

**COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 5, 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

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RESOLUTION NO. 19-749

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 1, 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 August 1, 2019; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

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

2
PUBLIC COMMENT

3
RESOLUTION NO. 19-750

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0802:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0802 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
MT Tech	Environmental Services	66211900-5328	\$5,000.00

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

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RESOLUTION NO. 19-751

IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM GEORGES GROUP INC. (DBA GEORGES PIZZA) AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

WHEREAS, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a new liquor license request from Georges Group Inc. (DBA Georges Pizza), located at 9210 Dublin Road, Powell, Ohio 43065; and

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

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

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RESOLUTION NO. 19-752

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

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

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

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

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RESOLUTION NO. 19-753

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE DELAWARE COUNTY EMERGENCY MANAGEMENT AGENCY (EMA):

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

WHEREAS, the Director of Delaware County EMA recommends approval of Supplemental Appropriations; and

WHEREAS, Delaware County EMA has received additional Hazardous Materials Emergency Preparedness (HMEP) Grant funding from the Ohio Emergency Management Agency for Hazardous Materials training for area fire departments; and

WHEREAS, the local match will be provided by the Delaware Area Response Team;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the following Supplemental Appropriations for Delaware County EMA:

Supplemental Appropriations	Amount
21581307-5365 2016-2018 HMEP TRAINING GRANT/GRANT RELATED SERVICES	\$6,000.00

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

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RESOLUTION 19-754

IN THE MATTER OF APPROVING A RECOMMENDATION BY THE DELAWARE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE FOR THE APPOINTMENT OF REPRESENTATIVES:

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

WHEREAS, in accordance with section 3750.03(B) of the Revised Code, the State Emergency Response Commission shall appoint the members of the Delaware County Local Emergency Planning Committee (“LEPC”) from a list of persons submitted by the Delaware County Board of Commissioners (the “Board”); and

WHEREAS, the LEPC recommends the Board submit the following list of persons to be nominated as representatives to the LEPC, subject to appointment by the State Emergency Response Commission, for the period of August 14, 2019 through August 10, 2021:

Representatives:

Name	Title	Employer
Barb Lewis	Commissioner	Delaware County
Bob Lavender	Ops Manager	EMA
Brandon Feller	President	United Way
Brian Galligher	Director of Safety & Security	Delaware County
Charles Miley	Trustee	Brown Township
Chris Marrero	Disaster Program Manager	ARC
Colleen Dennis	Volunteer Resource Coordinator	Helpline/Connections
Don Rooks	ARES Assistant Emergency Coord.	Retired
Dustin Pounds	Transportation Manager	ODOT
Greg Feustel	Resource Manager	USACE

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Jaimey Burden	VP of Operations and Safety	Consolidated Electric
Jane Hawes	Director of Communications	Delaware County
Jeff Fishel	Director	Delaware Co. EMS
Jeff Kauffman	Emergency Response Coordinator	Del-Co Water
Jeff Rocks	Safety Management	Ohio Health
Jodi Peterson-Sonstein	Hotline Director	Helpline/2-1-1
Josh Cross	External Affairs	Ohio Edison/First Energy
Kelli Kincaid	Program Manager	Delaware General Health Dist.
Kelly Fernandez	Emergency Prep Specialist	Delaware General Health Dist.
Matt Barnes	EHS Director	PPG
Matthew Kiracofe	Area Manager	Marathon Pipeline LLC
Michelle Gatchell	News Operations Manager	WDLR Radio
Mike Tankersley	Facility Manager	Kroger Distribution Center
Niki Long	Emergency Preparedness Coordinator	Nationwide Children's Hospital
Patrick Brandt	Director	Delaware County Emergency Comm.
Rob Stambaugh	Assistant Chief	BST&G Fire District
Robert Haugh	Director of Site Operations	Henkel Corporation
Sandra Stults	Township Trustee	Scioto Township
Sandy Mackey	Deputy Director	EMA
Scott Vance	Captain	DCSO
Sean Miller	Director	EMA
Stephen Hrytzik	Interim Chief	Powell PD
Steve Lewis	Chief Technology Officer	Delaware County
Tabatha Daily	Database Curator	Helpline 211
Thomas O'Brien	Fire Chief	Liberty Twp. Fire- Powell OH
Tim McQuone	Community Member	Resident
Troy Morris	Chief	Tri-Township Fire

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the LEPC’s recommendation, approves the list of persons to be nominated as representatives to the LEPC, and authorizes submitting the list of persons to the State Emergency Response Commission for consideration of appointment to the LEPC.

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

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RESOLUTION NO. 19-755**

**IN THE MATTER OF APPROVING AMENDMENT NO. 2 TO THE SANITARY SEWER
SUBDIVIDER’S AGREEMENT FOR THE PINES SECTION 1 PHASE A:**

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

WHEREAS, the Sanitary Engineer recommends approval of Amendment No. 2 to the Sanitary Sewer Subdivider’s Agreement for The Pines Section 1 Phase A;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Amendment No. 2 to the Sanitary Sewer Subdivider’s Agreement for The Pines Section 1 Phase A:

**AMENDMENT NO. 2 TO
SUBDIVIDER'S AGREEMENT
THE PINES SECTION 1 PHASE A**

This Amendment No. 2 to the Subdivider’s Agreement for The Pines Section 1 Phase A, which was entered into on July 12, 2018, is made and entered into this 5th day of August, 2019, by and between M/I Homes of Central Ohio, LLC (the “Subdivider”), and the Delaware County Board of Commissioners (the “County”).

RECITALS

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WHEREAS, the Subdivider wishes to revise the Original Agreement by allowing substantial completion of a portion of the Improvements, including service connections for 30 single family residential equivalent connections; and

WHEREAS, the Subdivider and County mutually acknowledge and agree that such connections shall be at the Subdivider’s sole risk and expense; and

WHEREAS, all other terms and conditions of the Original Agreement not specifically amended herein shall remain in full force and effect;

AMENDMENT

A new SECTION X shall be inserted as follows:

SECTION X: SUBSTANTIAL COMPLETION

The County shall permit the Subdivider to utilize a portion of the Improvements within The Pines Section 1, Phase A & B and operate the pump station improvements.

Regardless of any inspection by the County, the Subdivider shall be solely liable for any and all costs, expenses, and other liabilities arising from connection to sanitary sewers and operation of the pump station improvements, and any damage resulting therefrom, until the Improvements have been accepted by the County and the maintenance period has expired.

The allowed connections shall consist of lot numbers T-1 to T-14, and T-59 to T-54 and extend from the Lift Station and manhole 1 to manhole 14 on the approved engineering drawings for The Pines Section 1, Phase A & B, subject to the following conditions:

1. Prior to connection to the sanitary sewer, capacity charges and any surcharges shall be paid to the Delaware County Regional Sewer District.
2. The Subdivider shall install mechanical sewer plugs in the main line at manholes as directed by the Sanitary Engineer and must be inspected by the Subdivider with the County present weekly and immediately after rain events.
3. The installation of the plugs is subject to inspection by the County. The Subdivider shall be liable for any failures thereof and resulting damage until the Improvements have been accepted by the County and the maintenance period has expired.
4. Prior to final acceptance the Subdivider shall cause the substantially completed sewer to be cleaned and closed-circuit televised. The videos must be provided to the County for review and approval as part of the final inspection of the Improvements.
5. Upon final completion, the Subdivider shall pull the pumps out of the wet well for inspection of the impellers by the County.
6. The County may, in its sole discretion, require the Subdivider to replace the impellers based on the impeller inspection.
7. Only upon final acceptance of the improvements shall the County permit the plug installed as specified herein to be removed.
8. Only upon final acceptance shall the County assume any risk or liability for the operation of the pump station and sanitary sewers. In addition to any other indemnification obligation stated herein, the Subdivider shall specifically indemnify the County against and hold the County harmless from any damages, claims, judgements, costs, or liabilities of any kind arising from the operation or maintenance of the pump station and sanitary sewers.

REMAINING PROVISIONS

All remaining provisions of the Agreement shall continue in full force and effect unless specifically amended herein.

IN WITNESS WHEREOF, the Subdivider and the County have executed this Amendment No. 2 as of the date first written above.

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

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RESOLUTION NO. 19-756

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION:

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

Transfer of Appropriation

From:	To:	
10011139-5301	10011139-5201	1,000.00
Public Info-Community Relation/Contracted Professional Services	Public Info-Community Relation/General Supplies	

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

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ADMINISTRATOR REPORTS

Mike Frommer, County Administrator

- Will be meeting with the director of the Delaware Area Transit Authority. Will be inviting him to come and make a presentation to you about their rebranding.
- Will be speaking at the Rotary meeting next Monday.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell

- Would like to have an update from the Board of Elections concerning the voting equipment.

Commissioner Benton

- Attended the CEBCO meeting last Friday.
- Attended the MORPC executive meeting last Thursday afternoon. The Hyperloop One pod will be on display in various parts of Ohio from August 3-6, 2019.

Commissioner Lewis

- There will be an EMA executive meeting tomorrow at 2:00 PM.

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RESOLUTION NO. 19-757

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

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; dismissal; discipline; compensation of a public employee or public official; for pending or imminent litigation.

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

RESOLUTION NO. 19-758

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. Merrell Aye Mrs. Lewis Aye Mr. Benton Aye

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton