

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 20, 2023

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

Present:
Gary Merrell, Vice President
Barb Lewis, Commissioner

Absent:
Jeff Benton, President

9:45 AM Public Hearing To Consider Changing The Name Of Alpine Drive, A Township Road In The Unincorporated Area Of Genoa Township

10:00 AM Public Hearing For Consideration Of The Vacation Of A Section Of Franklin Street In The Unincorporated Village Of Lewis Center, Orange Township, Delaware County, Ohio And The Discontinuance Of The Railroad Crossings Within Such Section Of Franklin Street

1
RESOLUTION NO. 23-312

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 17, 2023:

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 17, 2023; 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 Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Absent

2
PUBLIC COMMENT
-None.

3
RESOLUTION NO. 23-313

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0419, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0419 AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER PCAPR0419:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0419, memo transfers in batch numbers MTAPR0419, Procurement Card Payments in batch number PCAPR0419 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
P2301688 (Buckeye Ranch)	Residential Treatment JFS	22511607-5342	\$19,000.00
P2302236 (Youth Villages)	Residential Treatment FCFC	70161605-5342	\$7,500.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2303008	SPEER MECHANICAL INC	MAINT. AGREEMENT CHILLERS BYXBE CAMPUS	10011105 - 5325	\$10,920.00
R2303059	GARLAND/DBS INC	VEHICLE STORAGE BLDG, NORTH BLOWER BLDG AND	66211900 - 5410	\$436,738.00

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

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 20, 2023

4

RESOLUTION NO. 23-314

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Auditor’s office is requesting Seiji Kille, Shari Lewis, Kelly Tennant and George Kaitsa attend a CAAO Summer Conference in Cuyahoga Falls, Ohio from June 6-9, 2023 at the cost of \$5,013.08 (fund number 10010101, 20110105).

The Administrative Services Department is requesting that Dawn Huston add \$215.00 to a previously approved travel authorization (Resolution No. 23-135).

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

5

RESOLUTION NO. 23-315

IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTH OF MARCH 2023:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to accept the Treasurer’s Report for the month of March 2023.

(Copy available for review at the Commissioners’ Office until no longer of administrative value.)

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

8

ADMINISTRATOR REPORTS

Tracie Davies, County Administrator

-No reports.

Dawn Huston, Deputy Administrator

-Attended the Delaware Transit Board meeting last night. They are showing an 18% increase in ridership than 1st quarter of last year. They will be participating in a board retreat next week. They are currently reviewing applications for strategic planning.

Aric Hochstettler, Deputy Administrator

-No reports.

9

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Lewis

-Attended the OneDelaware luncheon at Ohio Wesleyan yesterday.

Commissioner Merrell

-Attended the CCAO Board meeting yesterday.

-Attended the Legislative Meeting last night.

10

RESOLUTION NO. 23-316

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PENDING OR IMMINENT LITIGATION:

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

WHEREAS, pursuant to section 121.23(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 121.23(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 [list all other purposes under (G)(1) through (7)].

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

RESOLUTION NO. 23-317

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 20, 2023

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 Mr. Benton Absent Mrs. Lewis Aye

6
RESOLUTION NO. 23-318

9:45A.M. PUBLIC HEARING TO CONSIDER CHANGING THE NAME OF ALPINE DRIVE, A TOWNSHIP ROAD IN THE UNINCORPORATED AREA OF GENOA TOWNSHIP, DELAWARE COUNTY, OHIO:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to open the hearing at 9:49 A.M..

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

6 continued
RESOLUTION NO. 23-319

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO CONSIDER CHANGING THE NAME OF ALPINE DRIVE, A TOWNSHIP ROAD IN THE UNINCORPORATED AREA OF GENOA TOWNSHIP, DELAWARE COUNTY, OHIO:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to close the hearing at 9:53 A.M..

No vote was taken to close the hearing.

6 continued
RESOLUTION NO. 23-320

IN THE MATTER OF CHANGING THE NAME OF ALPINE DRIVE, A TOWNSHIP ROAD IN THE UNINCORPORATED AREA OF GENOA TOWNSHIP, DELAWARE COUNTY, OHIO, TO DIMITRIOS STANLEY WAY:

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

WHEREAS, pursuant to section 5541.04 of the Revised Code, the board of county commissioners of any county, on its own motion or on petition by a person owning a lot in the unincorporated area of said county praying that the name of a county or township road in the immediate vicinity of such lot be changed, upon hearing, and upon being satisfied that there is good cause for such a change of name, that it will not be detrimental to the general interest, and that it should be made, may, by resolution declare the change of the name of such road; and

WHEREAS, on February 23, 2023, the Delaware County Board of Commissioners (the "Board") received a petition from Jessica Stanley, landowner, requesting the change of name of Alpine Drive to Dimitrious Stanley Way; and

WHEREAS, after providing notice to all affected parties, on April 20, 2023, the Board held a public hearing to consider changing the name of Alpine Drive to Dimitrious Stanley Way;

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

Section 1. The Board hereby finds and determines that there is good cause to change the name of Alpine Drive, a township road in the unincorporated area of Genoa Township, Delaware County, Ohio, to Dimitrious Stanley Way, that the change will not be detrimental to the general interest, and that the change in name should be made.

Section 2. The Board hereby declares that the name of Alpine Drive shall be changed to Dimitrious Stanley Way, effective as of July 1, 2023.

Section 3. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the county engineer, the county recorder, and the county auditor, who shall change their records accordingly but still retain in some manner the old name of the road, in accordance with section 5541.04 of the Revised Code. The Clerk of the Board is further directed to mail courtesy copies of this Resolution via regular U.S. Mail to all owners of lots abutting the road renamed herein, and the Genoa Township Board of Trustees.

Section 4. The Board finds and determines that all formal actions of this Board and any of its committees 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 any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including section 121.22 of the Revised Code.

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD APRIL 20, 2023

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

Recessed at 9:56 AM/Reconvened at 10:00 AM

7

RESOLUTION NO. 23-321

10:00A.M. PUBLIC HEARING FOR CONSIDERATION OF THE VACATION OF A SECTION OF FRANKLIN STREET IN THE UNINCORPORATED VILLAGE OF LEWIS CENTER, ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO AND THE DISCONTINUANCE OF THE RAILROAD CROSSINGS WITHIN SUCH SECTION OF FRANKLIN STREET:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to open the hearing at 10:00 A.M..

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

7 continued

RESOLUTION NO. 23-322

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE VACATION OF A SECTION OF FRANKLIN STREET IN THE UNINCORPORATED VILLAGE OF LEWIS CENTER, ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO AND THE DISCONTINUANCE OF THE RAILROAD CROSSINGS WITHIN SUCH SECTION OF FRANKLIN STREET:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to close the hearing at 10:08 A.M..

No vote was taken to close the hearing.

7 continued

RESOLUTION NO. 23-323

IN THE MATTER OF APPROVING THE VACATION OF A SECTION OF FRANKLIN STREET IN THE UNINCORPORATED VILLAGE OF LEWIS CENTER, ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO, PURSUANT TO SECTIONS 5553.07 AND 5553.10 OF THE REVISED CODE, AND THE DISCONTINUANCE AND CLOSURE OF THE RAILROAD CROSSINGS WITHIN SUCH SECTION OF FRANKLIN STREET, PURSUANT TO SECTION 4907.475 OF THE REVISED CODE:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) is a party in Case No. 19-180-RR-UNC before the Public Utilities Commission of Ohio (“PUCO”), in the matter of the Joint Petition of Norfolk Southern Railway Company and CSX Transportation, Inc., to close the Franklin Street crossings in Orange Township, Delaware County, Ohio; and

WHEREAS, on March 22, 2023, PUCO issued an entry ordering the Board to, within thirty days, adopt a resolution discontinuing the use of the Franklin Street crossings and closing them to vehicles and pedestrians; and

WHEREAS, pursuant to section 4907.475 of the Revised Code, the discontinuance and closure as ordered shall be made by resolution as provided by sections 5553.01 to 5553.07 of the Revised Code; and

WHEREAS, on March 27, 2023, the Board adopted Resolution No. 23-256, declaring its opinion that it will be for the public convenience or welfare to vacate a section of Franklin Street in the unincorporated village of Lewis Center, Orange Township, Delaware County, Ohio; and

WHEREAS, on April 12, 2023, the Orange Township Board of Trustees filed with this Board a resolution of support (Orange Township Resolution 23-112), approving the vacation in accordance with section 5553.04(B) of the Revised Code; and

WHEREAS, the Board conducted a view of the proposed vacation on Monday, April 17, 2023, and held a final hearing on the proposed vacation on Thursday, April 20, 2023, all abutting landowners having been notified of the time, date, and location thereof; and

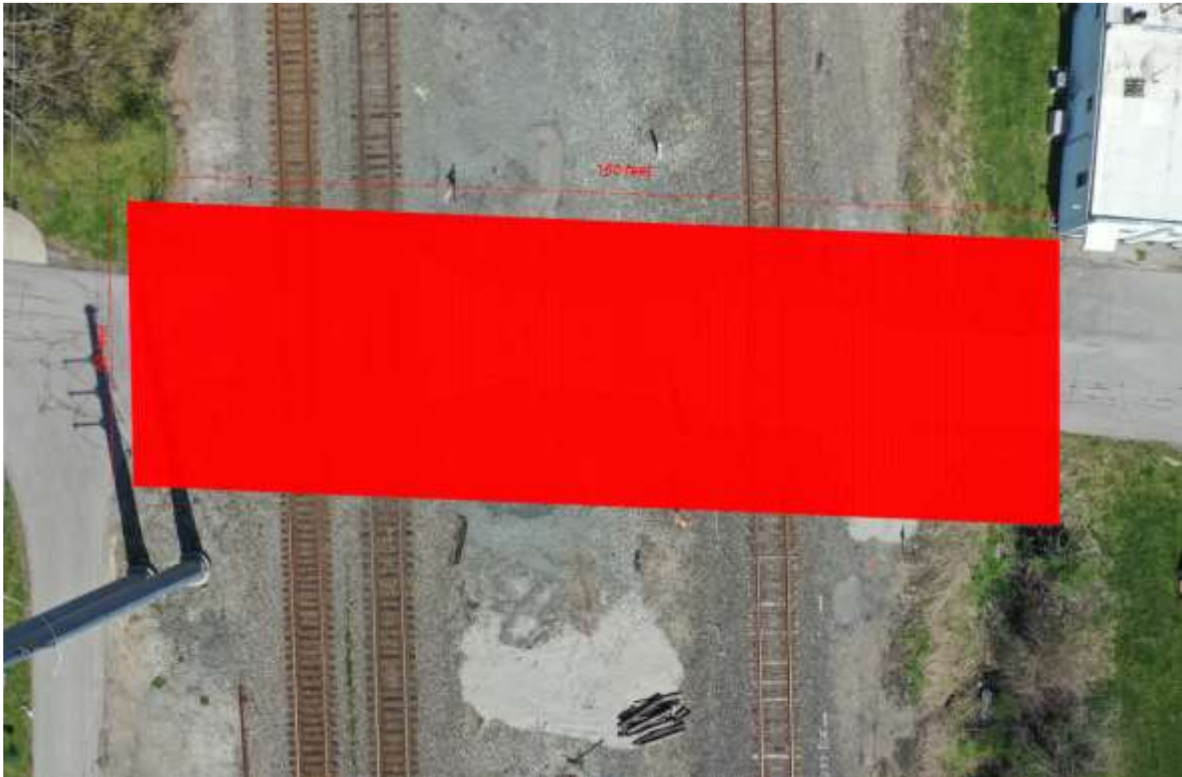
WHEREAS, the Delaware County Engineer has provided a report regarding the proposed vacation;

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

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 20, 2023

Section 1. The Board hereby finds and determines that the vacation of a section of Franklin Street, described as follows, would serve the public convenience and welfare:

That section of Franklin Street, fifty feet in width, between the western boundary of the right-of-way for the Norfolk Southern Railway Company rail lines and the eastern boundary of the right-of-way for the CSX Transportation (New York Central Lines) rail line, a distance of ±160 feet, generally depicted as follows:



Section 2. The Board hereby declares the section of Franklin Street, as described in Section 1 of this Resolution, vacated, and such portion shall cease to be a public road. The section of Franklin Street vacated herein is entirely within the railroad right-of-way and shall remain railroad right-of-way.

Section 3. The Board hereby orders the discontinuation of the railroad crossings within the section of Franklin Street vacated herein and hereby orders that the railroad crossings are hereby closed to vehicular traffic and pedestrian traffic. These orders are made pursuant to section 4907.475 of the Revised Code and PUCO’s order in Case No. 19-180-RR-UNC.

Section 4. The Clerk shall prepare a full record of the proceedings, including this Resolution, 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 5. 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 6. This Resolution shall take effect immediately upon adoption.

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 20, 2023**

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners