

COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD FEBRUARY 3, 2020

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present:
 Jeff Benton, President
 Gary Merrell, Vice President
 Barb Lewis, Commissioner

1:30 P.M. Viewing For Petition From The Lake-Of-The-Woods Water Company Requesting Dedication Of A 3.136-Acre Segment Of Duncan’s Glen Drive As A Public Right-Of-Way

1
 RESOLUTION NO. 20-113

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 27, 2020:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on January 27, 2020; 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. 20-114

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0131:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0131 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO’ Increase			
Anderson Reporting P2000209	Public Defender	10011202-5301	\$10,000.00
PR Number	Vendor Name	Line Description	Line Account Amount
R2000914	GLW INC	OUTSOURCE COMMERCIAL PLAN REVIEW SERVICE	10011301 - 5301 \$24,999.00
R2002012	LIMBACH COMPANY LLC	MAINTENANCE OR EQUIPMENT FAILS	66211900 - 5328 \$15,556.00

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

4
 RESOLUTION NO. 20-115

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Emergency Medical Services Department is requesting that Lieutenant Bryan Russell attend the EMS Today Conference in Tampa, Florida from March 4-6, 2020 at the cost of \$1720.00 (fund number 10011303).

The Auditor’s Office is requesting that the fiscal employees of the Delaware County Auditor’s Office attend various GFOA, One Solution, AGA Meetings, and CCAO trainings and conferences throughout 2020; at the cost of \$8,800.00 (fund number 10010101).

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

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RESOLUTION NO. 20-116

IN THE MATTER OF GRANTING THE PETITION OF GROEZINGER GOLF ENTERPRISES, INC., AND JOHN D. WRIGHT FOR DETACHMENT OF 260.56 ACRES, MORE OR LESS, FROM THE VILLAGE OF GALENA TO THE TOWNSHIP OF BERKSHIRE:

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

WHEREAS, on January 15, 2020, a petition praying for detachment of 260.56 acres, more or less, from the Village of Galena to the Township of Berkshire (the "Petition") was filed by David Fisher of Kephart Fisher, agent for the petitioners, Groezinger Golf Enterprises, Inc., and John D. Wright (the "Petitioners"); and

WHEREAS, pursuant to section 709.38 of the Revised Code, upon petition of a majority of the freehold electors owning lands in any portion of the territory of a municipal corporation, or, if no freehold electors own land therein, upon petition of a majority of the owners of lands therein, accurately described in such petition with an accurate map or plat thereof, praying to have such portion of territory detached therefrom, the board of county commissioners, with the assent of the legislative authority of the municipal corporation given in an ordinance passed for the purpose, shall detach such portion of the territory therefrom and attach it to any township contiguous thereto; and

WHEREAS, the Petitioners constitute the only owners of the territory proposed for detachment, and the Petition contains an accurate description of the territory to be detached and, upon filing of a supplement to the Petition on January 23, 2020, an accurate map or plat thereof; and

WHEREAS, also attached to the Petition is a certified copy of Village of Galena Ordinance No. 2019-18, in which the Council of the Village of Galena assents to the detachment prayed for in the Petition and determines that an apportionment, as contemplated in section 709.38 of the Revised Code, is not necessary;

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

Section 1. The Petition is hereby granted, and the 260.56 acres, more or less, as described in the Petition is hereby detached from the Village of Galena and attached to the Township of Berkshire, in accordance with section 709.38 of the Revised Code.

Section 2. The Board finds and determines that an apportionment, as contemplated in section 709.38 of the Revised Code, is not necessary and, therefore, makes no order of apportionment.

Section 3. The Clerk of the Board is hereby directed to certify a copy of this Resolution, together with the Petition, including all attachments thereto, to the Delaware County Auditor for certification and to, thereafter record the same in the official records of the Delaware County Recorder. The Clerk of the Board is further directed to certify a copy of this Resolution to the Village of Galena and the Berkshire Township Board of Trustees.

Section 4. This Board finds and determines that all formal actions of the Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This Resolution shall be in full force and effect immediately upon its adoption.

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

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RESOLUTION NO. 20-117

IN THE MATTER OF APPOINTING A DEPUTY APIARIST AND APPROVING AN AGREEMENT WITH DAN CURTIS FOR APIARY INSPECTION SERVICES FOR 2020:

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

WHEREAS, section 909.07 of the Revised Code authorizes the Delaware County Board of Commissioners (the "Board") to appropriate such funds as it deems sufficient for the inspection of apiaries in the county and to appoint a deputy apiarist with the consent and concurrence of the Ohio Director of Agriculture ("Director"); and

WHEREAS, the Board has appropriated Fifteen Thousand Dollars and No Cents (\$15,000.00) for apiary inspections in 2020;

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

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as follows:

Section 1. The Board hereby appoints Dan Curtis as deputy apiarist for Delaware County for the 2020 apiary season, subject to the consent and concurrence of the Director.

Section 2. The Board directs the Clerk of the Board to complete the county apiary inspector appointment form and submit the form to the Director.

Section 3. The Board hereby approves the following Contract for Apiary Inspection Services:

**CONTRACT FOR APIARY INSPECTION SERVICES
DEPUTY APIARIST**

Section 1 – Parties to the Agreement

This Agreement is made and entered into this 3rd day of February, 2020 by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 (“Board”), and Dan Curtis, 8399 Hickory Road Galena, Ohio 43021 (“Contractor”).

Section 2 – Purpose of Agreement

Section 909.07 of the Revised Code authorizes the Board to appropriate such funds as it deems sufficient for the inspection of apiaries in the county. The Board may appoint a deputy apiarist with the consent and concurrence of the Ohio Director of Agriculture (“Director”), said deputy to serve during the pleasure of the Board. Pursuant to this Agreement, the Board hereby appoints the Contractor as deputy apiarist for Delaware County, Ohio. The Contractor shall work under the direction of the Director and shall be responsible to the Director for the enforcement of sections 909.01 to 909.18, inclusive, of the Revised Code. The Director may terminate the appointment of the Contractor upon submitting to the Board a statement that the Contractor has shown himself to be incompetent, inefficient, or untrustworthy in the discharge of his duties. The Contractor shall furnish to the Director such reports as are required and upon blanks furnished by the Director. A duplicate of such reports shall be presented to the Board each time that a statement of salary and expense is presented for payment.

Section 3 – Compensation

The Board shall appropriate an amount not to exceed Fifteen Thousand Dollars and No Cents (\$15,000.00) for the inspection of registered apiaries in the county. This amount shall be payable to the Contractor, subject to the Director’s approval in accordance with section 909.07 of the Revised Code, and shall be full and total payment for all services provided and expenses incurred by Contractor in furtherance of this Agreement.

Section 4 – Term

This Agreement shall take effect as of the date first written above, subject to the Director’s consent and concurrence, and shall continue through the 2020 apiary season, which terminates on approximately October 31, 2020.

Section 5 – Insurance

5.1 **Liability Coverage:** Contractor shall maintain general liability and automobile liability insurance coverage in amounts sufficient to protect the Board and the Contractor from liability that may arise from performance of this Agreement.

5.2 **Additional Insureds:** Delaware County, its elected officials and employees, shall be named as additional insureds with respect to all activities under this Agreement in the policies required by Subsection 5.1.

5.3 **Proof of Insurance:** Contractor shall furnish the Board with properly executed certificates of insurance for all insurance required by this Agreement and properly executed endorsements indicating the listing of additional insureds in accordance with Subsection 5.2. Certificates of insurance shall provide that such insurance shall not be cancelled without thirty (30) days prior written notice to the County. Contractor will replace certificates for any insurance expiring prior to termination of this Agreement.

Section 6 – Indemnification

The Contractor shall indemnify and hold free and harmless Delaware County, the Board, and its employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of bodily injury, sickness, disease or death or injury to or destruction of tangible property including the loss of use resulting therefrom, to the extent caused by any negligent acts, errors or omissions of the Contractor, its employees, agents, subcontractors, and their employees and agents’ subcontractors and their employees or any other person for whose acts any of them may be liable.

Section 7 – Termination

The Board or the Director may terminate the appointment of Contractor in accordance with section 909.07 of the Revised Code. This Agreement shall terminate automatically upon the termination of Contractor’s appointment.

Section 8 – Miscellaneous Terms & Conditions

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8.1 Entire Agreement: This Agreement shall constitute the entire understanding and agreement between the Board and the Contractor, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.

8.2 Governing Law: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.

8.3 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.

8.4 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.

8.5 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 to be effective and to be complied with.

8.6 Independent Contractor: The Contractor and the Board agree and acknowledge that no employment relationship is created between the Contractor and the Board and that Contractor’s status under this Agreement shall be that of an independent contractor. As an independent contractor, the Contractor is responsible for all Federal, State and Local, and Social Security taxes, all insurance, and all workers compensation obligations. The County is a public employer as defined in R.C. 145.01(D). The County has classified Contractor as an independent contractor or another classification other than public employee. As a result, no contributions will be made to the Ohio Public Employees Retirement System (“OPERS”) for or on behalf of Contractor for services rendered pursuant to this Agreement. Contractor acknowledges and agrees that the County, in accordance with R.C. 145.038(A), has informed him of such classification and that no contributions will be made to OPERS. In support of being so informed and pursuant to R.C. 145.038, Contractor agrees to and shall complete an OPERS Independent Contractor Acknowledgement Form (“Form”). The Form is attached hereto and by this reference is incorporated as a part of this Agreement. The County shall retain the completed Form and immediately transmit a copy of it to OPERS.

FURTHER, BE IT RESOLVED the Board of Commissioners of Delaware County, State of Ohio approves the purchase order request R2000489, in the amount of \$15,000.00.

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

**7
RESOLUTION NO. 20-118**

IN THE MATTER OF SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF PITHER #377 DRAINAGE MAINTENANCE PETITION:

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

WHEREAS, on January 10, 2020, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition for the Pither #377 Watershed signed by Michelle M. Thomas to:

1. In Delaware County, Harlem Township, within the Pither #377 Watershed and general following, but not limited to the course and termini of the existing improvements.
2. To generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by replacing or repairing, or altering the existing improvement as required and/or creating new surface and subsurface drainage mains or laterals as requested by this petition.

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer’s cost from the bond in accordance with Section 6131.09 of the Revised Code;

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NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that **Monday, March 16, 2020 at 1:30 P.M.** at the upper terminus of the improvement/ in the vicinity of the intersection of 6754 Harlem Road be and the same is hereby fixed as the time and place for the view thereon; and

BE IT FURTHER RESOLVED that **May 28, 2020 at 10:00A.M.** at the Office of the Board of County Commissioners, 101 North Sandusky Street Delaware, Ohio be and the same is hereby fixed as the time and place for the first hearing on the petition; and

BE IT FURTHER RESOLVED that notice of said view and hearing be given, as required by law.

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

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RESOLUTION NO. 20-119

IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION FOR THE TREASURER'S OFFICE:

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

Supplemental Appropriation

10014101-5301 Treasurer/Contracted Professional Services 28,000.00

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

9

RESOLUTION NO. 20-120

IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY SAFETY GRANT FUNDS TO PURCHASE EMS FITNESS EQUIPMENT FOR THE EMERGENCY MEDICAL SERVICES DEPARTMENT:

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

WHEREAS, the Board of Commissioners of Delaware County, by Resolution No. 13-581, dated June 3, 2013, adopted a policy for the use of County Workers' Compensation Self Insurance funds to allow departments to apply for internal safety grants; and

WHEREAS, the EMS Department has applied for, and the Safety Grant Review Committee has recommended approval of, Grant Funds, not to exceed Fifty-Five Thousand Dollars, to purchase Fitness Equipment for each station for the Emergency Medical Services Department;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves Safety Grant Funds, not to exceed Fifty-Five Thousand Dollars, to purchase Fitness Equipment for each station for the Emergency Medical Services Department.

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

10

RESOLUTION NO. 20-121

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

It was moved by Mr. Merrell, seconded by Mrs. Lewis 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
UT20-0013	AEP	S. Old State Road	Replace existing poles
UT20-0014	AEP	Sawmill Road	Replace existing pole
UT20-0015	Columbia Gas	Courtyards at River Bluff 1	Install gas main
UT20-0016	Columbia Gas	Tussic Street Road	Install gas main
UT20-0017	Spectrum	Riverway Run	Place cable in ROW

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

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RESOLUTION NO. 20-122

IN THE MATTER OF APPROVING MODIFICATION #1 TO A COOPERATIVE RIGHT-OF-WAY ACQUISITION AND UTILITY RELOCATION AGREEMENT WITH THE CITY OF COLUMBUS FOR IMPROVEMENTS TO SOUTH OLD STATE ROAD:

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

**COOPERATIVE RIGHT-OF-WAY ACQUISITION AND
 UTILITY RELOCATION AGREEMENT
 MODIFICATION NO. 1
 BETWEEN
 CITY OF COLUMBUS, OHIO
 AND
 DELAWARE COUNTY, OHIO
 FOR
 INTERSECTION IMPROVEMENTS - SOUTH OLD STATE AT POLARIS PARKWAY
 DEL-CR10-0.90 (PID 90243)
 COLUMBUS CAPITAL IMPROVEMENT PROJECT NO. 530086-100028**

This modification (“Modification 1”) to the original Cooperative Right-Of-Way Acquisition Agreement (the “Original Agreement”), authorized by Ordinance 2564-2014, is made and entered into this 3rd day of February, 2020 (the “Effective Date”), by and between the City of Columbus, Ohio, acting through its Director of Public Service, hereinafter designated as COLUMBUS, pursuant to and under the authority of Ordinance No. 3042-2016, passed December 5, 2016, by the Columbus City Council, and the County of Delaware, Ohio, acting through its County Engineer, hereinafter designated as the COUNTY, pursuant to and under the authority of Resolution No. 15-67, passed January 22, 2015, by the County Commissioners of Delaware County; together hereinafter designated as the PARTIES; and

WHEREAS, the PARTIES entered into a Cooperative Right-Of-Way Acquisition and Utility Relocation Agreement for the project known to COLUMBUS as Intersection Improvements – South Old State at Polaris Parkway, Capital Improvement Project No. 530086-100028; and

WHEREAS, COLUMBUS’ share of right-of-way acquisition and utility relocation costs for the project was estimated to be \$145,168.60 in the Original Agreement, which the PARTIES agreed would be disbursed to the COUNTY on a reimbursement basis for actual expenses incurred; and

WHEREAS, the final cost of the aforementioned activities attributable to COLUMBUS will exceed the original cost estimate, necessitating the appropriation of additional funds by COLUMBUS to support the completion of right-of-way acquisition and utility relocation within its corporation limits; and

WHEREAS, per Section 2.1 of the Original Agreement, additional funds can only be contributed by COLUMBUS if City Council authorizes the encumbrance and expenditure of the same through legislative action, the Columbus City Auditor certifies those monies are available, and the PARTIES execute a written modification to the Original Agreement; and

NOW THEREFORE, the PARTIES covenant, agree, and obligate themselves as follows:

1. CHANGES TO THE ORIGINAL CONTRACT:

ARTICLE II, SECTION 2.1 Funding: COLUMBUS agrees to finance the 20% local share portion of the right-of-way acquisition and utility relocation attributable to the Improvements within COLUMBUS’ corporation limits, currently estimated to be a combined total of \$300,000.00. If the combined total exceeds \$300,000.00, then a written addendum to this instrument shall be required to increase COLUMBUS’ maximum financial obligation. COLUMBUS’ maximum financial obligation under this Modification 1 shall be \$300,000.00 unless and until Columbus City Council by ordinance authorizes additional expenditures; the Columbus City Auditor provides a certificate in accordance with Section 159 of the Columbus City Charter; and an amendment of the Original Agreement is fully executed providing for an increase in the maximum financial obligation of COLUMBUS.

Funding for right-of-way acquisition and utility relocation is estimated to be provided by ODOT, with COUNTY and COLUMBUS both providing a 20% local share for their respective jurisdictions. COLUMBUS’ contribution is as follows:

- Right-of-Way Acquisition: \$263,136.70
- Utility Relocation: \$36,863.30 Total Maximum
- Contribution: \$300,000.00

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If the final cost of one expense (right-of-way acquisition or utility relocation) is less than the estimate provided above and the cost of the other expense is more than the amount above, and the combined total is not exceeded, funding for one expense can be used for the other upon written approval by COLUMBUS.

ARTICLE II, SECTION 2.2(b)(5): This dollar amount is changed to \$263,136.70.

ARTICLE II, SECTION 2.3(b)(1): This dollar amount is changed to \$36,863.30.

ARTICLE II, SECTION 2.4: Invoices shall be mailed to:

City of Columbus
Department of Public Service
Office of Support Services
111 N. Front Street, 4th Floor
Columbus, Ohio 43215
Attn: Shenell Williams

- 2. **AGREEMENT CERTIFICATION:** It is agreed by COLUMBUS and COUNTY that this modifying agreement shall in no way constitute a breach of the Original Agreement.

It is further understood and agreed by and between COLUMBUS and COUNTY that as to the Work under the Original Agreement that the scope, covenants, provisions, terms, and conditions thereof shall be binding and that the only purpose of this Modification 1 is to authorize the encumbrance and expenditure of additional funds by COLUMBUS to support the project.

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

12
RESOLUTION NO. 20-123

IN THE MATTER OF AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE COUNTY ENGINEER’S OFFICE ALONG WITH A TRADE-IN:

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

WHEREAS, pursuant to section 5549.01 of the Revised Code, the Board of Commissioners (the “Board”) may purchase machinery and equipment for the construction, improvement, maintenance, or repair of the highways, bridges, and culverts under its jurisdiction as it deems necessary and may also purchase, hire, or lease automobiles, motorcycles or other conveyances and maintain them for the use of the county engineer and the county engineer’s assistants when on official business; and

WHEREAS, the County Engineer’s Office has a need for a wheel loader, four pickup trucks, and a cab and chassis for use in performing the office’s official duties; and

WHEREAS, the Board participates in the Sourcewell (formerly NJPA) cooperative purchasing program, and the wheel loader is available for purchase via Sourcewell; and

WHEREAS, the Board is a member of the State of Ohio’s cooperative purchasing program (the “Program”), and the pickup trucks and cab and chassis are available for purchase via the Program; and

WHEREAS, pursuant to section 307.12(G) of the Revised Code, if the Board finds, by resolution, that the County has personal property that is not needed, or is unfit for public use, the Board may offer to sell the property to a firm from which the Board proposes to purchase new property and have the selling price credited to the firm against the purchase price of the new property;1

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

Section 1. The Board hereby authorizes the purchase of one 2019 Volvo Wheel Loader, Model L90H, at a price of \$174,516.03 from Rudd Equipment Company, an authorized dealer for Volvo under Sourcewell Contract #032119-VCE. The purchase authorized in this Section 1 shall be subject to the contract and terms and conditions for Sourcewell Contract #032119-VCE, which is fully incorporated herein and of which the purchase order shall be made a part.

Section 2. The Board hereby finds that the County has a 2007 Case 721E Wheel Loader, Serial Number N6F7200433, that is not needed, obsolete, or unfit for public use and authorizes sale of the wheel loader to Rudd Equipment Company at a price of \$32,000 as a credit on the purchase price stated in Section 1.

Section 3. The Board hereby authorizes the purchase of four 2020 Ram 1500 Quad Cab 4-Wheel Drive

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pickups at a total price of \$100,360 from Sherry Chrysler, an authorized dealer under the Program Index GDC093, Contract #RS901720. The purchase authorized in this Section 3 shall be subject to the Program Index GDC093, Contract #RS901720, which is fully incorporated herein and of which the purchase order shall be made a part.

Section 4. The Board hereby authorizes the purchase of one 2020 Ford Model F-450 4x2 Crew Cab & Chassis at a price of \$44,573 from Lebanon Ford, an authorized dealer under the Program Index GDC093, Contract #RS901720. The purchase authorized in this Section 4 shall be subject to the contract and terms and conditions for Program Index GDC093, Contract #RS901720, which is fully incorporated herein and of which the purchase order shall be made a part.

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

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RESOLUTION NO. 20-124

IN THE MATTER OF APPROVING DITCH MAINTENANCE PETITIONS AND THE DITCH MAINTENANCE ASSESSMENTS FOR HYATTS CROSSING, NORTHSTAR GOLDWELL NEIGHBORHOOD SECTIONS 1 & 2, AND SCIOTO MEADOWS SOUTH:

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

Hyatts Crossing

WHEREAS, on February 3, 2020, a Ditch Maintenance Petition for Hyatts Crossing (the "Petition") was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within Hyatts Crossing located off of Hyatts Road and Sawmill Parkway in Liberty Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$254,802.09 for the benefit of the condominium units being created in this development. The developed condominium area of 100 units will the benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each condominium unit is therefore \$2,548.02 per unit. An annual maintenance fee equal to 2% of this basis (\$50.96) will be collected for each developed condominium unit. We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$5,096 has been paid to Delaware County, receipt of which is hereby acknowledged.

Northstar Goldwell Neighborhood Sections 1 & 2

WHEREAS, on February 3, 2020, a Ditch Maintenance Petition for Northstar Goldwell Neighborhood Sections 1 & 2 (the "Petition") was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within Northstar Goldwell Neighborhood Sections 1 & 2 located off of N. Galena and Wilson Roads in Berkshire Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real

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estate taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$1,272,509.55 for the benefit of the lot(s) being created in this site. 121 lots are created in these plats and each lot received an equal share of the benefits (cost) of the project. The basis for calculating the assessment for each lot is therefore \$10,516.60 per lot. An annual maintenance fee equal to 2% of this basis (\$210.33) will be collected for each lot. We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in Section 1 in the amount of \$10,516.50 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 1 (50 lots) = \$10,516.50
Section 2 (71 lots) = \$14,933.43

Scioto Meadows South

WHEREAS, on February 3, 2020, a Ditch Maintenance Petition for Scioto Meadows South (the "Petition") was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within Scioto Meadows South located off of Home Road in Concord Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$195,659.90 for the benefit of the condominium units being created in this development. The developed condominium area of 24 units will receive the benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each condominium unit is therefore \$8,152.50 per unit. An annual maintenance fee equal to 2% of this basis (\$163.05) will be collected for each developed condominium unit. We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$3,913.20 has been paid to Delaware County, receipt of which is hereby acknowledged.

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

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RESOLUTION NO. 20-125

IN THE MATTER OF AUTHORIZING THE COUNTY ADMINISTRATOR TO APPROVE AND EXECUTE ZONING APPLICATIONS AND OTHER PETITIONS IN SUPPORT OF THE REDEVELOPMENT AND IMPROVEMENT OF THE DELAWARE COUNTY FAIRGROUNDS:

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") has enacted and is collecting a lodging excise tax for the purpose of making improvements at the Delaware County Fairgrounds; and

WHEREAS, the Delaware County Agricultural Society has proposed improvements at the Delaware County Fairgrounds, including improvements on parcels owned by the Board, which require submitting to the City of Delaware certain zoning applications, petitions to vacate alleys, and other applications and petitions in support of the redevelopment and improvement of the Delaware County Fairground; and

WHEREAS, as the record owner of some of affected parcels, the Board's approval is necessary, and the Board wishes to expedite any necessary approvals; and

WHEREAS, pursuant to section 305.30(K) of the Revised Code, the Board may authorize the County Administrator to perform such duties as the Board may determine by resolution;

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

Section 1. Subject to Section 2 hereof, the Board hereby authorizes the County Administrator to approve and execute zoning applications and other petitions in support of the redevelopment and improvement of the Delaware County Fairgrounds and to submit any applications or petitions so approved and executed to the City of Delaware.

Section 2. The County Administrator shall provide copies of any proposed application or petition, prior to approval and execution in accordance with Section 1 hereof, to the Board for its review for a period of not less than one week and shall not approve and execute any proposed application or petition until the adjournment of the next regular meeting of the Board after the review period.

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

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

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ADMINISTRATOR REPORTS

Mike Frommer, County Administrator
-No reports.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell
-Will be attending the CORSA Orientation tomorrow.

Commissioner Lewis
-Representative Carfagna requested a local match for funding for the Fairground Grandstands improvement. The local match would come from the bed tax proceeds.

Commissioner Benton
-Attended the CEBCO meeting Friday morning.
-Attended the retirement celebration for Sheila Perin on Friday afternoon.

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RESOLUTION NO. 20-126

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 AND CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:

It was moved by Mrs. Lewis, 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

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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

WHEREAS, pursuant to section 121.22(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

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 and confidential information related to economic development.

Section 2. The Board hereby adjourns into executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance.

Section 3. The Board hereby finds and determines that the information listed in Section 2 is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

Section 4. The Board hereby finds and determines that the executive session held pursuant to Section 2 is necessary to protect the interests of an applicant for economic development assistance or the possible investment or expenditure of public funds to be made in connection with the economic development project.

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

RESOLUTION NO. 20-127

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

RESOLUTION NO. 20-128

IN THE MATTER OF APPROVING A LETTER PLEDGING FUNDS FROM THE DELAWARE COUNTY FAIRGROUNDS BED TAX TO MATCH FUNDING FROM THE STATE OF OHIO:

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

February 3, 2020

Dear Representatives;

As members of the Delaware County Board of Commissioners, we are pleased to pledge matching funds up to \$600,000 over two years from the Delaware County lodging tax levy, which was approved by voters in March 2016. The proceeds of this 3 percent hotel bed tax are to be used specifically to fund infrastructure improvements at the Delaware County Fairgrounds. The \$600,000 contribution would match funding from the State of Ohio and would be used to make much needed improvements to the Fairgrounds Grandstand.

Each year, the Delaware County Fair hosts a week of world-class harness horse racing, culminating with the running of The Little Brown Jug championship race. That race brings more than 40,000 spectators to the Fairgrounds, with another 25,000 watching races earlier in the week. This year marks the 75th

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anniversary of The Little Brown Jug.

The Fairgrounds Grandstand is an iconic structure in Delaware County and in the world of harness racing. Originally built in the 1940s, it has been maintained and modified in piecemeal fashion over the decades, but is now in need of a major upgrade for safety, structural and accessibility reasons.

Estimated to be a \$4.2 million project, the upgrades would address a host of existing problems by: providing ADA-compliant accessibility in the restrooms; installing underground electrical wiring and transformers with AC (rather than outdated DC) power; replacing old cast iron sewer lines; replacing wood flooring where possible with concrete; replacing deteriorated vinyl railings with newer, more weather-resistant materials; installing a modern security system; and ensuring the Grandstands as a whole are structurally sound.

This Board wholeheartedly supports this project and sincerely urges the State to allocate the funding necessary to ensure that the Delaware County Fairgrounds Grandstand can safely continue on as a highly visible contributor to the history and economy of this County.

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

Recess 11:55A.M./Reconvene 1:30PM *(In the vicinity of the intersection of Duncan's Glen Drive and Walnut Hull Drive)*

IN THE FIELD:

1:30 P.M. VIEWING FOR CONSIDERATION OF THE PETITION FROM THE LAKE-OF-THE-WOODS WATER COMPANY REQUESTING DEDICATION OF A 3.136-ACRE SEGMENT OF DUNCAN'S GLEN DRIVE AS A PUBLIC RIGHT-OF-WAY

On Monday, February 3, 2020; at 1:30P.M. in the vicinity of the intersection of Duncan's Glen Drive And Walnut Hull Drive The Delaware County Commissioners viewed the 3.136-Acre Segment Of Duncan's Glen Drive with staff members from the Delaware County Engineer's Office.

**Commissioners Present: Jeff Benton, Gary Merrell,
Commissioner Lewis is recused**

NOTE: the hearing on the vacation is scheduled for **Thursday February 20, 2020 at 10:00A.M.**

The Commissioners:

- Looked At And Followed the 3.136-Acre Segment Of Duncan's Glen Drive to Robinhood Circle
- residents had questions on Right-of-way, gas lines, and tree clearing
- County Engineer will have a report at the hearing
- options to bring up to County road standards
- Genoa Township
- the filing of the petition started formal process for Board of Commissioners

The following is a PDF copy of the Commissioners' Office sign-in sheet of the people present at the viewing who chose to sign the sign-in sheet.

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Delaware County Commission

Jeff Benton
 Barb Lewis
 Gary Merrell

SIGN-IN SHEET FOR FEBRUARY 3, 2020

1:30 P.M. Viewing For Consideration Of A Petition From The Lake-Of-The-Woods Water Company Requesting Dedication Of A 3.136-Acre Segment Of Duncan's Glen Drive As A Public Right-Of-Way

	NAME	ADDRESS
1	Sarah Dimond	101 W Sandusky St.
2	Renee Vaughan	6368 Mahogany Dr
3	Beverly Newland	9560 Duncans Glen 43082
4	Jennifer Walraven	Board Clerk
5	Jim Lewis	9230 White Oak Ln
6	Robt Noble	9119 Robinhood
7	Chris Mayne	7400 Duncans Glen Dr 43082
8	Jeff Murdock	9067 Oakwood Pt
9	Michele Murdock	↓ ↓
10	MIKE Collins	9180 Hawthorn Pt.
11	Bruce Harkne	7077 Duncans Glen Dr.
12	Greg Fortney	7430 Ferndale Place



There being no further business, the meeting adjourned.

 Gary Merrell

 Barb Lewis

 Jeff Benton

 Jennifer Walraven, Clerk to the Commissioners