

COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD JULY 19, 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

10:00 A.M. Public Hearing For Consideration Of The Kingston Township Watershed #2017-2 Drainage Improvement Petition

1
 RESOLUTION NO. 18-783

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 12, 2018:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on July 12, 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 Aye

2
 PUBLIC COMMENT

3
 ELECTED OFFICIAL COMMENT

4
 DISCUSSION OF THE ALLEY BETWEEN THE HAYES BUILDING AND THE COURTHOUSE

5
 RESOLUTION NO. 18-784

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0718, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0718:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0718, memo transfers in batch numbers MTAPR0718 and Purchase Orders as listed below:

<u>Vendor</u>		<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase				
PR Number	Vendor Name	Line Description	Line Account	Amount
R1804329	EPS	HOLDING CELL CAMERAS	40111402 - 5328	\$9,995.92

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

6
 RESOLUTION NO. 18-785

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

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The Regional Sewer District is requesting that Brad Stanton attend a One Water 2018 Technical Conference & Expo at the Greater Columbus Convention Center in Columbus, Ohio from August 28 – August 29, 2018 at a total cost of \$260.00 from fund 66211902.

The Regional Sewer District is requesting that Nate Givens, Chris Schellhase, Liz Buening, Kelly Thiel and Julie McGill attend a Fundamentals of Electrical Training Course at The Gorman-Rupp Company in Mansfield, Ohio on December 6, 2018 at a total cost of \$425.00 from fund 66211902.

The Regional Sewer District is requesting that Nate Givens, Chris Schellhase, and Brad Stanton attend a Fundamentals of Pumping Training Course at The Gorman-Rupp Company in Mansfield, Ohio on December 7, 2018 at a total cost of \$255.00 from fund 66211902.

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

7

RESOLUTION NO. 18-786

IN THE MATTER OF CHANGING THE LOCATION AND TIME OF THE COMMISSIONERS' SESSION FOR MONDAY SEPTEMBER 17, 2018 TO 10:00A.M. AT THE DELAWARE COUNTY FAIRGROUNDS STAGE BY COLISEUM:

It was moved by Mrs. Lewis, seconded Mr. Benton to change the location and time of the Commissioners' Session for Monday September 17, 2018 to 10:00a.m. at the Delaware County Fairgrounds Stage by Coliseum.

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

8

RESOLUTION NO. 18-787

IN THE MATTER OF CANCELING THE COMMISSIONERS' SESSION FOR THURSDAY SEPTEMBER 20, 2018:

It was moved by Mr. Benton, seconded by Mrs. Lewis to cancel the Commissioners' Session for Thursday September 20, 2018.

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

RESOLUTION NO. 18-788 WAS NOT UTILIZED

9

RESOLUTION NO. 18-789

IN THE MATTER OF CHANGING THE STARTING TIME OF THE THURSDAY AUGUST 9, 2018 COMMISSIONERS' SESSION TO 2:00P.M.:

It was moved by Mrs. Lewis, seconded by Mr. Benton to change the starting time of the Thursday August 9, 2018 Commissioners' Session to 2:00P.M.

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

10

RESOLUTION NO. 18-790

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, AARON L. UNDERHILL, REQUESTING ANNEXATION OF 44.29 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mr. Benton, seconded by Mrs. Lewis to acknowledge that on July 10, 2018, the Clerk to the Board of Commissioners received an annexation petition request to annex 44.29 acres from Liberty Township to the City of Powell.

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

11

RESOLUTION NO. 18-791

IN THE MATTER OF SUBMITTING TO THE ELECTORS A RENEWAL TAX LEVY IN EXCESS OF THE TEN MILL LIMITATION FOR THE DELAWARE COUNTY DISTRICT LIBRARY (R.C. SECTIONS 5705.03, 5705.23, 5705.25) RENEWAL LIBRARY OPERATING LEVY:

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

WHEREAS, the Board of Library Trustees of the Delaware County District Library, Delaware, Union, Morrow, Marion and Franklin Counties, Ohio (the "Library"), a public library subject to the jurisdiction of the County, has passed a resolution requesting the County to seek voter approval of a renewal tax levy for current expenses of the Library, such renewal tax levy to renew all of an existing ten (10) year one (1.00) mill tax levy first placed on the tax list and duplicate in 2009 (tax collection years 2010-2019).

WHEREAS, the Delaware County Auditor has certified that such tax will generate \$ 5,238,577 during the first year of collection, based on the current tax valuation of the Delaware County District Library service area (as defined by the State Library Board pursuant to Ohio Revised Code Section 3375.01, the "Library Service Area") of \$5,888,926,900; and

WHEREAS, pursuant to Ohio Revised Code Section 5705.23, upon receipt of the Library's resolution, the Board of County Commissioners of Delaware County, Ohio, shall adopt a resolution providing for the submission of such tax levy to the electors of the Library Service Area, which resolution shall otherwise conform to the resolution certified to it by the Library and which shall be certified to the Board of Elections not less than ninety days before the date of such election;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delaware County, Ohio, two-thirds of the members elected thereto concurring, that:

Section 1. The Library has, pursuant to Ohio Revised Code Section 5705.23, adopted a resolution declaring that it is necessary to levy a renewal tax in excess of the ten-mill limitation for current expenses of the Library.

Section 2. The question of such renewal tax levy shall be submitted to the electors of the entire territory of the Library Service Area at the election to be held therein on November 6, 2018. The tax shall be levied upon the entire territory of the Library Service Area. All of the territory of the Library Service Area is in Delaware, Union, Morrow, Marion and Franklin Counties, Ohio. The Library shall reimburse the County for costs of the election as certified by the Board of Elections of Delaware County.

Section 3. Such renewal tax levy shall be at a rate not exceeding one (1.00) mill for each one dollar of valuation, which amounts to ten cents (\$0.10) for each one hundred dollars of valuation, which is the same rate as the previous levy, for fifteen (15) years (the "Renewal Levy") and shall be placed upon the tax list and duplicate for tax year 2019, first due in calendar year 2020, if a majority of the electors voting thereon vote in favor thereof.

Section 4. The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED TAX LEVY (RENEWAL)
DELAWARE COUNTY DISTRICT LIBRARY

A majority affirmative vote is necessary for passage.

A renewal of a tax for the benefit of the Delaware County District Library, Delaware, Franklin, Marion, Morrow and Union Counties, Ohio, for the purpose of current expenses at a rate not exceeding one (1.00) mill for each one dollar of valuation, which amounts to ten cents (\$0.10) for each one hundred dollars of valuation, for fifteen (15) years, commencing in 2019, first due in calendar year 2020.

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

Section 5. This Board hereby finds that the Library has found, determined and declared that the Renewal Levy, if approved by the electors, is necessary to the proper furnishing and rendering of free public library services in the Library Service Area and for the residents of the Library Service Area.

Section 6. The Clerk shall and is hereby directed to certify a copy of this Resolution, the resolutions adopted by the Library, and the auditor's certificate to the Board of Elections of Delaware County, Ohio, not later than 4:00 PM on August 8, 2018.

Section 7. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and that 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 Ohio Revised Code Section 121.22.

Section 8. This Resolution shall go into immediate effect upon its passage.

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

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RESOLUTION NO. 18-792

IN THE MATTER OF APPROVING THE INVITATION TO BID AND 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 approves the Invitation to Bid and 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 **August 24, 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, including approximately nineteen (19) parking spaces located west and north of the building. Additional parking is available on adjacent public lots during evenings and weekends. 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."

Any and all inspections must take place prior to bidding. The Property is being sold "as is, where is." 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 a minimum bid amount of \$100,000.

The parcel will be sold to the highest responsible bidder. Should the transaction fail for any reason the next highest responsible bidder may be awarded the sale. All bidders are required to submit with their bid a certified check or money order in the amount of \$1,000, payable to the Board, as an earnest money deposit. The bids must be held open for a period not longer than sixty (60) days after bid opening and the award may take place at any time after bid opening. All earnest money submitted with the bid, not kept upon award of the sale, will be returned after the sixty (60) day period has elapsed. Upon award of the bid, earnest money of the winning bidder is subject to being forfeit for failure to complete the sale. All bids must be cash transactions and may not be conditioned on financing. Each bid must contain the full legal name of the person(s) bidding on the parcel, including the principal owners if operating as a legal entity with a different name, and a contact person with a telephone number in the space provided above.

At the time and date written above, the bids will be opened and read aloud and shall be considered firm offers to purchase. A final purchase contract will be negotiated with the highest responsible 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.

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

13

RESOLUTION NO. 18-793

IN THE MATTER OF ACCEPTING THE SUBGRANT AWARD OF THE LEAP FORWARD GRANT FOR THE SHERIFF'S OFFICE:

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

WHEREAS, the Delaware County Sheriff's office has been awarded the LEAP Forward Grant (the "Grant"); and

WHEREAS, the Grant is part of the Ohio Drug Law Enforcement Fund; and

WHEREAS, the County Administrator, is listed as the designated official for Delaware County for the Grant;

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and

WHEREAS, the Board desires uninterrupted compliance with the Grant reporting requirements by maintaining the as the County Administrator as the designated official;

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

Section 1. The Board hereby accepts the award of the Grant as follows:

Grant #	LEAP Forward Grant 2017-DL-LEF-5821
Source:	Ohio Office of Criminal Justice Services /Ohio Drug Law Enforcement
Grant Award Period:	07/01/2018 to 06/30/2019
OCJSGrant Amount:	\$152,422.92
Cash Match:	<u>50,807.64</u>
Total Grant Amount:	\$203,230.56

Section 2. The Board hereby authorizes the County Administrator to act as the county chief executive officer and execute standard assurances and compliance certificates for the grant.

Section 3. When reports or administrative documents require execution by the designated official, a copy of the report or documents shall be provided to the Clerk of the Board, along with a copy of this Resolution.

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

14

RESOLUTION NO. 18-794

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND THE CITY OF DELAWARE FOR BUILDING OFFICIAL AND BUILDING INSPECTION SERVICES:

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

AGREEMENT

THIS AGREEMENT is made and entered into this 19th day of July, 2018, by and between Delaware County, Ohio, through the Board of County Commissioners, hereinafter called "COUNTY" and The City of Delaware, through City Council, hereinafter called "CITY".

WITNESSETH:

WHEREAS, the CITY and COUNTY are each required to have a backup building official on staff or under contract as a part of the Ohio Board of Building Standards Certification process; and

WHEREAS, the CITY and COUNTY are occasionally in the need of back up inspection assistance; and

WHEREAS, the CITY and COUNTY have qualified staff and are willing to provide such services as may be needed; and

WHEREAS, the CITY and COUNTY use the same building, electrical and mechanical codes; and

WHEREAS, the CITY and COUNTY wish to establish an AGREEMENT with each other to provide the above requirements;

NOW, THEREFORE, CITY and COUNTY, in consideration of their mutual covenants, herein agree as follows:

SECTION 1 – SCOPE OF SERVICES

- A. The CITY and COUNTY may provide backup building official and inspection services on an as needed basis to each other. Respectively, the CITY and the COUNTY reserve the right to determine the ability to provide the services as requested.
- B. Both the CITY and COUNTY agree that any staff provided as part of the backup service will be certified by the State of Ohio as a building official, building inspector and electrical safety inspector.
- C. The CITY and COUNTY shall maintain, at their own expense, all requirements of the State of Ohio for continuing education for their own employees.

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- D. The CITY and COUNTY shall maintain, at their own expense, the codes and standards necessary for the execution of the building official and inspection services.
- E. Transportation shall be furnished by the jurisdiction providing the backup services. The CITY and the COUNTY shall assure that each employee working under this agreement possesses a valid license, professional liability insurance and automobile liability insurance.
- F. All clerical services and necessary supplies shall be furnished by the jurisdiction requesting the backup services.
- G. Inspection documentation and disposition of inspection shall be made on forms provided by the jurisdiction requesting the backup services. The necessary procedure for the inspection documentation shall be established by the jurisdiction requesting the backup services. The CITY and COUNTY agree to provide written procedure(s) for their method of inspection documentation.
- H. Prior to performing inspections the CITY and COUNTY shall assess any difference in code interpretations within the applicable code(s) and determine which interpretation will be applied during the inspection(s) performed. In the event the inspector performing the inspection determines the need for an interpretation, he/she shall contact the responsible jurisdiction's building official and/or authorized official. The interpretation of the responsible jurisdiction's building official and/or authorized official shall be followed. The CITY and COUNTY agree to establish common inspection checklists to aid in the consistency of inspections.
- I. The jurisdiction needing the assistance shall notify the other jurisdiction as soon as possible, but no later than 3:30 p.m. the day previous to the inspection(s). A list detailing the inspection type, address, time (if applicable) and any other pertinent information shall be provided. The jurisdiction requesting the service(s) shall notify the affected customer(s) of the altered inspection coverage prior to the performed inspection.
- J. The jurisdiction providing the service shall make every attempt to provide the service the next business day. Services shall be completed no later than the second business day. Inspection results and any corresponding documentation shall be provided to the authority having jurisdiction by 9 a.m. on the day following the inspection. If the inspection is not completed the next business day, the responsible jurisdiction shall be notified on the requested date of inspection. This will allow notification to the customer of the same.

Each party shall determine if their staffing levels are adequate to provide the requested service. Each party understands and agrees that their own inspections will be made priority.

- K. All permits, registrations, fees, etc. will be issued and/or collected by the jurisdiction having legal authority.
- L. Coordination of the service(s) shall be administered by the jurisdiction providing the backup inspections and included as part of the overall cost of the service.
- M. Complaints and/or disputes resulting from the provided service(s) will be reported immediately to the authority having jurisdiction. The authority having jurisdiction shall provide for the appeal mechanism for all disputes and complaints.

SECTION 2 – BASIS OF PAYMENT

- A. Each party shall be compensated by payment for services based upon the hourly costs fee schedule below. All costs associated with the services provided shall be inclusive to the various hourly rates provided below.

Building Official	\$81/hour
Building Inspector	\$54/hour
Electrical Safety Inspector	\$65/hour
Mechanical Inspector	\$54/hour
Mileage	\$0.55/mile

- B. Each party shall provide a report quarterly for services rendered throughout the three month period. The report shall consist of a fully itemized account of the services performed. Reports shall indicate the dates of service, permit and/or project name, and the time spent on each.
- C. Services shall be exchanged one for one (1 for 1). In the event that one party provides more hours of service than the other, that party will be compensated at the above listed (2A) rate(s) for the actual hours worked. The party providing the greater amount of hours shall invoice the other party for the difference in hours on a quarterly basis. Invoices shall be paid within forty-five (45) days of the date of the invoice.

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Reimbursable expenses shall be itemized and original receipts provided. Reimbursable expenses shall be indicated as such on the invoice.

SECTION 3-GENERAL CONSIDERATIONS

- A. This AGREEMENT shall be governed by the laws of the State of Ohio.
- B. Neither the CITY, nor the COUNTY shall assign their responsibilities under this AGREEMENT to any other third party without the written consent of the other party.
- C. This AGREEMENT shall commence July 19, 2018, and will run for a period of three years from said date. The AGREEMENT may be renewed for a three year period upon the mutual agreement of both parties.
- D. Either party may terminate this AGREEMENT by providing thirty (30) days written notice to the other party.
- E. Each party shall defend, at its own expense, its own employee(s) in all litigation, pay all attorney fees, damages, court costs, and other expenses and satisfy and cause to be discharged any judgments obtained against its own building official(s), officers, agents or employees arising out of the litigation or claim resulting from a negligent act, error or omission in the performance of the services under this AGREEMENT.

It is expressly agreed that the services provided under this AGREEMENT are of such a nature that the building official is afforded considerable discretion in the application and enforcement of the Codes and/or resolutions prescribed.

- F. The Parties each agree to maintain control over their respective personnel, and this Agreement shall not be construed to alter the employment relationship each Party has with its respective personnel. Each Party shall be responsible for the compensation, benefits, and liabilities of its respective personnel and hereby agrees to release the other Party from any responsibility therefor.

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

15

RESOLUTION NO. 18-795

IN THE MATTER OF AUTHORIZING THE COUNTY ADMINISTRATOR TO COMPLETE AND SUBMIT A CLASS ACTION OPT-IN NOTICE FORM IN *KANE COUNTY, UTAH v. UNITED STATES*:

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

WHEREAS, the matter of *Kane County, Utah v. United States*, Case Nos. 17-739C and 17-1991C (the "Litigation") is currently pending before the United States Court of Federal Claims; and

WHEREAS, the Litigation is a class action lawsuit against the United States federal government in which the class is made up of all "units of general local government," as defined in 31 U.S.C. 6901(2), that received payment under 31 U.S.C. 6902(a) of the Payment in Lieu of Taxes ("PILT") Act in fiscal years 2015, 2016, and/or 2017; and

WHEREAS, Delaware County is a member of the class because it received payments under the PILT Act in fiscal years 2015, 2016, and 2017; and

WHEREAS, the Litigation seeks to recover monies that the federal government owes each member of the class due to underpayment in fiscal years 2015, 2016, and/or 2017; and

WHEREAS, in order to participate in the Litigation, Delaware County must submit a completed Class Action Opt-In Notice no later than September 14, 2018;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio hereby authorizes the County Administrator, pursuant to section 305.30 of the Revised Code, to complete and submit a Class Action Opt-In Notice in order for Delaware County to participate in the Litigation.

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

16

RESOLUTION NO. 18-796

10:00A.M. - PUBLIC HEARING FOR CONSIDERATION OF THE KINGSTON TOWNSHIP WATERSHED #2017-2 DRAINAGE IMPROVEMENT PETITION FILED BY DAVE SMITH AND

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OTHERS:

It was moved by Mrs. Lewis, seconded by Mr. Benton to open the hearing at 10:14 A.M.

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

16 continued**RESOLUTION NO. 18-797**

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

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

16 continued**RESOLUTION NO. 18-798**

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE KINGSTON TOWNSHIP WATERSHED # 2017-2 DRAINAGE IMPROVEMENT PETITION FILED BY DAVE SMITH AND OTHERS:

It was moved by Mrs. Lewis, seconded by Mr. Benton to close the hearing at 10:42 A.M.

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

16 continued**RESOLUTION NO. 18-799**

IN THE MATTER OF GRANTING THE PRAYER OF THE PETITION AND DIRECTING THE DELAWARE COUNTY ENGINEER TO PROCEED WITH PREPARATION OF PLANS, REPORTS, AND SCHEDULES FOR THE KINGSTON TOWNSHIP WATERSHED #2017-2 DRAINAGE IMPROVEMENT PETITION FILED BY DAVE SMITH AND OTHERS:

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

Whereas, on January 26, 2018 , a Drainage Improvement Petition to The Kingston Township Watershed #2017-2 Drainage Improvement was filed with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on April 23, 2018, conducted a view of the proposed improvements; and

Whereas, the Board on July 19, 2018, held a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for The Kingston Township Watershed #2017-2 Drainage Improvement; and

Whereas, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, the Board is prepared to issue its findings on the proposed improvements.

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio as follows:

Section 1. The Board hereby finds that the proposed improvement is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement will be less than the benefits. Accordingly, the Board hereby grants the prayer of the petition. The hearing on the Petition is hereby adjourned to the date fixed for the filing of the reports, plans, and schedules by the Delaware County Engineer.

Section 2. The Board hereby orders the Delaware County Auditor to transfer \$ Zero from the general revenue funds of the county to the general drainage improvement fund.

Section 3. Upon the transfer of funds ordered in Section 2, the Board hereby orders the Delaware County Engineer to proceed with the preparation of plans, reports and schedules as presented for the proposed Kingston Township Watershed # 2017-2 Drainage Improvement. The Board hereby fixes April 23, 2020 as the date for filing of the engineer's reports, plans, and schedules. Upon filing of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

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Section 4. THE BOARD HEREBY APPROVES ESTABLISHING A NEW ORGANIZATION KEY FOR THE KINGSTON TOWNSHIP WATERSHED #2017-2 DRAINAGE IMPROVEMENT PROJECT 40311467.

Section 5. This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Section 6. Sections 1, 4, 5, and 6 of this Resolution shall take immediate effect upon passage. Sections 2 and 3 of this Resolution shall take effect upon the expiration of the twenty-one day appeal period, provided no appeal has been taken.

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

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ADMINISTRATOR REPORTS

Dawn Huston, Deputy Administrator
-No reports

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Benton
-Attended the MORPC meeting last Thursday afternoon.
-Attended the swearing in ceremony for Chief Chris Kovach of BST&G Fire Department.
-Will be attending the Open House for Hilbourne Insurance today. They are celebrating 80 years of business.
-Attended the Veteran's Breakfast yesterday put together by Donna Evans.
-The British Open started today.

Commissioner Lewis
-Attended the NACo Annual Conference in Nashville, Tennessee. During the conference it was announced that Delaware County's Stepping-Up Program has been selected to develop an assessment tool to be used across the United States.

Commissioner Merrell
-Attended NACo Annual Conference as well. Thought the conference was well done.
-Will be attending the CCAO meeting tomorrow where they will be interviewing the two gubernatorial candidates.
-Attended a meeting with Mr. Knox (from Senator Portman's office) along with Engineer Bauserman to give the County's perspective on a new interchange along Interstate 71, south of the 36/37 interchange.

19

RESOLUTION NO. 18-800

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT, DISCIPLINE AND COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; FOR COLLECTIVE BARGAINING:

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

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 employment, discipline and compensation of a public employee or public official; for collective bargaining.

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

*Commissioner Merrell did not return to adjourn the meeting due to a previous commitment.

RESOLUTION NO. 18-801

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

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There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners