

COMMISSIONERS JOURNAL NO. 68 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 26, 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
Jeff Benton, Commissioner

1
RESOLUTION NO. 18-181

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM
REGULAR MEETING HELD FEBRUARY 22, 2018:**

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on February 22, 2018; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

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

2
PUBLIC COMMENT

3
ELECTED OFFICIAL COMMENT

4
RESOLUTION NO. 18-182

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES,
AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0223, MEMO TRANSFERS IN
BATCH NUMBERS MTAPR0223:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0223, memo transfers in batch numbers MTAPR0223.

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

5
RESOLUTION NO. 18-183

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Emergency Medical Services department is requesting that Capt. Joe Farmer, Lt. Glenn Keating and Josh Harper attend a 2018 Leadership Development Conference in Columbus, Ohio on March 23, 2018 at no cost.

The Emergency Medical Services department is requesting that Lt. Dan Jividen attend a 2018 Tactical Officers Association Conference in Sandusky, OH from June 4-8, 2018 at the cost of \$300.00 (fund number 10011303).

The Child Support Enforcement Agency is requesting that Brandy Krouse and Deb Benjamin attend a Volunteer Training in Marysville, OH on February 28, 2018 at no cost.

The Commissioners Office is requesting that Karen First attend an Emerging Trends in Fraud Investigation and Prevention Conference in Columbus, Ohio May 7-8, 2018; at the cost of \$500.04 (fund number 10011101).

The Commissioners Office is requesting that Barb Lewis attend a NACO Justice Conference in Washington D.C. March 2-5, 2018; at the cost of \$2271.40 (fund number 10011101).

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

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RESOLUTION NO. 18-184**IN THE MATTER OF THE ADOPTION OF RUTHERFORD B. HAYES BUILDING SECURITY POLICY:**

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

WHEREAS, the Board of Commissioners, Delaware County, Ohio (“Board”) owns and controls the Rutherford B. Hayes Building, located at 140 N. Sandusky St., Delaware, Ohio (“Building”); and,

WHEREAS, the Building contains various Delaware County offices and Departments, some of which fall under the control of the Board and others fall under the control of various Delaware County elected officials with offices in the Building; and,

WHEREAS, the Board and these elected officials desire to establish a security policy for the Building; and,

WHEREAS, all such elected officials have already approved the Rutherford B. Hayes Building Security Policy (“Policy”) attached hereto as Exhibit A; and,

WHEREAS, the Board now desires to approve the Policy.

NOW THEREFORE, BE IT RESOLVED:

- A. The Board hereby adopts the Rutherford B. Hayes Building Security Policy (“Policy”) attached hereto as Exhibit A.
- B. The Policy shall take full force and effect immediately.
- C. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

Rutherford B. Hayes Building Security Policy

This Rutherford B. Hayes Building Security Policy (“Policy”) replaces all prior policies on the subject of security in and for the Rutherford B. Hayes Building (“Hayes Building”), except any established Courthouse Security Plans, and it establishes the security procedures for the Hayes Building at 140 North Sandusky Street in Delaware, Ohio.

1. The Delaware County Sheriff’s Office or contracted security personnel will operate an x-ray machine and a walkthrough magnetometer at the public entrance on the ground floor of the Hayes Building for the purpose of screening persons entering the building. Throughout their time in the Hayes Building, all persons who enter the building are, with probable cause, subject to search by the Sheriff’s Office or contracted security personnel, and those searches may extend to any belongings carried by Hayes Building employees or visitors.
2. All employees who enter through the ground floor public entrance and all other persons entering the Hayes Building (except those indicated in item numbers 4, 5, and 7 listed below) must pass through the walkthrough magnetometer for the purpose of detection of firearms, explosives, pepper spray, incendiary devices, knives, other dangerous weapons or ordinances, or any other item prohibited by law, regulation, or court order. Hayes Building employees and all other persons must submit to further screening – such as screening by a portable handheld metal detector or other screening procedures as necessary – by the Sheriff’s Office or contracted security personnel if the readings of the magnetometer indicate the presence of metallic objects. Any person who refuses to submit to any facet of the screening process will be barred from entering the Hayes Building.
3. All employees who enter through the ground floor public entrance (except those indicated in item numbers 4 and 7 listed below) and all other persons entering the Hayes Building who are carrying, delivering or otherwise transporting any briefcase, suitcase, purse, backpack, box, bag, package, electronic device – including cellular phones, portable computers, or other devices – or any other container must surrender that item for screening through an x-ray device and/or a personal inspection by the Sheriff’s Office or contracted security personnel. Any person who refuses to submit the item to any facet of the screening process will be barred from bringing the item into the Hayes Building. Persons making deliveries (i.e. packages or food) may wait in the area prior to security for the recipient of the delivery if such delivery persons do not wish to submit to security. Persons making deliveries shall not proceed or be let through security or employee entrances without complying with the security procedures

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in this Policy.

4. The following persons – with appropriate official identification – are exempt from the screening procedures set forth above:
 - a. Judges of the Delaware County Common Pleas Courts;
 - b. Other judges who are serving by designation or assignment in the Hayes Building;
 - c. Delaware County elected officials whose offices or departments are located in the Hayes Building (i.e. Auditor, Commissioners, Engineer, Prosecutor, Recorder, and Treasurer).
 - d. On-duty law-enforcement officers who are authorized by law and agency regulations to carry firearms, and in the performance of their official duties;
 - e. On-duty Hayes Building security personnel who are authorized by law and regulations to carry firearms, and in the performance of their official duties.
 - f. Probation officers who are authorized by law and regulations to carry firearms, and in the performance of their official duties.
 - g. Delaware County assistant prosecuting attorneys.
5. Persons with medical conditions that prevent them from passing through the walkthrough magnetometer or from being scanned by a portable handheld metal detector, shall be screened by the Sheriff's Office or contracted security personnel using other appropriate screening procedures as necessary.
6. No person with authorized access to the Hayes Building who has passed through the screening process or who has entered the Hayes Building with a key, key fob, or other entry device may permit any other person to access the Hayes Building without proper authorization from the Sheriff's Office or contracted security personnel.
7. Only Delaware County employees and contract employees authorized by their appropriate agency manager and possessing an authorized key fob or other entry device may enter the Hayes Building through any locked entrance, unless proper authorization from the Sheriff's Office or contracted security personnel has been given.
8. Cameras and recording devices are permitted within the Hayes Building, but they are subject to any restrictions and requirements imposed by a judicial officer in connection with a case pending before that judicial officer.
9. The use of cellular phones in courtrooms is prohibited unless specifically authorized by the judicial officer presiding in that particular courtroom. Cellular phones must be set so that no audible signal can be emitted from them in any of the courtrooms within the Hayes Building.
10. The use of portable computers and related electronic equipment in courtrooms and facilities adjacent to courtrooms is subject to restrictions and requirements imposed by a judicial officer.
11. Photographing or recording of law-enforcement officers, security personnel, and any security devices or equipment within the Hayes Building is prohibited.
12. Judges, Hayes Building security officers, courtroom bailiffs or other courtroom security personnel, probation officers, and on-duty law-enforcement officers who are authorized by law and agency regulations to carry firearms in the performance of their duties may possess a firearm in the Hayes Building. No other persons may possess explosives, pepper spray, incendiary devices, knives, firearms, or any other dangerous weapons or ordinances in the Hayes Building, unless those items are to be presented as evidence in a courtroom hearing. Any such items that are to be presented as evidence may be brought into the Hayes Building if and only if the Sheriff's Office has been notified in advance of the item being brought into the Hayes Building and has approved the proposed movement of the items into the building.
13. Fire exit doors shall not be used as egress unless an emergency exists.

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- 14. No exterior doors or internal secured doors shall be propped open or left ajar, unless approved by a member of the Sheriff’s Office or contracted security personnel and the door is continuously monitored while open.
- 15. Persons who violate any of the provisions listed above may be arrested and any dangerous items will be confiscated by the Sheriff’s Office or by contracted security personnel.
- 16. For purposes of this order, “law-enforcement officer” only includes the following:
 - a. A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or state highway patrol trooper;
 - b. An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;
 - c. A member of an auxiliary police force organized by county, township, or municipal law-enforcement authorities, within the scope of the member’s appointment or commission;
 - d. Probation officer; and,
 - e. The prosecuting attorney and assistant prosecuting attorneys.

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

**7
RESOLUTION NO. 18-185**

IN THE MATTER OF RENEWING THE CONTRACT WITH TRIDENT SECURITY, LLC FOR SECURITY SERVICES FOR DELAWARE COUNTY:

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

WHEREAS, Delaware County awarded the bid for ITB #14-02 Security Services for Delaware County and contracted with Trident Security, LLC on April 21, 2014 per Resolution No. 14-451 (the “Contract”); and

WHEREAS, pursuant to the Contract, upon the expiration of the initial term of three (3) years, the Contract may be renewed if agreed upon by both parties for up to three (3) additional one (1) year periods; and

WHEREAS, Trident Security, LLC has requested in writing to renew the Contract with no change to the terms and conditions;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, authorizes the renewal of the Contract with Trident Security, LLC, for security services for Delaware County for the second one (1) year period.

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

**8
RESOLUTION NO. 18-186**

IN THE MATTER OF SETTING THE DATE AND TIME FOR PUBLIC HEARING #1 AND PUBLIC HEARING #2 FOR PY2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING:

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

WHEREAS, Delaware County, by and through the Delaware County Board of Commissioners (the “Board”) is a designated subrecipient of Community Development Block Grant (“CDBG”) funding; and

WHEREAS, the citizen participation requirements within the Housing and Community Development Act and applicable federal regulations require two public hearings to allow public input regarding the use of CDBG funding; and

WHEREAS, the first public hearing is conducted at the initial stage of application preparation and is intended to provide information and seek input regarding the funds available and the general scope of eligible projects;

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

Section 1. The Board hereby sets the First Public Hearing for Monday, March 12, 2018, at 10:00 AM, in the Board of Commissioners Hearing Room held at 101 North Sandusky Street in Delaware, Ohio as the date, time, and place for Public Hearing #1 for PY2018 CDBG funding, and the Board hereby sets the Second Public Hearing for Thursday, May 31, 2018 at 10:00 AM, in the Board of Commissioners Hearing Room held at 101 North Sandusky Street in Delaware, Ohio as the date, time, and place for public hearing #2 for PY2018 CDBG funding.

Section 2. The Economic Development Coordinator is hereby directed to cause public notice to be issued through publication in the local newspaper or via alternative options per Ohio Development Services Agency Policy Notice OCD 07-01, notifying the public of the hearing.

**NOTICE OF FIRST PUBLIC HEARING
PY2018 BIENNIAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**

The Delaware County Board of Commissioners intends to make application to the Ohio Development Services Agency (ODSA) Office of Community Development to access approximately \$40 million of funding available under the PY2018 Biennial Community Development Block Grant (CDBG) Small Cities Program, a federally-funded program administered by the State of Ohio.

For PY2018, the County is eligible for approximately \$264,000 of CDBG Community Development Allocation funds; and additional funds for two competitive set-aside programs: Downtown Revitalization (up to \$300,000) and Neighborhood Revitalization (up to \$500,000), and one competitive open-cycle program: Critical Infrastructure (up to \$300,000); and, up to \$750,000 of CHIP funding, providing the County meets applicable program requirements.

CDBG Community Development Allocation funding requests from eligible county entities are due to the Board of Commissioners Office by April 20, 2018. Projects will be reviewed, ranked, and selected based on: compliance with a CDBG National Objective; inclusion in the Delaware County Community Development Implementation Strategy (CDIS); application completeness; number of beneficiaries served; and number of previous awards. The County's Community Development Program application(s) to ODSA are due June 15, 2018.

Delaware County (and its cities and villages) may apply for funding under the following programs:

- Community Development Program
- Community Housing Impact and Preservation Program (CHIP)
- Economic Development & Public Infrastructure Program
- Fair Housing-New Horizons Fair Housing Assistance Program
- Residential Public Infrastructure Grant Program
- Housing Opportunities for Persons with AIDs (HOPWA) Program
- Supportive Housing, Homeless Crisis Response, & Housing Assistance Grant Programs
- And Any/New Programs Announced Under the CDBG, HOME, and OHTF Programs

The first of the required two public hearings for this comprehensive grant program will be convened in the Delaware County Board of Commissioners Hearing Room located at 101 North Sandusky Street, Delaware, Ohio, 43015, an ADA-accessible facility. The hearing shall commence at 10:00 AM on Monday, March 12, 2018, to provide citizens with pertinent information about the CDBG program, including an explanation of eligible activities and program requirements. The CDBG program can fund a broad range of activities, including: economic development projects; street improvements; water supply, drainage and sanitary sewer improvements; park acquisitions and improvements; demolition of unsafe structures; and rehabilitation of housing and neighborhood facilities. The activities must be designed to meet one of the CDBG National Objectives: to primarily benefit low and moderate income persons, or aid in the prevention or elimination of slums and blight, or meet an urgent need of the community; and also comply with the applicable Program Objectives as outlined in the Ohio Consolidated Plan.

Citizens are encouraged to attend the first public hearing to provide their input on the County's CDBG Program. Should any participant require auxiliary aids due to disability or non-English languages, please contact this office at least one week prior to the hearing date to ensure needs will be accommodated (740) 833-2107. Anyone wishing to submit written comments prior to the hearing may direct them to the Delaware County Board of Commissioners at the address above.

By order of the Board of County Commissioners, Delaware County, Ohio
 Jeff Benton
 Gary Merrell
 Barb Lewis

Date of Publication: February 28, 2018. Non-Legal Section (Block Ad). Furnish one (1) affidavit.

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

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RESOLUTION NO. 18-187

IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS FOR THE GLADES AT HIGHLAND LAKES SECTION 2:

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

Whereas, the construction of new sanitary sewers at The Glades At Highland Lakes Section 2 have been completed to meet Delaware County Sewer District requirements; and

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:

| | | |
|-----------------------------------------------|------------------------|--------------|
| The Glades At Highland Lakes Section 2 | 1251’ of 8- inch sewer | \$143,996.00 |
| | 6- manholes | \$ 15,000.00 |

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. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

10

RESOLUTION NO. 18-188

IN THE MATTER OF APPROVING THE LEGAL NOTICE FOR THE SALE OF REAL PROPERTY OWNED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO FOR THE OLD JAIL, 20 WEST CENTRAL AVENUE DELAWARE, OHIO 43015:

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

Whereas, the Director of Facilities recommends approval of the legal notice;

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the following legal notice for the sale of real property owned by The Board Of Commissioners Of Delaware County, Ohio for The Old Jail, 20 West Central Avenue Delaware, Ohio 43015:

**LEGAL NOTICE
SALE OF REAL PROPERTY OWNED BY
THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO
The Old Jail, 20 W Central Ave.
Delaware, OH 43015**

Parties interested in purchasing real property owned by the Delaware County Board of Commissioners (the “Board”) may submit a sealed bid to the Board, at 101 North Sandusky Street, Delaware, Ohio 43015 until 2:00pm on April 5, 2018 for the purchase of a portion of the real property located at 20 W Central Ave., Delaware, OH 43015 (the “Property”).

The Property is the 1878 Jail and Sheriff’s residence on a lot of approximately 0.45 acre. No survey or legal description has been performed. Bid blanks may be obtained from the Board at its offices located at 101 North Sandusky Street, Delaware, Ohio 43015 during normal business hours, or from the County’s website at www.co.delaware.oh.us under the heading “Public Notices and Bids.”

The Property will be open for viewing by appointment only during normal business hours by contacting the Delaware County Facilities Management Office at (740) 833-2280 or by email jmelvin@co.delaware.oh.us. The Board has established no minimum bid amount.

Bids will be opened and considered firm offers to purchase. A purchase contract will be negotiated with

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the highest and best bidder according to the discretion of the Board in the best interests of the Board and Delaware County. The Board reserves the right to reject any and all bids and to waive any irregularities or informalities.
Delaware County Board of Commissioners

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

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RESOLUTION NO. 18-189

IN THE MATTER OF APPROVING DITCH MAINTENANCE PETITIONS AND THE DITCH MAINTENANCE ASSESSMENTS FOR CREEKSIDE INDUSTRIAL PARK AND OLD HARBOR ESTATES SECTION 2:

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

Creekside Industrial Park

WHEREAS, on February 26, 2018, a Ditch Maintenance Petition for Creekside Industrial Park was filed with the Board of Commissioners of Delaware County (the "Board"), and

WHEREAS the Petition sets forth the drainage improvements that have been or will be constructed within Creekside Industrial Park located off of Corduroy Road in Orange Township; and

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

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

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

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

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

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

The cost of the drainage improvements is \$1,924,612.02 for the benefit of the lot(s) being created in this site. The developed area of 87.486 acres will receive benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each lot is therefore \$21,999.08 per acre. An annual maintenance fee equal to 2% of this basis (\$439.98/Ac) will be collected for each developed lot. It is understood that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$38,492.24 has been paid to Delaware County, receipt of which is hereby acknowledged.

Old Harbor Estates Section 2

WHEREAS, on February 26, 2018, a Ditch Maintenance Petition for Old Harbor Estates Section 2 was filed with the Board of Commissioners of Delaware County (the "Board"), and

WHEREAS the Petition sets forth the drainage improvements that have been or will be constructed within Old Harbor Estates located off of S. Old State Road in Berlin Township; and

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

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

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

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

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

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

The cost of the drainage improvements is \$175,584.00 for the benefit of the lots being created in this subdivision. 24 lots are being created in these plats and each lot received an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore \$7,316.00 per lot. An annual maintenance fee equal to 2% of this basis (\$146.32) will be collected for each lot. It is understood that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all the lots in the amount of \$3,511.68 has been paid to Delaware County, receipt of which is hereby acknowledged.

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

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RESOLUTION NO. 18-190

IN THE MATTER OF ENTERING INTO AN ASSIGNMENT AND ASSUMPTION OF EASEMENTS FOR DRAINAGE PURPOSES BETWEEN M/I HOMES OF CENTRAL OHIO, LLC AND THE BOARD OF COUNTY COMMISSIONERS:

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

WHEREAS, the Delaware County Engineer recommends approving an Assignment and Assumption of Easements for Drainage Purposes with M/I Homes;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the following:

ASSIGNMENT AND ASSUMPTION OF EASEMENTS FOR DRAINAGE PURPOSES

This Assignment and Assumption of Easements for Drainage Purposes (this "Assignment") is made and entered into as of the 26th day of February, 2018 (the "Effective Date") by and between M/I Homes of Central Ohio, LLC, an Ohio limited liability company ("Assignor") and the Board of County Commissioners of Delaware County, Ohio ("Assignee").

RECITALS

WHEREAS, pursuant to that certain Easement for Drainage Purposes dated November 10, 2017 and filed of record as Official Record Book 1544, Page 2740, Mark E. Ross and Kriss A. Ross, husband and wife, granted to Assignor a perpetual drainage easement for the constructing, repairing, operating and/or maintaining of storm water drainage swales and/or other storm water drainage facilities over an easement area more particularly described therein (the "Mark and Kriss Ross Easement");

WHEREAS, pursuant to that certain Easement for Drainage Purposes dated November 10, 2017 and filed of record as Official Record Book 1544, Page 2723, Heath E. Ross, an unmarried man, granted to Assignor a perpetual drainage easement for the constructing, repairing, operating and/or maintaining of storm water drainage swales and/or other storm water drainage facilities over an easement area more particularly described therein (the "Heath Ross Easement" and collectively with the Mark and Kriss Ross Easement, the "Drainage Easements"); and

WHEREAS, Assignor desires to assign to Assignee, and Assignee desires to assume, all rights and obligations under the Drainage Easements.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor and Assignee agree as follows:

1. Assignment and Assumption. Assignor hereby assigns to Assignee, its successors and assigns, all right, title, interest and obligation of Assignor in, to and under the Drainage Easements. Assignee hereby accepts the assignment of the Drainage Easements and agrees to assume and perform all obligations of Assignor thereunder from and after the Effective Date.
2. Governing Law. This Assignment shall be governed by the laws of the State of Ohio.
3. Binding Effect. This Assignment shall be binding upon and inure to the benefit of Assignor and Assignee and their respective successors and assigns.

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

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RESOLUTION NO. 18-191

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

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve the following work permits:

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

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

| Permit # | Applicant | Location | Type of Work |
|----------|---------------|---------------|---------------------------------|
| U18-016 | Columbia Gas | Smothers Road | Relocate Gas Main |
| U18-017 | AEP | Dustin Road | Install poles |
| U18-018 | Century Link | Various Road | Provide single customer service |
| U18-019 | Aspire Energy | Various Road | Provide single customer service |
| U18-020 | Del-Co Water | Smothers Road | Road Bore & Install waterline |

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

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RESOLUTION NO. 18-192

IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION AND TRANSFER OF APPROPRIATION:

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

| | | |
|---------------------------------------------|---------------------------------------------------|------------|
| Supplemental Appropriation | | |
| 42011438-5410 | Capital Improvement Reserve/Building Improvements | 100,000.00 |
| Transfer of Appropriation | | |
| From | To | |
| 22111502-5201 | 22111502-5001 | 794.63 |
| Litter Grant/General Supplies | Litter Grant/Compensation | |
| 22111502-5201 | 22111502-5102 | 7.95 |
| Litter Grant/General Supplies | Litter Grant/Workers Comp | |
| 22111502-5201 | 22111502-5120 | 190.71 |
| Litter Grant/General Supplies | Litter Grant/County Share OPERS | |
| 22111502-5201 | 22111502-5312 | 6.71 |
| Litter Grant/General Supplies | Litter Grant/Advertisement | |
| 22111502-5305 | 22111502-5312 | 250.00 |
| Litter Grant/Training and Staff Development | Litter Grant/Advertisement | |
| 22111502-5309 | 22111502-5312 | 243.29 |
| Litter Grant/Mileage | Litter Grant/Advertisement | |
| 22111502-5217 | 22111502-5331 | 25.00 |
| Litter Grant/Books and Periodicals | Litter Grant/Postal and Freight Service | |
| 22111502-5215 | 22111502-5328 | 700.00 |
| Litter Grant/Program Supplies | Litter Grant/Maintenance and Repair Service | |
| 22111502-5308 | 22111502-5328 | 300.00 |
| Litter Grant/Membership Dues | Litter Grant/Maintenance and Repair Service | |

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

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15**ADMINISTRATOR REPORTS**

Mike Frommer, County Administrator

- The meetings that came out of the joint meeting with the City and County are moving forward.
- The meeting Friday with the Olentangy Local Schools went well. They are our largest employer in the county.
- Attended the Delaware NOW meeting on Friday where our Economic Development Direct, Bob Lamb was a guest speaker. Bob spoke on the topic of 5G and fiber in the county and how important it was for future development.

16**COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Lewis

- Attended Regional Planning last Thursday.

Commissioner Benton

- Attended the Legislative Update. A few of the updates:
 - Representative Rick Carfagna stated that the funding for trails (Ohio to Erie Trail) was to be approved.
 - Election equipment funding was up to \$120 million (proposed), with the governor at \$100 million (proposed) funding.
- The Drug Treatment Court will hold a graduation on Thursday.
- The staff under the Board of Commissioners will have an employee appreciation lunch on Thursday afternoon.
- The Masters is in 5 weeks.

Commissioner Benton

- Attended the Community Days for Ohio Wesleyan University.
- Received a letter with praises for one of our Dog Shelter employees: Charles Jones.
- Made a trip out to Dawson Farms on the annual farm visit.
- Would like to review the topics presented at the joint County/City meeting at Thursday's session.

17**RESOLUTION NO. 18-**

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES; FOR PENDING OR IMMINENT LITIGATION AND CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:

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

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)-(7) of the Revised Code; and

WHEREAS, pursuant to section 121.22(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

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

Section 1. The Board hereby adjourns into executive session for consideration of compensation of a public employee or public official; to consider the purchase of property for public purposes; for pending or imminent litigation and confidential information related to economic development.

Section 2. The Board hereby adjourns into executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an

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applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance.

Section 3. The Board hereby finds and determines that the information listed in Section 2 is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

Section 4. The Board hereby finds and determines that the executive session held pursuant to Section 2 is necessary to protect the interests of an applicant for economic development assistance or the possible investment or expenditure of public funds to be made in connection with the economic development project.

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

RESOLUTION NO. 18-194

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Benton, seconded by Mrs. Lewis to adjourn out of Executive Session.

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners