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

Present: Barb Lewis, President Jeff Benton, Vice President Gary Merrell, Commissioner



RESOLUTION NO. 19-170

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 25, 2019:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on February 25, 2019; 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



PUBLIC COMMENT

Kevin Lewis, Ohio LECET Laborers Union: Invitation to visit the Drexel J. Thrash Training Center east of Mount Vernon, Ohio.



RESOLUTION NO. 19-171

IN THE MATTER OF RECOGNIZING 100 YEARS OF 4-H IN DELAWARE COUNTY:

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

WHEREAS, the first Delaware County Extension office was opened on March 27, 1918, and 4-H Club work began in 1919 with 22 boys from locations widely scattered throughout the county; and

WHEREAS, the boys from the northern half of the county showed purebred pigs at the Ashley Fair and boys from the southern half of the county showed their pigs at the Delaware Fair, which was still being held in Powell at that time, and both groups together raised \$5,435 for the sale of their pigs, a resounding success at that time; and

WHEREAS, 4-H home economics program was established in 1921, bringing the total number of all youth involved to 109; and

WHEREAS, by 1957, more than 1,100 boys and girls in Delaware County were enrolled in 4-H and engaged in 1,676 projects; and

WHEREAS, today in Delaware County, there are 48 community-based 4-H clubs with 1,051 youth members and 313 adult volunteers and, through the Delaware County Extension office, 4-H continues to fulfill the Land Grant mission with outreach to youth audience, addressing county needs and bringing The Ohio State University resources to Delaware County.

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners hereby congratulates and honors the Delaware County 4-H program on 100 years of service to the residents of this county.

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



RESOLUTION NO. 19-172

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0227 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0227:

It was moved by Mr. Benton, seconded by Mr. Merrell to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR0227 and Purchase Orders as listed below:

<u>Vendor</u> <u>I</u>		Description	Account	Amount
PO' Increase				
PR Number	Vendor Name	Line Description	Account	Amount
R1902102	ALPHA GROUP OF DELAWARE INC	JANITORIAL SERVICES	10011105 - 5325	\$ 18,500.00
R1902279	MT BUSINESS TECHNOLOGIES INC	CONTRACT PRINTER SERVICE	22411605 - 5325	\$ 5,342.00
R1902307	VIKEN DETECTION	HAND HELD X-RAY MACHINE - DTF	41711436 - 5450	\$ 47,400.00
R1902334	CONCORD SCIOTO COMMUNITY AUTHORITY	STEITZ ROAD PROJECT - 4TH AMENDMENT TO THE IGA		\$ 2,100,000.00
Vote on Motion	n Mr. Merrell	Aye Mr. Benton	Aye Mrs. Le	wis Aye



RESOLUTION NO. 19-173

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Safety and Security Department is requesting that Brian Galligher attend a NFPA 70E ARC Flash Course in Louisville, Kentucky on April 15, 2019 at the cost of \$745.90 (fund number 10011302).

The Safety and Security Department is requesting that Brian Galligher attend a Safety Fundamentals Associate Safety Professional Review at the Ohio BWC Learning Center from May 29-31, 2019 at the cost of \$86.40 (fund number 10011302).

The Records Center is requesting that Christine Shaw and Karen Colbree attend a County Archivists & Records Managers Association Spring Meeting in Columbus, Ohio on April 12, 2019 at the cost of \$20.00.

The Emergency Medical Services department is requesting that Eric Burgess attend an EMS on the Hill event in Washington, D.C. from April 9-10, 2019 at the cost of \$758.00 (fund number 10011303).

The Adult Court Services Department is requesting that Laurie Winbigler attend The Matrix Model in Columbus, Ohio on March 26, 2019 at the cost of \$30.00 (fund number 25622303).

The Economic Development Department is requesting that Robert Lamb attend an Ohio City/County Management Association Winter Conference in Columbus, Ohio from March 7-8, 2019 at the cost of \$290.00 (fund number 21011113).

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



RESOLUTION NO. 19-174

IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM ANTONIOS PIZZERIA DUO, LLC (DBA ANTONIOS PIZZERIA) 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 Mr. Merrell 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 Antonios Pizzeria Duo, LLC (DBA Antonios Pizzeria), located at 7001 Sunbury Road, Suites C & D & Patio, Westerville, Ohio 43082; 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

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RESOLUTION NO. 19-175

IN THE MATTER OF A LIQUOR LICENSE TRANSFER REQUEST FROM SETGO LLC (DBA BUCKEYE SMOOTHIE CAFÉ) TO MARGELLO DEVELOPMENT 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 Mr. Merrell to approve the following resolution:

Whereas, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a license transfer request from Setgo LLC (DBA Buckeye Smoothie Café) To Margello Development LLC, located at 4060 Presidential Parkway, 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. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye



RESOLUTION NO. 19-176

IN THE MATTER OF APPROVING A PERMIT FOR USE OF DELAWARE COUNTY FACILITIES:

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

WHEREAS, the Delaware County Commissioners passed Resolution No. 02-758 on June 10, 2002, adopting a Delaware County Facilities Permit Policy; and

WHEREAS, it is the intent of the policy to allow persons and organizations access to appropriate Delaware County facilities, grounds and meeting places; and

WHEREAS, each request will only be considered after the receipt of a completed Delaware County Facilities Permit Form; and

WHEREAS, the June 10, 2002 policy mandates approval from the Commissioners for use of county facilities by groups of 30 participants or more that have agreed in writing to full compliance with the Permit Policy;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED that the Delaware County Board of Commissioners hereby authorizes the use of the Meeting Room located at 101 N. Sandusky Street, Delaware, Ohio, during regular business hours, for a Delaware County Farm Bureau Public Policy Meeting with more than thirty participants at no fee.

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



RESOLUTION NO. 19-177

IN THE MATTER OF RE-APPOINTING MEMBERS TO THE CONCORD/SCIOTO COMMUNITY AUTHORITY BOARD OF TRUSTEES:

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

WHEREAS, on March 22, 2007, the Delaware County Board of Commissioners (the "Board of Commissioners") adopted Resolution No. 07-331, establishing the Concord/Scioto Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the Community Authority Board of Trustees, pursuant to Resolution No. 07-331 and section 349.04 of the Revised Code; and

WHEREAS, the terms for a citizen member and the local government representative shall expire on March 21, 2019

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

Section 1. The Board of Commissioners hereby approves the re-appointments of the following members to the Concord/Scioto Community Authority Board of Trustees:

Position	Appointee	Term Ends
Citizen Member	Robert Grant	March 21, 2021
Local Government Representative	Mike Frommer	March 21, 2021

Section 2. The re-appointments shall be effective March 22, 2019.

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

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RESOLUTION NO. 19-178

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER'S AGREEMENT FOR SHELLY'S RETREAT AT CARPENTER'S MILL SECTION 1 PHASE B:

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider's Agreement for Shelly's Retreat at Carpenter's Mill Section 1 Phase B;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider's Agreement for Shelly's Retreat at Carpenter's Mill Section 1 Phase B:

SUBDIVIDER'S AGREEMENT DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on this 28th day of February 2019, by and between **Pulte Homes Inc.**, hereinafter called "Subdivider", and the Delaware County Board of Commissioners (hereinafter called "County Commissioners" or "County") as evidenced by the **Shelly's Retreat at Carpenter's Mill Section 1 Phase B** Subdivision Plats filed or to be filed with the Delaware County Recorder, Delaware County, Ohio, 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 Improvement Plan for Shelly's Retreat at Carpenter's Mill Section 1, Phase A & B, dated February 27, 2018, and approved by the County on April 2, 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 45 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.

SECTION III: FINANCIAL WARRANTY

OPTIONS:

- (1) Should the Subdivider elect to record the plat prior to beginning construction, the Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (\$133,683.00) which is acceptable to the County Commissioners to insure faithful performance of this Agreement and the completion of all Improvements in accordance with the Subdivision Regulations of Delaware County, Ohio.
- (2) Should the Subdivider elect to proceed with construction prior to recording the plat, no approved financial warranties are necessary until such time as Subdivider elects to record the plat. At that time, the Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction remaining to be completed as determined by the Delaware County Sanitary Engineer.

The Subdivider hereby elects to use Option	1 for this project.
Initials	Date

The Subdivider shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the Delaware County Sanitary Engineer a five (5) year maintenance bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The Subdivider further agrees that any violations of or noncompliance with any of the provisions and stipulations of this Agreement shall constitute a breach of contract, and the County shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the Improvements for Shelly's Retreat at Carpenter's Mill Section 1 Phase B.

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 (\$4,678.00). The Subdivider shall also pay the Delaware County Sanitary Engineer eight percent (8½%) of the estimated construction cost of the Improvements for inspection during construction and cleaning and televising of the sewers and appurtenances of **Sanitary Sewer Improvement Plan for Shelly's Retreat at Carpenter's Mill Section 1 Phase B** (\$11,363.00). 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 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 Sanitary Sewer Improvement Plan for Shelly's Retreat at Carpenter's Mill Section 1 Phase B 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 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 Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

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ADMINISTRATOR REPORTS

Mike Frommer, County Administrator

-A proud member of Montgomery County 4-H group.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell

- -Attended the Education Council for Delaware City School District. It was announce that Superintendent Paul Craft would be resigning at the end of the school year.
- -There will a Regional Planning meeting tonight.
- -Thought the State of the County presentation went well.
- -Harold Wolford shared that there would be a ceremony held on the courthouse lawn on March 29, 2019 at noon.

Commissioner Benton

-There will be a reception for Carol O'Brien this afternoon.

Commissioner Lewis

- -Would like to thank Jane Hawes for her hard work on the State of the County presentation.
- -Commissioner Benton will be attending a Health District Advisory Council meeting on my behalf on March 14th.
- -Congratulations to Tony Botkin on being a finalist in the Ohio Associated Press Media Editor's 2018 newspaper contest.
- -Attended the Community Action/Bridges meeting yesterday.

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RESOLUTION NO. 19-179

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

It was moved by Mr. Benton, seconded by Mr. Merrell 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; compensation of a public employee or public official; for collective bargaining.

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

RESOLUTION NO. 19-180

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

RECESS UNTIL 4:55 PM/ RECONVENE AT 5:00 PM

RESOLUTION NO. 19-181

IN THE MATTER OF APPOINTING CHRISTOPHER D. BETTS ACTING PROSECUTING ATTORNEY FOR DELAWARE COUNTY:

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

WHEREAS, by virtue of Delaware County Prosecuting Attorney, Carol O'Brien's resignation, effective at 5:00 pm on February 28, 2019, the office of Delaware County Prosecuting Attorney is vacant; and

WHEREAS, pursuant to section 305.02(F) of the Revised Code, the Board of County Commissioners may appoint a person to hold the vacant office of county prosecuting attorney as an acting officer and to perform the duties thereof between the occurrence of the vacancy and the time when the officer appointed by the central committee qualifies and takes the office; and

WHEREAS, given the time that will elapse before the central committee makes an appointment to fill the open office of county prosecuting attorney and the need to have a person perform the statutory and administrative duties and responsibilities of the office, the Board of Commissioners has determined that it is necessary and proper to appoint an acting officer to perform said duties and responsibilities;

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

Section 1. Christopher D. Betts is hereby appointed to hold the vacant seat of the Delaware County Prosecuting Attorney as an acting officer to perform the duties thereof between the effective date of this Resolution and the time when the prosecuting attorney appointed by the central committee qualifies and takes the office.

Section 2. This Resolution shall take effect immediately upon adoption.

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

There being no further business, the meeting adjourned.		
	Gary Merrell	
	Barb Lewis	
	Baro Lewis	
	Jeff Benton	
Jennifer Walraven, Clerk to the Commissioners		