

**COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019**

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

Present:
Barb Lewis, President
Gary Merrell, Commissioner

Absent:
Jeff Benton, Vice President

1
RESOLUTION NO. 19-426

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 6, 2019:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on May 6, 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 Absent

2
PUBLIC COMMENT
 Josh Collins, Regional Director of Coalition Against Bigger Trucks

3
RESOLUTION NO. 19-427

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0508 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0508:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0508, memo transfers in batch numbers MTAPR0508 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>		
PO' Increase					
Fishel Downey	Administrative Services Support	61311923-5361	\$15,000.00		
PR Number	Vendor	Description	Account	Amount	Line
R1903075	TRIDENT SECURITY LLC	SECURITY SERVICE	10011102 - 5301	\$ 230,000.00	0001
R1903251	HUNTINGTON BANK	BOND INTEREST PAYMENTS	50111117 - 5720	\$ 404,050.00	0001
R1903251	HUNTINGTON BANK	BOND PRINCIPAL PAYMENT	50111117 - 5725	\$1,285,000.00	0002
R1903253	US BANK	BOND INTEREST PAYMENTS	50111117 - 5720	\$1,088,625.00	0001
R1903253	US BANK	BOND PRINCIPAL PAYMENT	50111117 - 5725	\$ 145,000.00	0002
R1903254	BANK OF NEW YORK MELLON,THE	BOND INTEREST PAYMENTS	50211119 - 5720	\$ 164,300.00	0001
R1903254	BANK OF NEW YORK MELLON,THE	BOND PRINCIPAL PAYMENT	50211119 - 5725	\$ 720,000.00	0002
R1903255	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	50411121 - 5720	\$ 1,376.16	0001
R1903255	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	50411121 - 5725	\$ 2,647.97	0002
R1903255	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	50811125 - 5720	\$ 1,274.34	0003

**COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019**

R1903255	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	50811125 - 5725	\$ 2,452.03	0004
R1903256	US BANK	BOND INTEREST PAYMENTS	50411121 - 5720	\$ 30,825.00	0001
R1903256	US BANK	BOND PRINCIPAL PAYMENT	50411121 - 5725	\$ 135,000.00	0002
R1903256	US BANK	BOND INTEREST PAYMENTS	50811125 - 5720	\$ 28,475.00	0003
R1903256	US BANK	BOND PRINCIPAL PAYMENT	50811125 - 5725	\$ 125,000.00	0004
R1903257	US BANK	BOND INTEREST PAYMENTS	44411439 - 5720	\$ 18,650.00	0001
R1903257	US BANK	BOND PRINCIPAL PAYMENT	44411439 - 5725	\$ 80,000.00	0002
R1903259	US BANK	BOND INTEREST PAYMENTS	66311901 - 5720	\$ 403,962.50	0001
R1903259	US BANK	BOND PRINCIPAL PAYMENT	66311901 - 5725	\$ 400,000.00	0002
R1903259	US BANK	BOND INTEREST PAYMENTS	66311901 - 5720	\$ 355,950.00	0003
R1903259	US BANK	BOND PRINCIPAL PAYMENT	66311901 - 5725	\$2,450,000.00	0004
R1903260	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	51911136 - 5720	\$ 45.38	0001
R1903260	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	51911136 - 5725	\$ 2,161.00	0002
R1903260	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	52011138 - 5720	\$ 404.06	0003
R1903260	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	52011138 - 5725	\$ 7,981.00	0004
R1903260	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	52111140 - 5720	\$ 860.00	0005
R1903260	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	52111140 - 5725	\$ 11,200.00	0006
R1903260	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	52211141 - 5720	\$ 2,122.11	0007
R1903260	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	52211141 - 5725	\$ 23,400.00	0008
R1903260	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	52311142 - 5720	\$ 702.99	0009
R1903260	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	52311142 - 5725	\$ 7,800.00	0010
R1903261	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	52411143 - 5720	\$ 985.50	0001
R1903261	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	52411143 - 5725	\$ 10,900.00	0002
R1903261	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	52411143 - 5720	\$ 142.35	0003
R1903261	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	52411143 - 5725	\$ 1,600.00	0004
R1903261	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	52511144 - 5720	\$ 3,034.68	0005
R1903261	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	52511144 - 5725	\$ 8,038.00	0006
R1903261	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	52611145 - 5720	\$ 3,133.07	0007
R1903261	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	52611145 - 5725	\$ 8,298.00	0008

**COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019**

R1903261	FIRST COMMONWEALTH BANK	BOND INTEREST PAYMENTS	52711146 - 5720	\$ 3,057.19	0009
R1903261	FIRST COMMONWEALTH BANK	BOND PRINCIPAL PAYMENT	52711146 - 5725	\$ 8,097.00	0010

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

**4
RESOLUTION NO. 19-428**

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Juvenile Court is requesting that Tammy Mathias attend a 2019 National CASA conference in Atlanta, Georgie from June 1-4, 2019 at the cost of \$1,974.00 (fund number 27426314).

The Juvenile Court is requesting that Elizabeth Neff attend a 2019 National CASA conference in Atlanta, Georgie from June 1-4, 2019 at the cost of \$1,974.00 (fund number 27426314).

The Commissioners’ Office is requesting that Commissioner Gary Merrell attend the 2019 NaCO Annual Conference in Las Vegas, Nevada from July 11-15, 2019 at the cost of \$3,237.00 (fund number 10011101).

The Regional Sewer District is requesting that Tiffany Maag, Jeff Benton, Barb Lewis, Mason Janczak, Julie McGill, Liz Buening, Kelly Thiel, Brad Stanton, Erik McPeck, Nate Givens, Cory Smith, Jeff Hall, and Chad Kidd attend a SEOWEA Regulatory, Biosolids & Awards Seminar and Tour in Delaware, Ohio on May 30, 2019 at a total cost of \$310.00 (fund number 66211900).

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

**5
RESOLUTION NO. 19-429**

IN THE MATTER OF CONGRATULATING DIANA CROY AS THE 2019 DELAWARE COUNTY INDUCTEE INTO THE CENTRAL OHIO SENIOR CITIZENS HALL OF FAME:

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

WHEREAS, the Delaware County Board of Commissioners is proud to honor older individuals who have inspired others in their community through their industry and resolve to contribute; and

WHEREAS, Diane Croy is being honored for the example she has set for other residents of Delaware County through her decades of volunteer work at Grady Memorial Hospital’s emergency room, providing home-cooked meals, holiday decorations and more for the staff there and contributing more than 23,500 hours of volunteer work over 40 years’ time; and

WHEREAS, Croy also has served on the Grady Memorial Hospital Advisory Council as a member and as vice-president; and

WHEREAS, Croy also volunteers in her community at St. Mark’s Lutheran Church in Delaware and at the Strand Theatre;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners hereby honors and congratulates Diane Croy for being named the 2019 Delaware County Inductee into the Central Ohio Senior Citizens Hall of Fame.

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

**6
RESOLUTION NO. 19-430**

IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTH OF MARCH 2019:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to accept the Treasurer’s Report for the month of March 2019.

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

**COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019**

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

ROBERT ANDERSON, DIRECTOR OF JOB AND FAMILY SERVICES
Sandy Honigford, Lynn Stacy and Scott Rickel, Job and Family Services
Foster Parents:
Nate Porter
Kim Scott
Helen Stricklin

7
RESOLUTION NO. 19-431

IN THE MATTER OF PROCLAIMING MAY 2019 AS FOSTER CARE MONTH IN DELAWARE COUNTY:

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

WHEREAS, nearly 16,000 children and youth are in foster care in Ohio, and that number has increased dramatically in recent years; and

WHEREAS, close to 4,000 of those children are placed with kinship caregivers, who play a vital role in nurturing family connections; and

WHEREAS, more than 7,800 certified foster families in Ohio have committed to providing a temporary safe haven for children after all efforts have been exhausted to maintain those children in their own homes; and

WHEREAS, foster parents allow families to remain actively involved in their children’s lives, supporting the reunification of over 8,800 children and youth in 2018; and

WHEREAS, the Delaware County Department of Job and Family Services with its twenty-one (21) licensed foster homes, the Ohio Department of Job and Family Services, and other public and private child caring organizations empower kinship and foster homes to support families in their time of need, ensuring that children and youth can remain in their communities, that siblings can remain together, and that critical child-parent bonds can be maintained; and

WHEREAS, the State of Ohio is preparing to implement the Family First Prevention Services Act, which will further strengthen the relationships between foster families and primary families, promoting reunification and teamwork in building a healthy support system for our most vulnerable children; and

WHEREAS, it takes 100% Heart to foster in Ohio, and every child in Ohio deserves the opportunity to grow, flourish and live their dreams; and

WHEREAS, “Foster Care as a Support to Families, Not a Substitute for Parents” is the national theme for Foster Care Month.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Delaware County do hereby proclaim May 2019 as Foster Care Month in Delaware County and we encourage citizens to volunteer their talents and energies on behalf of children in foster care, foster parents and the child welfare professional staff working in our county this month and throughout the year.

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

8
RESOLUTION NO. 19-432

IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD FOR THE SHERIFF’S OFFICE:

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

WHEREAS, pursuant to R.C. 301.29, the Board of Commissioners of Delaware County by Resolution No. 04-1193 dated September 30th, 2004, adopted a policy for the use of County Procurement Cards; and

WHEREAS, the Board of Commissioners of Delaware County by Resolution No. 11-1040 dated October 3rd, 2011, adopted amendments to the Policies and Procedures for the county procurement card program and has adopted the procurement card policy for the use of the card to pay for specific classes of work related expenses, without submitting a monthly estimate of the expenses, pursuant ORC 301.29(F)(2);

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, authorizes the use of the following procurement cards to the limits indicated and for specific work related expenses designated in the Procurement Card Policy without submitting a monthly estimate of

**COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019**

expenses:

Appointing Authority: County Sheriff
Office/Department: Sheriff's Office

Daily spending per card: \$5,000
Monthly spending per card: \$10,000
Single transaction limit: \$5,000
Daily number of transactions per card: 10
Monthly number of transactions per card: 50

Name on Card: Andy Farrow
Department Coordinator: Marsha Ames

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

**9
RESOLUTION NO. 19-433**

**IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR
NORTHLAKE PRESERVE SECTIONS 1 & 2:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve the following sanitary sewer improvement plans for submittal to the Ohio EPA for their approval:

WHEREAS, the Sanitary Engineer recommends approval of the sanitary sewer improvement plans for Northlake Preserve Sections 1 & 2;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the sanitary sewer improvement plans for Northlake Preserve Sections 1 & 2 for submittal to the Ohio EPA for their approval.

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

**10
RESOLUTION NO. 19-434**

**IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER'S AGREEMENT FOR
RESIDENCES AT ORANGE GRAND PHASE 1:**

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider's Agreement for Residences at Orange Grand Phase 1;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider's Agreement for Residences at Orange Grand Phase 1:

SUBDIVIDER'S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on this 9th day of May 2019, by and between **Schottenstein Real Estate Group**, 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 Phase 1 of the **Sanitary Sewer Improvements for Residences at Orange Grand Phase 1 & 2**, dated **March 22, 2019**, and approved by the County on **April 15, 2019**, 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 **218** 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

**COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019**

The Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (**\$204,300.00**) 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.

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 **Sanitary Sewer Improvements for Residences at Orange Grand Phase 1**.

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 (designed for site only) for plan review of **Sanitary Sewer Improvements for Residences at Orange Grand Phase 1 (\$7,368.50)**. The Subdivider shall also pay the Delaware County Sanitary Engineer eight and one-half percent (8½%) of the estimated construction cost of the Improvements (designed for site only) for inspection during construction and cleaning and televising of the sewers and appurtenances of **Sanitary Sewer Improvements for Residences at Orange Grand Phase 1 (\$17,365.00)**. 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 **Sanitary Sewer Improvements for Residences at Orange Grand Phase 1** 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

COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019

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. Benton Absent Mr. Merrell Aye

11

RESOLUTION NO. 19-435

IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND B&K LEHNER EXCAVATING FOR THE PROJECT KNOWN AS RUDER EAST DRAINAGE IMPROVEMENT PROJECT – DELAWARE COUNTY:

COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019

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

**Ruder East Drainage Improvement Project – Delaware County
Bid Opening of April 2, 2019**

WHEREAS, as the result of the above referenced bid opening, the Engineer recommends that a bid award be made to B&K Lehner Excavating, the low bidder for the project; and

WHEREAS, the County Engineer recommends approval of the Contract between the Delaware County Commissioners and B&K Lehner Excavating for the project known as Ruder East Drainage Improvement Project – Delaware County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby awards the bid to and approves the Contract with B&K Lehner Excavating for the project known as Ruder East Drainage Improvement Project – Delaware County:

CONTRACT

THIS AGREEMENT is made this 9th day of May, 2019 by and between B&K Lehner Excavating, 2356 Troy Road, Delaware, Ohio 43015, hereinafter called the “Contractor” and the Delaware County Board of Commissioners, hereinafter called the “Owner”.

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named “Ruder East Drainage Improvement Project – Delaware County” and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed Twenty-Five Thousand Three Hundred Seventy Five Dollars and Zero Cents (\$25,375.00), subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in three original copies on the day and year first above written.

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

12

RESOLUTION NO. 19-436

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR FEDERAL AID ROAD PROJECTS:

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

**COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019**

Supplemental Appropriations:

29440448-4509	2019 CSTP Guardrail/Federal Grants A	\$110,000.00
29440448-5389	2019 CSTP Guardrail/Road & Bridge Pres & Maint	\$110,000.00
40940449-4530	2019 Centerburg Bridge Fed/State Exch/State Grants A	\$239,390.50
40940449-5389	2019 Centerburg Bridge Fed/State Exch/Road & Bridge Pres & Maint	\$239,390.50

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

13

RESOLUTION NO. 19-437

IN THE MATTER OF APPROVING THE PLAT OF SURVEY FOR DEL-CR-124-7.69:

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

WHEREAS, the Delaware County Engineer has determined that certain easements are required for the project known as DEL-CR124-7.69, Home Road, Graphics Way and Green Meadows Drive (“Improvements”); and

WHEREAS, the required easements are reserved in, over, and under areas designated on the Plat of Survey for DEL-CR124-7.69, Home Road, Graphics Way, and Green Meadows Drive Highway Easements; and

WHEREAS, JAK Investments II, LLC and Kerbler Farms, LLC, being the owners and lien holders of the land platted on the Plat of Survey for the Improvements, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby accept this plat and voluntarily grant and convey to the Board of Commissioners of Delaware County all of Home Road, Graphics Way and Green Meadows Drive as Highway Easement and all other easements as shown hereon and not heretofore dedicated;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves and accepts the Plat of Survey for DEL-CR124-7.69, Home Road, Graphics Way, and Green Meadows Drive Highway Easements.

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

14

RESOLUTION NO. 19-438

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

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

Transfer of Funds

From	To	
10011102-5801	50111117-4601	2,922,675.00
Commissioners General/Misc. Cash Transfers	Bond Retirement Debt /Interfund Revenues	

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

15

ADMINISTRATOR REPORTS

Mike Frommer, County Administrator
-No reports.

16

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Merrell

- Asked Jon Melvin to share about his adventure in capturing a loose horse from near US23 yesterday morning.
- Worked the Election Polls Tuesday.
- The Commissioners may have an opportunity to assist the Riverby Homeowners’ Association with their sewer issue.
- The 9-1-1 Board met on Tuesday.
- Attended the TID meeting yesterday morning.
- Will be attending the MORPC meeting at 1:00 PM.
- Will be speaking at the Sunbury/Big Walnut Chamber of Commerce tomorrow morning.
- The Fallen Officers Ceremony will be held on Sunday at noon at the Delaware City Police Station.

Commissioner Lewis

-CCAO has emailed the Commissioners concerning Indigent Defense and is looking for support in resolution form.

COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 9, 2019

17

RESOLUTION NO. 19-439

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES:

It was moved by Mr. Merrell, 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 the purchase of property for public purposes.

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

RESOLUTION NO. 19-440

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners