be subject to the approval of the Delaware County Sanitary Engineer.

The Subdivider shall, during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the County regarding submission of shop drawings, construction schedules, operation of facilities, and other matters incident to the construction and operation of the Improvements.

The Subdivider shall obtain all other necessary utility services incident to the construction of the Improvements and for their continued operation. The Subdivider shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the Subdivider and maintained in continuous use

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throughout the construction and testing phases until accepted for operation and maintenance by the County.

SECTION VI: EASEMENTS

The Subdivider shall provide to the County all necessary easements or rights-of-way required to complete the Improvements, all of which shall be obtained at the expense of the Subdivider. All Improvements, including, but not limited to, public sanitary sewers, force mains, manholes, and private laterals to offsite properties shall be located within a recorded, permanent, exclusive sanitary easement on file at the Delaware County Recorder’s Office, the language of which shall be subject to approval by the Delaware County Sanitary Engineer. The dimensions of all easements shall be as shown on the approved engineering drawings. If any onsite easement or necessary right of way is not to be recorded as part of a subdivision plat, such easements and rights-of-way shall be recorded and provided to the Delaware County Sanitary Engineer before a preconstruction meeting will be permitted and before construction may begin on the Improvements. All offsite easements must be recorded prior to signing the plans unless otherwise permitted, in writing, by the Delaware County Sanitary Engineer.

SECTION VII: COMPLETION OF CONSTRUCTION

The County shall, upon certification in writing from the Delaware County Sanitary Engineer that all construction is complete according to the plans and specifications, by Resolution, accept the Improvements described herein and accept and assume operations and maintenance of the Improvements.

The Subdivider shall within thirty (30) days following completion of construction of the Improvements, and prior to final acceptance, furnish to the County as required:

- (1) "As built" drawings of the Improvements which plans shall become the property of the County and shall remain in the office of the Delaware County Sanitary Engineer and Delaware County Engineer and/or the City of Powell. The drawings shall be on reproducible Mylar (full size), two paper copies (one full size & one 11"x17"), and a Compact Diskette with the plans in .DWG format & .PDF format.
- (2) An Excel spreadsheet, from a template as provided by the Delaware County Sanitary Engineer, shall accompany the plan submittal showing the locations of the manholes in Ohio State Plane North Coordinates NAD 1983 (NAVD 1988 datum) and other miscellaneous project data.
- (3) An itemized statement showing the cost of the Improvements.
- (4) An Affidavit or waiver of lien from all contractors associated with the project that all material and labor costs have been paid. The Subdivider shall indemnify and hold harmless the County from expenses or claims for labor or materials incident to the construction of the Improvements.
- (5) Documentation showing the required sanitary easements.

Should the Subdivider become unable to carry out the provisions of this Agreement, the Subdivider’s heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this Agreement. Notwithstanding any other provision of this Agreement, the County shall have no obligation to construct any improvements contemplated herein, and any construction thereof on the part of the County shall be strictly permissive and within the County’s sole discretion.

The Subdivider, for a period of five (5) years after acceptance of the Improvements by the County, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the Improvements shall be the same as new equipment warranties and shall be assigned to the County upon acceptance of the Improvements.

After the acceptance of the Improvements, the capacity charge **and any surcharges** shall be paid by the applicant upon request to the Delaware County Sanitary Engineer for a tap permit to connect to the sanitary sewer.

SECTION VIII: SIGNATURES

IN CONSIDERATION WHEREOF, the County Commissioners hereby grant the Subdivider or its agent the right and privilege to make the Improvements stipulated herein and as shown on the approved plans.

Vote on Motion Mr. Benton Absent Mr. Merrell Aye Mrs. Lewis Aye

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RESOLUTION NO. 18-108

IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS FOR SCIOTO RIDGE CROSSING SECTION 1 AND SCIOTO RIDGE CROSSING SECTION 2:

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

Whereas, the construction of new sanitary sewers at the Scioto Ridge Crossing Section 1 and Scioto Ridge Crossing Section 2 have been completed to meet Delaware County Sewer District requirements; and

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Whereas, the Sewer District has received the necessary items required by the Subdivider’s Agreement; and

Whereas, the Sanitary Engineer recommends accepting sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Scioto Ridge Crossing Section 1	395’ of 8” sewer	\$39,080.10
	794’ of 10” sewer	\$78,555.82
	277’ of 12” sewer	\$27,405.50
	9- manholes	\$26,589.51
Scioto Ridge Crossing Section 2	1073’ of 8” sewer	\$76,991.35
	1151’ of 10” sewer	\$71,772.97
	15-manholes	\$42,014.84

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

Section 1. The Board hereby approves and accepts the above sanitary sewer improvements for ownership, operation, and maintenance by the Delaware County Sewer District.

Section 2. The Board hereby releases any Bond, certified check, irrevocable letter of credit, or other approved financial warranties executed to insure faithful performance for construction of the above sanitary sewer improvements, if applicable.

Section 3. The Board hereby accepts any Bond, certified check, irrevocable letter of credit, or other approved financial warranties executed per the requirements of the subdivider’s agreement for the five-year maintenance period for the above sanitary sewer improvements.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Absent

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RESOLUTION NO. 18-109

IN THE MATTER OF CERTIFICATION OF DELINQUENT ACCOUNTS TO THE COUNTY AUDITOR FOR ACCOUNTS TO BE ASSESSED TO PAYABLE YEAR 2019 TAXES:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to certify to the County Auditor the delinquent accounts for placement on the tax duplicate.

Whereas, the County owns and operates a Sewer District as authorized by Ohio Revised Code (ORC) 6117, and

Whereas, ORC 6117.02 authorizes the County to set rates and charges for the sanitary services provided by the Sewer District, and

Whereas, when any of the sanitary rates or charges are not paid when due, the board may certify the unpaid rates or charges, together with any penalties, to the County Auditor, who shall place them upon the real property tax list and duplicate against the property served by the connection, and

Whereas, pursuant to resolution 16-720, the Board has established that delinquent accounts will be certified after they are more than ninety days past due and the amount exceeds \$25.00, and

Whereas, staff has determined that there are delinquent accounts that meet this criteria, and

Whereas, staff recommends collection of the unpaid rates and charges by certifying these delinquent accounts to the County Auditor.

Therefore be it resolved that the Board of County Commissioners certify the delinquent accounts in the amount of \$132,941.55 to the County Auditor for the 2019 real property tax list and duplicate.

(Itemized listing of delinquent accounts available for review at the Commissioners’ Office until no longer of administrative value).

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Absent

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RESOLUTION NO. 18-110

IN THE MATTER OF APPROVING A PERMIT FOR USE OF DELAWARE COUNTY FACILITIES:

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

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ADMINISTRATOR REPORTS

Dawn Huston, Deputy County Administrator

-No reports

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

-Attended Chief Jeff Wilson's retirement celebration yesterday at BST&G. It was a very moving tribute to Chief Wilson's service.

Commissioner Merrell

-Also attended the retirement ceremony for Chief Wilson. Had a chance to read the County's proclamation for Chief Wilson. He was an implemental part of getting the law changed so that Delaware County residents would not be double taxed when 9-1-1 was putting on a tax levy in 2016. Would like to wish him and his family the best.

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners