

**COMMISSIONERS JOURNAL NO. 74 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 11, 2021**

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

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

1
RESOLUTION NO. 21-102

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 8, 2021:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on February 8, 2021; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 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. 21-103

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0210 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0210:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0210, memo transfers in batch numbers MTAPR0210 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
P2101098 (PD Attorney's)	Public Defender	10011202-5301	\$100,000.00
PR Number	Vendor Name	Line Description	Line Account Amount
R2102057	WONDERVICH LLC	PURCHASE OF 6305 FROST ROAD	42011447 - \$850,000.00 5410
R2102119	SAUER & ASSOCIATES	PRIVATE INVESTIGATOR SERVICES 20CRI080516	10011202 - \$7,323.50 5301
R2102135	JACK DOHENY SUPPLIES OHIO INC	RENTAL OF TANK TRUCK TO HAUL SLUDGE - PACKAGE	66211900 - \$27,500.00 5335
R2102137	HAZEN AND SAWYER PC	ALUM CREEK CMAR - CLARIFIER	66611900 - \$64,250.14 5410
R2102139	URBITY	IMPROVEMENTS PROJECT SMALL BUSINESS PROTECTION PROGRAM GRANT	10011102 - \$15,000.00 5601
R2102142	DELAWARE COUNTY CONVENTION AND VISTORS BUREAU	BUSINESS ADVOCACY GRANT	10011102 - \$25,000.00 5602
R2102143	MAIN STREET DELAWARE INC	BUSINESS ADVOCACY GRANT	10011102 - \$25,000.00 5602
R2102144	POWELL AREA CHAMBER OF COMMERCE	BUSINESS ADVOCACY GRANT	10011102 - \$25,000.00 5602
R2102145	ONE DELAWARE INC	BUSINESS ADVOCACY GRANT	10011102 - \$25,000.00 5602
R2102146	WESTERVILLE AREA CHAMBER OF COMMERCE	BUSINESS ADVOCACY GRANT	10011102 - \$10,100.00 5602
R2102147	LIVING IN LIBERTY FOUNDATION	BUSINESS ADVOCACY GRANT	10011102 - \$25,000.00 5602
R2102148	BIG WALNUT CHAMBER OF COMMERCE	BUSINESS ADVOCACY GRANT	10011102 - \$25,000.00 5602

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R2102149	SIMPLE WORSHIP MINISTRIES	BUSINESS ADVOCACY GRANT	10011102 - 5602	\$8,749.07
R2102154	EMERGENCY PLUMBING SERVICE LLC	EMERGENCY WATER LINE REPAIRS - OECC	66211900 - 5328	\$6,200.00

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

**3
RESOLUTION NO. 21-104**

IN THE MATTER OF SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF A PETITION, FILED BY JENNINGS LAND DEVELOPMENT, LLC, AND OTHERS, FOR THE VACATION OF A PORTION OF THE EXISTING MCNAMARA DITCH AND DRAINAGE EASEMENT AND THE CREATION OF A NEW RELOCATED SECTION OF THE DITCH WITH A NEW EASEMENT:

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

WHEREAS, on November 20, 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 signed by Jennings Land Development, LLC, and Others:

1. Commencing in Delaware County, Berlin and Orange Townships, within the McNamara #582 Watershed from Station 119+20 to Station 143+50 of the McNamara #582 (#0906) drainage maintenance project.
2. To vacate the existing improvement and easement know as McNamara #582 (#0906) from Station 119+20 to Station 143+50 of the original improvement upon approval of the construction of the proposed new alignment and easement for the relocation improvement. This work is to be located on the following parcels as identified by the Delaware County Auditor Parcel ID numbers:

Vacate on Parcels:
318-210-01-002-000
418-340-01-057-000
and
318-210-01-015-005

New Drainage Easement of Parcels:
418-340-01-057-000
318-210-01-002-000
318-210-01-004-000
318-210-01-008-000
And
318-210-01-015-000; and

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;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that **Monday, April 19, 2021, at 1:30P.M.**, with the use of video technology at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio 43015, be and the same is hereby fixed as the time and place for the view thereon; and

BE IT FURTHER RESOLVED that **Thursday, June 17, 2021, at 10:00A.M.**, at the Office of the Board of County Commissioners, 91 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

**4
RESOLUTION NO. 21-105**

IN THE MATTER OF APPROVING A CONGESTED AREA FLIGHT PLAN LETTER IN SUPPORT OF PROPOSED OHIO DEPARTMENT OF AGRICULTURE AIRCRAFT OPERATIONS:

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

WHEREAS, on or about January 21, 2021, the Delaware County Board of Commissioners (the “Board”) received notice from the Ohio Department of Agriculture (“ODA”) that it is planning a gypsy moth

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suppression treatment project in portions of Delaware County in June 2021; and

WHEREAS, on or about February 2, 2021, ODA notified the Board that the proposed project is being conducted in a congested flight area as designated by the Federal Aviation Administration, requiring the filing of a congested area flight plan, including approval from the Board, pursuant to 14 CFR 137.51;

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

Section 1. The Board hereby authorizes the County Administrator to execute the following congested flight plan letter in support of proposed ODA aircraft operations:

Federal Aviation Administration
Flight Standards District Office

To Whom It May Concern:

The Delaware County Board of Commissioners (the "Board"), for and on behalf of Delaware County, Ohio, hereby acknowledges that it has been informed of the Ohio Department of Agriculture's ("ODA") proposed aerial application of insect control materials, related to the Gypsy Moth (*Lymantria dispar*) in portions of Delaware County, during the month of June. The Board has further been informed that ODA, in cooperation with various federal agencies, has contracted with AI's Aerial Spraying of Ovid, Michigan to perform the proposed aircraft operation and that ODA must file a congested area flight plan.

To the extent that ODA's proposed aircraft operation over a congested area requires this Board's approval, as contemplated in 14 CFR 137.51(b)(1), this Board hereby approves the aircraft operation.

Sincerely,

Michael A. Frommer, P.E.
County Administrator
Delaware County, Ohio

Block Reference:
Sunbury MD

Section 2. The Clerk of the Board is hereby directed to cause delivery of this Resolution and the letter approved herein to the Ohio Department of Agriculture, Attention: David Adkins, 8995 East Main Street, Reynoldsburg, OH 43068.

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

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

**5
RESOLUTION NO. 21-106**

IN THE MATTER OF APPROVING A LETTER FOR THE PROPOSED INCREASE OF INDIGENT-DEFENSE FUNDING IN THE STATE FISCAL YEAR 2022-23 BUDGET:

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

February 11, 2021

The Honorable Mike DeWine
Governor, State of Ohio
77 S. High Street, Floor 30
Columbus, OH 43215

Dear Governor DeWine:

We are writing to express our gratitude for the proposed increase of indigent-defense funding in the State Fiscal Year 2022-23 budget.

The timing of this decision could not be better for the residents of Delaware County, as we are moving ahead this month with hiring a Public Defender to head our newly created Public Defender Office. This is a much-needed endeavor, not only to control costs in our county justice system, but also to improve the quality of services provided. We deeply appreciate the guidance that your office has provided in this initiative and we further appreciate your leadership in helping us fund this essential service.

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We look forward to being a part of Ohio’s strong rebound from the extraordinary challenges of the last year.

Again, thank you.

Sincerely,

Gary Merrell

Barb Lewis

Jeff Benton

The Delaware County Board of Commissioners

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

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ADMINISTRATOR REPORTS

Dawn Huston, Deputy Administrator
-No reports.

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COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Benton
-Will participate in a CCAO Budget call tomorrow to go over the Governor’s proposed budget.
-The Land Bank will meet next Wednesday at 2:00.

Commissioner Lewis
-A settlement has been reached with McKinsey & Company for the opioid epidemic.

Commissioner Merrell
-Monday is President’s Day. The County offices will be closed. Spoke about favorite Presidents.

8

RESOLUTION NO. 21-107

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; FOR PENDING OR IMMINENT LITIGATION; FOR SECURITY ARRANGEMENTS AND EMERGENCY RESPONSE PROTOCOLS:

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

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

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

Section 1. The Board hereby adjourns into executive session for consideration of employment of a public employee or public official; for pending or imminent litigation; for security arrangements and emergency response protocols.

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

RESOLUTION NO. 21-108

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Benton, seconded by Mrs. Lewis 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.

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Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners