

COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 10, 2018

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

Present:
Gary Merrell, President
Jeff Benton, Commissioner

Absent:
Barb Lewis, Vice President

1
RESOLUTION NO. 18-502

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 7, 2018:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on May 7, 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 Absent Mr. Benton Aye

2
PUBLIC COMMENT

3
ELECTED OFFICIAL COMMENT

4
RESOLUTION NO. 18-503

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0509:

It was moved by Mr. Benton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0509 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
P1801124 -Various Day Care	Job and Family Services Program	22511607-5348	\$ 50,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
R1803528	AT & T MOBILITY LLC	WIRELESS COMMUNICATION SERVICES	10011303 - 5315	\$6,000.00
R1803547	RUMPKE CONSOLIDATED COMPANIES	LANDFILL SLUDGE DISPOSAL	66211901 - 5380	\$95,000.00
R1803549	REENERGY INC	SLUDGE DISPOSAL	66211901 - 5380	\$47,000.00

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

5
RESOLUTION NO. 18-504

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Juvenile Court is requesting that Megan Dilman attend the 44th Annual NOVA Training in Jacksonville, Florida from August 19-23, 2018 at the cost of \$2435.00 (fund number 27426313).

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The Juvenile Court is requesting that Dana Wisecarver attend the 44th Annual NOVA Training in Jacksonville, Florida from August 19-23, 2018 at the cost of \$2435.00 (fund number 27426313).

The Child Support Enforcement Agency is requesting that Maren Aikey attend a Public Education Meeting in Columbus, Ohio May 18, 2018, at no cost.

The Child Support Enforcement Agency is requesting that Darci Sholler, Lisa Thompson and Andrea DelCol attend a Columbus District Case Manager Round Table Meeting in Mt. Gilead, Ohio May 22, 2018, at no cost.

The Emergency Communications Department is requesting that Marcus Chapman, Amy Wright and Kimberly Romero-Curren attend the Public Safety Group-911-Hacked Attacked and Where's That class in Dublin, Ohio on June 11, 2018 at the cost of \$657.00 (fund number 21411306).

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

6

RESOLUTION NO. 18-505

IN THE MATTER OF PROCLAIMING SATURDAY, MAY 19TH, 2018 AS "KIDS DAY AMERICA/INTERNATIONAL™" IN DELAWARE COUNTY, OHIO:

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

WHEREAS, the health and well-being of our children is essential to the quality of life of the citizens of Delaware County, Ohio; and

WHEREAS, educating our young people in proper health, safety, and environmental habits gives them the foundation necessary to become productive citizens and future leaders; and

WHEREAS, the twenty-third annual "Kids Day America/International™" event in Delaware, Ohio is on Saturday, May 19th, 2018. "Kids Day America/International™" is a special day set aside to address health, safety, and environmental issues that affect us as individuals and as a community. It was founded for the purpose of educating families and communities about these important social concerns; and

WHEREAS, the observance of "Kids Day America/International™" provides an opportunity for the citizens of Delaware County, Ohio to join together to raise awareness of health, safety, and environmental issues.

Therefore, in recognition of "Kids Day America/International™" the Board of Commissioners of Delaware County, Ohio wishes to proclaim Saturday, May 19th, 2018 as

"Kids Day America/International™"

in Delaware County, Ohio and encourage Delaware County Citizens to work together to help our children learn, achieve, grow and prosper in a healthy and safe environment.

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

7

RESOLUTION NO. 18-506

IN THE MATTER OF RENAMING AN ORGANIZATIONAL KEY, APPROVING A SUPPLEMENTAL APPROPRIATION AND TRANSFER OF FUNDS FOR COMMON PLEAS COURT:

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

Rename Organizational Key

27229210	Domestic Relations Division Alternative Dispute Resolution Fund
27929208	General Division Alternative Dispute Resolution Fund

Supplemental Appropriation

27229210-5801	Domestic Relations Division Alternative Dispute Resolution Fund/Miscellaneous Cash Transfer	58,634.34
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Transfer of Funds

From	To	
27229210-5801	27929208-4601	58,634.34
Domestic Relations Division Alternative	General Division Alternative Dispute Resolution	

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Dispute Resolution Fund/Miscellaneous Cash Fund/Interfund Revenue Transfer

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

8

RESOLUTION NO. 18-507

SETTING DATE AND TIME FOR PUBLIC HEARINGS FOR PROPOSED ADOPTION OF CHANGES TO THE BUILDING CODE OF DELAWARE COUNTY:

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

Notice of Public Hearings
Delaware County Board of Commissioners

The Board of Commissioners of Delaware County, Ohio, will hold public hearings on the proposed adoption of changes to the Building Code of Delaware County.

The hearings will be held **Thursday, May 31, 2018, at 9:45a.m. and Monday, June 4, 2018, 9:45a.m.** in the Hearing Room of the County Commissioners, 101 North Sandusky Street, Delaware, Ohio. A copy of the proposed changes is available for review at the Office of the Board of Commissioners, 101 North Sandusky Street, Delaware, Ohio, or at the Delaware County Code Compliance Department, 50 Channing Street, Delaware, Ohio. Interested persons may appear and voice opinion in respect to the proposed building code changes.

This notice is also posted on the County’s website at <http://www.co.delaware.oh.us>.

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

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RESOLUTION NO. 18-508

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR WOODCREST TRUNK SEWER:

It was moved by Mr. Benton, seconded by Mr. Merrell to approve the following sanitary sewer improvement plans for submittal to the Ohio EPA for their approval.

WHEREAS, the Sanitary Engineer recommends approval of the sanitary sewer improvement plans.

THEREFORE BE IT RESOLVED, that the Board of Commissioners approve the sanitary sewer improvement plans for Woodcrest Trunk Sewer for submittal to the Ohio EPA for their approval.

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

10

RESOLUTION NO. 18-509

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR CLARKSHAW MOORS SECTION 4:

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider’s Agreement for Clarkshaw Moors Section 4;

THEREFORE, BE IT RESOLVED that the Board of Commissioners approve the following Sanitary Sewer Subdivider’s Agreement for Clarkshaw Moors Section 4:

SUBDIVIDER’S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on this 10th day of May 2018, by and between **M/I Homes, Inc.**, hereinafter called “Subdivider”, and the Delaware County Board of Commissioners (hereinafter called “County Commissioners” or “County”) as evidenced by the **Clarkshaw Moors Section 4** 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:

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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 **Sanitary Sewer Improvement Plan for Clarkshaw Moors Section 4**, dated **September 29, 2017**, and approved by the County on **January 11, 2018**, 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 **46** 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 (**\$93,505.00**) 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.

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 **Sanitary Sewer Improvement Plan for Clarkshaw Moors Section 4**.

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 **Sanitary Sewer Improvement Plan for Clarkshaw Moors Section 4 (\$3272.68)**. The Subdivider shall also deposit with the Delaware County Sanitary Engineer the sum of **\$7,875.00** estimated to be necessary to pay the cost of inspection for **Clarkshaw Moors Section 4** 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 Improvement Plan for Clarkshaw Moors Section 4** 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

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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 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

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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 Mrs. Lewis Absent Mr. Merrell Aye Mr. Benton Aye

**11
RESOLUTION NO. 18-510**

IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS FOR LIBERTY TRACE SECTION 3-B:

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

Whereas, the construction of new sanitary sewers at the Liberty Trace Section 3-B 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:

Liberty Trace Section 3-B	360’ of 8- inch sewer	\$ 22,417.80
	2- manholes	\$ 7,245.56

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 Absent

**12
RESOLUTION NO. 18-511**

IN THE MATTER OF APPROVING SUPPLEMENTAL EASEMENT NO. 1 TO THE ALUM CREEK LAKE CONTRACT NO. DACW69-2-01-1036 BETWEEN THE SECRETARY OF THE ARMY AND THE DELAWARE COUNTY BOARD OF COMMISSIONERS:

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

WHEREAS, Contract No. DACW69-2-01-1036 which expires December 10, 2050 is an easement for installation, operation, maintenance and removal of a sanitary sewer line; and

WHEREAS, the Secretary of the Army and the Delaware County Board of Commissioners desire that the term of the contract be extended to facilitate upgrades to the Cheshire Pump Station and force main to meet anticipated demands within the tributary sewershed; and

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WHEREAS, it is mutually agreed that the contract be amended to include exhibits E and F in addition to Exhibits A, B, C, and D and that the term of the easement is extended to December 10, 2068; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves Supplemental Easement No. 1 to Alum Creek Lake Contract No. DACW69-2-01-1036

(Copy of supplemental easement available for review at the Sanitary Engineer’s Office until no longer of administrative value.)

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

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RESOLUTION NO. 18-512

IN THE MATTER OF REJECTING ALL BIDS FOR THE SALE OF THE OLD JAIL, 20 WEST CENTRAL AVENUE, DELAWARE, OHIO 43015:

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

WHEREAS, on February 26, 2018, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 18-188, approving the legal notice for the sale of real property owned by the Board known as the Old Jail, 20 West Central Avenue, Delaware, Ohio 43015; and

WHEREAS, on April 5, 2018, sealed bids were received in response to the legal notice; and

WHEREAS, pursuant to the approved legal notice and section 307.10 of the Revised Code, the Board reserves the right to reject all bids;

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

Section 1. The Board hereby rejects all bids received for the Old Jail.

Section 2. The Board hereby directs the Director of Facilities to provide notice of this Resolution to all bidders.

Section 3. This Resolution shall take effect immediately upon adoption.

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

Public Comment:

Michael Cox, in support of keeping current bids on the sale of The Old County Jail, 20 West Central Avenue, Delaware, OH 43015.

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ADMINISTRATOR REPORTS

Mike Frommer, County Administrator

- Tomorrow both Deputy Administrators and I will be meeting with the Delaware County District Library Director to discuss their levy.
- Tomorrow is the Employee Service Fair at the National Guard Armory.

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COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Benton

- Attended the DKMM meeting on Tuesday in Marion. It was decided to renew Rumpke’s contract for recycling pickup.
- Will be attending the MORPC meeting this afternoon.

Commissioner Merrell

- Worked the polls on Tuesday.
- MORPC meeting will be held today.
- Attended the 911 Board meeting yesterday.
- Attended the OWU Entrepreneurial Center on Tuesday. That will start in the fall.
- Asked the Assistant County Prosecutor, Aric Hochstettler, to respond to a resident concerning making Duncan Glen Road a public road or not. Mr. Hochstettler will draft an email response to the individual.

There being no further business, the meeting adjourned.

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Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners