

COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 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. 18-838

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 26, 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 26, 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. 18-839

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0727, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0727:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0727, memo transfers in batch numbers MTAPR0727 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Washington Auto Parts	Service Center Parts	10011106-5228	\$20,000.00
PR Number	Vendor Name	Line Description	Account Amount
R1804279	ENTERPRISE FM TRUST	VEHICLE LEASES	10011102 - 5335 \$60,000.00
R1804492	CENTRISYS CORPORATION	START UP AND INSPECTION SERVICE FOR CENTRIFUGE -	66211905 - 5328 \$ 5,710.00
R1804497	ROVISYS COMPANY, THE	RETRIEVE ALL PLC FILES IN OUR SYSTEM	66211901 - 5301 \$13,984.00
R1804507	NOBLE, WILLIAM P	LAND PURCHASE - LOWER ALUM CREEK PS	66711917 - 5401 \$80,000.00

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

5
RESOLUTION NO. 18-840

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

**COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 2018**

The Regional Sewer District is requesting that Corey Johnson, Jimmy Lopez, David Jordan, Anthony Cooper, and Lucas Baird attend a Fundamentals of Electrical Training Course at The Gorman-Rupp Company in Mansfield, Ohio on December 5th or December 6th, 2018 at a total cost of \$425.00 from fund 66211901.

The Regional Sewer District is requesting that Shawn Nutter, Jimmy Lopez, and Cory Smith attend a Fundamentals of Pumping Training Course at The Gorman-Rupp Company in Mansfield, Ohio on December 4, 2018 at a total cost of \$255.00 from fund 66211901.

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

**6
RESOLUTION NO. 18-841**

IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTH OF JUNE 2018:

It was moved by Mrs. Lewis, seconded by Mr. Benton to accept the Treasurer’s Report for the month of June 2018.

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

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

**7
RESOLUTION NO. 18-842**

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

It was moved by Mr. Benton, seconded by Mrs. Lewis 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
U18-097	Columbia Gas	Arnold Place	Relocate gas main
U18-098	AT&T	Manley Road	Relocate pedestal & cable
U18-099	Consolidated Electric	Mills Road & Dix Road	Install new cable on existing pole
U18-100	Consolidated Electric	Russell Road & Calhoun Road	Install new cable on existing pole
U18-101	Columbia Gas	Whipple Road	Extend gas main

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

**8
RESOLUTION NO. 18-843**

A RESOLUTION OF NECESSITY TO LEVY AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES:

(R.C. §§ 5705.03, 5705.222, and 5705.25)

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

PREAMBLE

WHEREAS, the amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the Delaware County Board of Developmental Disabilities; and,

WHEREAS, it is necessary to levy a tax in excess of the ten-mill limitation; and

WHEREAS, the levy would be for the purposes of operation of community programs and services authorized by county boards of developmental disabilities, and for the acquisition, construction, renovation, financing,

**COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 2018**

maintenance, and operation of developmental disabilities facilities; and,

WHEREAS, a resolution declaring the necessity of levying an additional tax, pursuant to R.C. § 5705.222, outside the ten-mill limitation must be approved and certified to the Delaware County Auditor (“Auditor”) in order to permit the Board to consider the levy of such a tax and must request that the Auditor certify to the Board the total current tax valuation of Delaware County, and the number of mills required to generate a specified amount of revenue, or the dollar amount of revenue that would be generated by a specified number of mills.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Delaware County, Ohio (“Board”), at least two-thirds (2/3) of all of the members of the Board concurring, as follows:

1. The amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the Board of Developmental Disabilities.
2. It is necessary to levy a tax in excess of the ten-mill limitation.
3. Pursuant to R.C. § 5705.03(B)(1):
 - a. The purposes of the tax are as follows:

operation of community programs and services authorized by county boards of developmental disabilities, and for the acquisition, construction, renovation, financing, maintenance, and operation of developmental disabilities facilities, said purposes being authorized by R.C. § 5705.222;
 - b. The type of levy is an additional levy;
 - c. The sections of the Revised Code authorizing submission of the question of the tax are R.C. §§ 5705.03, 5705.222, and 5705.25;
 - d. The term of the tax is for a continuing period of time;
 - e. The territory where the tax is to be levied is the entire territory of Delaware County;
 - f. The date of the election at which the question of the tax shall appear on the ballot is November 6, 2018;
 - g. The territory where the ballot measure is to be submitted is the entire territory of Delaware County;
 - h. The tax will be first levied in tax year 2018 and first collected in calendar year 2019;
 - i. The Board of Developmental Disabilities has territory only in Delaware County.
4. Pursuant to R.C. § 5705.03(B)(1), the Clerk of the Board is hereby directed to certify a copy of this Resolution to the Auditor. The Board hereby requests that the Auditor certify to this Board the following:
 - a. The total current tax valuation of the Delaware County;
 - b. The dollar amount of revenue that would be generated by the levy of 0.4 mill(s).
5. 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.
6. This Resolution shall be in full force and effect immediately upon adoption.

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

**9
RESOLUTION NO. 18-844**

IN THE MATTER OF ACCEPTING THE AWARD OF THE 2018 OHIO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMS - EMERGENCY MEDICAL SERVICES GRANT FOR THE TRAINING OF PERSONNEL AND THE PURCHASE OF EQUIPMENT USED FOR TRAINING AND EDUCATION:

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

**COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 2018**

WHEREAS, the Ohio Department of Public Safety (“ODPS”) offers grants in support of emergency medical services; and

WHEREAS, the Delaware County EMS has applied for and been awarded the 2018 Ohio Department of Public Safety, Division of EMS – Emergency Medical Services grant for the training of personnel and the purchase of equipment used for training and education; and

WHEREAS, the Grant is providing \$5,187.00 to assist DCEMS in training, equipping, and improving availability, accessibility and quality of service; and

WHEREAS, no local match funds are required for this Grant;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the 2018 Ohio Department of Public Safety, Division of EMS Grant for training and education.

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

10

RESOLUTION NO. 18-845

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

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

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

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

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

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

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

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

Therefore be it resolved that the Board of County Commissioners certify the delinquent accounts in the amount of \$142,197.75 to the County Auditor for the 2019 real property tax list and duplicate.

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

**2019 Sewer Tax Assessments
To be certified by the Board of Commissioners on 7/30/18**

Breakdown of Assessments by Treatment Plant:

66211903 – OECC	\$49,099.57
66211904 – Alum Creek	\$81,995.28
66211905 – Lower Scioto	\$2,482.75
66211912 - Package Plants	\$8,620.15
Total Assessments	\$142,197.75

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

11

RESOLUTION NO. 18-846

IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION FOR ADMINISTRATIVE SERVICE:

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

**COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 2018**

Supplemental Appropriation

60211925-5370 Flexible Spending Accounts/Insurance Premium and Claims \$45,000.00

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

12

RESOLUTION NO. 18-847

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE SCOTT #604 LATERAL #2 DRAINAGE IMPROVEMENT PROJECT:

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

Supplemental Appropriations		Amount
40311457-5319	Scott #604 lateral #2/Reimbursement refunds	\$7,477.35
40311457-5328	Scott #604 lateral #2/Maintenance	\$7,500.00

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

13

RESOLUTION NO. 18-848

IN THE MATTER OF APPOINTING A COUNTY SANITARY ENGINEER:

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

WHEREAS, pursuant to section 6117.01(C) of the Revised Code, the Delaware County Board of Commissioners (the "Board") may employ a registered professional engineer to be the county sanitary engineer for the time and on the terms it considers best; and

WHEREAS, Tiffany Maag was hired as Director of the Regional Sewer District; and

WHEREAS, the job description for the position of Director of the Regional Sewer District states that the incumbent may serve as the county sanitary engineer;

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

Section 1. The Board hereby appoints Tiffany Maag as Sanitary Engineer for Delaware County, serving concurrently with her position as Director of the Regional Sewer District.

Section 2. The term of appointment approved herein shall be for a continuous period at the will of the Board.

Section 3. This Resolution shall supersede any previous appointment to the position of Sanitary Engineer for Delaware County and shall take immediate effect upon adoption.

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

14

RESOLUTION NO. 18-849

IN THE MATTER OF APPROVING A SANITARY SEWER SERVICE LETTER TO THE BERKSHIRE TOWNSHIP BOARD OF TRUSTEES:

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

July 30, 2018

Berkshire Township Board of Trustees
1454 Rome Corners Road
Galena, Ohio 43021

Dear Trustees:

We are in receipt of the July 9, 2018, letter in which you express your view regarding the Intergovernmental Cooperation Agreement between Delaware County and Sunbury for Sanitary Sewer Service. The County has worked hard over the last three years to provide sanitary-sewer service to areas in Berkshire Township so that you could achieve your economic development goals and support your businesses and residents. Prior to this, there was no commitment from the County to serve the Township and it was planned to be the

**COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 2018**

Township's responsibility to construct a pump station to serve some commercial areas in the US36/OH37 area at an estimated cost of approximately \$2 million.

A summary list of the actions taken by the County to promote sewer service to the Township includes:

- Worked diligently with Nationwide on completion of the Northstar Development treatment plant repairs so that development could resume.
- Worked with Fourwinds and Northlake Developer to mitigate sewer capacity issues so that development of 230 acres could proceed.
- Expanded the Master Plan Scope and performed an additional study to include service to the Planned Mixed Used District (PMUD) in Berkshire Township.
- Adopted a Master Plan that includes a short-term expenditure of approximately \$35M in infrastructure costs to provide regional service to the Central Alum Creek Service Area which will service Berkshire and Berlin townships. Long-term expenditures could approach \$70M.

Furthermore, one of the factors involved with the Northgate Annexation was the absence of a plan for regional sanitary sewer service to the proposed interchange area. The County proactively has developed a plan as outlined above and we are proud to say that we are in a position to accommodate service to large-scale developments in the PMUD area, such as the currently proposed Planet Oasis development.

The determination of the service areas in the Intergovernmental Cooperation Agreement was based on engineering evaluations and the technical capabilities of our sanitary sewer system. Our system drains to the Alum Creek watershed and Sunbury's system drains to the Little Walnut Creek watershed. We evaluated the feasibility and costs associated with extending service to both Galena Road and further east to the Little Walnut Creek and it was determined that service to Galena Road was the cost-effective limit for service. The service areas were derived from technical analyses during the master planning efforts. Unfortunately, our system has limits because of topography and the service needs for the development around the current and proposed interchange. The County is currently planning on providing a level of service equivalent to that of the Polaris development for the Berkshire Township areas in the "County Sanitary Service Area."

As for stakeholder engagement with Berkshire Township, the County has communicated frequently and often with the Trustees, Township Zoning Inspector, Businesses and Developers in order to develop a regional sanitary sewer plan for the area so that the economic development goals of the Township could be realized. Meetings at the Township Hall with the Trustees, informal communications at Regional Planning with Township representatives, and meetings at the Commissioners' Office to discuss the proposed development at the existing interchange have been held over the last three years. These conversations have guided development of a plan for regional sewer service for the area and decisions on the content of the agreement.

Much of the Village Sanitary Service Area has already been developed as large-lot residential development utilizing on-site sewage treatment systems. Proper maintenance of these systems will not require the need for centralized sewer service from the Village. We currently have a similar agreement with the City of Delaware that has been in place since 2008 and the existing large-lot residential development that preceded that agreement has remained in the Township with the exception of a few properties that had failing on-site systems. We would anticipate even less property annexing under this agreement because of the added provision for payment of an outside rate.

In closing, the Intergovernmental Cooperation Agreement was needed to support the County's plan for providing cost-effective regional sanitary sewer service to the current and future residents and businesses of Berkshire Township. It would not have been fiscally responsible of the County to invest in regional sewer infrastructure of this magnitude without securing short-term development that will provide tap fee and monthly user-fee revenue.

Should you desire an additional meeting for clarification, we would be happy to set one up with you.

Sincerely,

Gary Merrell

Barb Lewis

Jeff Benton

**COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 2018**

The Delaware County Board of Commissioners

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

OTHER BUSINESS:

RESOLUTION NO. 18-850

IN THE MATTER OF CANCELING THE COMMISSIONERS’ SESSION FOR MONDAY AUGUST 6, 2018:

It was moved by Mr. Benton, seconded by Mrs. Lewis to cancel the Commissioners’ Session for Monday, August 6, 2018.

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

15

ADMINISTRATOR REPORTS

Mike Frommer, County Administrator

- The letter to the Berkshire Township Trustees is a response to a letter we received with about questions they had about sanitary service.
- Would like to congratulate Superintendent Hodge for growing with the county.

16

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Lewis

- Attended the Regional Planning meeting this past Thursday.
- Will be meeting with Taft Stettinius & Hollister today to calculate cost of opiate epidemic.

Commissioner Benton

- Attended the Taste of Powell last Thursday night held at the Columbus Zoo. Volunteered at the P.I.N. booth.
- September 1st will be the Little Brown Jog event at the Fairgrounds racetrack.
- Attended the Legislative update on Friday with Representatives Brenner and Carfagna.
- The Land Bank will hold its first meeting this Thursday in this Hearing Room at 2:30 PM.
- Pleased to announce that Delaware County has been named 11th Healthiest County in the Country.
- Today is his mother’s birthday. Happy Birthday Mrs. Benton

Commissioner Merrell

- Today is his grandson’s birthday.
- Steve Cuckler would like to discuss (along with representatives from Delaware NOW) the US 23 Master Plan. Have asked Sarah Dinovo to coordinate a date. Steve will be here on August 13, 2018 during regular session to have that discussion.

17

RESOLUTION NO. 18-851

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

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 compensation of a public employee of public official.

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

RESOLUTION NO. 18-852

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

COMMISSIONERS JOURNAL NO. 69 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 30, 2018

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners