

**COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 5, 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**

**10:00 A.M. Hearing For The Petition Requesting The Vacation Of A 0.165 Acre Tract Of Bainbridge Mills Drive In Liberty Township (Public Participation In This Viewing, Will Be Taking Place Only By Virtual Means)**

**1**  
**RESOLUTION NO. 20-872**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 1, 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 October 1, 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**  
**RESOLUTION NO. 20-873**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1002:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1002 and Purchase Orders as listed below:

<b>PR Number</b>	<b>Vendor Name</b>	<b>Line Description</b>	<b>Line Account</b>	<b>Amount</b>
R2004419	ADVIZEX TECHNOLOGIES LLC	LAPTOPS - DATA CENTER	22711328 - 5260	\$107,477.00
R2004420	ZOHO CORPORATION	SERVICE DESK PROFESSIONAL - DATA CENTER	22711328 - 5320	\$23,040.00
R2004421	SOFTWARE HOUSE INTL INC	MICROSOFT OFFICE LICENSES - DATA CENTER	22711328 - 5320	\$26,800.00
R2004422	ZOOM VIDEO COMMUNICATIONS INC	COUNTY SUBSCRIPTION - DATA CENTER	22711328 - 5320	\$18,000.00
R2004425	DEERE AND CO	JOHN DEERE GATOR - XUV835M CAB NON-HVAC 2021	66211900 - 5450	\$17,500.00
R2004437	EASTWAY CORPORATION	MSY PLACEMENT YOUTH	70161605 - 5342	\$18,375.00
R2004439	DROPBOX INC	DROPBOX & HELLOSIGN - DATA CENTER	22711328 - 5320	\$51,240.00
R2004440	TREASURER,STATE OF OHIO	COMPUTERS & ACCESSORIES - CSEA	22711328 - 5201	\$7,980.00
R2004440	TREASURER,STATE OF OHIO	COMPUTERS & ACCESSORIES - CSEA	22711328 - 5260	\$28,789.75
R2004456	PYRINEX INC	WINDOWS CONVERSION PROJECT - 911	10011102 - 5260	\$6,980.00

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

**3**  
**RESOLUTION NO. 20-874**

**IN THE MATTER OF DECLARING THE BOARD'S OPINION REGARDING THE VACATION OF A NEVER IMPROVED UNNAMED ALLEY, LOCATED AT 3238 RADNOR ROAD, RADNOR, OHIO, DELAWARE COUNTY, OHIO BETWEEN LOTS 8 AND 9, IN RADNOR TOWNSHIP, AND SETTING DATE, TIME, AND PLACE FOR THE VIEW AND FINAL HEARING THEREON:**

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

WHEREAS, pursuant to section 5553.042 of the Revised Code, a township shall lose all rights in and to any public road, highway, street, or alley which has been abandoned and not used for a period of twenty-one years, after formal proceedings for vacation as provided in sections 5553.04 to 5553.11 of the Revised Code have been taken; and

WHEREAS, on August 17, 2020, a petition for vacation of a never improved unnamed alley, located at 3238 Radnor Road, Radnor, Ohio, Delaware County, Ohio between Lots 8 and 9, in Radnor Township (the "Alley"), was filed with the Delaware County Board of Commissioners (the "Board") by Thad T. Rieger (Of Counsel) for Christopher Heavilin and Patrick H. Heavilin, abutting landowners; and

WHEREAS, pursuant to section 5553.042 of the Revised Code, if the Board finds that the Alley has been abandoned and not used for a period of twenty-one years as alleged in the petition, the Board, by resolution, may order the Alley vacated, and the Alley shall pass, in fee, to the abutting landowners, as provided by law; and

WHEREAS, pursuant to section 5553.04 of the Revised Code, when the Board is of the opinion that it will be for the public convenience or welfare to vacate a public road, it shall so declare by resolution, which resolution shall set forth the general route and termini of the road, or part of the road, to be vacated; and

WHEREAS, pursuant to section 5553.05 of the Revised Code, in the resolution required by section 5553.04 of the Revised Code, the Board shall fix a date when it will view the proposed vacation, and also a date for a final hearing thereon;

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

Section 1. The Board hereby declares its opinion that it will be for the public convenience or welfare to vacate the Alley, which is more specifically described in the petition.

Section 2. The Board shall view the proposed vacation on **Monday November 16, 2020, at 1:30P.M.**, with the use of video technology at the Office of the Board of County Commissioners, 101 North Sandusky Street Delaware, Ohio.

The Board shall conduct a final hearing on the proposed vacation on **Monday December 7, 2020 at 10:00A.M.**, at the Commissioners' Hearing Room located at 101 North Sandusky Street, Delaware, Ohio 43015.

Section 3. The Clerk of the Board is hereby directed to give notice of the view and final hearing by publication in the Delaware Gazette once a week for two consecutive weeks. The Clerk is also directed to send written notice of the hearing by first class mail at least twenty days before the date of the public hearing to owners of property abutting upon that portion of the road to be vacated, and to the director of natural resources. Such notice shall be mailed to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list.

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

**4  
RESOLUTION NO. 20-875**

**IN THE MATTER OF AUTHORIZING SUBMISSION OF A REQUEST FOR DESIGNATION TO THE NORTH CENTRAL OHIO SOLID WASTE DISTRICT:**

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") owns a solid waste transfer facility and, on May 7, 2020, adopted Resolution No. 20-400, approving a contract with Rumpke Waste, Inc. ("Rumpke") for Delaware County Solid Waste Transfer Station Operation, Hauling and Disposal Services (the "Agreement"); and

WHEREAS, the Board is in receipt of an Invitation for Designation from the North Central Ohio Solid Waste District ("NCOSWD"), which is seeking to designate solid waste facilities authorized to accept solid waste generated within NCOSWD, pursuant to section 343.014 of the Revised Code; and

WHEREAS, the Board wishes to authorize submission of a request for designation to NCOSWD in response to the Invitation for Designation;

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

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Section 1. The Board hereby authorizes Rumpke, as operator of the Delaware County Solid Waste Transfer Station, to submit a request for designation to NCOSWD to have the Delaware County Solid Waste Transfer Station designated as an authorized facility to accept solid waste generated within NCOSWD.

Section 2. In the event the request for designation is approved, the Board hereby authorizes Rumpke to enter into a designation agreement with NCOSWD, charge and collect any NCOSWD designation fee, and otherwise administer the requirements of NCOSWD designation on behalf of the Board.

Section 3. The Board hereby authorizes the County Administrator to approve and execute any amendments to the Agreement necessary to implement the NCOSWD designation as authorized herein.

Section 4. This Resolution shall take effect immediately upon adoption.

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

**5**  
**RESOLUTION NO. 20-876**

**IN THE MATTER OF APPOINTING MEMBERS TO THE DELAWARE COUNTY PUBLIC DEFENDER COMMISSION:**

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

WHEREAS, in Resolution No. 20-781, adopted on September 3, 2020, the Delaware County Board of Commissioners (the “Board”) established the Delaware County Public Defender Commission (the “Commission”); and

WHEREAS, Section 3 of the Resolution states that the Board shall, pursuant to section 120.13 of the Revised Code, make the following appointments to the Commission: (A) Two members who shall serve terms commencing on the date of establishment of the Commission and expiring two years thereafter; and (B) One member who shall serve a term commencing on the date of establishment of the Commission and expiring four years thereafter; and

WHEREAS, pursuant to section 120.13 of the Revised Code, at least one of the Board’s appointments shall be an attorney admitted to the practice of law in this state;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

Section 1. The Board hereby appoints the following individuals to the Commission for the terms specified herein:

<b>Appointee</b>	<b>Term Commences</b>	<b>Term Ends</b>
Carlos Crawford	October 1, 2020	October 1, 2022
Melissa Knopp	October 1, 2020	October 1, 2022
Donald Hunter	October 1, 2020	October 1, 2024

Section 2. The appointments approved herein shall take effect on October 1, 2020.

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

*For the health, safety and well-being of county residents, in response to the continued threat of COVID-19, and in accordance with orders of the Ohio Director of Health, public participation in this hearing Will Be Taking Place Only By Virtual Means*

**7**  
**ADMINISTRATOR REPORTS**

Mike Frommer, County Administrator  
-No reports.

**8**  
**COMMISSIONERS’ COMMITTEES REPORTS**

Commissioner Lewis  
-The Public Defender Commission is a milestone for Delaware County and the Court system.  
-Attended the virtual CCAO Justice and Public Safety meeting. We passed our Legislative agenda.

Commissioner Merrell  
-Will be attending the CORSA board retreat Wednesday and Thursday.  
-There will be a 9-1-1 board meeting tomorrow afternoon.

Commissioner Benton  
-Participated in a MORPC executive committee meeting Friday.

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- There will be a CCAO taxation and finance committee meeting tomorrow.
- Senator Brenner proposed a bill to create a Little Brown Jug license plate.

**Recess at 9:51 AM/Reconvene at 10:00 AM**

**6**

**RESOLUTION NO. 20-877**

**10:00A.M. PUBLIC HEARING FOR CONSIDERATION OF THE PROPOSED VACATION OF A 0.165 ACRE TRACT OF BAINBRIDGE MILLS DRIVE IN LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to open the hearing at 10:01 A.M..

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

**6 continued**

**RESOLUTION NO. 20-878**

**IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment before the Board of County Commissioners of Delaware County, Ohio.

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

**6 continued**

**RESOLUTION NO. 20-879**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE PROPOSED VACATION OF A 0.165 ACRE TRACT OF BAINBRIDGE MILLS DRIVE IN LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis to close the hearing at 10:09 A.M..

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

**6 continued**

**RESOLUTION NO. 20-880**

**IN THE MATTER OF APPROVING THE VACATION OF A 0.165 ACRE TRACT OF BAINBRIDGE MILLS DRIVE IN LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO PURSUANT TO SECTIONS 5553.07 AND 5553.10 OF THE REVISED CODE:**

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

WHEREAS, on June 3, 2020, Melvin House filed with the Delaware County Board of Commissioners (the "Board") a Road Vacation Petition, signed by 12 freeholders in accordance with section 5553.04 of the Revised Code, requesting the vacation of a 0.165 acre tract of Bainbridge Mills Drive in Liberty Township, Delaware County, Ohio; and

WHEREAS, on September 24, 2020, Liberty Township filed with the Board a resolution of support (Liberty Township Resolution 20-0908-06), approving the vacation requested in the Petition in accordance with section 5553.04(B) of the Revised Code; and

WHEREAS, the Board conducted a view of the proposed vacation of a 0.165 acre tract of Bainbridge Mills Drive, with the use of video technology at the Office of the Board of County Commissioners, 101 North Sandusky Street Delaware on Monday, September 28, 2020; and

WHEREAS, the Board held a final hearing on the proposed vacation on Monday, October 5, 2020, at 10:00 A.M., at the Office of the Board of County Commissioners, 101 North Sandusky Street Delaware, Ohio, all abutting landowners having been properly notified of the time and date thereof; and

WHEREAS, the Delaware County Engineer has provided a written report, with recommendations, regarding the request;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, STATE OF OHIO:

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Section 1. The Board hereby finds and determines that the vacation of a 0.165 acre tract of Bainbridge Mills Drive, described as follows, would serve the public convenience and welfare:

Description

PATRIDGE SURVEYING LLC

DESCRIPTION OF 0.165 ACRE TRACT

Situated in the State of Ohio, County of Delaware, Township of Liberty, located in Farm Lot 21, Section 4, Township 3, Range 19, United States Military Lands, and being part of a 0.300 acre tract conveyed to the Board of Delaware County Commissioners, of record in Bk. 1517, Page 1775-1780 and part of Bainbridge Mills Drive as shown on the plat of Bainbridge Mills Phase 1, recorded in Plat Cabinet 1, slides 541-541A, Delaware County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at an iron pin found in a monument box in the centerline of Sawmill Road on the line between Delaware County and Franklin County,

thence South 86° 02' 54" East 40.00 feet, to an iron pin set marking the southwest corner of Lot 2651 in said Bainbridge Mills Phase 1,

thence North 02° 39' 58" East 45.64 feet, along the west line of Lot 2561, to an iron pin set at a point of curvature to the right;

thence the following two (2) courses and distances along the south line of Bainbridge Mills Drive as shown on plat of Bainbridge Mills Phase 1:

along the arc of a curve (C1) turning to the right with a delta angle of 89° 31' 28", radius = 25.00 feet, arc length = 39.06 feet, with a chord bearing of North 47° 25' 42" East, and a chord length of 35.21 feet, to an iron pin set at a point of curvature to the left,

along the arc of a curve (C2) turning to the left with a delta angle of 00° 02' 33", radius = 280.00 feet, arc length = 0.21 feet, with a chord bearing of South 87° 49' 50" East, and a chord length of 0.21 feet, to an iron pin set marking the TRUE PLACE OF BEGINNING of the herein described tract,

thence North 02° 39' 58" East 101.47 feet, to an iron pin set;

thence along the arc of a curve (C3) turning to the left with a delta angle of 39° 50' 55", radius = 280.00 feet, arc length = 194.74 feet, with a chord bearing of South 66° 59' 17" East, and a chord length of 190.84 feet, to an iron pin set ;

thence South 86° 54' 45" East 10.75 feet, to an iron pin found in the south line of Bainbridge Mills Drive;

thence the following three (3) courses and distances along the south line of Bainbridge Mills Drive as shown on plat of Bainbridge Mills Phase 1:

along the arc of a curve (C4) turning to the left with a delta angle of 17° 00' 03", radius = 220.00 feet, arc length = 65.28 feet, with a chord bearing of South 84° 35' 14" West, and a chord length of 65.04 feet, to an iron pin found;

South 76° 05' 12" West 50.00 feet, to an iron pin set;

along the arc of a curve (C5) turning to the right with a delta angle of 16° 03' 41", radius = 280.00 feet, arc length = 78.49 feet, with a chord bearing of South 84° 07' 03" West, and a chord length of 78.23 feet, to the true place of beginning, containing an area of 0.165 acres, of which 0.141 acres is from said Bainbridge Mills Drive, and 0.024 acres is from said 0.300 acre tract.

Subject to all prior easements, restrictions, and rights of way of record, if any.

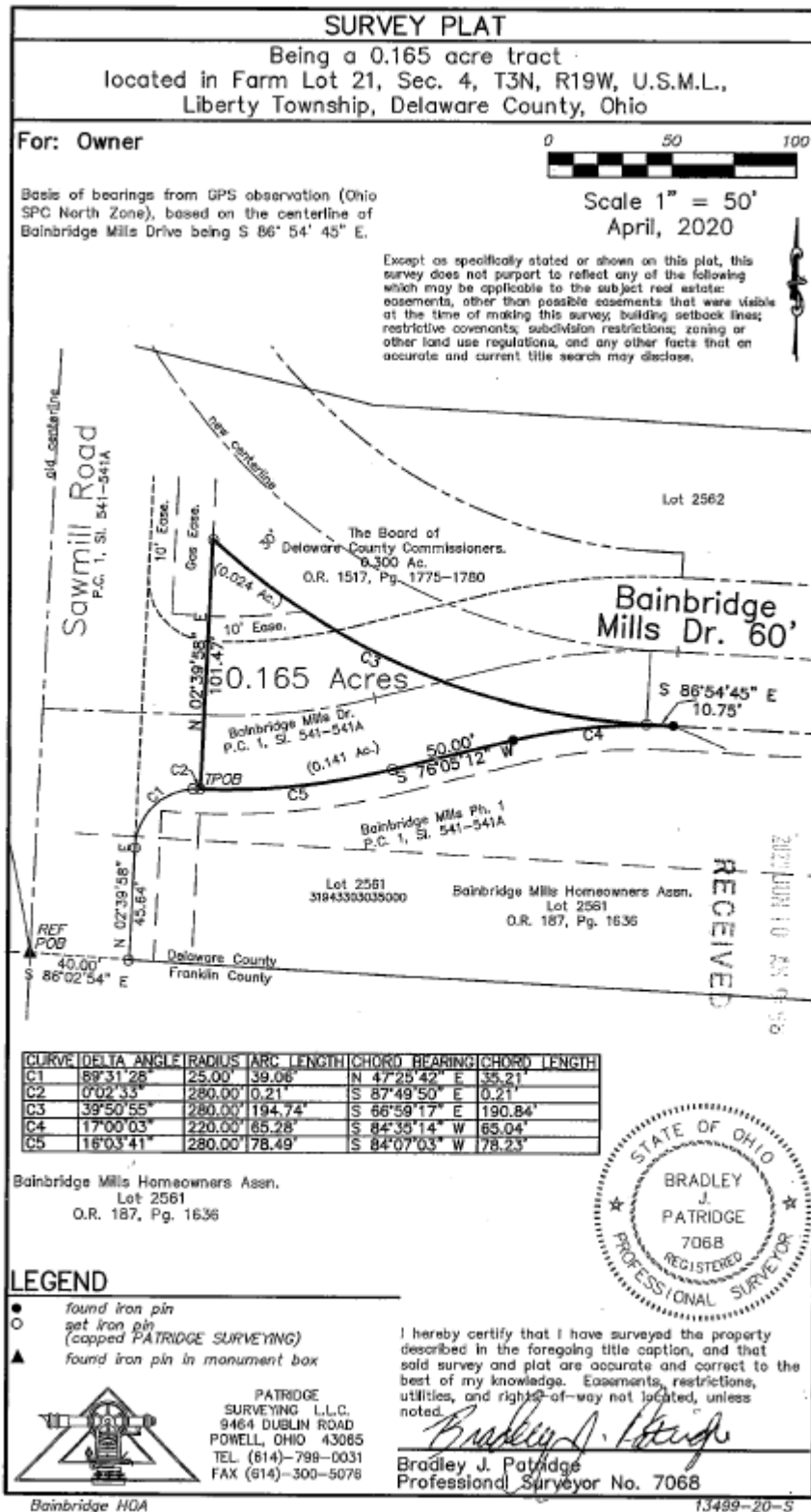
Basis of bearings from GPS observation (Ohio SPC North Zone), based on the centerline of Bainbridge Mills Drive being South 86° 54' 45" East. A survey of the above described premises was done by Bradley J. Patridge P.S. 7068, in April, 2020.

All iron pins set are 5/8" rebar, 30" long and are yellow capped "PATRIDGE SURVEYING". All referenced documents are on file at the Delaware County Recorder's Office, Delaware, Ohio.

DESCRIPTION FOR CLOSING ONLY  
RPC-Approval Required  
Municipal Approval Required  
Delaware County Engineer  
5-19-2020

2/1  
D

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Section 2. The Board hereby declares the 0.165 acre tract of Bainbridge Mills Drive, as described in Section 1 of this Resolution, vacated, and such portion shall cease to be a public road. Ownership of the portion of the road vacated herein shall be fully vested in the abutting landowner, the Bainbridge Mills Homeowners Association.

Section 3. The Clerk shall prepare a full record of the proceedings, including this Resolution, the survey, plat, and accurate and detailed description of the vacation, to be entered forthwith in the proper road records of the county by the Delaware County Engineer. The Board hereby directs the Clerk of the Board to also certify a copy of full record of the proceedings to the Delaware County Auditor and the Delaware County Recorder.

Section 4. The Board finds and determines that all formal actions taken by this 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 that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Section 5. This Resolution shall take effect immediately upon adoption.

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

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There being no further business, the meeting adjourned.

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Gary Merrell

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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners