

COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 10, 2020

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RESOLUTION NO. 20-790

IN THE MATTER OF RECOGNIZING SEPTEMBER 13-19, 2020 AS DIRECT SUPPORT PROFESSIONAL APPRECIATION WEEK IN DELAWARE COUNTY:

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

Proclamation of Recognition

WHEREAS, in September, people with disabilities, their family members, and members of the disability community celebrate September 13, 2020 through September 19, 2020 as Direct Support Professional Appreciation Week; and

WHEREAS, it is most appropriate that we recognize the Direct Support Professionals (DSPs) who are a cornerstone of support for people with developmental disabilities, assisting them to lead personally fulfilling lives by supporting them to live, work and play in their chosen community; and

WHEREAS, DSPs provide a broad range of individualized supports, including job support, social support, meal preparation, medication assistance, bathing, dressing, transportation and other daily tasks; and

WHEREAS, a DSP is not just a person of support but a trusted ally, friend, and advocate who serves as a foundational element in the circle of support on which people with developmental disabilities and their families rely; and

WHEREAS, amidst the COVID-19 pandemic, DSPs have continued to answer the call for service and deliver excellent support for people with developmental disabilities during these difficult times; and

WHEREAS, an adequate workforce of high quality DSPs is necessary for Delaware County to meet the needs of people with disabilities; and

WHEREAS, through this week of awareness the developmental disability community wishes to raise awareness and advocate for this important and needed profession; and

WHEREAS, the developmental disability community also wishes to share their appreciation for the dedicated care and continuous support DSPs provide to people in Delaware County; and

THEREFORE, BE IT RESOLVED that the Delaware County Commissioners recognize the critical work of Direct Support Professionals and the contribution they make to our community by supporting Delaware residents to live their lives to the fullest; and

BE IT FURTHER RESOLVED that the Delaware County Commissioners designate the week of September 13-19, 2020, as Direct Support Professionals Appreciation Week.

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

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RESOLUTION NO. 20-791

IN THE MATTER OF ADOPTING A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR:

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

WHEREAS, the Board of County Commissioners has passed Resolution No. 07-543 to reduce the real property tax collection rate from 2.8 mills to 1.8 mills, beginning with tax year 2008 for collection in year 2009 and thereafter for a continuing period of time, pursuant to R.C. 5705.313(A); and

WHEREAS, the Budget Commission of Delaware County, Ohio has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill tax limitation;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Delaware County, Ohio, that the amounts and rates as determined by the Budget Commission in its certification are hereby accepted; and

BE IT FURTHER RESOLVED that the following tax levies, within and without the ten mill limitation, are hereby authorized and levied on the tax duplicate of Delaware County at the rates specified herein:

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SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET
COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES

DELAWARE COUNTY TAX YEAR 2020 FUND	Amount	Amount	County Auditor's	
	Approved by	to Be Derived	Estimate of Tax Rate	
	Budget Commission	from levies	to be Levied	
	Inside 10 M. Limitation	Outside 10 M. Limitation	Inside 10 M. Limit	Outside 10 M. Limit
General Fund	14,950,006		1.80	
Permanent Improvement Fund	830,576		0.10	
Developmental Disabilities Fund		15,413,675		2.10
Developmental Disabilities Fund		4,110,313		0.56
Developmental Disabilities Fund		3,298,587		0.40
9-1-1- Operations Fund		4,151,196		0.63
Senior Citizens		9,632,480		1.30
Debt Service		913,587		0.11
TOTAL	15,780,582	37,519,836	1.90	5.10

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby directed to certify a copy of this Resolution to the Delaware County Auditor.

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

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RESOLUTION NO. 20-792**

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE RUDER EAST DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 20-20 The Delaware County Commissioners established a drainage maintenance account (#1906) and approved the permanent drainage maintenance easement for The Ruder East Drainage Improvement Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 3.5%

NOW, THEREFORE, BE IT RESOLVED, The Delaware County Commissioners approves the final schedule of construction assessments for the Ruder East Drainage Improvement Project. (Copy available in the Commissioners' Office until no longer of administrative value).

FURTHER BE IT RESOLVED, THAT the Commissioners' Office will supply to the Auditor's Office the final schedule of construction assessments with the interest rates 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 on the installments. (Copy available in the Commissioners' Office until no longer of administrative value).

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

**6
RESOLUTION NO. 20-793**

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE FANCHER DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No.19-893 The Delaware County Commissioners established a drainage

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maintenance account (#1903) and approved the permanent drainage maintenance easement for The Fancher Drainage Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 3.5%

NOW, THEREFORE, BE IT RESOLVED, The Delaware County Commissioners approves the final schedule of construction assessments for the Fancher Drainage Improvement Project. (Copy available in the Commissioners’ Office until no longer of administrative value).

FURTHER BE IT RESOLVED, THAT the Commissioners’ Office will supply to the Auditor’s Office the final schedule of construction assessments with the interest rates 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 on the installments. (Copy available in the Commissioners’ Office until no longer of administrative value).

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

7
RESOLUTION NO. 20-794

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENTS FOR THE PETITIONER, AARON UNDERHILL, ESQ., DAVID HODGE, ESQ., AND ERIC ZARTMAN, ESQ., REQUESTING ANNEXATION OF 8.897 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to acknowledge that on September 1, 2020, the Clerk to the Board of Commissioners received a petition requesting annexation of 8.897 acres from Liberty Township to the City of Powell.

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

ON AUGUST 6, 2020, THE BOARD OF COMMISSIONERS HELD AND CLOSED THE FINAL PUBLIC HEARING FOR THE RADNOR TOWNSHIP #2015-1 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT.

THE BOARD DEFERRED CONSIDERATION ON PROJECT UNTIL SEPTEMBER 10, 2020

Address “finding in favor resolution” or “setting aside the order for and dismissing” resolution

8
RESOLUTION NO. 20-795

IN THE MATTER OF THE COMMISSIONERS SETTING ASIDE THE ORDER FOR AND DISMISSING THE RADNOR TOWNSHIP #2015-1 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT DUE TO ONE OR MORE OF THE FOLLOWING REASONS: THE COST EXCEEDS THE BENEFITS OF THE PROJECT:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve setting aside the order for and dismissing The Radnor Township #2015-1 Watershed Drainage Improvement Petition Project due to one or more of the following reasons: the cost exceeds the benefits of the project..

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

8 continued
RESOLUTION NO. 20-796

IN THE MATTER OF ORDERING THAT THE COSTS FOR THE PROCEEDINGS OF THE RADNOR TOWNSHIP #2015-1 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT, INCLUDING THE COST INCURRED BY THE BOARD OF COMMISSIONERS, THE COUNTY ENGINEER AND THE DELAWARE SOIL AND WATER CONSERVATION DISTRICT IN MAKING SURVEYS, PLANS, REPORTS AND SCHEDULES BE DISTRIBUTED TO THE LANDOWNERS IN THE SAME RATIO AS DETERMINED IN THE FINAL ESTIMATED ASSESSMENTS PRESENTED AT THE HEARING:

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

The Board of Commissioners of Delaware County, State of Ohio hereby ORDERS that the costs for the

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proceedings of The Radnor Township #2015-1 Watershed Drainage Improvement Petition, including the cost incurred by the Board of Commissioners, the County Engineer and the Delaware Soil and Water Conservation District in making surveys, plans, reports and schedules will be distributed to the landowners in the same ratio as determined in the final estimated assessments presented at the hearing, and that the land owners shall be given the option to pay the cost in a single installment or over two years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land in the watershed, to pay the cost incurred for the Radnor Township #2015-1 Watershed Drainage Improvement Petition, process. No interest shall be charged on the installments.

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

ANNEXATION PETITION OF 78.017 ACRES, IN BERKSHIRE TOWNSHIP (2.002 ACRES) AND BERLIN TOWNSHIP (76.015 ACRES) TO THE VILLAGE OF SUNBURY

Address granting annexation resolution or denying resolution

9

RESOLUTION NO. 20-797

IN THE MATTER OF DENYING THE ANNEXATION PETITION OF 78.017 ACRES, IN BERKSHIRE TOWNSHIP (2.002 ACRES) AND BERLIN TOWNSHIP (76.015 ACRES) TO THE VILLAGE OF SUNBURY:

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

WHEREAS, on July 29, 2020, the Clerk to the Board of the Delaware County Commissioners (the “Board”) received an annexation petition filed by Michael R. Shade, Attorney-at-Law, agent for the petitioner, of 78.017 acres, more or less, in Berkshire Township (2.002 Acres) and Berlin Township (76.015 Acres) to the Village of Sunbury (the “Petition”); and

WHEREAS, the Petition was filed pursuant to section 709.023 of the Revised Code; and

WHEREAS, on August 13, 2020, Berkshire Township filed with the Board an objection (Berkshire Township Resolution 2020-7-6) to the Petition pursuant to section 709.023(D) of the Revised Code, which states, in pertinent part, that the Petition does not comply with section 709.023(E)(7) of the Revised Code; and

WHEREAS, on August 20, 2020, Berlin Township filed with the Board an objection (Berlin Township Resolution No. 20-08-08) to the Petition pursuant to section 709.023(D) of the Revised Code, which states, in pertinent part, that the Petition does not comply with section 709.023(E)(7) of the Revised Code; and

WHEREAS, pursuant to section 709.023(E) of the Revised Code, the Board reviewed the Petition to determine if the conditions stated therein have been met;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby finds, upon review of the Petition, that the Petition fails to meet one or more of the conditions specified in section 709.023(E) of the Revised Code. Specifically, the Petition fails to meet the following condition:

- (7) If a street or highway will be divided or segmented by the boundary line between the municipality and township as to create a road maintenance problem, the municipality has agreed as a condition of annexation to assume the maintenance of that street or highway or to otherwise correct the problem.

BE IT FURTHER RESOLVED that, because the segmentation of 3 B’s & K Road would create a road maintenance problem, and because the municipality has not agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem, the Board hereby denies the Petition.

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

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RESOLUTION NO. 20-798

IN THE MATTER OF APPROVING AMENDMENT NO. 1 TO THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR RIVER BLUFF PHASE 1:

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

WHEREAS, the Sanitary Engineer recommends approval of Amendment No. 1 to the Sanitary Sewer Subdivider’s Agreement for River Bluff Phase 1;

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NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Amendment No. 1 to the Sanitary Sewer Subdivider’s Agreement for River Bluff Phase 1:

**AMENDMENT NO. 1 TO
SUBDIVIDER'S AGREEMENT
RIVER BLUFF PHASE 1**

This Amendment No. 1 to the Subdivider’s Agreement for River Bluff Phase 1, which was entered into on February 20, 2020, is made and entered into this 10th day of September, 2020, by and between Epcon Communities (the “Subdivider”), and the Delaware County Board of Commissioners (the “County”). The Subdivider and the County mutually agree to amend the Agreement as follows:

AMENDMENT

A new SECTION IX-A shall be inserted as follows:

SECTION IX-A: LOT CONNECTION

Notwithstanding the Improvements not yet being accepted into public service, the County shall permit the Subdivider to connect the lots within River Bluff Phase 1, subject to the following conditions:

1. The Subdivider shall cause the homes’ sewage lines to be plugged to ensure that wastewater is securely contained and does not unlawfully discharge.
2. The plugs to be used shall be Rectorseal HubSett Test Coupling. Any alternate plugs may not be used without the express, written approval of the Delaware County Sanitary Engineer.
3. The Subdivider shall also install sewer plugs in the main line at manholes as directed by the Sanitary Engineer.
4. The Subdivider acknowledges that the use of the plugs as approved herein is for experimental purposes only and shall not establish a precedent for future use.
5. The acceptance of Improvements shall remain as set forth in the original Agreement.
6. The installation of the plugs and connection of the homes approved in the SECTION IX-A are subject to inspection by the County. The full tap fee and inspection fee shall be paid prior to scheduling inspection. The County will not re-inspect the plugs or connections after passing initial inspection, and the Subdivider shall be liable for any failures thereof and resulting damage until the Improvements have been accepted by the County and the maintenance period has expired.
7. Prior to final acceptance of the Improvements, the Subdivider shall cause the onsite sewers to be inspected by camera and submit the inspection video and accompanying reports to the County for review as part of the final inspection of the Improvements.
8. The Subdivider shall, at its sole expense, remove any discharge or debris and shall clean the sewers prior to final acceptance by the County.
9. Only upon final acceptance shall the County permit the plugs installed as specified herein to be removed.
10. The Subdivider agrees that no occupancy permit shall be issued until the Improvements have been accepted into public service.
11. In addition to the indemnification provided in the original Agreement, the Subdivider shall specifically indemnify the County against and hold the County harmless from any damages, claims, judgments, costs, or liabilities of any kind arising from the use of plugs as approved herein.

REMAINING PROVISIONS

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

IN WITNESS WHEREOF, the Subdivider and the County have executed this Amendment No. 1 as of the date first written above.

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

**11
RESOLUTION NO. 20-799**

IN THE MATTER OF APPROVING A RENTAL AGREEMENT WITH JACK DOHENY COMPANIES FOR RENTAL OF A TRUCK FOR SLUDGE HAULING:

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

WHEREAS, the Sanitary Engineer recommends approval of an agreement with Jack Doheny Companies for rental of a truck for sludge hauling;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio, hereby approves the rental agreement with Jack Doheny Companies for rental of a truck for sludge hauling:

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(Copy of rental agreement available for review at the Sanitary Engineer’s Office until no longer of administrative value)

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

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ADMINISTRATOR REPORTS

Dawn Huston, Deputy Administrator
-No reports.

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COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Merrell
-Met with the Regional Planning Executive yesterday.
-Ohio Wesleyan’s Entrepreneurial Reception will happen virtually tonight.

Commissioner Lewis
-The Justice/Public Safety Committee will meet tomorrow.
-Family and Children First Council held a Zoom meeting.
-A reminder to take a moment of silence tomorrow, September 11th, at 8:46 AM

Commissioner Benton
-CEBCO met last Friday. It was decided to stay with HealthWorks for three more years. Delaware County was awarded the Most Improved Effort award for enrollment.

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RESOLUTION NO. 20-800

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

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 appointment of a public employee or public official.

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

RESOLUTION NO. 20-801

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

There being no further business, the meeting adjourned.

**1:00P.M. WORK SESSION
-DELAWARE COUNTY LAW LIBRARY**

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Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners