

COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD AUGUST 1, 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

**1**  
RESOLUTION NO. 19-737

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 29, 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 29, 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. Benton              Aye              Mr. Merrell              Aye              Mrs. Lewis              Aye

**2**  
PUBLIC COMMENT

**3**  
RESOLUTION NO. 19-738

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0731:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0731 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
PNC	BWC CHARGES	61311923-5300	\$10,100.00
2K GENERAL	BLDG IMPROVEMENT	42011438-5410	\$9,315.74

<b>PR Number</b>	<b>Vendor Name</b>	<b>Line Description</b>	<b>Line Account</b>	<b>Amount</b>
R1903940	TOOLE & ASSOCIATES LLC	OUTSOURCE BUILDING DEPARTMENT SERVICES	10011301 - 5301	\$14,999.99
R1903968	ATLAS LIMITED	HISTORIC COURTHOUSE PHOTOGRAPHIC DOCUMENTATION	42011438 - 5410	\$12,790.00
R1904030	PROCORE TECHNOLOGIES INC	CONSTRUCTION MANAGEMENT SOFTWARE 7 29 19-7 28 20	66211900 - 5320	\$24,500.00
R1904040	JWC ENVIRONMENTAL INC	VILLAGE	66211900 - 5450	\$25,691.73
R1904041	JWC ENVIRONMENTAL INC	REPLACEMENT GRINDER & IMMERSIBLE MOTOR FOR LAKES	66211900 - 5450	\$23,427.71
R1904092	EMERGENCY PLUMBING SERVICE LLC	ON THE JOB TRAINING	22311611 - 5348	\$8,000.00

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

**4**  
RESOLUTION NO. 19-739

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Auditor’s Office is requesting that Kelly Tenant attend an appraisal conference at the 2019 IAAO Conference on Assessment Administration in Ontario, Canada from September 8-11, 2019 at the cost of \$2850.00 (fund number 20110105).

The Emergency Services Department is requesting that Lieutenant Jennifer Ransom attend an Ohio Health Forensic Symposium in Columbus, Ohio on August 7, 2019 at the cost of \$50.00 (fund number 10011303).

The Emergency Services Department is requesting that Dan Dixon attend an EMS Zoofari training in Columbus, Ohio on August 14, 2019 at the cost of \$40.00 (fund number 10011303).

The Emergency Services Department is requesting that Director Jeff Fishel attend an Incident Command System 300 & 400 class in Delaware, Ohio from October 14-18, 2019 at no cost.

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

**5  
RESOLUTION NO. 19-740**

**IN THE MATTER OF DESIGNATING AUGUST 2019 AS CHILD SUPPORT AWARENESS MONTH IN DELAWARE COUNTY:**

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

**WHEREAS**, the Delaware County Child Support Enforcement Agency is committed to the present and future well-being of our children, and understands that to prepare children for tomorrow’s challenges we must ensure that today they have the needed emotional and financial support; and

**WHEREAS**, the Delaware County Child Support Enforcement Agency is dedicated to providing services to both parents to strengthen families financially and emotionally; to ensure children receive the support they needed; and to encourage strong family bonds; and

**WHEREAS**, the Child Support Program provides important services to both parents through a wide range of services, including paternity establishment, child support and medical support order establishment, enforcement of orders, and modification of orders; and

**WHEREAS**, ensuring that children receive the support they deserve involves successful partnerships between parents, employers, county, state and federal agencies, legislators, judges, healthcare professionals, advocacy groups, and many others; and

**WHEREAS**, through these partnerships, the National Child Support Program serves more than 14.7 million children and collects nearly \$28.6 billion dollars in child support annually; and

**WHEREAS**, we recognize and appreciate parents who are deeply committed to the success of their children, and we acknowledge and celebrate parents who provide a solid foundation for their children on a daily basis; and

**WHEREAS**, through the leadership of the Delaware County Child Support Enforcement Agency, many children’s lives are brighter because of the following accomplishments in the past federal fiscal year:

- ❖ Best Performance Paternity Establishment in the Medium Caseload Division.
- ❖ Best Performance Collections on Current Support in the Medium Caseload Division.
- ❖ Best Performance Collections on Cases with Arrears in the Medium Caseload Division.
- ❖ Best Overall Performance in the Medium Caseload Division.
- ❖ Best Disbursement per Total FTE in the Medium Division (for every dollar the Agency spent, we collected \$18.56)
- ❖ Collected over \$24.9 million dollars on 4,585 cases

**WHEREAS**, with the recognition of the above successes comes the acknowledgment that our children deserve our best efforts to ensure that Ohio children receive the support they deserve.

**NOW, THEREFORE, WE**, the Board of Delaware County Commissioners of Delaware County, Ohio, do hereby designate, in conjunction with the State of Ohio, August 2019 Child Support Awareness Month.

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

**6  
RESOLUTION NO. 19-741**

**IN THE MATTER OF APPROVING THE NOTIFICATION LETTERS FOR THE 2019 CLEAN**

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OHIO LOCAL AGRICULTURAL EASEMENT PURCHASE PROGRAM (“LAEPP”):

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

WHEREAS, with Resolution No. 19-305, the Delaware County Board of Commissioners (“the Board”) approved the 2019 Local Agricultural Easement Purchase Program (LAEPP) Cooperative Agreement between the Ohio Department of Agriculture and the Delaware County Commissioners; and

WHEREAS, with Resolution Nos. 19-301 thru 19-304, the Board supported the participation of the Delaware County landowners in the LAEPP; and

WHEREAS, the Director of the Ohio Department of Agriculture and the Ohio Farmland Preservation Advisory Board have selected the 2019 applications; and

WHEREAS, the Director of the Ohio Department of Agriculture and the Ohio Farmland Preservation Advisory Board have prepared, for signature by Delaware County, two (2) full notices of selection and two (2) contingent notices of selection letters for Delaware County landowners;

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

Section 1. The Board hereby approves the full notices of selection for 1) Teresa J. Watkins; and 2) Gary L. and Yvonne G. Newhouse.

Section 2. The Board hereby approves the contingent notices of selection for 1) Robert J. Sherman Trustee; and 2) STB3 LLC.

Section 3. The Board hereby authorizes Barb Lewis, President of Board, to sign the two (2) full notices of selection and two (2) contingent notices of selection letters.

Section 4. The Board hereby finds that all formal actions of the Board relating to the adoption of this Resolution were taken in an open meeting of the Board in compliance with all legal requirements of R.C. 121.22.

Section 5. The Board hereby directs the Clerk of the Board to certify copies of this Resolution to the Landowners and the Department of Agriculture, Office of Farmland Preservation.

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

**7**  
RESOLUTION NO. 19-742

**IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION FOR THE CORONER’S OFFICE:**

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

<b>Supplemental Appropriation</b>		
10030301-5342	Medical & Health Related Services	\$60,000.00

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

**8**  
RESOLUTION NO. 19-743

**IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR EVANS FARM NORTH ROAD SANITARY EXTENSION:**

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider’s Agreement for Evans Farm North Road Sanitary Extension;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider’s Agreement for Evans Farm North Road Sanitary Extension:

**SUBDIVIDER'S AGREEMENT**  
**DELAWARE COUNTY SANITARY ENGINEER**

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**SECTION I: INTRODUCTION**

This Agreement is entered into on this 1<sup>st</sup> day of August 2019, by and between **Evans Farm Development Company, LLC**, 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 **Public Sanitary Sewer Improvement Plan Evans Farm North Road Sanitary Extension**, dated **April 23, 2019**, and approved by the County on **May 6, 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 **0** single family residential equivalent connections approved with this Agreement. Capacity shall be reserved for one year from the date of this Agreement, unless the County Commissioners grant an extension in writing. If the final Subdivision Plat is not recorded prior to expiration of the reservation deadline as set forth herein, the Subdivider agrees and acknowledges that capacity shall not be guaranteed.

**SECTION III: FINANCIAL WARRANTY**

The Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (**\$67,655.00**) which is acceptable to the County Commissioners to insure faithful performance for said Improvements.

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

The Subdivider further agrees that any violations of or noncompliance with any of the provisions and stipulations of this Agreement shall constitute a breach of contract, and the County shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the Improvements for **Evans Farm North Road Sanitary Extension**.

**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 **Public Sanitary Sewer Improvement Plan Evans Farm North Road Sanitary Extension (\$2,368.00)**. The Subdivider shall also pay the Delaware County Sanitary Engineer eight and one-half percent (8½ %) of the estimated construction cost of the Improvements for inspection during construction and cleaning and televising of the sewers and appurtenances of **Evans Farm North Road Sanitary Extension (\$5,750.00)**. 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

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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 **Evans Farm North Road Sanitary Extension** 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 hold free and harmless Delaware County and its officials and employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of any negligent acts, errors or omissions of the Subdivider, its employees, agents, or contractors, or any other person for whose acts any of them may be liable.

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

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

**9**

**RESOLUTION NO. 19-744**

**IN THE MATTER OF CERTIFICATION OF DELINQUENT ACCOUNTS TO THE COUNTY AUDITOR FOR ACCOUNTS TO BE ASSESSED TO PAYABLE YEAR 2020 TAXES:**

It was moved by Mr. Merrell, seconded by Mr. Benton to certify to the County Auditor the delinquent accounts for placement on the tax duplicate.

Whereas, the County owns and operates a Sewer District as authorized by Ohio Revised Code (ORC) 6117, and

Whereas, ORC 6117.02 authorizes the County to set rates and charges for the sanitary services provided by the Sewer District, and

Whereas, when any of the sanitary rates or charges are not paid when due, the board may certify the unpaid rates or charges, together with any penalties, to the County Auditor, who shall place them upon the real property tax list and duplicate against the property served by the connection, and

Whereas, pursuant to resolution 16-720, the Board has established that delinquent accounts will be certified after they are more than ninety days past due and the amount exceeds \$25.00, and

Whereas, staff has determined that there are delinquent accounts that meet this criteria, and

Whereas, staff recommends collection of the unpaid rates and charges by certifying these delinquent accounts to the County Auditor.

Therefore be it resolved that the Board of County Commissioners certify the delinquent accounts in the amount of \$165,742.76 to the County Auditor for the 2020 real property tax list and duplicate.

(Itemized listing of delinquent accounts available for review at the Commissioners’ Office until no longer of administrative value).

**2020 Sewer Tax Assessments  
To be certified by the Board of Commissioners on 8/1/19**

**Breakdown of Assessments by Treatment Plant:**

66211903 – OECC	\$62,244.01
66211904 – Alum Creek	\$90,778.09
66211905 – Lower Scioto	\$2,357.36
66211912 - Package Plants	\$10,363.30
<b>Total Assessments</b>	<b>\$165,742.76</b>

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

**10**

**ADMINISTRATOR REPORTS**

Mike Frommer, County Administrator  
-No reports.

**11**

**COMMISSIONERS’ COMMITTEES REPORTS**

Commissioner Benton  
-Will be attending the MORPC Executive Committee meeting this afternoon.  
-Will be attending the CEBCO meeting tomorrow.

Commissioner Merrell  
-Attended the Chamber event at the fairgrounds this morning.

Commissioner Lewis  
-No reports.

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**12**

**RESOLUTION NO. 19-745**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT; COMPENSATION; DISMISSAL; DISCIPLINE; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; FOR PENDING OR IMMINENT LITIGATION; 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; dismissal; discipline; compensation of a public employee or public official; for pending or imminent litigation; for collective bargaining.

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

**RESOLUTION NO. 19-746**

**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

Recessed at 10:50 AM/Reconvened at 11:35 AM

**RESOLUTION NO. 19-747**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT; COMPENSATION; DISMISSAL; DISCIPLINE; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; FOR PENDING OR IMMINENT LITIGATION; FOR COLLECTIVE BARGAINING:**

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

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

**RESOLUTION NO. 19-748**

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

There being no further business, the meeting adjourned.



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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners