

COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 18, 2019

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

- 10:00 A.M. Final Hearing By The Commissioners For The Kingston Township Watershed #2017-2 Drainage Improvement Petition Project**
- 1:00 P.M. Public Hearing For Consideration Of The Proposed Determination Of The Necessity Of Sanitary Sewer Improvements For The Riverby Subdivision**

1
RESOLUTION NO. 19-674

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 15, 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 July 15, 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

2
PUBLIC COMMENT

3
RESOLUTION NO. 19-675

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0717, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0717:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0717, memo transfers in batch numbers MTAPR0717 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
VAR. FOSTER CARE	FOSTER CARE SERVICE	22511607-5350	\$34,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
R1903304	B & B SEALING LLC	CDBG PY18 ASHLEY STREET IMPROVEMENTS	23011703 - 5365	\$117,000.00
R1903585	OPENGOV INC	OPENGOV CLOUD, BUDGETING AND PERFORMANCE	10011102 - 5320	\$90,000.00
R1903619	POGGEMEYER DESIGN GROUP INC	IMPEDIMENTS TO FAIR HOUSING STUDY	23111709 - 5365	\$23,000.00
R1903898	JWC ENVIRONMENTAL	OECC	66211900 - 5228	\$11,378.82
R1903921	OHIO CAT	SWITCHGEAR SERVICE - BLOWER BUILDING ALUM CREEK	66211900 - 5328	\$11,236.00
R1903939	VARIOUS JFS PRC	PRC ASSISTANCE FUND	22411602 - 5348	\$13,236.00
R1903956	DUDE SOLUTIONS INC	SOFTWARE	66211900 - 5320	\$13,695.20

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

4
RESOLUTION NO. 19-676

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IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Code Compliance department is requesting that Scot Heller and Andrew Shorter attend a Central Ohio Code Officials Association Building Inspectors Program class on July 24, 2019 in Columbus, Ohio at no cost.

The Code Compliance department is requesting that Dan Goldsmith and Ric Irvine attend a Central Ohio Code Officials Association Building Inspectors Program class on July 31, 2019 in Columbus, Ohio at no cost.

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

**5
RESOLUTION NO. 19-677**

IN THE MATTER OF ACCEPTING AND APPROVING THE DELAWARE COUNTY SHERIFF’S OFFICE TRANSPORT REPORT FOR THE MONTH OF JUNE 2019:

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

WHEREAS, section 325.07 of the Revised Code requires the County Sheriff to submit monthly expense reports to the Board of County Commissioners; and

WHEREAS, the Delaware County Sheriff has submitted a monthly report for June 2019;

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

Section 1. The Board hereby accepts and approves the Delaware County Sheriff’s Office Transport Reports for the month of June 2019.

Section 2. The Board hereby allows the expenses contained in the monthly report.

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

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

**6
RESOLUTION NO. 19-678**

IN THE MATTER OF GRANTING ANNEXATION PETITION, FROM AGENT FOR THE PETITIONER, MOLLY R. GWIN, REQUESTING ANNEXATION OF 0.912 ACRES OF LAND IN CONCORD TOWNSHIP TO THE VILLAGE OF SHAWNEE HILLS:

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

WHEREAS, on June 18, 2019, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Molly R. Gwin, agent for the petitioners, requesting annexation of 0.912 acres, more or less, from Concord Township to the Village of Shawnee Hills; and

WHEREAS, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

WHEREAS, 25 days have passed and the Clerk of the Board has not received an objection from the Village of Shawnee Hills or the Township of Concord;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 0.912 acres, more or less, in Concord Township to the Village of Shawnee Hills.

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

**7
RESOLUTION NO. 19-679**

IN THE MATTER OF GRANTING ANNEXATION PETITION, FROM AGENT FOR THE PETITIONER, ANDREW WECKER ESQ., ATTORNEY AT LAW, REQUESTING ANNEXATION OF 35.336 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

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WHEREAS, on June 19, 2019, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Andrew Wecker Esq., Attorney At Law , agent for the petitioners, requesting annexation of 35.336 acres, more or less, from Liberty Township to the City of Powell; and

WHEREAS, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

WHEREAS, 25 days have passed and the Clerk of the Board has not received an objection from the City of Powell or the Township of Liberty;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 35.336 acres, more or less, from Liberty Township to the City of Powell.

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

8

RESOLUTION NO. 19-680

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR CARRIAGE COVE, HARPER’S POINTE PHASE I & PHASE II, HYATTS CROSSING, AND RIVER BLUFF PHASE 1:

It was moved by Mr. Benton, seconded by Mr. Merrell 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 Carriage Cove, Harper’s Point Phase I & Phase II, Hyatts Crossing, and River Bluff Phase 1;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the sanitary sewer improvement plans for Carriage Cove, Harper’s Pointe Phase I & Phase II, Hyatts Crossing, and River Bluff Phase 1 for submittal to the Ohio EPA for their approval.

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

9

RESOLUTION NO. 19-681

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR SCIOTO RIDGE CROSSING SECTION 5:

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 Scioto Ridge Crossing Section 5;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider’s Agreement for Scioto Ridge Crossing Section 5:

SUBDIVIDER’S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on this 18th day of July 2019, by and between **M/I Homes**, hereinafter called “Subdivider”, and the Delaware County Board of Commissioners (hereinafter called “County Commissioners” or “County”) as evidenced by the **Scioto Ridge Crossing Section 5** Subdivision Plat 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 Plan Scioto Ridge Crossing - Section 5**, dated **April 10, 2019**, and approved by the County on **June 3, 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 **42** 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

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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

For on-site improvements the following options for financial warranty apply:

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 (**\$115,230.00**) 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 **Sanitary Plan Scioto Ridge Crossing - Section 5**.

SECTION IV: FEES

It is further agreed that upon execution of this Agreement, the Subdivider shall pay the Delaware County Sanitary Engineer three and one-half percent (3½%) of the estimated construction cost of the Improvements for plan review of **Sanitary Plan Scioto Ridge Crossing - Section 5 (\$4,033.05)**. 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 Plan Scioto Ridge Crossing - Section 5 (\$9,794.55)**. 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 Plan Scioto Ridge Crossing - Section 5** 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

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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.

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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 Mrs. Lewis Aye Mr. Benton Aye

11

RESOLUTION NO. 19-682

IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS FOR VERONA PHASE 3:

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

WHEREAS, the construction of new sanitary sewers at Verona Phase 3 have been completed to meet Delaware County Sewer District requirements; and

WHEREAS, the Sewer District has received the necessary items required by the Subdivider’s Agreement; and

WHEREAS, the Sanitary Engineer recommends accepting sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Verona Phase 3	4,430 linear feet of 8-inch PVC sanitary sewer mainline	\$279,976.00
	71 ct. 8x6 PVC wye fittings	\$ 11,360.00
	589 linear feet of 6-inch diameter PVC risers	\$ 9,777.40
	2,850 linear feet of 6-inch diameter PVC laterals	\$148,816.50
	20 sanitary manholes	\$ 76,400.00
	Existing manhole construction	<u>\$ 359.00</u>
	Total	\$526,688.90

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

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

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

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

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

12

RESOLUTION NO. 19-683

IN THE MATTER OF REDUCING THE SOLID WASTE TIPPING FEES FOR DELAWARE COUNTY FAIR TRASH:

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

WHEREAS, the Board of County Commissioners of Delaware County has an Agreement with Central Ohio Contractors, Inc., for the operation of the Delaware County Solid Waste Transfer Station and the disposal of solid waste; and

WHEREAS, the Delaware County Fair has requested relief related to its solid waste tipping fees; and

WHEREAS, Central Ohio Contractors, Inc., has agreed to assist the Fair by reducing its portion of the tip fee by 50%; and

WHEREAS, the Board of County Commissioners wishes to waive the seven percent (7%) county surcharge for the 2019 Delaware County Fair;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Delaware County does hereby reduce the solid waste tip fee rates by waiving the seven percent (7%) county surcharge for the 2019 Delaware County Fair.

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

13
RESOLUTION NO. 19-684

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR CODE COMPLIANCE:

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

Transfer Of Appropriations

From	To	Amount
10011301 - 5001 Code Compliance/ Compensation	10011301 – 5301 Code Compliance Services & Charges - Contracted Professional Services	\$ 35,000.00

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

14
RESOLUTION NO. 19-685

IN THE MATTER OF APPOINTING A MEMBER TO THE DELAWARE COUNTY BOARD OF ZONING APPEALS:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board of Commissioners”) created the Delaware County Board of Zoning Appeals (the “BZA”), pursuant to section 303.13 of the Revised Code; and

WHEREAS, as necessary, the Board of Commissioners shall make appointments to the BZA to fill vacancies in both unexpired and expired terms;

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 appointment of the following member to the BZA for the term specified herein:

Position	Appointee	Term Commences	Term Ends
BZA-3	Collin Howard	July 18, 2019	December 31, 2023

Section 2. The appointment approved in this Resolution shall take effect on July 18, 2019.

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

15
RESOLUTION NO. 19-686

IN THE MATTER OF ACCEPTING THE AWARD OF A GRANT FOR THE DELAWARE COUNTY BOARD OF ELECTIONS:

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

WHEREAS, the Delaware County Board of Elections has been awarded a security grant from the U.S. Election Assistance Commission;

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

Section 1. The Board hereby accepts the award of the Grant as follows:

Grant #	Elections Security Grant Funding for Directive 2019-08 CFDA#90.404
Source:	U.S. Election Assistance Commission Federal Funding: Help America Vote Act (HAVA)
Federal Grant Amount:	\$50,000.00

Section 2. The Board hereby establishes a new organization key for the Board of Elections as follows:

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New Organization Key

23916104

Elections Security Grant

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

16**RESOLUTION NO. 19-687****IN THE MATTER OF ESTABLISHING THE DELAWARE COUNTY PRE-HOSPITAL CARE SYSTEM ADVISORY BOARD:**

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

WHEREAS, pursuant to section 307.05 of the Revised Code, the Delaware County Board of Commissioners operates an emergency medical service organization for Delaware County; and

WHEREAS, the City of Delaware and certain townships within Delaware County also operate emergency medical service organizations within their respective jurisdictions;

WHEREAS, certain townships within Delaware County provide first response efforts and work in collaboration with Delaware County Emergency Medical Services; and

WHEREAS, on February 7, 2019, the Delaware County Board of Commissioners adopted Resolution No. 19-110, accepting the recommendation for formation of a Delaware County Pre-Hospital Care System Board of Directors to review the operations and procedures for emergency medical services throughout Delaware County;

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

Section 1. The Delaware County Pre-Hospital Care System Advisory Board is hereby formally established for the purpose of reviewing the operations and procedures for emergency medical services throughout Delaware County and making recommendations to legislative bodies operating emergency medical service organizations within Delaware County.

Section 2. The Delaware County Pre-Hospital Care System Advisory Board shall consist of the following members: the Delaware County Administrator, or the Delaware County Administrator's designee; the Delaware County Director of Emergency Medical Services; the Concord Township Fire Chief; the City of Delaware Fire Chief; the Genoa Township Fire Chief; the Harlem Township Fire Chief; the Liberty Township Fire Chief; the Orange Township Fire Chief; and the Delaware County Director of Emergency Communications. The Delaware County Administrator, or designee, shall serve as chair. Non-voting membership shall also be extended to representatives of other fire departments within Delaware County that do not operate an emergency medical service organization but provide first response activities.

Section 3. The Delaware County Pre-Hospital Care System Advisory Board shall create the following committees: EMS Service Level; Regional Collaboration; and Technology and Equipment. All committees shall contain a minimum of three (3) members and no more than five (5) members, to be determined by the Advisory Board. Additional committees may be created in the Board's discretion to support the purposes set forth herein.

Section 4. The Delaware County Pre-Hospital Care System Advisory Board shall perform the following duties:

- (A) Evaluate and review appropriate benchmarks for all emergency medical service organizations operating within Delaware County and make appropriate recommendations;
- (B) Evaluate and recommend standard practices and protocols for all emergency medical service organizations operating within Delaware County, including medical dispatch, evidence-based medical protocol, staffing standards, training programs, medical direction, and quality assurance/quality improvement;
- (C) Evaluate and review existing technology and opportunities for improvement and innovation and make appropriate recommendations;
- (D) Evaluate and review opportunities for shared services, resource pooling, mutual aid, and centralized purchasing and provide recommendations for implementation;
- (E) Provide informal guidance to elected officials including the Board of Commissioners and department leadership and staff on operations, interoperability, policy management, and strategic planning initiatives; and
- (F) Prepare reports based on its evaluations and submit the reports and recommendations.

Section 5. Delaware County Emergency Medical Services shall receive and compile all reports and recommendations of the Advisory Board and its committees. Delaware County EMS shall prepare an annual report of the Advisory Board's activities and conduct an annual meeting to present the annual report to the elected officials and department leadership.

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Section 6. The Delaware County Board of Commissioners, through Delaware County EMS, will host all meetings and will provide administrative and operational support to the Delaware County Pre-Hospital Care System Advisory Board.

Section 7. This Resolution shall not be interpreted to constitute the Delaware County Board of Commissioners, any other legislative body, any department heads, or any medical directors delegating any of their respective rights, duties, or obligations with respect to operation of their respective emergency medical service organization. The Delaware County Pre-Hospital Care System Advisory Board is established to evaluate and review improvements to emergency medical services provided within Delaware County. Acceptance and implementation of any recommendations from the Advisory Board shall be in the sole discretion of the respective legislative bodies, department leadership, and medical directors.

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

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ADMINISTRATOR REPORTS

July 18, 2019

Other Business For Consideration Under Administrator Reports

RESOLUTION NO. 19-688

IN THE MATTER OF APPROVING TERMINATION OF DECLARATION OF COVENANTS AND RESTRICTIONS BY AND AMONG KINSALE VILLAGE LLC, AN OHIO LIMITED LIABILITY COMPANY, GOLF VILLAGE NORTH LLC, AN OHIO LIMITED LIABILITY COMPANY, AND THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

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

WHEREAS, on June 6, 2013, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 13-587, approving a Declaration of Covenants and Restrictions with Kinsale Village, LLC, and Golf Village North, LLC (the “Developers”), which related to the allocation of sewer taps between the Developers; and

WHEREAS, on January 5, 2015, the Board adopted Resolution No. 14-1483, approving a First Amendment to Declaration of Covenants and Restrictions with the Developers, which reallocated the sewer taps between the Developers; and

WHEREAS, both the Declaration of Covenants and Restrictions and the First Amendment thereto were recorded to provide public notice of the allocation and reallocation of sewer taps; and

WHEREAS, the Developers have jointly requested that the Declaration of Covenants and Restrictions be terminated in conjunction with a pending transfer of the subject real property;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the following Termination of Declaration of Covenants and Restrictions and authorizes the President of the Board or the County Administrator to execute the document on the Board’s behalf:

TERMINATION OF DECLARATION OF COVENANTS AND RESTRICTIONS

This Termination is made to be effective as of this 18th day of July, 2019 (the “Effective Date”), by and among Kinsale Village LLC, an Ohio limited liability company (“Kinsale Village”) and Golf Village North LLC, an Ohio limited liability company (“Golf Village North”) and the Board of County Commissioners of Delaware County, Ohio (“Delaware County”).

The parties hereto hereby terminate the Declaration of Covenants and Restrictions as set forth in the Declaration of Covenants and Restrictions (the “Original Declaration”) relating to the allocation of sewer taps on June 6, 2013, of record as Official Record 1251, Page 699, Recorder’s Office, Delaware County, Ohio, as amended by the First Amendment to Declaration of Covenants and Restrictions, of record as Official Record 1328, Page 1682.

IN WITNESS WHEREOF, the parties hereto have each caused this Termination to be executed and acknowledged by its duly authorized representative to be effective as of the Effective Date.

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

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Merrell

-attended the BIA Parade of Homes on Tuesday

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- attended the NACO Conference in Los Vegas (on two committees, Energy and Environment and Immigration, which is not just a southern boarder issue)
- Marlene Casini, with the Delaware Foundation, announced her retirement by the end of the year
- the 5 year additional BED Tax for the agricultural society has been extended another 15 years
- starting discussion meetings with Diane Winters about alternate locations of the “All Horse Parade” announcement area since the Historic Court House Lawn will be under construction.

Commissioner Benton

- attended the BIA Parade of Homes on Tuesday (“Property Brothers” will be at the event later this week)
- Marlene Casini, with the Delaware Foundation, announced her retirement by the end of the year
- Delaware City events: this week is the Car show and next week is Iron Man
- British Open
- 50 Years ago this week Neil Armstrong walked on the Moon

Commissioner Lewis

- Thank you to Chip Thomson for his work on the BED Tax for the agricultural society -extended another 15 years
- Marlene Casini, with the Delaware Foundation, announced her retirement by the end of the year
- Governor’s Budget; includes indigent defense support for counties and measures good for helping children

RESOLUTION NO. 19-689

10:00A.M. FINAL HEARING FOR THE KINGSTON TOWNSHIP WATERSHED #2017-2 DRAINAGE IMPROVEMENT PETITION PROJECT:

It was moved by Mr. Benton, seconded by Mr. Merrell to open the hearing at 10:00A.M..

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

RESOLUTION NO. 19-690

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. Merrell, 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

RESOLUTION NO. 19-691

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE KINGSTON TOWNSHIP WATERSHED #2017-2 DRAINAGE IMPROVEMENT PETITION PROJECT:

It was moved by Mr. Benton, seconded by Mr. Merrell to close the hearing at 11:20A.M..

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

RESOLUTION NO. 19-692

IN THE MATTER OF THE COMMISSIONERS SETTING ASIDE THE ORDER FOR AND DISMISSING THE SOUTH SECTION OF THE KINGSTON TOWNSHIP WATERSHED # 2017-2 DRAINAGE IMPROVEMENT PETITION PROJECT DUE TO ONE OR MORE OF THE FOLLOWING REASONS: THE COST EXCEEDS THE BENEFITS OF THE PROJECT; THE PROJECT IS NOT NECESSARY OR THE PROJECT IS NOT CONDUCTIVE TO THE PUBLIC WELFARE:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve setting aside the order for and dismissing the South Section of The Kingston Township Watershed #2017-2 Drainage Improvement Petition Project due to one or more of the following reasons: the cost exceeds the benefits of the project; the project is not necessary or the project is not conducive to the public welfare.

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

RESOLUTION NO. 19-693

IN THE MATTER OF ORDERING THAT THE COSTS FOR THE PROCEEDINGS OF THE SOUTH SECTION OF THE KINGSTON TOWNSHIP WATERSHED #2017-2 DRAINAGE

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IMPROVEMENT PETITION PROJECT, INCLUDING THE COST INCURRED BY THE BOARD OF COMMISSIONERS, THE COUNTY ENGINEER AND THE DELAWARE SOIL AND WATER CONSERVATION DISTRICT IN MAKING SURVEYS, PLANS, REPORTS AND SCHEDULES BE DISTRIBUTED TO THE LANDOWNERS IN THE SAME RATIO AS DETERMINED IN THE FINAL ESTIMATED ASSESSMENTS PRESENTED AT THE HEARING:

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

The Board of Commissioners of Delaware County, State of Ohio hereby ORDERS that the costs for the proceedings of the of the Kingston Township Watershed #2017-2 Drainage Improvement Petition, including the cost incurred by the Board of Commissioners, the County Engineer and the Delaware Soil and Water Conservation District in making surveys, plans, reports and schedules will be distributed to the landowners in the same ratio as determined in the final estimated assessments presented at the hearing, and that the land owners shall be given the option to pay the cost in a single installment or over two years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land in the watershed, to pay the cost incurred for the Kingston Township Watershed #2017-2 Drainage Improvement Petition, process. No interest shall be charged on the installments.

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

RESOLUTION NO. 19-694

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL, PENDING OR IMMINENT LITIGATION, AND 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 Compensation of a Public Employee or Public Official, Pending or Imminent Litigation, and Collective Bargaining.

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

RESOLUTION NO. 19-695

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 Mr. Merrell Aye Mrs. Lewis Aye Mr. Benton Absent

RECESS 12:50P.M./RECONVENE 1:08P.M.

RESOLUTION NO. 19-696

PUBLIC HEARING FOR CONSIDERATION OF THE PROPOSED DETERMINATION OF THE NECESSITY OF SANITARY SEWER IMPROVEMENTS FOR THE RIVERBY SUBDIVISION:

It was moved by Mr. Benton, seconded by Mr. Merrell to open the hearing at 1:08P.M..

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

RESOLUTION NO. 19-697

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 Mr. Merrell 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

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RESOLUTION NO. 19-698

**IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE
PROPOSED DETERMINATION OF THE NECESSITY OF SANITARY SEWER IMPROVEMENTS
FOR THE RIVERBY SUBDIVISION:**

It was moved by Mr. Benton, seconded by Mr. Merrell to close the hearing at 1:40P.M..

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners