

COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020

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. 20-01

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 23, 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 December 23, 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. 20-02

IN THE MATTER OF RE-ORGANIZATION OF BOARD OF COMMISSIONERS – PRESIDENT:

It was moved by Commissioner Merrell, that in the matter of re-organization of the Board of Commissioners that as President of the Board of Commissioners for the year 2020 we appoint Commissioner Benton. Motion seconded by Mrs. Lewis.

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

4
RESOLUTION NO. 20-03

IN THE MATTER OF RE-ORGANIZATION OF BOARD OF COMMISSIONERS - VICE-PRESIDENT:

It was moved by Commissioner Lewis, that in the matter of re-organization of the Board of Commissioners that as Vice-President of the Board of Commissioners for the year 2020 we appoint Commissioner Merrell. Motion seconded by Commissioner Benton.

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

5
RESOLUTION NO. 20-04

RESOLUTION TO DESIGNATE THE OFFICIAL REPRESENTATIVE AND ALTERNATE FOR THE PURPOSE OF VOTING AT THE ANNUAL MEETING OF THE COUNTY COMMISSIONERS ASSOCIATION OF OHIO 2020:

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

WHEREAS, Article IV, Section 6, of the Code of Regulations of the County Commissioners' Association of Ohio requires each member county to, for the purpose of voting at any annual or special meeting of the Association, designate an Official Representative and Alternate; and

WHEREAS, the designation of the Official Representative and Alternate for a county organized under the statutory form of county government shall be by resolution of the board of county commissioners; and

WHEREAS, in designating the Official Representative and Alternate only a member of the board of county

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

commissioners is eligible to be designated as the Official Representative and Alternate;

NOW THEREFORE BE IT RESOLVED that Gary Merrell, Delaware County Commissioner, is designated as the Official Voting Representative of Delaware County.

BE IT FURTHER RESOLVED that Barb Lewis, Delaware County Commissioner, is designated as the Alternate Voting Representative of Delaware County.

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

6

RESOLUTION NO. 20-05

**IN THE MATTER OF APPOINTMENT OF THE BOARD'S REPRESENTATIVE TO VARIOUS
BOARDS AND COMMISSIONS:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis to appoint the following to the following boards and commissions:

Area 7 Board- Gary Merrell

Board of Revision-Jeff Benton

Bridges Community Action Agency Board -Barb Lewis
(Previously the Community Action Organization Board)

County Commissioners Association of Ohio (CCAO) -All 3 Commissioners
CCAO - Gary Merrell Voting Member /Voting Alternate -Barb Lewis

CCAO/County Employee Benefits Consortium of Ohio (CEBCO) -All 3 Commissioners
CCAO/(CEBCO)- Jeff Benton Board Member

CCAO/County Risk Sharing Authority (CORSA) -All 3 Commissioners
CCAO/CORSA- Gary Merrell representative /possible board member

CEBCO and CORSA Additional Alternate- Deputy County Administrator Dawn Huston

Central Ohio Youth Center Board (Joint Detention Center) –All 3 Commissioners
Central Ohio Youth Center Board (Joint Detention Center) –Trustee- Jeff Benton

CIC (Community Improvement Corporation) - All 3 Commissioners

Community Corrections Planning Board – Barb Lewis

Data Processing Board – Gary Merrell

Delaware Entrepreneurial Center at OWU-Gary Merrell

Delaware County Job and Family Services Community Planning Committee- All 3 Commissioners

Delaware-Knox-Marion-Morrow County WIB- All 3 Commissioners

DKMM Solid Waste District - All 3 Commissioners

DKMM Solid Waste District Executive Committee – Gary Merrell

DKMM Policy Board –Barb Lewis

DKMM Budget/Audit Committee – Jeff Benton

EMA/LEPC – Barb Lewis
Alternate-Brian Galligher, Director of Safety and Security

Family and Children's First Council – Barb Lewis

Investment Committee –Barb Lewis and Jeff Benton

MORPC-All 3 Commissioners

911 Board-Gary Merrell

911 Board alternate- Jeff Benton

COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020

Railroad Task Force-Barb Lewis

Regional Planning - All 3 Commissioners

Regional Planning Executive Committee – Gary Merrell
Regional Planning Executive Alternate- Jeff Benton

Records Commission – Jeff Benton

The Board of Commissioners hereby orders that any prior resolutions inconsistent with this Resolution are hereby repealed and superseded in accordance with this Resolution.

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

7
RESOLUTION NO. 20-06

IN THE MATTER OF SETTING DATE, TIME, AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE VILLAS AT WALNUT GROVE CONDOMINIUM DRAINAGE MAINTENANCE IMPROVEMENT PETITION PROJECT:

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

WHEREAS, the Board of Commissioners of Delaware County on December 13, 2018, held a public hearing and determined the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the improvement of the Villas at Walnut Grove Condominium Drainage Improvement Petition Project; and

WHEREAS, at that time the Delaware County Commissioners directed the Delaware County Engineer to proceed with the preparation of plans, reports, and schedules for the completion of the Drainage Improvement project; and

WHEREAS, the Delaware County Engineer has notified the Commissioners that the plans, reports, and schedules for the improvement/construction of the Villas at Walnut Grove Condominium Drainage Improvement Petition Project are being finalized for their review and consideration;

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of the County of Delaware has fixed **Thursday, March 12, 2020, at 10:00A.M.** at the Commissioners’ Hearing Room 101 North Sandusky Street Delaware, Ohio as the time and place of the final hearing by the Commissioners on the report of the County Engineer.

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

8
RESOLUTION NO. 20-07

IN THE MATTER OF SETTING DATE, TIME, AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE RADNOR TOWNSHIP #2015-1 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:

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

WHEREAS, the Board of Commissioners of Delaware County on April 6, 2017, held a public hearing and determined the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the reconstruction and improvement of the Radnor Township #2015-1 Watershed Drainage Improvement Petition Project; and

WHEREAS, at that time the Delaware County Commissioners directed the Delaware County Engineer to proceed with the preparation of plans, reports, and schedules for the completion of the Drainage Improvement project; and

WHEREAS, the Delaware County Engineer has notified the Commissioners that the plans, reports, and schedules for the construction of the Radnor Township #2015-1 Watershed Drainage Improvement Petition Project are being finalized for their review and consideration;

NOW, THEREFORE, BE IT RESOLVED, the Board of County Commissioners of the County of Delaware has fixed **Thursday, March 19, 2020, at 10:00A.M.** at the Commissioners’ Hearing Room 101 North Sandusky Street Delaware, Ohio as the time and place of the final hearing by the Commissioners on the report of the County Engineer.

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

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

**9
RESOLUTION NO. 20-08**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0103:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0103 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line Account	Amount		
Vote on Motion	Mrs. Lewis	Aye	Mr. Merrell	Aye	Mr. Benton	Aye

**10
RESOLUTION NO. 20-09**

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Commissioners’ office is requesting that Jeff Benton, Barb Lewis, Gary Merrell, Mike Frommer, Dawn Huston and Brad Lutz attend various area chamber events, MORPC events and OWU events from January 1, 2020–December 31, 2020 in Delaware and Franklin Counties at the cost of \$3,130.00 (fund number 10011101).

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

**11
RESOLUTION NO. 20-10**

IN THE MATTER OF APPROVING THE DELAWARE COUNTY PROSECUTOR’S OFFICE TO SERVE AS LEGAL ADVISER TO THE DELAWARE COUNTY FINANCE AUTHORITY:

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

WHEREAS, pursuant to Chapter 4582 of the Ohio Revised Code, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 06-509 on April 24, 2006, creating the Delaware County Finance Authority, f.k.a. the Delaware County Port Authority, (the “Finance Authority”); and

WHEREAS, the Finance Authority and the Delaware County Prosecutor’s Office (the “Prosecutor’s Office”) wish to enter into a contract for services whereby the Prosecutor’s Office will provide legal adviser services to the Finance Authority; and

WHEREAS, pursuant to Ohio Revised Code Section 309.09(I), the Board may authorize the Prosecutor’s Office to serve as legal adviser to the Finance Authority; and

WHEREAS, the Prosecutor’s Office and the Finance Authority have negotiated and agreed upon a services contract, attached hereto as “Exhibit A”, and are requesting the Board’s approval to enter into the same;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the Delaware County Prosecutor’s Office to serve as legal adviser to the Delaware County Finance Authority, pursuant to the agreement attached hereto as “Exhibit A.”

INTERGOVERNMENTAL COOPERATION AGREEMENT

Section 1 – Parties to the Agreement

This Agreement is made and entered into this 6th day of January, 2019 by and between the Delaware County Prosecutor, 145 North Union Street, 3rd Floor, Delaware, Ohio 43015 (the “Prosecutor”), and the Delaware County Finance Authority, 101 North Sandusky Street, Delaware, Ohio 43015 (the “DCFA”), (hereinafter referred to individually as “Party” or collectively as the “Parties”).

Section 2 – Purpose

This Agreement is authorized by sections 9.482, 309.09, and 4582.021, et seq., of the Revised Code. The DCFA desires to enter into an agreement with the Prosecutor that allows the Prosecutor to be the legal advisor to the DCFA, and the Prosecutor is willing and able to provide such legal services. The DCFA desires to make

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

contributions to further the economic development efforts of the County. This Agreement shall establish the terms and conditions for contributions of the Parties.

Section 3 – Scope of Representation

The Prosecutor, or her Assistants as directed, will assist DCFA with general legal advice and representation as may be requested by the DCFA, including but not limited to, advice relating to contracts, open meetings, public records, and the Ohio Ethics Law. Such representation shall include research, analysis, advice and opinions. The Prosecutor shall have discretion to refuse a DCFA request for legal representation on a particular matter if she has a reasonable basis for doing so, except in matters where the rules of professional conduct prohibit representation, in which case the Prosecutor shall have complete discretion to refuse a request for representation.

Section 4 – Compensation

The DCFA agrees to pay the Prosecutor's Office \$1.00 annually for the legal services outlined in this Agreement.

There shall be no additional compensation paid by the DCFA to the Prosecutor's Office for non-legal staff assistance, supplies, or other expenses.

Section 5 – Attorney-Client Relationship

The services provided by the Prosecutor under this Agreement shall create an attorney-client relationship between the Prosecutor and DCFA, meaning the Prosecutor will adhere to the duties of confidentiality, loyalty, and competent and zealous representation. The DCFA shall make the Prosecutor aware of all relevant information and will communicate fully and without reservation so that the Prosecutor can properly provide legal services to the DCFA. Further, the Prosecutor's legal representation and client relationship is confined to the DCFA and its Board of Directors when performing tasks in their official capacities, and not to members performing tasks in their individual capacities or outside the scope of their position on DCFA.

Section 6 – Outside Counsel

DCFA shall retain its ability to contract with outside counsel without the permission of the Prosecutor, but DCFA shall notify the Prosecutor when using outside counsel on a matter. When outside counsel is retained by DCFA, Prosecutor shall have no involvement in that particular matter and DCFA shall not ask Prosecutor to review outside counsel's work or to provide additional advice on that matter.

Section 6 – Term

This Agreement shall take immediate effect upon approval by all Parties hereto and shall continue in full force and effect until December 31, 2020, whereupon this Agreement shall then automatically renew for successive one (1) year terms, unless either Party gives notice to the other Party that it does not intend to renew the Agreement at the expiration of the then-current term. Notice of intent to terminate must be in writing and received by the opposite Party no later than thirty (30) days prior to the intended termination date. This Agreement may be amended in writing with the mutual consent and agreement of the Parties.

Section 7 – Legal Contingencies

In the event a change in law, whether by statute, judicial determination, or administrative action, affects this Agreement or the ability of the Parties to enter into, or continue to operate pursuant to, this Agreement, the Parties mutually agree to immediately institute a review of this Agreement. The Parties agree to negotiate in good faith to address any necessary modifications to this Agreement, to the extent permitted by applicable law.

Section 8 – Personnel

The Parties each agree to maintain control over their respective personnel, and this Agreement shall not be construed to alter the employment relationship each Party has with its respective personnel. Each Party shall be responsible for the compensation, benefits, and liabilities of its respective personnel and hereby agrees to release the other Party from any responsibility therefor.

Section 9 – Equipment and Facilities

Each Party to this Agreement shall be responsible for providing its own equipment and facilities. In no way shall this Agreement be construed to require the sale or donation of equipment under the ownership and control of either Party of this Agreement.

Section 10 – Miscellaneous Terms & Conditions

10.1 **Entire Agreement**: This Agreement shall constitute the entire understanding and agreement between the Parties and shall supersede all prior understandings and agreements relating to the subject matter hereof. This Agreement shall not be assigned.

10.2 **Governing Law and Disputes**: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. The Parties shall make good faith efforts to directly negotiate any disputes arising from this Agreement. If direct negotiations shall fail, the Parties agree to mediate the dispute with a mediator chosen by agreement between the Parties. If mediation shall fail, any and all legal disputes arising from this Agreement may only be filed in and heard before the courts of Delaware County, Ohio.

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

- 10.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both Parties and no purposes of interpretation shall be made to the contrary.

- 10.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.

- 10.5 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement.

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

12

RESOLUTION NO. 20-11

IN THE MATTER OF DELEGATING AUTHORITY TO THE DIRECTOR OF DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES:

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

WHEREAS, Ohio Administrative Code Section 5101:9-6-82 provides for the inter-county adjustment of any state or federal county family services agency allocation; and

WHEREAS, counties have requested such adjustments to best meet the needs of their constituents, due to the limited allowable uses of each fund and the nuances of the random moment sampling process on a county's funding stream; and

WHEREAS, any unspent allocations within a county at the end of a fiscal year revert back to the state for use by the State Department of Job and Family Services; and

WHEREAS, a county family services agency must make such inter-county adjustment requests to the Ohio Department of Job and Family Services and include with such request a resolution authorizing such from that county's board of county commissioners; and

WHEREAS, in accordance with Ohio Administrative Code Section 5101:9-6-82(F), a board of county commissioners may pass a resolution assigning authority to another party to serve as their designee and therefore grant that party authority to sign the inter-county adjustment agreement on behalf of the county for a specific period of time; and

WHEREAS, the Delaware County Department of Job and Family Services provides services and supports daily operations through various contracts, agreements, and memoranda of understanding; and

WHEREAS, these various contracts, agreements, and memoranda of understanding include Workforce Investment contracts and agreements; On the Job Training and other Training and work subsidies to employers; Individual Training Accounts; PRC contracts and agreements for work related activities and employer subsidies; Children Services Individual Child Care Agreements and Memoranda of Understanding to document responsibilities for referral processes and core services with various community partners; and

WHEREAS, the Ohio Attorney General, in Opinion No. 2004-031, dated August 25, 2004, affirmed that "a Board of County Commissioners may, by resolution pursuant to R.C. 329.04(A)(7) and (B) or R.C. 329.05, assign to the County Department of Job and Family Services authority for the County Director of Job and Family Services to enter into contracts and agreements necessary to perform these powers and duties.";

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

Section 1. The Director of the Delaware County Department of Job and Family Services is hereby authorized to serve as the Delaware County Board of Commissioners' designee with authority to sign inter-county adjustment agreements on behalf of Delaware County until December 31, 2020.

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

Section 2. The Director of the Delaware County Department of Job and Family Services is hereby authorized to develop and enter into service plans, contracts, agreements, and memoranda of understanding for the following: workforce investment activities, on the job training and other training and work subsidies to employers, individual training accounts, PRC plan, agreements for work related activities and employer subsidies, children services individual child care, and referral process and core services with community partners.

Section 3. In the absence of the Director of the Delaware County Department of Job and Family Services the Director may authorize a designee of the Delaware County Department of Job and Family Services to exercise the authority delegated in Sections 1 and 2 of this Resolution.

Section 4. This Resolution shall take immediate effect upon adoption and shall supersede any prior resolutions delegating authority as set forth herein.

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

13

RESOLUTION NO. 20-12

IN THE MATTER OF APPROVING AN ADVANCE OF FUNDS FOR JUVENILE COURT:

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

Advance of Funds

From	To	
10011102-8500	27426313-8400	12,000.00
Commissioners General/Advance Out	Crime Victims Grant/Advance In	
10011102-8500	27426314-8400	42,000.00
Commissioners General/Advance Out	Crime Victims CASA/Advance In	

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

14

RESOLUTION NO. 20-13

IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS FOR MAPLE GLEN AND SCIOTO RIDGE CROSSING SECTION 5:

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

WHEREAS, the construction of new sanitary sewers at Maple Glen and Scioto Ridge Crossing Section 5 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 Agreements; and

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

Maple Glen	1426 linear feet of 15-inch dia. PVC sanitary sewer	\$84,300.00
	14 ea. 15x6 PVC wye fittings	\$ 1,890.00
	702 linear feet of 6-inch dia. PVC laterals, risers and fittings	\$21,433.50
	6 sanitary manholes	\$20,700.00
	Connection to existing manhole	<u>\$ 850.00</u>
	Total	\$129,183.50

Scioto Ridge Crossing Section 5

	1503 linear feet of 8-inch dia. PVC sanitary sewer	\$54,396.30
	40 ea. 8x6 PVC wye fittings	\$ 6,000.00
	1,692 linear feet of 6-inch dia. PVC laterals, risers and fittings	\$79,395.10
	8 sanitary manholes	\$16,320.00
	Connections to existing manhole	<u>\$ 2,500.00</u>
	Total	\$158,611.40

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

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

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 agreements for the five-year maintenance period for the above sanitary sewer improvements.

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

15

RESOLUTION NO. 20-14

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLANS FOR EVANS FARM SECTION 2 PHASES B & C:

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

WHEREAS, the Sanitary Engineer recommends approval of the sanitary sewer improvement plans for Evans Farm Section 2 Phases B & C;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the sanitary sewer improvement plans for Evans Farm Section 2 Phases B & C for submittal to the Ohio EPA for their approval.

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

16

RESOLUTION NO. 20-15

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR THE PINES SECTION 2 & 3:

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider’s Agreement for The Pines Section 2 & 3;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider’s Agreement for The Pines Section 2 & 3:

SUBDIVIDER’S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on this 6th day of January 2020, by and between **M/I Homes of Central Ohio, LLC**, hereinafter called “Subdivider”, and the Delaware County Board of Commissioners (hereinafter called “County Commissioners” or “County”) as evidenced by **The Pines Section 2 and Section 3** Subdivision Plat(s) 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 Improvement Plan for The Pines, Section 2 & 3**, dated **November 12, 2019**, and approved by the County on **November 25, 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 **89** 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

COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020

to the cost of construction (\$498,000.00) 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 Improvements for **Sanitary Sewer Improvement Plan for The Pines, Section 2 & 3**.

SECTION IV: TAP CREDIT

Upon completion of construction and acceptance of the Improvements, the Subdivider shall be granted tap credits per County policy in the total amount of \$217,836.00 (includes an additional \$61,257.00 for Section 1 costs). The Subdivider and the County mutually acknowledge that this grant of tap credits is intended to establish the reasonable charge for the Subdivider to connect to the County’s sanitary facilities, pursuant to R.C. 6117.02, in consideration of the Subdivider’s private investment in the sanitary facilities, such charge being a special exception to the established charge. The total dollar amount of the credit can be used as a tap credit for current base capacity fees and/or surcharge capacity fees within developments owned by the Subdivider located within Berlin Township.

SECTION V: FEES

It is further agreed that upon execution of this Agreement, the Subdivider shall pay the Delaware County Sanitary Engineer three and one-half percent (3½%) of the estimated construction cost of the Improvements (designed for site only) for plan review of **Sanitary Sewer Improvement Plan for The Pines, Section 2 & 3 (\$17,430.00)**. The Subdivider shall also pay the Delaware County Sanitary Engineer eight and one-half percent (8½%) of the estimated construction cost of the Improvements (designed for site only) for inspection during construction and cleaning and televising of the sewers and appurtenances of **Sanitary Sewer Improvement Plan for The Pines, Section 2 & 3 (\$42,330.00)**. 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 Improvement Plan for The Pines, Section 2 & 3** as required by the County.

SECTION VI: 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

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

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 VII: 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 VIII: 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

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

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 IX: 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

17

RESOLUTION NO. 20-16

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

It was moved by Mrs. Lewis, 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:

Permit #	Applicant	Location	Type of Work
DCEO UT2019-221	MCI	E. Orange Road	Install fiber optic
DCEO UT2019-222	Spectrum	N. Galena Road	Place power supply cabinet
DCEO UT2019-0223	Spectrum	Harlem Road	Place buried cable

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

18

RESOLUTION NO. 20-17

IN THE MATTER OF AWARDING BIDS FOR ENGINEERING MATERIALS FOR 2020:

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

**Tree Clearing Bid Award Recommendation
Bids Opened December 17, 2019**

As a result of the bids opened December 17, 2019, for tree clearing for 2020, the Engineer recommends that a non-exclusive bid award be made to Timberland Tree, Russell Tree Experts, Ltd., Certified Tree Experts, Adam’s Tree Care, and Oberlander’s Tree & Landscape Ltd.

**Curb and Sidewalk Replacement Program
Bids Opened December 17, 2019**

As a result of the bids opened December 17, 2019, for the curb and sidewalk replacement program for 2020, the Engineer recommends that a non-exclusive bid award be made to Decker Construction Company, Maxima Concrete LLC, and Nickolas M. Savko & Sons.

**Guardrail Installation
Bids Opened December 17, 2019**

As a result of the bids opened December 17, 2019, for the guardrail installation for 2020, the Engineer recommends that a non-exclusive bid award be made to Lake Erie Construction Company, Paul Peterson Company, and MP Dory Company.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Engineer’s recommendations stated herein and approves the following:

Section 1: A non-exclusive bid award be made to Timberland Tree, Russell Tree Experts, Ltd., Certified Tree Experts, Adam’s Tree Care, and Oberlander’s Tree & Landscape Ltd. for tree clearing for 2020.

Section 2: A non-exclusive bid award be made to Decker Construction Company, Maxima Concrete LLC, and

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

Nickolas M. Savko & Sons for curb and sidewalk for 2020.

Section 3: A non-exclusive bid award be made to Lake Erie Construction Company, Paul Peterson Company, and MP Dory Company for guardrail installation for 2020.

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

19

RESOLUTION NO. 20-18

IN THE MATTER OF APPROVING A GRANT OF FUNDS TO THE DELAWARE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT FOR 2020:

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

WHEREAS, pursuant to section 5540.02(F) of the Revised Code, a board of county commissioners may make appropriations from moneys available to it and not otherwise appropriated, to pay costs incurred by a transportation improvement district in the exercise of its functions under Chapter 5540 of the Revised Code; and

WHEREAS, the Delaware County Board of Commissioners (the “Board”) approved a Master Intergovernmental Cooperation Agreement (“the Agreement”) with the County Engineer and Delaware County Transportation Improvement District (“TID”) by Resolution No. 18-1374, including authorizing the contribution of funds to the TID in aid of the planning, development, design, construction, maintenance or repair of any transportation project undertaken by the TID;

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

Section 1: In accordance with the terms of the Agreement, a grant in aid in the amount of Four Hundred Thousand Dollars (\$400,000.00) is hereby made to the Delaware County Transportation Improvement District for the purpose of providing for planning, development, design, construction, maintenance or repair of any transportation project undertaken by the TID.

Section 2: The County Auditor is authorized to issue a warrant for payment from Org Key-Object 10040421-5601 at the earliest date possible.

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

20

RESOLUTION NO. 20-19

IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND FOR SCIOTO RIDGE CROSSING SECTION 5:

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

WHEREAS, the roadway construction has been completed for the project known as Scioto Ridge Crossing Section 5 (“Project”); and

WHEREAS, as the result of the Engineer’s recent field review of the Project, the Engineer has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period; and

WHEREAS, the Engineer recommends that, in accordance with the Owner’s Agreement, the Maintenance Bond be set at \$51,100 (10% of the original construction estimate) and the Project be placed on the required one year maintenance period; and

WHEREAS, M/I Homes of Central Ohio (“Owner”) has provided a Maintenance Bond in the amount of \$51,100 as surety to cover the one year maintenance period; and

WHEREAS, the Engineer also recommends approval to return the construction performance bond to the Owner;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves establishing a maintenance bond for the Project in the amount of \$51,100 and returning the construction bond for the Project to the Owner.

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

COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020

21

RESOLUTION NO. 20-20

IN THE MATTER OF ESTABLISHING THE MAINTENANCE ACCOUNT, APPROVING THE MAINTENANCE EASEMENTS, AND CERTIFYING THE DRAINAGE MAINTENANCE ASSESSMENT COLLECTION PERCENTAGE FOR 2021 FOR THE RUDER EAST DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the Delaware County Engineering Staff and the Soil and Water Conservation Staff recommend finalizing the construction assessments, establishing the Drainage Maintenance Account, and approving the Drainage Maintenance Easements for the Ruder East Drainage Improvement Project; and

WHEREAS, for the request to finalize the construction assessments (final schedule of assessments available in the Commissioners’ Office until no longer of administrative value), establish the Drainage Maintenance account for the referenced project, approve the Drainage Maintenance easements per Chapters 6131 and 6137 of the Revised Code, and certify the Drainage Maintenance assessment collection percentage for 2021, the following information may be used to initiate the account:

Name: Ruder East
 Account: 1906
 Organization: 21911401
 Amount: \$4,225.96
 2021 Collection: 5.0%

Maintenance Easement Description: (Map available at Engineer’s Office)

Beginning at the east road right-of-way for Sawmill Parkway approximately 1100’ north of the intersection of Sawmill Parkway and Clark-Shaw Road and extending to 2534 Clark-Shaw Road (Delaware County Auditor Parcel ID #41934001035003).

- A to B:
 25 feet right of top of bank
 25 feet left of top of bank
- B to C:
 20 feet right of subsurface drain
 20 feet left of subsurface drain
- C to D
 20 feet right of subsurface drain
 20 feet left of subsurface drain
- D to E
 20 feet north of the road right-of-way
- E to F
 20 feet right of subsurface drain
 20 feet left of subsurface drain
- F to G
 20 feet north of the road right-of-way
 20 feet around the tile inspection well
- C to H
 20 feet right of subsurface drain
 20 feet left of subsurface drain

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners establishes the Maintenance Account and approves the Maintenance Easements for the Ruder East Drainage Improvement Project and certifies the drainage maintenance assessment collection percentage for 2021;

BE IT FURTHER RESOLVED that the Board of Commissioners will approve the final schedule of construction assessments (copy available in the Commissioners’ Office until no longer of administrative value) when the interest rate of the bond for the borrowing of money is determined;

BE IT FURTHER RESOLVED that the Commissioners’ Office will supply to the Auditor’s Office the final schedule of construction assessments after the bond is issued and the interest rates are determined for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay their assessments with the interest rate of the installment. As the project’s final cost is less than the estimate, those property owners who paid in advance are due a refund as shown on the

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

proposed final schedule of assessments.

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

22

RESOLUTION NO. 20-21

IN THE MATTER OF APPROVING A PERMIT FOR USE OF DELAWARE COUNTY FACILITIES:

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

WHEREAS, the Delaware County Commissioners passed Resolution No. 19-810 on August 19, 2019, adopting a Delaware County Facilities Permit Policy; and

WHEREAS, it is the intent of the policy to allow persons and organizations access to appropriate Delaware County facilities, grounds and meeting places; and

WHEREAS, each request will only be considered after the receipt of a completed Delaware County Facilities Permit Form; and

WHEREAS, the August 19, 2019 policy mandates approval from the Commissioners for use of county facilities by groups of 30 participants or more that have agreed in writing to full compliance with the Permit Policy;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED that the Delaware County Board of Commissioners hereby authorizes the use of the meeting room 235 of the Rutherford B. Hayes Building 145 N. Union Street, Delaware, Ohio 43015 on February 7, 2020; at no cost.

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

23

RESOLUTION NO. 20-22

IN THE MATTER OF RE-APPOINTING MEMBERS TO THE BERKSHIRE LANDING NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES:

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

WHEREAS, on February 5, 2015, the Delaware County Board of Commissioners (the “Board of Commissioners”) adopted Resolution No. 15-147, establishing the Berkshire Landing New Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the Berkshire Landing New Community Authority Board of Trustees, pursuant to Resolution No. 15-147 and section 349.04 of the Revised Code; and

WHEREAS, on June 20, 2013, the Board of Commissioners adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board of Commissioners to conduct interviews of any applicants; and

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to reappoint current members of the board of trustees of the Berkshire Landing New Community Authority;

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

Section 1. The Board hereby approves an exception to the Policy for the appointments made herein by choosing to waive the requirement for posting the position and to proceed directly to appointment.

Section 2. The Board of Commissioners hereby approves the appointment of the following members to the Berkshire Landing New Community Authority Board of Trustees for the terms specified herein:

Position	Appointee	Term Ends
Citizen Member	Seiji Kille	February 4, 2022
Citizen Member	David Stadge	February 4, 2022

Section 3. The re-appointments approved in this Resolution shall take effect on February 5, 2020.

Section 4. The Clerk of the Board of Commissioners is hereby directed to certify a copy of this Resolution to

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

Berkshire Crossing Development, LLC, as the statutory developer for the Berkshire Landing New Community Authority.

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

24

RESOLUTION NO. 20-23

IN THE MATTER OF APPROVING LETTERS OF SUPPORT FOR THE DELAWARE COUNTY HISTORICAL SOCIETY'S APPLICATION AND PRESERVATION PARKS DELAWARE COUNTY'S APPLICATION FOR FUNDING FROM THE STATE OF OHIO IN ITS 2020 CAPITAL BUDGET:

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

Delaware County Historical Society

Jan. 6, 2020

Donna Meyer
Executive Director
Delaware County Historical Society
2690 Stratford Road
Delaware, OH 43015

Dear Ms. Meyer:

As members of the Delaware County Board of Commissioners, we are pleased to express our support for the Delaware County Historical Society's application for funding from the State of Ohio in its 2020 capital budget.

The Delaware County Historical Society has done a demonstrably excellent job in Phase I of its Historic Barn Restoration and Conservation Project. This project was funded by a grant from the Ohio Facilities Construction Commission and we believe that a continuation of funding for Phase II would be prudent and a worthwhile investment of public monies.

The Historic Barn at Stratford has quickly become an iconic gateway for the Delaware County community, given its highly visible location along U.S. Route 23 in the center of the county. It is also a historically significant structure and worthy of preservation. This board has long supported the DCHS's mission and projects and we know that the preservation of this rapidly growing county's history is essential for its future.

Therefore, we endorse the Delaware County Historical Society's application for state funding.

The Delaware County Board of Commissioners

Preservation Parks Delaware County

Jan. 6, 2020

Tom Curtin
Executive Director
Preservation Parks Delaware County
2656 Hogback Road
Sunbury, OH 43074

Dear Mr. Curtin:

As members of the Delaware County Board of Commissioners, we are pleased to express our support for Preservation Parks Delaware County's application for funding of a 3.9-mile section of the Ohio to Erie Trail from the State of Ohio in its 2020 capital budget.

Once completed, the Ohio to Erie Trail will expand the recreational and transportation alternatives for residents and visitors to, not just Delaware County, but the State of Ohio. As a rapidly growing county, we are attuned to the factors that attract new residents and businesses to our community. Economic development research has proven that trails are considered a "must have" when families are considering moving to an area and site selectors are considering locating a business there. Trails also are considered both a predictor and a facilitator of good health habits. In Delaware County, we are proud to have been named the Healthiest County in Ohio five years running by the Robert Wood Johnson Foundation and the No. 9 healthiest county in the U.S. by U.S. News & World Report. We believe that the growing trail system here has been a factor in achieving these honors.

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

Preservation Parks Delaware County has proven itself a thoughtful and conscientious steward of public monies. We therefore endorse their application for state funding.

The Delaware County Board of Commissioners

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

25

RESOLUTION NO. 20-24

IN THE MATTER OF APPROVING TRANSFER OF FUNDS:

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

Transfer of Funds

From	To	
10011102-5801 Commissioners General/Interfund Cash Transfer	20315101-4601 Data Center/Interfund Revenues	1,475,000.00
10011102-5801 Commissioners General/Interfund Cash Transfer	21011113-4601 Economic Development/Interfund Revenues	740,000.00
10011102-5801 Commissioners General/Interfund Cash Transfer	23612302-4601 Victims of Crime Grant/Interfund Revenues	36,925.69
10011102-5801 Commissioners General/Interfund Cash Transfer	27426313-4601 Crime Victims Grant/Interfund Revenues	19,194.53
10011102-5801 Commissioners General/Interfund Cash Transfer	41711436-4601 Capital Acquisition & Project/Interfund Revenues	1,500,000.00
10011102-5801 Commissioners General/Interfund Cash Transfer	42011438-4601 Capital Improvements/Interfund Revenues	3,000,000.00
10011102-5801 Commissioners General/Interfund Cash Transfer	60111901-4601 Property & Casualty Insurance/Interfund Revenues	500,000.00
24820101-5801 Title Administration/Interfund Cash Transfer	10011102-4601 Commissioners General/Interfund Revenues	112,095.39

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

26

RESOLUTION NO. 20-25

IN THE MATTER OF DECLARING A PUBLIC PURPOSE AND AUTHORIZING THE USE OF DELAWARE COUNTY FUNDS FOR THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS, AND OTHER AMENITIES:

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

WHEREAS, in accordance with Ohio Attorney General Opinion No. 82-006 and Ohio Auditor of State Bulletin 2003-005, the Delaware County Board of Commissioners (the "Board") may expend public funds to purchase coffee, meals, refreshments, and other amenities for its officers or employees or other persons if it determines that such expenditures are a "public purpose" and are necessary to perform a statutory function or power, provided the determination is not manifestly arbitrary or unreasonable; and

WHEREAS, the Board's determination must be memorialized by a duly enacted resolution and may have prospective effect only; and

WHEREAS, from time to time, it becomes necessary for the Board or county agencies to hold meetings during lunch, requiring meals to be provided for the participants; and

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

WHEREAS, the Board and county agencies routinely host community events or seminars that are attended by members of the public, visiting officials from other jurisdictions or organizations, and program participants; and

WHEREAS, the Delaware County Sewer District occasionally requires personnel to report to work during emergencies without the ability to leave the premises for meals; and

WHEREAS, the meetings and events described herein provide for timely and efficient completion of the public business, promote plans and programs, and foster cooperation with public and private partners both within Delaware County and throughout the State of Ohio; and

WHEREAS, the County Administrator and Deputy County Administrator recommend authorization to use Delaware County funds to pay for the coffee, meals, refreshments, and other amenities for these meetings and events;

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

Section 1. The Board hereby declares that the provision of coffee, meals, refreshments, and other amenities for the following purposes and amounts constitute a public purpose:

10011101-5381	Commissioners Admin	500.00	Refreshments for meetings
10011105-5294	Land and Buildings	250.00	Hot weather hydration
10011108-5294	Human Resources	1,500.00	Refreshments and coffee for trainings and orientation
10011139-5294	Public Info/Community Relations	6,000.00	Refreshments for events hosted by County Commissioners
10011139-5381	Public Info/Community Relations	12,000.00	Refreshments for events hosted by County Commissioners
10011301-5294	Code Compliance	350.00	Hot weather hydration
10011303-5294	Emergency Medical Services	1,500.00	Refreshments for meetings
21011113-5294	Economic Development	2,500.00	Refreshments for meetings and business appreciation events
21011116-5382	Economic Development/Business Development Meetings	3,000.00	Refreshments and meals for business meetings
22411605-5381	JFS Administration	600.00	Refreshments for meetings and events
22511607-5294	Children Services	500.00	Refreshments for meetings and events
22511607-5381	Children Services	2,000.00	Foster parent dinner catering, refreshments for meetings and events
23711630-5294	Child Support Enforcement Agency	100.00	Refreshments for events
23711630-5381	Child Support Enforcement Agency	500.00	Refreshments for events
60211924-5294	Employee Wellness Program	1,000.00	Refreshments for events
66211900-5294	SRF Operations & Maintenance	4,000.00	Food during emergencies and hot weather hydration
	TOTAL	\$36,300.00	

Section 2. The Board hereby authorizes the purchase of coffee, meals, refreshments, and other amenities in accordance with Section 1 of this Resolution for the current fiscal year, subject to the ordinary approval of a purchase order, submission of complete and accurate receipts, invoices, and any other supporting documentation required by the County Auditor, and approval of the voucher by the Board.

Section 3. This Resolution shall take effect immediately upon adoption.

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

27

RESOLUTION NO. 20-26

IN THE MATTER OF APPROVING A DECREASE IN APPROPRIATIONS:

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

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

Supplemental Appropriation

28931314-5215	Drug Enforcement & Education/Program Supplies	(1,000.00)
28931314-5317	Drug Enforcement & Education/Public Relations	(2,000.00)

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

28

ADMINISTRATOR REPORTS

Mike Frommer, County Administrator

-Last week an announcement came from Liberty Township that they are withdrawing their request for EMS services compensation.

29

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

-Tom Price was given the Lifetime Achievement award from the Ohio Farm Bureau.

Commissioner Merrell

-Will be attending a conversation at Columbus State University with Director of JFS, Bob Anderson, about Foster Care.

Commissioner Benton

-Toured the new intake area at the Delaware County Jail before the Holidays. Deputy Sheriff Balzar and Director Shelley Pfan should be commended for overseeing that project.
-The Mainstreet Delaware annual lunch will take place on Wednesday.

30

RESOLUTION NO. 20-27

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES; FOR PENDING OR IMMINENT LITIGATION:

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

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)-(7) of the Revised Code; and

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

Section 1. The Board hereby adjourns into executive session for consideration of employment; compensation of a public employee or public official; to consider the purchase of property for public purposes; for pending or imminent litigation.

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

RESOLUTION NO. 20-28

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

**COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 6, 2020**

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners