

**COMMISSIONERS JOURNAL NO. 70 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 5, 2018**

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**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**

- 9:45 A.M. Public Hearing For Consideration Of A Petition Requesting The Vacation Of An Unimproved And Abandoned T-Shaped Public Right-Of-Way In And Around Cherry Alley In The Plat Of Bellepoint Located In The Unincorporated Township Of Concord, Delaware County, Ohio Under The Special Procedures Of R.C. 5553.045**
- 9:50 A.M. Public Hearing For Consideration Of A Petition Requesting The Vacation Of An Unimproved And Abandoned L-Shaped Public Right-Of-Way In And Around Cedar Alley In The Plat Of Bellepoint Located In The Unincorporated Township Of Concord, Delaware County, Ohio Under The Special Procedures Of R.C. 5553.045**
- 1:30 P.M. Special Joint County Session**
- 1:30 P.M. Joint Board Meeting With Licking County For Viewing For Consideration Of A Joint County Drainage Petition Filed By The Harlem Township Board Of Trustees For The Gorsuch Joint County #588 (Starting in the vicinity of 15525 Montgomery Rd, Johnstown, Ohio 43031)**

**1  
RESOLUTION NO. 18-1220**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 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 November 1, 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. 18-1221**

**IN THE MATTER OF PROCLAIMING NOVEMBER AS NATIONAL ADOPTION MONTH 2018 IN DELAWARE COUNTY:**

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

Whereas, each November, National Adoption Month is celebrated through combined efforts of the Children's Bureau, AdoptUSKids and the Child Welfare Information Gateway; and

Whereas, in 1984, President Ronald Reagan proclaimed the first National Adoption Week, designed to create a national awareness about adoption and waiting children and youth; and

Whereas, this year's National Adoption Month theme is "In Their Own Words: Lifting Up Youth Voices." It is well known that teenagers are less likely to be adopted, often because of their age, and are much more likely to age out of foster care without strong or stable family support. Securing lifelong connections for teens in foster care, both legally and emotionally, is a critical component in determining their future achievement, health, and well-being; and

Whereas, The Delaware County Department of Job & Family Services currently has 21 licensed foster to adopt families, with home studies being completed on two other families at present. We continue to recruit and

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license individuals in our community who choose to serve waiting children and youth. These families gladly accept our phone calls during the wee hours of the morning, ready to take on the challenges of a child coming into their home, while doing so with open hearts and arms; and

Whereas, in 2018, we have successfully facilitated the finalization of 5 adoptions, with one or two more finalizations possible by year’s end. The oldest child was 6 and the youngest was 2. We have two youth placed in Florida and await their adoption finalization in early 2019; they waited for their forever family for 5 years. We have 7 children/youth in permanent custody. Two will be adopted by their foster parents, while the other 5 youth are teens with a variety of behavioral health diagnoses, making them more difficult to place permanently.

Now, Therefore, Be It Resolved the Board of Commissioners of Delaware County, Ohio wish to recognize and honor our children and our families by proclaiming November as National Adoption Month 2018 in Delaware County.

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

**5  
RESOLUTION NO. 18-1222**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1102:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1102 and Purchase Orders as listed below:

| <u>Vendor</u>       | <u>Description</u>    | <u>Account</u> | <u>Amount</u> |
|---------------------|-----------------------|----------------|---------------|
| <b>PO’ Increase</b> |                       |                |               |
| Xylem (Line 1)      | Pump Repair Water Rec | 66211903-5201  | \$ 3,933.69   |
| Xylem (Line 6)      | Pump Repair Water Rec | 66211912-5201  | \$ 1,917.00   |
| Delaware City       | City Municipal Court  | 10029203-5360  | \$ 9,800.00   |

| <u>PR Number</u> | <u>Vendor Name</u>                        | <u>Line Description</u>                    | <u>Line Account</u> | <u>Amount</u> |
|------------------|---|--|---------------------|---------------|
| R1805602         | GLAUS PYLE SCHOMER<br>BURNS & DEHAVEN INC | PEACHBLOW PS - EASEMENT<br>PLATS AND LEGAL | 66711916 -<br>5410  | \$7,500.00    |

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

**6  
RESOLUTION NO. 18-1223**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Emergency Medical Services department is requesting that Captain Robert Fish, Captain Tim Davis, Captain Jen Cochran, Captain Jude James, Captain Joe Farmer and Captain Sam Moore attend a National Association of Counties- High Performance Leadership Academy online training from January 2019-April 2019 at the cost of \$7970.00 (fund number 10011303).

The Economic Development department is requesting that Bob Lamb, Rob Platte and Jenna Jackson Goehring attend an ED411 Event at the Ohio Union on September 7, 2018 at the cost of \$103.00 (fund number 21011113).

The Emergency Medical Services Department is requesting that Lt. Glen Keating attend an EMS Instructor class in Columbus, Ohio from November 26-December 7, 2018 at the cost of \$143.95 (fund number 10011303).

The 911 Communications Department is requesting that Karla Jacobs and a Tele-communicator attend a Post Critical Incident Seminar in Raleigh North Carolina November 11-15, 2018; at the cost of \$1,575.00 (fund number 21411306).

The Commissioners’ Office is requesting that Brad Lutz attend the County Commissioners 2018 Winter Conference in Columbus, Ohio December 9-11, 2018, at the cost of \$350.00 (fund number 10011101).

The Child Support Enforcement Agency is requesting that Sue Sours attend a 2018 Fall Shared Points on Line Conference November 9, 2018 at no cost.

The Public Defender Department is requesting that Elissa Sessley and Jennifer Downey attend an Ohio State Public Defender Assignment Training in Columbus, Ohio November 8, 2018 at no cost.

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

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RESOLUTION NO. 18-1224

**IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM D2 NAILS SPA, LLC AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:**

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

Whereas, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a new liquor license request from D2 Nails Spa, LLC located at 8593 Owenfield Drive, Powell, Ohio 43065; and

Whereas, the Delaware County Board of Commissioners has found no reason to file an objection;

Now, Therefore, Be it Resolved, that the Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

8

RESOLUTION NO. 18-1225

**IN THE MATTER OF A LIQUOR LICENSE STOCK REQUEST FROM RUBY TUESDAY, INC. AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:**

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

Whereas, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a liquor license stock request from Ruby Tuesday, Inc, located at 8753 Owenfield Drive, Powell, Ohio 43065; and

Whereas, the Delaware County Board of Commissioners has found no reason to file an objection;

Now, Therefore, Be it Resolved, that the Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

9

RESOLUTION NO. 18-1226

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

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

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

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

10

RESOLUTION NO. 18-1227

**IN THE MATTER OF APPROVING THE DELAWARE COUNTY RECORDER’S PROPOSAL FOR THE ACQUISITION OR MAINTENANCE OF MICROGRAPHIC OR OTHER EQUIPMENT:**

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

WHEREAS, the Delaware County Recorder (“Recorder”), pursuant to R.C. § 317.321, submitted to the Delaware County Board of Commissioners (“Board”) a proposal for the acquisition or maintenance of micrographic or other equipment (“Proposal”); and

WHEREAS, the Proposal requests that beginning January 1, 2019, and ending December 31, 2023, an amount equal to \$4.00 of the fee collected for filing or recording a document for which a fee is charged as required by R.C. §§ 317.32(A), 1309.525 and 5310.15 be placed in the county treasury and designated as “General Fund Moneys to Supplement the Equipment Needs of the County Recorder.”; and

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WHEREAS, pursuant to R.C. § 317.321, not sooner than the fifteenth nor later than the thirtieth day after the Board’s receipt of the Proposal, the Board met with the Recorder to review the Proposal; and

WHEREAS, such meeting was held on October 29, 2018, in accordance with R.C. § 121.22, Ohio’s Open Meetings Law; and

WHEREAS, pursuant to R.C. § 317.321 the Board shall, no later than December 15<sup>th</sup> of the year in which the Proposal is submitted, approve, reject, or modify the proposal and notify the Recorder of its action on the Proposal; and

WHEREAS, if the Board approves the Proposal, it shall request the establishment of a special fund under R.C. § 5705.12 for any fees designated as “General Fund Moneys to Supplement the Equipment Needs of the County Recorder;” and

WHEREAS, as a result of the approval by the Board of similar proposals in the past, such fund already exists;

NOW, THEREFORE, BE IT RESOLVED that pursuant to R.C. § 317.321, the Proposal submitted by the Recorder for the acquisition or maintenance of micrographic or other equipment is approved as submitted. Said Proposal, in pertinent part, is as follows:

**DELAWARE COUNTY RECORDER’S PROPOSAL FOR THE ACQUISITION OR  
MAINTENANCE OF MICROGRAPHIC OR OTHER EQUIPMENT**

On this 5th day of October 2018, and pursuant to R.C. § 317.321, Delaware County Recorder Melissa submits on behalf of the Delaware County Recorder’s Office the following “Proposal”:

1. The Recorder requests that beginning January 1, 2019, and ending December 31, 2023, an amount equal to \$4.00 of the fee collected for filing or recording a document for which a fee is charged as required by R.C. §§ 317.32(A), 1309.525 and 5310.15 be placed in the county treasury and designated as “General Fund Moneys to Supplement the Equipment Needs of the County Recorder.”
2. The Recorder requests that the moneys so designated bear such designation for the period of 5 years.
3. Based upon a 12-month average from August 2017 – July 2018, the Recorder estimates the office will generate an average of \$77,842.00 per month in total fees from filing and recording documents as scheduled under R.C. §§ 317.32(A), 1309.525 and 5310.15. These estimates do not include amounts collected for and sent to the state for the Ohio Housing Trust Fund.
4. Based upon a 12-month average from August 2017 – July 2018, the Recorder estimates the office will generate an average of \$10,543.00 per month in fees designated as “general fund moneys to supplement the equipment needs of the county recorder” from filing and recording documents as scheduled under R.C. §§ 317.32(A), 1309.525 and 5310.15.
5. These moneys will be used for:
  - a. Computer equipment, parts & materials
  - b. Indexing services contract
  - c. Contract services for document back scanning
  - d. Printers and copiers, printer & copier maintenance services and parts, copier contracts & materials

A special fund under R.C. § 5705.12 for any fees designated as “General Fund Moneys to Supplement the Equipment Needs of the County Recorder” has previously been established and such fund can continue to exist and be used in connection with the funds generated pursuant to the Proposal. Approval and enactment of the Proposal will reestablish all previously agreed upon purposes of this fund, and maintenance and use of any monies existing in the fund upon enactment of the Proposal shall be according to those previously established purposes and agreements.

Pursuant to R.C. § 317.321, not sooner than the fifteenth nor later than the thirtieth day after the Board’s receipt of the Proposal, the Board is required to meet with the Recorder to review the Proposal. Such meeting shall be in open public session in accordance with R.C. § 121.22, Ohio’s Open Meeting’s Law. Please inform me as to the date of the meeting. I will be happy to answer any questions concerning the Proposal at the scheduled meeting.

Respectfully submitted, Melissa Jordan Delaware County Recorder, Delaware County Recorder’s Office, 40 North Sandusky Street, 1st Floor Delaware, Ohio 43015 (740) 833-2460.

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

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**IN THE MATTER OF APPROVING THE SECOND AMENDMENT TO THE LEASE AGREEMENT BY AND BETWEEN THE DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES AND THE BOARD OF COUNTY COMMISSIONERS, ON BEHALF OF THE DELAWARE COUNTY SHERIFF’S OFFICE, FOR CERTAIN REAL PROPERTY LOCATED AT 149 EAST ORANGE ROAD, LEWIS CENTER, OHIO 43035:**

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

Whereas, the Sheriff recommends approval of the second amendment to the Lease Agreement by and between the Delaware County Board of Developmental Disabilities and the Board of County Commissioners, on behalf of the Delaware County Sheriff’s Office, for certain real property located at 149 East Orange Road, Lewis Center, Ohio 43035;

Now, Therefore, Be It Resolved that the Delaware County Board of Commissioners approves the second amendment to the lease agreement by and between the Delaware County Board of Developmental Disabilities and the Board of County Commissioners, on behalf of the Delaware County Sheriff’s Office, for certain real property located at 149 East Orange Road, Lewis Center, Ohio 43035:

**SECOND AMENDMENT TO THE LEASE BETWEEN THE BOARD OF COUNTY COMMISSIONERS, DELAWARE COUNTY, ON BEHALF OF THE DELAWARE COUNTY SHERIFF'S OFFICE, AND DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES, DELAWARE COUNTY, OHIO**

WHEREAS, the Parties entered into the LEASE AGREEMENT ("Lease"), approved by Resolution #15-487, on August 23, 2015, a copy of which is attached hereto and is incorporated by reference; and,

WHEREAS, the Parties amended the Lease on April 23, 2018 for the purposes of extending the Lease three years ("First Amendment"), a copy of which is attached hereto and is incorporated by reference; and,

WHEREAS, in addition to the Leased Premises/Rooms set forth in the Lease, the Parties desire to add additional rooms at the Delaware County Board of Developmental Disabilities building to the Lease.

NOW THEREFORE, for good and valuable consideration, the Parties hereby mutually agree to the following amendments and additions to the Lease.

**ADDITIONAL LEASED PREMISES**

In consideration of the terms, provisions and covenants of this Lease, Lessor hereby leases, lets, and demises to Lessee certain real property located at 149 East Orange Road, Lewis Center, Ohio 43035, more specifically being Rooms L17 A and L17 B in the South Wing, Lower Floor of the Delaware County Board of Developmental Disabilities facility, Delaware County Auditor Property Identification Number 318-234-04-003-500.

**ADDITIONAL TERM**

Subject to and upon the conditions set forth herein, the term of the Lease for/he rooms L17 A and L17 B shall commence as of October 1, 2018 the and shall terminate on September 30, 2019 renewable for subsequent terms of one (1) year through separate written agreement(s) mutually agreed to by Lessor and Lessee and with sixty (60) days' advance notice of renewal.

**ADDITIONAL RENT**

On or before December 15, 2018, Lessee shall pay to Lessor as rent for rooms L17 A and L17 B the annual sum of Ten Thousand, Two Hundred Six Dollars, and Zero Cents (\$10,206.00), constituting a rate of Seven Dollars and Zero Cents (\$7.00) per square foot for all 1,258 square feet of rooms L17 A and L17 B.

The contract maximum for the rent of rooms L17 A, L17 B, 039, and 041 shall be Twenty One Thousand and Six Dollars and Sixty-Eight Cents (\$21,006.68) annually.

**CONFLICTS**

In the event of a conflict between the terms of the Lease, First Amendment, and this Second Amendment, the terms of this Second Amendment shall prevail. However, it is expressly understood that this Second Amendment is in addition to the Lease and First Amendment and shall not change any terms and conditions therein.

**TERMS OF LEASE UNCHANGED**

All terms and conditions of the Lease and First Amendment not changed by this Second Amendment remain the same, unchanged, and in full force and effect.

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



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**IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION FOR THE BOARD OF DEVELOPMENTAL DISABILITIES:**

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

|                                   |            |     |                                   |     |            |            |
|-----------------------------------|------------|-----|-----------------------------------|-----|------------|------------|
| <b>Supplemental Appropriation</b> |            |     |                                   |     |            |            |
| 29519000-5601                     |            |     | DODD Administration/Grants in Aid |     |            | 274,500.00 |
| Vote on Motion                    | Mr. Benton | Aye | Mr. Merrell                       | Aye | Mrs. Lewis | Aye        |

**13  
RESOLUTION NO. 18-1230**

**IN THE MATTER OF APPROVING A TRANSFER OF FUNDS FOR THE ECONOMIC DEVELOPMENT DEPARTMENT:**

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

|   |             |     |  |     |            |           |
|---|-------------|-----|--|-----|------------|-----------|
| <b>Transfer of Funds</b>                |             |     |  |     |            |           |
| <b>From</b>                             |             |     | <b>To</b>                              |     |            |           |
| 10011102-5801                           |             |     | 21011113-4601                          |     |            | 70,000.00 |
| Commissioner General/Misc Cash Transfer |             |     | Economic Development/Interfund Revenue |     |            |           |
| Vote on Motion                          | Mr. Merrell | Aye | Mr. Benton                             | Aye | Mrs. Lewis | Aye       |

**14  
RESOLUTION NO. 18-1231**

**IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS FOR COURTYARDS AT MUIRFIELD VILLAGE:**

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

Whereas, the construction of new sanitary sewers at the Courtyards at Muirfield Village has 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:

|  |                         |              |
|--|-------------------------|--------------|
| <b>Courtyards At Muirfield Village</b> | 2730’ of 8”- inch sewer | \$160,120.00 |
|  | 13 each- manhole        | \$ 26,000.00 |

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

Section 1. The Board hereby approves and accepts the above sanitary sewer improvements for ownership, operation, and maintenance by the Delaware County Sewer District.

Section 2. The Board hereby releases any Bond, certified check, irrevocable letter of credit, or other approved financial warranties executed to insure faithful performance for construction of the above sanitary sewer improvements, if applicable.

Section 3. The Board hereby accepts any Bond, certified check, irrevocable letter of credit, or other approved financial warranties executed per the requirements of the subdivider’s agreement for the five-year maintenance period for the above sanitary sewer improvements.

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

**15  
RESOLUTION NO. 18-1232**

**9:45 A.M. PUBLIC HEARING FOR CONSIDERATION OF A PETITION REQUESTING THE VACATION OF AN UNIMPROVED AND ABANDONED T-SHAPED PUBLIC RIGHT-OF-WAY IN AND AROUND CHERRY ALLEY IN THE PLAT OF BELLEPOINT LOCATED IN THE UNINCORPORATED TOWNSHIP OF CONCORD, DELAWARE COUNTY, OHIO UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to open the hearing at 9:53 A.M..

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

**15 continued**

**RESOLUTION NO. 18-1233**

**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 Mrs. Lewis, seconded by Mr. Benton 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

**15 continued**

**RESOLUTION NO. 18-1234**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF A PETITION REQUESTING THE VACATION OF AN UNIMPROVED AND ABANDONED T-SHAPED PUBLIC RIGHT-OF-WAY IN AND AROUND CHERRY ALLEY IN THE PLAT OF BELLEPOINT LOCATED IN THE UNINCORPORATED TOWNSHIP OF CONCORD, DELAWARE COUNTY, OHIO UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:**

It was moved by Mrs. Lewis, seconded by Mr. Benton to close the hearing at 10:02 A.M..

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

**15 continued**

**RESOLUTION NO. 18-1235**

**IN THE MATTER OF DENYING THE PETITION FROM THE CONCORD TOWNSHIP BOARD OF TRUSTEES FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO ADOPT A RESOLUTION ORDERING PORTIONS OF AN UNNAMED ALLEY AND CHERRY ALLEY IN THE UNINCORPORATED VILLAGE OF BELLEPOINT, CONCORD TOWNSHIP, DELAWARE COUNTY, OHIO, VACATED UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:**

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

WHEREAS, on September 26, 2018, the Delaware County Commissioners received a petition filed by the Concord Township Trustees, for the Delaware County Board of Commissioners to adopt a resolution ordering the vacation of an unimproved and abandoned T-shaped public right-of-way in and around Cherry Alley in the plat of Bellepoint located in the unincorporated Township of Concord, Delaware County, Ohio (the "Petition"); and

WHEREAS, the Delaware County Engineer provided a written report, with recommendations, regarding the Petition, specifically recommending the Petition be denied because the portions of Cherry Alley and the specified unnamed alley have previously been vacated; and

WHEREAS, the Board held a Public Hearing on the Petition on Monday, November 5, 2018, at the Office of the Board of County Commissioners, 101 North Sandusky Street Delaware, Ohio, all abutting landowners having been properly notified of the time and date thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, STATE OF OHIO:

Section 1. The Board hereby determines that the vacation requested is moot, having already been approved via resolution of this Board (Commissioners' Journal No. 24, pp.342-343). Based on the foregoing, the Board hereby denies the Petition. The Board hereby accepts the Engineer's report, which is, by this reference, fully incorporated into this Resolution.

Section 2. The Board hereby directs the Clerk of the Board to file a certified copy of this Resolution, including the Engineer's report, with the Board of Trustees of Concord Township.

Section 3. The 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.

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

**16**  
**RESOLUTION NO. 18-1236**

**9:50 A.M. PUBLIC HEARING FOR CONSIDERATION OF A PETITION REQUESTING THE VACATION OF AN UNIMPROVED AND ABANDONED L-SHAPED PUBLIC RIGHT-OF-WAY IN AND AROUND CEDAR ALLEY IN THE PLAT OF BELLEPOINT LOCATED IN THE UNINCORPORATED TOWNSHIP OF CONCORD, DELAWARE COUNTY, OHIO UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:**

It was moved by Mrs. Lewis, seconded by Mr. Benton to open the hearing at 10:05 A.M..

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

**16 continued**  
**RESOLUTION NO. 18-1237**

**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            Mr. Benton            Aye            Mr. Merrell            Aye            Mrs. Lewis            Aye

**16 continued**  
**RESOLUTION NO. 18-1238**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE A PETITION REQUESTING THE VACATION OF AN UNIMPROVED AND ABANDONED L-SHAPED PUBLIC RIGHT-OF-WAY IN AND AROUND CEDAR ALLEY IN THE PLAT OF BELLEPOINT LOCATED IN THE UNINCORPORATED TOWNSHIP OF CONCORD, DELAWARE COUNTY, OHIO UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:**

It was moved by Mrs. Lewis, seconded by Mr. Benton to close the hearing at 10:06 A.M..

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

**16 continued**  
**RESOLUTION NO. 18-1239**

**IN THE MATTER OF DENYING THE PETITION FROM THE CONCORD TOWNSHIP BOARD OF TRUSTEES FOR THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO ADOPT A RESOLUTION ORDERING PORTIONS OF SECOND STREET AND CEDAR ALLEY IN THE UNINCORPORATED VILLAGE OF BELLEPOINT, CONCORD TOWNSHIP, DELAWARE COUNTY, OHIO, VACATED UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:**

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

WHEREAS, on September 26, 2018, the Delaware County Commissioners received a petition filed by the Concord Township Trustees, for the Delaware County Board of Commissioners to adopt a resolution ordering the vacation of an unimproved and abandoned L-shaped public right-of-way in and around Cedar Alley in the plat of Bellepoint located in the unincorporated Township of Concord, Delaware County, Ohio (the "Petition"); and

WHEREAS, the Delaware County Engineer provided a written report, with recommendations, regarding the Petition, specifically recommending the Petition be denied because the portions of Cedar Alley have previously been vacated and the portion of Second Street provides a means of access for adjacent owners; and

WHEREAS, the Board held a Public Hearing on the Petition on Monday, November 5, 2018, at the Office of the Board of County Commissioners, 101 North Sandusky Street Delaware, Ohio, all abutting landowners having been properly notified of the time and date thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, STATE OF OHIO:

Section 1. The Board hereby determines that the vacation requested for Cedar Alley is moot, having already been approved via resolution of this Board (Commissioners' Journal No. 28, p.368) and that the vacation requested for



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Second Street would not be for the public convenience or welfare. Based on the foregoing, the Board hereby denies the Petition. The Board hereby accepts the Engineer’s report, which is, by this reference, fully incorporated into this Resolution.

Section 2. The Board hereby directs the Clerk of the Board to file a certified copy of this Resolution, including the Engineer’s report, with the Board of Trustees of Concord Township.

Section 3. The 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.

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

**17**

**ADMINISTRATOR REPORTS**

Mike Frommer, County Administrator

-No reports

**18**

**COMMISSIONERS’ COMMITTEES REPORTS**

Commissioner Lewis

-Get out and vote.

Commissioner Benton

-Attended the CEBCO Board Meeting on Friday as a guest. Will be joining that board next year.

-Evans Farm will officially host the 2019 Parade of Homes.

-Election Day is nearing. Get out and vote.

Commissioner Merrell

-Get out and vote.

**19**

**RESOLUTION NO. 18-1240**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT; DISCIPLINE 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 of a public employee or public official; for collective bargaining.

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

**RESOLUTION NO. 18-1241**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

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

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

There being no further business, the meeting adjourned.

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Gary Merrell

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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners