

COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 4, 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. Continuation of The Public Hearing For Consideration Of The Scioto Ridge Crossing
LLC Drainage Improvement Petition Filed By Scioto Ridge Crossing LLC

1
RESOLUTION NO. 18-1063

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS
FROM REGULAR MEETING HELD OCTOBER 1, 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
October 1, 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
PROSECUTOR CAROL O'BRIEN
SHERIFF RUSSELL MARTIN
JUDGE EVERETT KRUEGER
JUDGE DAVID GORMLEY
DISCUSSION WITH BOARD OF COMMISSIONERS ON STATE ISSUE 1

5
RESOLUTION NO. 18-1064

IN THE MATTER OF ADOPTING A RESOLUTION OPPOSING STATE ISSUE 1:

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

WHEREAS, Ohio voters in this November's general election will have the opportunity to vote on State Issue
1, a ballot question that would amend Article XV of the Ohio Constitution, making possession of controlled
substances a misdemeanor, rather than a felony; prohibiting jail sentencing for up to two offenses within 24
months; and reducing current jail sentences of convicted drug offenders by up to 25 percent if the individual
also has not been incarcerated for murder, rape or child molestation; and

WHEREAS, the controlled substances in question include drugs such as fentanyl, heroin, methamphetamine,
cocaine and LSD, the documented abuses of which daily result in crime and death throughout the State of
Ohio; and

WHEREAS, while the proponents and opponents of State Issue 1 all believe there is a very real problem in our
society and in our criminal justice system that is the result of substance abuse, we believe this amendment will
result in drug laws so lenient that the problem will instead be worsened and it has earned solid opposition from
county law-enforcement officials throughout the state, including judges, prosecutors, sheriffs and clerks of
court; and

WHEREAS, we believe that approval of this amendment will undermine the effective work being done by
drug courts throughout the State of Ohio by de-incentivizing participation in drug-court-mandated treatment
programs; and

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WHEREAS, we believe the passage of State Issue 1 would likely increase the number of failed drug tests for employment at a time when many employers are struggling to attract qualified employees; and

WHEREAS, we further believe the proposed savings projected by the proponents of this amendment are illusory and based on a flawed financial model; and

WHEREAS, we believe that a policy-level issue such as this should not be cemented as law into the Ohio Constitution where it could not be changed easily or efficiently, thereby limiting the ability of state and local agencies to respond quickly to future developments and threats.

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Delaware County Board of Commissioners, hereby proclaim our firm opposition to State Issue 1 in the Nov. 6, 2018, General Election, and we encourage the residents of Delaware County, Ohio, to consider carefully the available information and vote against State Issue 1's adoption.

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

6

RESOLUTION NO. 18-1065

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1003:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1003 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Columbia Gas	Natural Gas for OECC	66211903-5338	\$8,000.00
Zashin & Rich	Legal Services EMS	10011303-5361	\$15,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R1804660	FEINKNOPF MACIOCE	OUTSOURCE PLANS	10011301 -	\$10,000.00
	SCHAPPA ARCHITECTS	EXAMINATION	5301	
R1805187	STINSON & ASSOCIATES	PROFESSIONAL SERVICES	10011202 -	\$6,125.00
	INC	FOR PUBLIC DEFENDER DEPT	5301	

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

7

RESOLUTION NO. 18-1066

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Code Compliance Department is requesting that Ric Irvine, Andrew Shorter, Ross Bigelow, Duane Matlack, Joseph Amato and Greg Miller attend a Central Ohio Code Officials Association Change of Occupancy class in Grove City, Ohio on October 10, 2018 at no cost.

The Emergency Medical Department is requesting that Lieutenant Ryan Strohl attend a Post Critical Incident Seminar in Dublin, Ohio from October 15-17, 2018 at no cost.

The Emergency Medical Department is requesting that Lieutenant Glen Keating attend an EMS Instructor class in Columbus, Ohio from November 26-December 7, 2018 at the cost of \$380.00 (fund number 10011303).

The Emergency Medical Department is requesting that Lieutenant Jessica Carnes attend a First Responder Autism Training in Columbus, Ohio on October 8, 2018 at no cost.

The Emergency Medical Department is requesting that Lieutenant Jessica Carnes attend an EMS Fall Update in Columbus, Ohio on November 3, 2018 at the cost of \$25.00 (fund number 10011303).

The Emergency Communications Department is requesting that Patrick Roberts attend an Ohio Alerts Conference in Columbus, Ohio on November 2, 2018 at the cost of \$22.80 (fund number 21411306).

The Regional Sewer District is requesting that Kelly Thiel attend a 2018 Watershed Workshop in Columbus, OH on October 30, 2018 at a total cost of \$110.00 from fund 66211902.

The Administrative Services Department is requesting that Dana Bushong attend NPELHRA (National Public

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Employer Labor Relations Association) Training III Course in Columbus, Ohio October 18, 2018 at the cost of \$299.00 (fund number 10011108).

The Administrative Services Department is requesting that Dawn Huston, Brad Euans, Linda Dodds, Dana Bushong, and Matt Brown attend OPELHRA (Ohio Public Employer Labor Relations Association) Workplace Crisis Training in Columbus, Ohio October 19, 2018 at the cost of \$875.00 (fund number 10011108).

The Regional Sewer District is requesting that Kelly Thiel and Julie McGill attend an OWEA Nutrients Workshop in Lewis Center, OH on November 13, 2018 at a total cost of \$290.00 from fund 66211902.

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

**8
RESOLUTION NO. 18-1067**

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

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

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

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

**9
RESOLUTION NO. 18-1068**

IN THE MATTER OF AUTHORIZING PUBLICATION OF A NOTICE OF INTENT TO REQUEST A RELEASE OF FEDERAL FUNDS (NOI/RROF) FOR PY2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED ACTIVITIES:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) approved activity funding, per Resolution 18-1055 (CDBG Grant B-F-18-1AT-1), for Village of Ashley Street Improvements (Grant Activity 1), Berlin Township Sidewalk Improvements (Grant Activity 2), and general administration and fair housing (Grant Activity 3); and

WHEREAS, prior to activity funding, an Environmental Review Record (ERR) must be completed that documents each activity’s positive and negative social, economic and environmental impacts; and

WHEREAS, the Poggemeyer Design Group on behalf of the Board of County Commissioners completed an ERR for each of the planned program activities, and each planned program activity was determined to be Categorically Excluded, per 24 CFR 58.35, or Exempt, per 24 CFR 58.34 (a) (12). (Categorical exclusions and exempt activities do not involve significant environmental impacts); and

WHEREAS, following the activity determination to be Categorically Excluded, an NOI/RROF must be published one time for a seven day public comment period in a local newspaper of general circulation and paid subscription; and

WHEREAS, following the local public comment period, the NOI/RROF must be submitted to the Ohio Development Services Agency (ODSA), which reviews for completeness, publishes for further public comment, and upon completion of all processing requirements, sends an Environmental Release to the chief executive officer authorizing activity funding to begin;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. The Board hereby approves the publication of the following NOI/RROF in the Delaware Gazette on October 8, 2018. Following a seven day public comment period, the Economic Development Coordinator is authorized to forward the published NOI/RROF to the Ohio Development Services Agency.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI/RROF)

October 8, 2018

Mr. Gary Merrell, President
Delaware County Board of Commissioners
101 North Sandusky Street
Delaware, Ohio 43015-1732

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(740) 833-2107

To All Interested Persons, Agencies, and Groups:

On or about, but not before, October 16, 2018, the Delaware County Board of Commissioners will submit a request to the State of Ohio for the release of Federal funds under Section 104 (g) of Title I of the Housing and Community Development Act of 1974, as amended; Section 288 of Title II of the Cranston Gonzales National Affordable Housing Act (NAHA), as amended; and/or Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended; to be used for the following project(s):

Delaware County PY2018 Community Development Block Grant (CDBG) Allocation Program
Delaware County will use its Allocation funds to assist two communities with Public Facilities projects. #01-01 – Village of Ashley Street Improvements. CDBG Cost: \$117,000. Funds will be used to resurface approximately 1,705 LF of roadway: 1,360 LF on South Grove Street, from High Street to the village limits; and approximately 345 LF on Williams Street, from Barton Street to East Taylor Street. Village Match: \$20,511. Total Activity Cost: \$137,511.
#02-01 – Berlin Township Sidewalk Improvements. CDBG Cost: \$49,400. Funds will be used to remove and upgrade/replace 53 ADA curbcuts at 12 intersections in the Piatt Meadows neighborhood in Berlin Township. Township Match: \$85,020. Total Activity Cost: \$134,420.
PY2018 CDBG Allocation Program also includes funding for General Administration and Fair Housing. Multi-Year Project. Delaware County. Estimated Total Cost of Project Activities: 313,531+.

The Delaware County Board of Commissioners has prepared an Environmental Review Record (ERR) for each of the projects listed above. The ERR(s) documents the environmental review of the project(s). The ERR(s) is (are) on file and available for the public's examination and copying, upon request, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays) at the above address.

The Delaware County Board of Commissioners plans to undertake the project(s) described above with the Federal funds cited above. Any interested person, agency, or group wishing to comment on the project(s) may submit written comments for consideration to the Delaware County Board of Commissioners at the above listed address prior to October 16, 2018.

The Delaware County Board of Commissioners certifies to the State of Ohio that Gary Merrell, in his capacity as President of the Board of County Commissioners, consents to accept the jurisdiction of Federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied.

The legal effect of the certification is that upon its approval, the Delaware County Board of Commissioners may use the Federal funds, and the State of Ohio will have satisfied its responsibilities under the National Environmental Policy Act of 1969, as amended.

The State of Ohio will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following grounds: (a) the certification was not, in fact, executed by the responsible entity's Certifying Officer; (b) the responsible entity has failed to make one of the two findings pursuant to Section 58.40 or to make the written determination required by section 58.35, 58.47, or 58.53 for the project, as applicable; (c) the responsible entity has omitted one or more of the steps set forth at subpart E of 24 CFR Part 58 for the preparation, publication, and completion of an Environmental Assessment; (d) the responsible entity has omitted one or more of the steps set forth at subparts F and G of 24 CFR Part 58 for the conduct, preparation, publication, and completion of an Environmental Impact Statement; (e) the recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of the environmental certification by the State; or (f) another federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Written objections must meet the conditions and procedures set forth in subpart H of 24 CFR Part 58, and be addressed to: State of Ohio Development Services Agency; Office of Community Development; Environmental Officer; P. O. Box 1001; Columbus, Ohio 43216-1001.

Objections to the Release of Funds on bases other than those stated above will not be considered by the State of Ohio. No objections received after November 5, 2018 (which is 15 days after it is anticipated that the State will receive a request for release of funds) will be considered by the State of Ohio.

The address of the certifying officer is:
Gary Merrell, President
Delaware County Board of Commissioners
101 North Sandusky Street
Delaware, Ohio 43015-1732

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

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RESOLUTION NO. 18-1069

IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS FOR 176 & 178 WEST OLENTANGY STREET:

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

WHEREAS, the construction of new sanitary sewers at 176 & 178 West Olentangy Street 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:

176 & 178 West Olentangy Street	3 ea. manholes	\$19,500.00
	243’ of 8” sewer	\$56,200.00

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. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

11

RESOLUTION NO. 18-1070

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR CLARKSHAW RESERVE TRUNK SEWER:

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider’s Agreement for Clarkshaw Reserve Trunk Sewer;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider’s Agreement for Clarkshaw Reserve Trunk Sewer:

SUBDIVIDER’S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on this 4th day of October 2018, by and between **Metro Development**, hereinafter called “Subdivider”, and the Delaware County Board of Commissioners (hereinafter called “County Commissioners” or “County”), and is governed by the following considerations and conditions, to wit:

The Subdivider is to construct, install or otherwise make all public improvements (the “Improvements”) shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications for **Sanitary Sewer Improvements for Clarkshaw Reserve Trunk Sewer**, dated **September 10, 2018**, and approved by the County on **October 1, 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 **0** 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. 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.

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SECTION III: FINANCIAL WARRANTY

For Off-Site Improvements, the Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (**\$569,985.00**) which is acceptable to the County Commissioners to insure faithful performance for said Off-Site Improvements.

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 **Clarkshaw Reserve Trunk Sewer**.

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 Improvements for Clarkshaw Reserve Trunk Sewer (\$19,949.00)**. The Subdivider shall also pay the Delaware County Sanitary Engineer eight and one-half percent (8½%) of the estimated construction cost of the Improvements for inspection during construction and cleaning and televising of the sewers and appurtenances of **Clarkshaw Reserve Trunk Sewer (\$48,449.00)**. 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 records of the time spent by his or her employees and agents in such inspections and in the event the hours worked for inspection at a rate of \$75.00 per hour and for the camera truck at \$150.00 per hour exceeds the eight and one-half percent (8½%), the County may require, and the Subdivider shall pay, additional funds based on the estimated effort for completion as determined by the Sanitary Engineer in his or her sole discretion.

In addition to the charges above, the Subdivider shall pay the cost of any third party inspection services for **Clarkshaw Reserve Trunk Sewer** as required by the County.

SECTION V: CONSTRUCTION

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

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

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

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

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

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

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County.

SECTION VI: EASEMENTS

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

SECTION VII: COMPLETION OF CONSTRUCTION

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

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

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

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

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

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. User fee charges will commence the day the sanitary tap is made, regardless of completeness of construction.

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 Aye Mr. Merrell Aye Mr. Benton Aye

12

RESOLUTION NO. 18-1071

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

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

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Transfer of Appropriation

From	To	
20110105-5301	20110105-5450	33,000.00
Real Estate Assessment/Contracted Professional Service	Real Estate Assessment/Capital Equipment	

Supplemental Appropriation

40311446-5728	Winding Creek/Bond Fees	(1,810.00)
40311457-5728	Scott Lateral/Bond Fees	(1,868.00)
40311449-5728	Haves/Bonds	(1,823.00)
50111117-5728	Bond Retirement/Bond Fees	5,500.00

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

13

RESOLUTION NO 18-1072

IN THE MATTER OF APPROVING A PLAN CHANGE FOR THE TERM AND VOLUNTARY LIFE INSURANCE POLICY OFFERED TO ELIGIBLE COUNTY EMPLOYEES:

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

WHEREAS, the Delaware County Board of Commissioners currently provides a term life and AD&D insurance policy and a voluntary life insurance policy for eligible employees through Lincoln Financial; and

WHEREAS, the Human Resources Department administers the term life, AD&D insurance, and voluntary insurance plans for Delaware County; and

WHEREAS, the Deputy County Administrator / Director of Administrative Services and the Insurance, Wellness and Risk Coordinator recommend that Delaware County change from the current Lincoln term life and voluntary plans to Met Life, which provides a term policy of a one-time benefit amount equal to the full time employee’s annual salary up to a maximum benefit amount of \$125,000; and

WHEREAS, Met Life offers a rate guarantee of \$0.145 per \$1,000 Life / AD&D per month through 2021 for a total annual cost of \$73,117; and

WHEREAS, Met Life will also offer eligible employees the ability to purchase additional portable and convertible voluntary life insurance for themselves, their spouse, and eligible dependent children;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves a change to the term life, AD&D, and voluntary life insurance plans to Met Life, effective January 1, 2019 and authorizes the Deputy County Administrator to execute the necessary documents to effect the change in plans.

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

14

RESOLUTION NO. 18-1073

10:00A.M. RECONVENING OF PUBLIC HEARING FOR CONSIDERATION OF THE SCIOTO RIDGE CROSSING LLC DRAINAGE IMPROVEMENT PETITION FILED BY SCIOTO RIDGE CROSSING LLC:

It was moved by Mrs. Lewis, seconded by Mr. Benton to reconvene the hearing at 10:36 A.M.

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

14 Continued

RESOLUTION NO. 18-1074

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. Benton Aye Mr. Merrell Aye

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14 Continued

RESOLUTION NO. 18-1075

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE SCIOTO RIDGE CROSSING LLC DRAINAGE IMPROVEMENT PETITION FILED BY SCIOTO RIDGE CROSSING LLC:

It was moved by Mr. Benton, seconded by Mrs. Lewis to close the hearing at 10:39 A.M..

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

14 Continued

RESOLUTION NO. 18-1076

IN THE MATTER OF THE COMMISSIONERS DISMISSING THE SCIOTO RIDGE CROSSING LLC DRAINAGE IMPROVEMENT PETITION FILED BY SCIOTO RIDGE CROSSING LLC DUE TO THE PROJECT IS NOT NECESSARY OR THE PROJECT:

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

Whereas, on July 6, 2017 a Drainage Improvement Petition to The Scioto Ridge Crossing LLC Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on Monday October 2, 2017, conducted a view of the proposed improvements; and

Whereas, the Board:

- on Thursday November 30, 2017, opened and continued a public hearing,
- on Thursday April 26, 2018 reconvened and continued a public hearing,
- and
- on Thursday October 4, 2018, reconvened 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 Scioto Ridge Crossing LLC Watershed 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 (one or more of the following) the proposed improvement is not necessary, the proposed improvement will not be conducive to the public welfare, or the estimated cost of the proposed improvement will exceed the benefits derived if it is constructed. Accordingly, the Board hereby dismisses the Petition.

Section 2. 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 3. This Resolution shall take immediate effect upon passage.

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

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RESOLUTION NO. 18-1077

IN THE MATTER OF APPROVING THAT THE COSTS INCURRED BY THE COUNTY ENGINEER IN MAKING PRELIMINARY REPORTS FOR THE SCIOTO RIDGE CROSSING LLC DRAINAGE IMPROVEMENT PETITION BE PAID FROM THE BOND OF THE PETITIONERS:

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

Whereas, pursuant to section 6131.09 of the Revised Code, the costs incurred by the engineer in making preliminary reports may be paid from the bond of the petitioners if the petition is dismissed at the first hearing, and any amount in excess of the bond shall be paid from county funds; and

Whereas, the Scioto Ridge Crossing LLC Drainage Improvement Petition Filed by Scioto Ridge Crossing LLC was dismissed by the Board of Commissioners at the first hearing.

THEREFORE BE IT RESOLVED, that any and all costs incurred by the engineer in making preliminary reports for the Scioto Ridge Crossing LLC Drainage Improvement Petition Filed By Scioto Ridge Crossing

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LLC shall be paid from the bond of the petitioners. Any amount in excess of said bond shall be paid from county funds.

FURTHER BE IT RESOLVED, that the Commissioners approve establishing a new organization key for the cost incurred during the Scioto Ridge Crossing LLC Drainage Improvement Petition process 40311466.

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

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ADMINISTRATOR REPORTS

Mike Frommer, County Administrator

-Attended the Liberty Township Trustee meeting this week. Spoke to the Trustees about the EMS Master Plan.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

-The Ohio Wesleyan Entrepreneurial Center ribbon cutting is today. Commissioner Benton will be speaking.

-Would like to thank Commissioner Merrell for attending session today despite his injured knee.

Commissioner Benton

-Attended the Grand Re-Opening of the Houk Road Kroger yesterday morning. Would like to commend Kroger for their commitment to Delaware County, investing in the renovation of three Krogers in the county.

Commissioner Merrell

-MORPC will have an executive committee meeting this afternoon.

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners