

COMMISSIONERS JOURNAL NO. 71 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 16, 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. 19-917

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 12, 2019:**

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on September 12, 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. Merrell              Aye              Mrs. Lewis              Aye              Mr. Benton              Aye

**2**  
PUBLIC COMMENT

**3**  
RESOLUTION NO. 19-918

**IN THE MATTER OF APPROVING A RESOLUTION HONORING DONALD WUERTZ:**

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

WHEREAS, the Delaware County Board of Commissioners wish to express their gratitude, admiration and respect for Donald Edwin Wuertz; and

WHEREAS, the Commissioners honor Don, upon his passing, for his decades of public service to the residents of Delaware County, where he was elected to the Delaware City Council, serving as a councilman for 12 years with 8 of those years as mayor, and later was elected Delaware County Commissioner, serving from 1995 through 2002; and

WHEREAS, Don Wuertz, even after his retirement from elected office, continued to mentor and encourage so many other Delaware County residents seeking careers of public service; and

WHEREAS, Don provided a sterling example of civility and kindness in both his public and private lives, and was a devoted family man to Karma, his wife of 56 years, their children Dorcas, Rachel and Andy, and their grandchildren, and delighted many with his passions for Volkswagens, woodcarving and his Lutheran faith.

THEREFORE, BE IT RESOLVED that, while the Delaware County Commissioners mourn the passing of their Commissioner colleague Don Wuertz, they are proud to celebrate the legacy of civic-minded unselfishness and commitment that he has indelibly etched in the history of Delaware County.

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

**4**  
PROBATE/JUVENILE COURT JUDGE DAVID HEJMANOWSKI  
RECORDER MELISSA JORDAN  
COUNTY CLERK OF COURTS NATALIE FRAVEL  
PRESENTATION "GOOD DEEDS OUTREACH" UPDATE

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**5**

**RESOLUTION NO. 19-919**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0913 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0913:**

It was moved by Mr. Benton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0913, memo transfers in batch numbers MTAPR0913 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
BEEMS BP	Fuel For Service Center	10011106-5228	\$50,000.00
RUBBERTEC	Part For Water Rec Facilities	66211900-5201	\$ 6,383.40
FISHEL DOWNEY	HR consulting Services	61311923-5361	\$13,000.00
DAY CARE	Job And Family Program	22511607-5348	\$30,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
R1904606	HOUSE OF SECURITY	HISTORIC COURTHOUSE RENOVATIONS	42011438 - 5410	\$47,984.90

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

**6**

**RESOLUTION NO. 19-920**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The Job and Family Services Department is requesting that Alison Pittman, Amanda Burns, Ashley Johnson, Bob Anderson, Breanne Williamson, Carra Woolwine, Christi Friley, Chrystal Smith, Cori Barker, Dan Post, Deanna Roberts, Debra Landacre, Demetrius Richardson, Heidi Rayburn, Jennifer Appleman, Jennifer Roof, Jill Cook, Jodi Adams, Judy Terry, Karla Gibson, Katheryn Adams, Kayla Worthington, Mary Call, Renee Scheeler, Robin Vanhoesen, Sherry Melvin, Susanna Segrist, Tasha Zornes, Terra Ferriman, Wallene Warner attend a C8 Training Conference in Bellville, Ohio on September 17, 2019 at the cost of \$1,222.00

The Job and Family Services Department is requesting that Carolyn Stout and Steven Sikora attend a 2019 CFIS Training Conference in Columbus, Ohio from September 16-17, 2019 at the cost of \$290.00.

The Emergency Communications Department is requesting that Karla Jacobs, Jeanette Adair, Matthew Fletcher and Patrick Brandt attend an OHPELRA Fall Conference in Dublin, Ohio on October 25, 2019 at the cost of \$1,100.00 (fund number 21411306).

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

**7**

**RESOLUTION NO. 19-921**

**IN THE MATTER OF ALLOWING AN APPLICATION TO AMEND THE PETITION FOR THE WATSON-FORD #25 WATERSHED DRAINAGE IMPROVEMENT PETITION:**

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

WHEREAS, pursuant to Chapter 6131 of the Ohio Revised Code, Subhjit and Jennifer L. Datta and Others filed a petition with the Clerk of the Board of Commissioners on August 2, 2019, in favor of certain improvements to the Watson-Ford #25 watershed Drainage Improvement (the "Petition"); and

WHEREAS, Jason and Barbara Wells were not petitioners; and

WHEREAS, on August 29, 2019, before the end of the first hearing on the petition, Jason and Barbara Wells filed an Application for Amendment of the Petition to include 1892 Ford Road, Delaware, Ohio 43015, pursuant to section 6131.05 of the Ohio Revised Code; and

WHEREAS, Jason and Barbara Wells, 1892 Ford Road, Delaware, Ohio 43015, was listed in the Petition as an owner of land that will be benefited or damaged by the completion of the proposed improvement; and

WHEREAS, the Board of Commissioners has complied with the notice requirements in section 6131.07 of the Ohio Revised Code; and

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WHEREAS, no additional owners of land will be benefited or damaged by allowing the Application for Amendment;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY HEREBY RESOLVES AS FOLLOWS:

Section 1. The Application for Amendment of the Petition for the Watson-Ford #25 Watershed Drainage Improvement (“the Petition”) is hereby allowed, pursuant to section 6131.05 of the Ohio Revised Code.

Section 2. The Petition shall be amended to specifically include, but not be limited to, Jason and Barbara Wells, 1892 Ford Road, Delaware, Ohio 43015.

Section 3. This Amendment does not require additional notice under section 6131.07 of the Ohio Revised Code and does not require an additional view under section 6131.10 of the Ohio Revised Code.

(Application is available in the Commissioner’s Office until no longer of Administrative Value).

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

**8  
RESOLUTION NO. 19-922**

**IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:**

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

WHEREAS, the below requests to perform work within the right-of-way have been reviewed and approved by the Delaware County Engineer;

NOW, THEREFORE, BE IT RESOLVED that the following permits are hereby approved by the Board of Delaware County Commissioners:

<b>Permit #</b>	<b>Applicant</b>	<b>Location</b>	<b>Type of Work</b>
U19-150	WOW	Anacala Road	Road Bore
U19-151	Verizon	Bale Kenyon Road	Install fiber optic cable
U19-152	Verizon	Big Walnut Road	Install fiber optic cable
U19-153	Verizon	Worthington Road	Install fiber optic cable
U19-154	Verizon	Lewis Center Road	Install fiber optic cable
U19-155	Verizon	Rome Corners Road	Install fiber optic cable
U19-156	Spectrum	Seldom Seen Road	Place cable in ROW
U19-157	Verizon	Highfield Drive	Install fiber optic cable
U19-158	Team Fischel	Seldom Seen Road	Install conduit in ROW
U19-159	AEP	Braumiller Road	Replace existing poles
U19-160	Del-Co Water	Centerburg Road	Install waterline

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

**9  
RESOLUTION NO. 19-923**

**IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR GLENMEAD SECTION 2:**

It was moved by Mr. Merrell, seconded by Mr. Benton 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 Glenmead Section 2;

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NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the sanitary sewer improvement plans for Glenmead Section 2 for submittal to the Ohio EPA for their approval.

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

**10**

**RESOLUTION NO. 19-924**

**IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR NORTH FARMS SECTION 9:**

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 North Farms Section 9;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider’s Agreement for North Farms Section 9:

**SUBDIVIDER'S AGREEMENT  
DELAWARE COUNTY SANITARY ENGINEER  
SECTION I: INTRODUCTION**

This Agreement is entered into on this 16th day of September 2019, by and between Rockford Homes, hereinafter called “Subdivider”, and the Delaware County Board of Commissioners (hereinafter called “County Commissioners” or “County”) as evidenced by the Sanitary Sewer Improvements Plan for North Farms Section 9 and the corresponding subdivision plat or condominium amendment on said development parcel filed or to be filed with the Delaware County Recorder, Delaware County, Ohio, and is governed by the following considerations and conditions, to wit:

The Subdivider is to construct, install or otherwise make all public improvements (the “Improvements”) shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications for Sanitary Sewer Improvements Plan for North Farms Section 9, dated July 23, 2019, and approved by the County on August 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 24 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**

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 (\$121,906.00) 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

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work forthwith and act against the performance surety for the purpose of proper completion of the Improvements for Sanitary Sewer Improvements Plan for North Farms Section 9.

**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 Sewer Improvements Plan for North Farms Section 9 (\$4,267.00). 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 Sanitary Sewer Improvements Plan for North Farms Section 9 (\$10,362.00). 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 Plan for North Farms Section 9 as required by the County.

**SECTION V: CONSTRUCTION**

All public improvement construction shall be performed within one (1) year from the date of the approval of this Agreement by the County Commissioners, but extension of time may be granted if approved by the County Commissioners.

The Subdivider shall indemnify and save harmless the County, Townships, Cities, and/or Villages and all of their officials, employees, and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of the Subdivider, and any of its contractors or sub-contractors, or from any material, method, or explosive used in the Work, or by or on account of any accident caused by negligence, or any other act or omission of the Subdivider, and any of its contractors or the contractors' agents or employees in connection with the Work.

The Subdivider shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the County. The representative shall be replaced by the Subdivider when, in the opinion of the County, the representative's performance is deemed inadequate.

If, due to unforeseen circumstances during construction activities, the Subdivider must install any of the Improvements to a different location than shown on the approved and signed construction plans, the Subdivider shall request a revision to the construction plans and the Delaware County Sanitary Engineer shall evaluate this request. If the request for a revision is approved in writing by the Delaware County Sanitary Engineer, then the Subdivider shall provide and record a revised, permanent, exclusive sanitary easement prior to the County's acceptance of the sewer. The language and dimensions of the revised, permanent, exclusive sanitary easements shall be subject to the approval of the Delaware County Sanitary Engineer.

The Subdivider shall, during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the County regarding submission of shop drawings, construction schedules, operation of facilities, and other matters incident to the construction and operation of the Improvements.

The Subdivider shall obtain all other necessary utility services incident to the construction of the Improvements and for their continued operation. The Subdivider shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the Subdivider and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the County.

**SECTION VI: EASEMENTS**

The Subdivider shall provide to the County all necessary easements or rights-of-way required to complete the Improvements, all of which shall be obtained at the expense of the Subdivider. All Improvements, including, but not limited to, public sanitary sewers, force mains, manholes, and private laterals to offsite properties shall be located within a recorded, permanent, exclusive sanitary easement on file at the Delaware County Recorder's Office, the language of which shall be subject to approval by the Delaware County Sanitary Engineer. The dimensions of all easements shall be as shown on the approved engineering drawings. If any onsite easement or necessary right of way is not to be recorded as part of a subdivision plat, such easements and rights-of-way shall be recorded and provided to the Delaware County Sanitary Engineer before a preconstruction meeting will be permitted and before construction may begin on the Improvements.

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All offsite easements must be recorded prior to signing the plans unless otherwise permitted, in writing, by the Delaware County Sanitary Engineer.

**SECTION VII: COMPLETION OF CONSTRUCTION**

The County shall, upon certification in writing from the Delaware County Sanitary Engineer that all construction is complete according to the plans and specifications, by Resolution, accept the Improvements described herein and accept and assume operations and maintenance of the Improvements.

The Subdivider shall within thirty (30) days following completion of construction of the Improvements, and prior to final acceptance, furnish to the County as required:

- (1) "As built" drawings of the Improvements which plans shall become the property of the County and shall remain in the office of the Delaware County Sanitary Engineer and Delaware County Engineer and/or the City of Powell. The drawings shall be on reproducible Mylar (full size), two paper copies (one full size & one 11"x17"), and a Compact Diskette with the plans in .DWG format & .PDF format.
- (2) An Excel spreadsheet, from a template as provided by the Delaware County Sanitary Engineer, shall accompany the plan submittal showing the locations of the manholes in Ohio State Plane North Coordinates NAD 1983 (NAVD 1988 datum) and other miscellaneous project data.
- (3) An itemized statement showing the cost of the Improvements.
- (4) An Affidavit or waiver of lien from all contractors associated with the project that all material and labor costs have been paid. The Subdivider shall indemnify and hold harmless the County from expenses or claims for labor or materials incident to the construction of the Improvements.
- (5) Documentation showing the required sanitary easements.

Should the Subdivider become unable to carry out the provisions of this Agreement, the Subdivider's heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this Agreement. Notwithstanding any other provision of this Agreement, the County shall have no obligation to construct any improvements contemplated herein, and any construction thereof on the part of the County shall be strictly permissive and within the County's sole discretion.

The Subdivider, for a period of five (5) years after acceptance of the Improvements by the County, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the Improvements shall be the same as new equipment warranties and shall be assigned to the County upon acceptance of the Improvements. A list of corrective items shall be provided to the Subdivider prior to expiration of the five (5) year period.

After the acceptance of the Improvements, the capacity charge and any surcharges shall be paid by the applicant upon request to the Delaware County Sanitary Engineer for a tap permit to connect to the sanitary sewer. User fee charges will commence the day the sanitary tap is made, regardless of completeness of construction.

**SECTION VIII: SIGNATURES**

IN CONSIDERATION WHEREOF, the County Commissioners hereby grant the Subdivider or its agent the right and privilege to make the Improvements stipulated herein and as shown on the approved plans.

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

**12**  
**COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Benton

- Will be attending the Farm/Science Review tomorrow with Commissioner Merrell.
- The Hall of Fame and Neville awards will be presented Wednesday at the Pre-Jug Gala.
- This Friday will be the annual veteran's dinner.
- The lifelong learning series by OWU will start next week.
- This year marks the 100<sup>th</sup> anniversary of 4-H in Delaware County.

Commissioner Merrell

- Will be attending the Regional Planning executive meeting on Wednesday morning.
- Will be attending the CCAO meeting Friday.

Commissioner Lewis

- Will be attending the affordable housing discussion with the United Way of Delaware County.
- Will be meeting with the Franklin County Commissioners about their Pathways to Help program along with Diane Bricker and Cassie Neff.
- Happy Fair Week.

There being no further business, the meeting adjourned.

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Gary Merrell

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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners