

COMMISSIONERS JOURNAL NO. 74 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD DECEMBER 28, 2020

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

Present:

Jeff Benton, President  
Barb Lewis, Commissioner

Absent:

Gary Merrell, Vice President

9:45 AM Public Hearing on The Petition For Establishment Of The Berlin Meadows New Community Authority As A New Community Authority Under Chapter 349 Of The Ohio Revised Code

9:45 AM Public Hearing on The Petition For Establishment Of The Liberty Grand New Community Authority As A New Community Authority Under Chapter 349 Of The Ohio Revised Code

RESOLUTION NO. 20-1183

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 21, 2020:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on December 21, 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 Absent Mrs. Lewis Aye Mr. Benton Aye

ADMINISTRATOR REPORTS

Mike Frommer, County Administrator  
-No reports.

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Benton

-Wishes For A Happy New Year  
-Upcoming Football Games

Commissioner Lewis

-Emergency Management Agency Meeting later today  
-Wishes For A Happy New Year

RESOLUTION NO. 20-1184

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. Benton, 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 Mr. Benton Aye Mr. Merrell Absent Mrs. Lewis Aye

RESOLUTION NO. 20-1185

9:45A.M. PUBLIC HEARING ON THE PETITION FOR ESTABLISHMENT OF THE BERLIN MEADOWS NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE AND THE PUBLIC HEARING ON THE PETITION FOR ESTABLISHMENT OF THE LIBERTY GRAND NEW COMMUNITY

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**AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to open the hearing at 9:45A.M..

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

**RESOLUTION NO. 20-1186**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING ON THE PETITION FOR ESTABLISHMENT OF THE BERLIN MEADOWS NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE AND THE PUBLIC HEARING ON THE PETITION FOR ESTABLISHMENT OF THE LIBERTY GRAND NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to close the hearing at 9:50 AM..

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

**RESOLUTION NO. 20-1187**

**IN THE MATTER OF GRANTING THE PETITION FOR THE ESTABLISHMENT OF THE BERLIN MEADOWS NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY PURSUANT TO CHAPTER 349 OF THE OHIO REVISED CODE:**

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

WHEREAS, on November 18, 2020, Berlin Meadows Development, LLC (the “Developer”), acting as the statutory developer pursuant to Chapter 349 of the Ohio Revised Code, filed a petition (the “Petition”) with the Clerk of the Board of County Commissioners for the establishment of the Berlin Meadows New Community Authority (the “Authority”) to govern a proposed new community district (the “District”); and

WHEREAS, on November 23, 2020, the Delaware County Board of Commissioners (the “Board”), which is the “organizational board of commissioners” as that term is defined in section 349.01(F) of the Ohio Revised Code, adopted Resolution No. 20-1057, determining the sufficiency of the Petition and setting the time and place for a public hearing thereon; and

WHEREAS, on December 28, 2020, the Board held a public hearing on the Petition after public notice was duly published in accordance with section 349.03 of the Ohio Revised Code;

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

Section 1. The Board hereby determines that the District will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a “new community,” as that term is defined in section 349.01(A) of the Ohio Revised Code.

Section 2. This Resolution shall be entered on the Board’s Journal.

Section 3. The Board hereby declares the Authority to be organized and a body politic and corporate with the corporate name of the Berlin Meadows New Community Authority.

Section 4. The Board hereby defines the boundary of the District to be as set forth in the Petition, which map and full and accurate description contained therein is fully incorporated by this reference into this Resolution.

Section 5. The Board of Trustees of the Authority shall be composed of seven (7) members selected as provided in section 349.04 of the Ohio Revised Code. This Board of County Commissioners shall appoint three (3) citizen members of the Board of Trustees to represent the interests of present and future residents of the District and one (1) member to serve as a representative of local government. Those appointments shall be by resolution adopted by this Board within ten (10) days after the adoption of this Resolution. That Resolution of this Board shall designate which two (2) of the initial citizen members shall serve an initial term of one (1) year. The remaining citizen member and the member appointed to serve as a representative of local government shall serve initial terms of two (2) years. The Clerk of this Board shall mail to the Developer a certified copy of that adopted Resolution. The Developer shall appoint three (3) members to serve on the Board of Trustees of the Authority as representatives of the Developer, and shall designate which two (2) of those members shall serve an initial term of one (1) year. The remaining member appointed by the Developer shall serve an initial term of two (2) years. Those appointments and designations shall be in writing filed with the Clerk of this Board within ten (10) days after the adoption of this Resolution. As permitted by Section 349.04 of the Ohio Revised Code, successor members of the Board of Trustees of the Authority will be selected in the same manner as the initial members, with no elections to be held for successor members of the

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Board of Trustees of the Authority, until such time as no bonds issued by the Board of Trustees of the Authority are outstanding, whereupon this Board may, by resolution, adopt an alternative method of selecting or electing successor members, pursuant to section 349.04 of the Ohio Revised Code.

Section 6. Pursuant to Section 349.04 of the Ohio Revised Code, each member of the Board of Trustees of the Authority shall post a bond in the amount of \$10,000 for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with the Delaware County Auditor and preserved by him.

Section 7. 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 8. This Resolution shall be in full force and effect immediately upon adoption.

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

**RESOLUTION NO. 20-1188**

**IN THE MATTER OF GRANTING THE PETITION FOR THE ESTABLISHMENT OF THE LIBERTY GRAND NEW COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY PURSUANT TO CHAPTER 349 OF THE OHIO REVISED CODE:**

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

WHEREAS, on November 18, 2020, Liberty Grand, LLC, and M/I Homes of Central Ohio, LLC (collectively, the “Developer”), acting as the statutory developer pursuant to Chapter 349 of the Ohio Revised Code, filed a petition (the “Petition”) with the Clerk of the Board of County Commissioners for the establishment of the Liberty Grand New Community Authority (the “Authority”) to govern a proposed new community district (the “District”); and

WHEREAS, on November 23, 2020, the Delaware County Board of Commissioners (the “Board”), which is the “organizational board of commissioners” as that term is defined in section 349.01(F) of the Ohio Revised Code, adopted Resolution No. 20-1058, determining the sufficiency of the Petition and setting the time and place for a public hearing thereon; and

WHEREAS, on December 28, 2020, the Board held a public hearing on the Petition after public notice was duly published in accordance with section 349.03 of the Ohio Revised Code;

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

Section 1. The Board hereby determines that the District will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a “new community,” as that term is defined in section 349.01(A) of the Ohio Revised Code.

Section 2. This Resolution shall be entered on the Board’s Journal.

Section 3. The Board hereby declares the Authority to be organized and a body politic and corporate with the corporate name of the Liberty Grand New Community Authority.

Section 4. The Board hereby defines the boundary of the District to be as set forth in the Petition, which map and full and accurate description contained therein is fully incorporated by this reference into this Resolution.

Section 5. The Board of Trustees of the Authority shall be composed of seven (7) members selected as provided in section 349.04 of the Ohio Revised Code. This Board of County Commissioners shall appoint three (3) citizen members of the Board of Trustees to represent the interests of present and future residents of the District and one (1) member to serve as a representative of local government. Those appointments shall be by resolution adopted by this Board within ten (10) days after the adoption of this Resolution. That Resolution of this Board shall designate which two (2) of the initial citizen members shall serve an initial term of one (1) year. The remaining citizen member and the member appointed to serve as a representative of local government shall serve initial terms of two (2) years. The Clerk of this Board shall mail to the Developer a certified copy of that adopted Resolution. The Developer shall appoint three (3) members to serve on the Board of Trustees of the Authority as representatives of the Developer, and shall designate which two (2) of those members shall serve an initial term of one (1) year. The remaining member appointed by the Developer shall serve an initial term of two (2) years. Those appointments and designations shall be in writing filed with the Clerk of this Board within ten (10) days after the adoption of this Resolution. As permitted by Section 349.04 of the Ohio Revised Code, successor members of the Board of Trustees of the Authority will be selected in the same manner as the initial members, with no elections to be held for successor members of the Board of Trustees of the Authority, until such time as no bonds issued by the Board of Trustees of the

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Authority are outstanding, whereupon this Board may, by resolution, adopt an alternative method of selecting or electing successor members, pursuant to section 349.04 of the Ohio Revised Code.

Section 6. Pursuant to Section 349.04 of the Ohio Revised Code, each member of the Board of Trustees of the Authority shall post a bond in the amount of \$10,000 for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with the Delaware County Auditor and preserved by him.

Section 7. 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 8. This Resolution shall be in full force and effect immediately upon adoption.

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

**RESOLUTION NO. 20-1189**

**IN THE MATTER OF APPOINTING MEMBERS TO THE BERLIN MEADOWS NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES AND THE LIBERTY GRAND NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES:**

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

WHEREAS, on June 20, 2013, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the “Policy”); and

WHEREAS, the Policy requires posting of all available positions for at least fourteen (14) days and permits the Board to conduct interviews of any applicants; and

WHEREAS, on December 28, 2020, the Board adopted Resolution No. 20-1187, establishing the Berlin Meadows New Community Authority, and Resolution No. 20-1188, establishing the Liberty Grand New Community Authority; and

WHEREAS, the Board is required, pursuant to the aforementioned resolutions and section 349.04 of the Revised Code, to appoint the initial board of trustees of a newly-established new community authority within ten (10) days after establishment; and

WHEREAS, the Board desires to approve an exception to the Policy in order to comply with section 349.04 of the Revised Code, as it relates to the appointment of the initial board of trustees of the Berlin Meadows New Community Authority and Liberty Grand 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 appointment of the initial board of trustees of the Berlin Meadows New Community Authority and the Liberty Grand New Community Authority. The Policy shall not apply, in any respect, to the appointment of the initial board of trustees of the Berlin Meadows New Community Authority and Liberty Grand New Community Authority but shall, in all other respects, remain in full force and effect.

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

<b>Position</b>	<b>Appointee</b>	<b>Term Ends</b>
Citizen Member	Dawn Huston	12/27/2021
Citizen Member	Rob Riley	12/27/2021
Citizen Member	Tiffany Maag	12/27/2022
Local Government Representative	Michael Frommer	12/27/2022

Section 3. The Board of Commissioners hereby approves the appointment of the following members to the Liberty Grand New Community Authority Board of Trustees for the terms specified herein:

<b>Position</b>	<b>Appointee</b>	<b>Term Ends</b>
Citizen Member	Dawn Huston	12/27/2021
Citizen Member	Rob Riley	12/27/2021
Citizen Member	Tiffany Maag	12/27/2022
Local Government Representative	Michael Frommer	12/27/2022

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Section 4. The appointments approved herein shall be effective immediately upon adoption of this Resolution.

Section 5. The Clerk of the Board of Commissioners is hereby directed to certify a copy of this Resolution to the statutory developers for the Berlin Meadows New Community Authority and the Liberty Grand New Community Authority.

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

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