

**COMMISSIONERS JOURNAL NO. 57 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD AUGUST 20, 2012**

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

**Present:**  
**Dennis Stapleton, President**  
**Ken O'Brien, Vice President**  
**Tommy Thompson, Commissioner**

**RESOLUTION NO. 12-829**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 16, 2012:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on August 16, 2012; 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. Thompson Aye Mr. Stapleton Aye Mr. O'Brien Aye

**PUBLIC COMMENT**

**ELECTED OFFICIAL COMMENT**

**RESOLUTION NO. 12-830**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0817:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0817 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
Beem's BP	Fuel	10011106-5228	\$ 50,000.00

Vote on Motion Mr. Stapleton Aye Mr. Thompson Aye Mr. O'Brien Aye

**RESOLUTION NO. 12-831**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

The Child Support Enforcement Agency is requesting that Leslie William and Leslie Owens attend a Case Management Training in Columbus, Ohio August 29-30, 2012; at no cost.

The Child Support Enforcement Agency is requesting that Adeana Gray, Aaron Howard, and Sandra Disantis attend Interstate Training in Columbus, Ohio September 10, 2012; at the cost of \$225.00 (Fund Number 23711630).

The Child Support Enforcement Agency is requesting that Aaron Howard attend Paternity Establishment Training in Columbus, Ohio September 12, 2012; at no cost.

The Child Support Enforcement Agency is requesting that Aaron Howard attend Support Establishment Training in Columbus, Ohio September 19, 2012; at no cost.

The Child Support Enforcement Agency is requesting that Leslie William and Leslie Owens attend Enforcement Medical Training in Columbus, Ohio September 26, 2012; at no cost.

The Engineer's Office is requesting that Michael Seiter attend a Traffic Sign Retro-reflectivity Inspection Course September 12 and Culvert Inventory Course on October 10, 2012 in Jackson Township; at the cost of \$172.20

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(Fund Number 29214001).

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

**RESOLUTION NO. 12-832**

**SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF THE CONDOMINIUM AT RIVERBY SITE DRAINAGE PETITION FILED BY THE BOARD OF THE CONDOMINIUM AT RIVERBY ASSOCIATION AND OTHERS:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to adopt the following resolution:

WHEREAS, on July 25, 2012, 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 The Board of the Condominium At Riverby Association and Others, to:

1. To replace, repair or alter the existing improvements as required and to maintain these improvements per attached Exhibit C and associated engineering design plan.
2. In Delaware County, Delaware Township, in the Condominium At Riverby Site and generally following the existing course and terrain of the improvement shown on document labeled Exhibit C.

(Exhibit C available for review in the Delaware County Commissioners' Office and Engineer's Office until no longer of administrative value).

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;

THEREFORE, BE IT RESOLVED, BY THE Board of County Commissioners, that **Monday October 15, 2012, at 1:30PM** at the terminus of the improvement be and the same is hereby fixed as the time and place for the view thereon, and

BE IT FURTHER RESOLVED, that **Monday November 26, 2012, at 10:30AM** at the Office of the Board of County Commissioners, 101 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. Thompson Aye Mr. O'Brien Aye Mr. Stapleton Aye

**RESOLUTION NO. 12-833**

**IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND FOR NORTH ORANGE SECTION 3, PHASE 2, PART B:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

**North Orange Section 3, Phase 2, Part B**

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer's recent field review, The Engineer has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period. Therefore, in accordance with the Project Agreement, The Engineer recommends that the maintenance bond be set at **\$53,020** (10% of the original construction estimate) and the project be placed on the required one year maintenance period. A Bond in that amount is in place.

Vote on Motion Mr. Stapleton Aye Mr. O'Brien Aye Mr. Thompson Aye

**RESOLUTION NO. 12-834**

**IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND FOR ESTATES AT SHERMAN LAKES:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

**Estates at Sherman Lakes**

The roadway construction has been completed for the referenced subdivision and, as the results of The Engineer's

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recent field review, The Engineer has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period. Therefore, in accordance with the Project Agreement, The Engineer recommends that the maintenance bond be set at **\$146,850** (10% of the original construction estimate) and the project be placed on the required one year maintenance period. A Cash Bond in that amount is in place.

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

**RESOLUTION NO. 12-835**

**IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following work permits:

Whereas the below requests to perform work within the right-of-way have been reviewed and approved by the Delaware County Engineer;

Now Therefore Be It Resolved that the following permits are hereby approved by The Board of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
U12-046	Columbia Gas of Ohio	Baker Road	Install gas line

Vote on Motion Mr. Thompson Aye Mr. Stapleton Aye Mr. O'Brien Aye

**RESOLUTION NO. 12-836**

**IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN AS DEL-CR-235-0.08 CLAYPOOL ROAD BRIDGE REPLACEMENT:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

Whereas Resolution No. 12-115 declared the necessity for and initiated the Improvement known as DEL-CR-235-0.08 Claypool Road Bridge Replacement, and;

Whereas the County Engineer has prepared plans, specifications and estimates for the Improvement, and;

Whereas the County Engineer has estimated the construction cost of the Improvement to be \$398,000;

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners that:

Section 1: The plans, specifications and estimates for the project known as DEL-CR-235-0.08 Claypool Road Bridge Replacement are hereby approved, and;

Section 2: The County Engineer is authorized to advertise for and receive bids on behalf of the Board in accordance with the following Invitation to Bid:

**Public Notice  
Advertisement for Bids**

Sealed bids will be received at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 am on Tuesday, September 18, 2012, at which time they will be publicly opened and read aloud, for the project known as:

Del-CR-235-0.08  
Claypool Road Bridge Replacement

The proposals must be made on the forms provided in the Contract Documents or a copy thereof and shall contain the full name and address of the bidder. All bids shall be sealed and plainly marked "SEALED BID FOR Del-CR-235-0.08". Bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a one (1) year Maintenance/Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost, and may be submitted with the Bid Proposal.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from the Delaware County Engineer, 50 Channing Street, Delaware, OH 43015. Cost for printed copies of each set of plans and specifications is \$20, and the cost is non-refundable. Plans and specifications may also be downloaded, free of charge, from the Delaware County Engineer's website at [www.co.delaware.oh.us/ebids](http://www.co.delaware.oh.us/ebids). All bidders must register as a plan holder with the Delaware County Engineer

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through the County Engineer's ebids website or in person at the time of purchasing plans and specifications.

The Owner requires that all work associated with the project be completed before December 14, 2012. The estimated commencement of work date is September 24, 2012.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4111 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the Township. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates:

August 31, 2012

September 7, 2012

Vote on Motion Mr. Stapleton Aye Mr. Thompson Aye Mr. O'Brien Aye

**RESOLUTION NO. 12-837**

**IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN AS PAVING OF VARIOUS COUNTY PARKING LOTS:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

Whereas the County Engineer has prepared plans, specifications and estimate for the Improvement known as Paving of Various County Parking Lots, which includes the upgrade and repair of three parking lots (Delaware County Engineer's Office at 50 Channing Street, West and South Lots; and Delaware County Commissioner's Property at 2079 US 23 North), including planning, Fiberized SAMI and asphalt pavement and also including a single traffic detector loop repair and minor catch basin work, and;

Whereas the County Engineer has estimated the construction cost of the Improvement to be \$349,197.20,

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners that:

Section 1: The plans, specifications and estimate for the project known as Paving of Various County Parking Lots are hereby approved, and;

Section 2: The County Engineer is authorized to advertise for and receive bids on behalf of the Board in accordance with the following Invitation to Bid:

**Public Notice  
Advertisement for Bids**

Sealed bids will be received at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015, until 10:00 am on Tuesday, September 18, 2012, at which time they will be publicly opened and read aloud, for the project known as:

Delaware County Parking Lot Project  
Paving of Various County Parking Lots

The proposals must be made on the forms provided in the Contract Documents or a copy thereof and shall contain the full name and address of the bidder. All bids shall be sealed and plainly marked "SEALED BID FOR Delaware County Parking Lot Project". Bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a one (1) year Maintenance/Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost, and may be submitted with the Bid Proposal.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from the Delaware County Engineer, 50 Channing Street, Delaware, OH 43015. Cost for printed copies of each set of plans and specifications is \$20, and the cost is non-refundable. Plans and specifications may also be downloaded, free of charge, from the Delaware County Engineer's website at [www.co.delaware.oh.us/ebids](http://www.co.delaware.oh.us/ebids). All bidders must register as a plan holder with the Delaware County Engineer through the County Engineer's ebids website or in person at the time of purchasing plans and specifications.

The Owner requires that all work associated with the project be completed before October 26, 2012. The estimated commencement of work date is September 24, 2012.

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This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4111 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of the Township. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates:

August 31, 2012

September 7, 2012

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

**RESOLUTION NO. 12-838**

**IN THE MATTER OF AUTHORIZING THE ACCEPTANCE AND AWARDING OF THE BID AND APPROVING THE CONTRACT SUBMITTED BY BULL CONSTRUCTION FOR THE STRAND THEATRE INTERIOR RENOVATIONS PROJECT:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

WHEREAS, on September 20, 2010, the Delaware County Commissioners adopted Resolution No. 10-1230, approving Revolving Loan Funds for the Strand Theatre Interior Improvements; and

WHEREAS, on May 24, 2012, Resolution No. 12-498, the Commissioners approved date and time of June 22, 2012, at 10:00 am to open bids for the interior work on the Strand Theatre; and

WHEREAS, no bids were received for the project; and

WHEREAS, the Architect reviewed the specifications and increased the cost estimate to \$130,000; and

WHEREAS, the Strand Theatre and Cultural Arts Association agreed to be responsible for up to \$13,000 over the County's approved \$130,000; and

WHEREAS, on July 9, 2012, Resolution No. 12-690, the Commissioners approved the date and time of July 27, 2012 at 10:00 am to open the re-bid for the interior work on the Strand Theatre; and

WHEREAS, bids were received from Bull Construction in the amount of \$134,900, 2K General Construction in the amount of \$144,751, and Rockwood Builders in the amount of \$152,700, and

WHEREAS, Bruce Gardner, the architect for the project, reviewed the bids, and the bid submitted by Bull Construction in the amount of \$134,900, has been determined to be the lowest and best bid; and

WHEREAS, the Director of the Economic Development Department and the Strand Theatre and Cultural Arts Association recommends approval of this Resolution;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

Section 1. The Delaware County Board of Commissioners awards the bid to, and approves the contract with, Bull Construction, in the amount of \$134,900 for the Strand Theatre Interior Improvements.

Section 2. This Resolution shall take effect and be in force immediately after its passage.

**CONTRACT**

THIS AGREEMENT made this 20<sup>th</sup> day of August, 2012, by and among, Bull Construction, a corporation organized and existing under the laws of the State of Ohio (hereinafter called the "Contractor"), the Delaware County Commissioners (hereinafter called the "Owner"), and the Strand Theatre and Cultural Arts Association Board (hereinafter called the "Recipient").

WITNESSETH, that the Contractor, the Owner, and the Recipient, for the consideration stated herein, mutually agree as follows:

**ARTICLE 1. Statement of Work.**

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment and services including utility and transportation services, and perform and complete all work required for the interior improvements on the Strand Theatre.

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Contractor shall complete all work as specified or indicated in the Contract Documents. The work is generally described as follows: demolition of the existing Men's Restroom, Side Theater Lobby, and Side Theater Projection Booth; and the construction of new Public Restrooms, Side Theater Lobby, and Side Theater Projection Platform.

ARTICLE 2. The Contract Price.

The Contractor shall be paid for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum of up to One Hundred Thirty-Four Thousand Nine Hundred Dollars and Zero Cents (\$134,900.00), subject to additions and deductions as provided in the Contract Documents. The Owner shall be responsible for paying the sum of up to One Hundred Thirty Thousand Dollars and Zero Cents (\$130,000.00), and the Recipient shall be responsible for paying the remainder, not to exceed Thirteen Thousand Dollars and Zero Cents (\$13,000.00).

ARTICLE 3. Contract.

The executed contract documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation for Bids
- d. Instructions to Bidders
- e. Signed copy of Bid
- f. General Conditions, Parts I and II
- g. Special Conditions
- h. Technical Specifications
- i. Drawings (as listed in the Schedule of Drawings)

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Agreement as if hereto attached or herein repeated, forms the entire Agreement between the parties hereto. In the event that any provision in any component part of this Agreement conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern, except as otherwise specifically stated.

Article 4. Miscellaneous Terms & Conditions

- 4.1 Contractor agrees that no agency, employment, joint venture, or partnership has been or will be created between the parties hereto pursuant to the terms and conditions of this Agreement. Contractor also agrees that, as an independent contractor, it assumes all responsibility for any federal, state, municipal, or other tax liabilities alone with workers compensation, unemployment compensation, and insurance premiums which may accrue as a result of compensation received for services or deliverables rendered hereunder.
- 4.2 This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.
- 4.3 No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 4.4 If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with to the fullest extent permissible under the law.
- 4.5 Contractor certifies that it has no unresolved findings for recovery pending or issued against it by the State of Ohio.
- 4.6 Contractor shall indemnify and hold harmless the Owner and the Recipient, and their respective officers, agents and employees, from any and all losses, claims, damages, lawsuits, costs, judgments, expenses or any other liabilities which they may incur as a result of bodily injury, sickness, disease or death, or injury to or destruction of tangible property including the loss of use resulting therefrom, to the extent caused by the negligent act or omission of the Contractor, any subcontractor, any person directly or indirectly employed by any of them or any person for whose acts any of them may be liable.

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Vote on Motion Mr. Thompson Aye Mr. O'Brien Nay Mr. Stapleton Aye

**RESOLUTION NO. 12-839**

**IN THE MATTER OF PURCHASING ROOFING MATERIALS AND SERVICES FOR THE 2012 ROOF RENOVATION OF 115 NORTH SANDUSKY STREET AND A PORTION OF 109 NORTH SANDUSKY STREET:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

WHEREAS, The Building at 115 North Sandusky Street and a portion of 109 North Sandusky Street are in need of roof repairs; and

WHEREAS, the roofing materials and services necessary for the renovations are available for purchase through the State of Ohio's cooperative purchasing program (the "Program"); and

WHEREAS, the Board of County Commissioners (the "Board") is a member of the Program and wishes to purchase the roofing materials and services through the Program;

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

Section 1. The Board hereby approves the purchase of roofing materials and services from Design-Build Solutions, Inc., a state-approved dealer for the roofing materials and services under the Program, in accordance with the proposal dated July 5, 2012.

Section 2. The purchase shall be in accordance with the Program, pursuant to the contract and terms and conditions set forth in Index STS564 Schedule # 800114, which is, by this reference, fully incorporated herein and of which the purchase order shall be made a part.

Vote on Motion Mr. Stapleton Aye Mr. O'Brien Aye Mr. Thompson Aye

**RESOLUTION NO. 12-840**

**IN THE MATTER OF MODIFYING THE BOUNDARY OF THE DELAWARE COUNTY REGIONAL 1A SEWER DISTRICT:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to approve the following:

WHEREAS, pursuant to section 6117.01(B)(1) of the Revised Code, for the purpose of preserving and promoting the public health and welfare, a board of county commissioners may lay out, establish, consolidate, or otherwise modify the boundaries of, and maintain, one or more sewer districts within the county and outside municipal corporations; and

WHEREAS, the Delaware County Board of Commissioners (the "Board") has established the Regional 1A Sewer District, which is the existing sanitary service area that includes all wastewater discharges tributary to and treated by either the Olentangy Environmental Control Center (OECC) or the Alum Creek Wastewater Reclamation Facility (ACWRF); and

WHEREAS, the current boundary for the Regional 1A Sewer District bisects the property currently owned by Vinmar Investment Limited and identified with Parcel Identification Number 31724003037000 (the "Vinmar North Parcel"); and

WHEREAS, the owner of the Vinmar North Parcel has requested that the Board modify the boundary of the Regional 1A Sewer District to include the entire Vinmar North Parcel, in order to allow for the orderly development of the Vinmar North Parcel and to preserve and promote the public health and welfare; and

WHEREAS, the capacity of the existing sewer system is limited by the existing infrastructure and the modification of the boundary does not increase the capacity available.

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

Section 1. The Board hereby modifies the boundary of the Delaware County Regional 1A Sewer District to include the entire Vinmar North Parcel, finding that said modification is for the purpose of preserving and promoting the public health and welfare.

Section 2. The Board hereby directs the Delaware County Sanitary Engineer to cause the official map of the Regional 1A Sewer District to be amended to indicate the modification approved in Section 1 of this Resolution.

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

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Vote on Motion Mr. Thompson Aye Mr. Stapleton Aye Mr. O'Brien Aye

**RESOLUTION NO. 12-841**

**IN THE MATTER OF APPROVING THE DELAWARE, KNOX, MARION, MORROW SOLID WASTE MANAGEMENT DISTRICT PLAN UPDATE:**

It was moved by Mr. Stapleton, seconded by Mr. Thompson to adopt the following:

Whereas, Delaware County is situated within the jurisdiction of the Delaware, Knox, Marion, Morrow Solid Waste Management District; and

Whereas, the Delaware, Knox, Marion, Morrow Solid Waste Management District Policy Committee adopted the Delaware, Knox, Marion, Morrow Solid Waste Management District Plan Updated on June 26, 2012;

Whereas, Delaware County has received a copy of the District Plan Update and has had an opportunity to review it;

Now Therefore, be it resolved that the Delaware, Knox, Marion, Morrow Solid Waste Management District Plan Update be ratified and approved; and

Be It Further Resolved, that a copy of this resolution be mailed by the Clerk of this Board to the Delaware, Knox, Marion, Morrow Solid Waste Management District Policy Committee at the District's offices in Marion, Ohio.

(A copy of the plan is available in the Commissioners Office until no longer of administrative value).

**DKMM  
Solid Waste District**

DATE: July 17, 2012  
TO: Political Subdivisions  
FROM: Larry Cooper, DKMM District Director  
RE: DKMM Solid Waste Management Plan Ratification

This Solid Waste Management Plan Update was prepared by the Delaware, Knox, Marion, Morrow Solid Waste Management District (DKMM) to satisfy the requirements of the Ohio Revised Code, the State Solid Waste Management Plan and the Ohio Environmental Protection Agency (OEPA). In order to prepare this plan the DKMM Policy Committee evaluated the facilities and programs that the District uses to manage solid waste and to facilitate waste reduction and recycling. This updated plan sets forth a schedule of the facilities and programs that will be used to meet the DKMM District's waste management and waste reduction needs for the fifteen year period from 2013 to August 2027.

A draft of this Plan Update was reviewed by Ohio EPA which provided detailed comments. The DKMM District Policy Committee reviewed the comments and made appropriate changes in the Plan. Following a public review and comment period, the Policy Committee adopted the Plan which is being presented to the Board of Commissioners of Delaware, Knox, Marion, Morrow Counties and to all the cities and townships in each of the four counties for ratification.

Each political jurisdiction must vote on the plan by means of a resolution or ordinance. A sample resolution which may be modified to comply with local form and procedure is attached. This resolution has been approved "as to form" by the Marion County Prosecutors Office. After being acted upon, copies of the resolution or ordinance must be delivered to the District office: DKMM Solid Waste Management District, 222W. Center Street, Marion, Ohio 433 02-3646.

**VERY IMPORTANT**

We are requesting that you review the enclosed memo and related documents promptly so that you will have sufficient time to act upon the ratification request. The ratification period is ninety days. It begins on July 23, 2012 and ends on October 20, 2012. It is very important that you vote in a timely manner. Failure to vote within the 90 day period must be counted as a NO vote.

In order to be approved the plan update must be approved by at least three of the four Boards of Commissioners, the cities of Delaware, Mt. Vernon, Marion and Mt. Gilead (the largest municipality in each county), and the legislative authorities of townships and municipalities representing at least 60 percent of the total population in the District's jurisdiction.

The Plan is also available for reading or downloading as a pdf file on the District's website at: Choose DKMM Plan from the menu on the left side of the home page.

If you prefer a printed copy of the Plan, please call the District office at 740-223-4150 to request a copy.



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If you have any questions or concerns about the Plan or the ratification process, please contact me, Larry Cooper at 740-223-4151 or lcooper@co.marion.oh.us I will be happy to attend your Council or Board meeting to answer questions and for provide additional information.

Enclosed with this memo are the following:

- 1) A disk with a copy of the entire plan in pdf format that maybe read on your computer and/or printed
- 2) A Plan Overview that provides information regarding the major issues addressed in the Plan
- 3) Sample Resolution language Thank you for your assistance and support,

Larry Cooper, DKMM District Director

**The Delaware, Knox, Marion, Morrow Solid Waste Management District  
Plan Update 2012**

Background; The Delaware, Knox, Marion, Morrow Solid Waste Management District was formed by the commissioners of the four counties in 1989. The DKMM Solid Waste District's mission is to manage the District's current and long-term solid waste disposal needs in an environmentally responsible and cost-effective manner while reducing reliance on landfills by implementing waste reduction, reuse, and recycling strategies. The 2001 State Solid Waste Management Plan requires Solid Waste Management Districts to implement (or continue) waste reduction strategies which will enable the district to meet the goals established by the State Plan. In general, these goals are as follows:

Goal #1 - ensures the availability of reduction and recycling opportunities/programs for residential/commercial waste.

Goal #2 - a) 25 percent waste reduction rate for the residential/commercial sector and b) 50 percent waste reduction for the industrial sector.

Goal #3 - Provide information and technical assistance on source reduction to the residential, commercial and industrial sectors.

Goal #4 - Provide information and technical assistance on recycling, reuse and composting opportunities to the residential, commercial and industrial sectors

Goal #5 - Develop strategies for managing scrap tires and household hazardous waste (HHW),

Goal #6 - Evaluate the feasibility of incorporating economic incentives into source reduction and recycling programs.

Goal #7 - Develop and implement a market development strategy, optional.

Goal #8 - Annual reporting of plan implementation (Accomplished through the preparation of the Annual District Report submitted to Ohio EPA.)

This 2012 DKMM Plan Update continues the major policies and programs of the previous Plan. This Plan recognizes and builds on program improvements made in the past three years. The focus of the Plan is to make existing programs more effective and efficient.

The Policy Committee is responsible for preparing the Plan: The Policy Committee, which has the responsibility of preparing the District Plan; is comprised of seven members from each county representing the county commissioners, township trustees, the county health department, municipal government, waste generators, and two representatives of the public from each county. There is one at large member. The members of the Policy Committee are listed at the end of this summary.

The District hired a consultant to work with District staff and the Policy Committee in putting the Plan together. The consultant, Waste Alternatives, Inc., from Mount Vernon, Ohio, has more than 20 years of experience in preparing solid waste management plans for Ohio Districts and assisting local

The consultant worked with District staff and other stake holders to evaluate District policies and programs and provided findings and recommendations to the Policy Committee. The Policy Committee devoted over a year to the planning process, making an effort to develop a plan that would comply with state requirements and address the needs of residents, businesses, industries and institutions in the four counties The Policy Committee designed a Plan that gives the District Board of Directors clear direction and allows the Board reasonable flexibility in administering the details of programs.

The Board of Directors is responsible for implementing the Plan., The three county commissioners from Delaware, Knox, Marion, and Morrow Counties comprise the 12 member Board of Directors. They meet regularly in the capacity of the District Solid Waste Management Board and are responsible for setting up and managing the administrative framework to implement the Plan. They oversee expenditures, assure that the budget remains balanced, and are involved with District staff in the more detailed planning necessary to develop and administer the facilities and programs contained in the approved Plan. The members of the Direct Board of Directors are

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listed at the end of this Summary.

**Programs and Facilities Required by this Plan**

**Recycling Access:** The State Solid Waste Management Plan requires that each District reach and maintain specific levels of recycling (State Plan Goal #2) or comply with an Infrastructure (access) Goal (State Plan Goal #1). In the reference year for the Plan Update, 2010, the District reduced residential waste by recycling and composting by 27.15%. District industries reduced industrial waste by 87.38%. Although the District complied with Goal #2 in 2010, the District will focus on compliance with the infrastructure goal. Goal #1 states that solid waste management districts shall ensure that there is adequate infrastructure to give residents and commercial businesses opportunities to recycle solid waste. The State Plan is specific as to how access can be determined using a formula that gives credit for curbside and drop-off recycling opportunities.

The specific programs that will be used to provide recycling access are described in detail in Chapter V the Plan starting on page V-8 The following are important points regarding the recycling programs that are in the Plan.

**Curbside recycling:** In 2010, approximately 50% of the residents of the District were served by a non-subscription, curbside recycling program. "With the addition of Liberty Township in Delaware County in 2011, an additional 10% have access to curbside recycling through a subscription recycling program." The Plan Update counts on the continuation of existing curbside recycling programs. The District will encourage the implementation of additional curbside programs at any time during the planning period. The District is particularly interested in expanding non-subscription curbside to additional communities and incorporating volume based rates into non-subscription curbside recycling programs as pilot or community-wide projects.

Curbside recycling is and will continue to be implemented by the participating local governments, private waste haulers, or private or not-for profit recyclers. The District will offer information and technical assistance including, but not necessarily limited to, assistance with program design, preparation of bid documents and contract specifications, and planning for the education and advertising programs necessary for successful program Implementation. Priority will be given to non-subscription recycling implemented in conjunction with volume base rates for waste collection. District funds may be utilized through the District's grant program to assist in the start-up of new curbside programs or for projects that will increase the effectiveness, efficiency, or extend the services of existing residential curbside recycling programs.

**Drop-off recycling access has been improved and expanded:** The District will continue to rely on drop-off recycling to provide access to residents in areas that are not served by residential curbside recycling programs. The District will continue to fund a network of recycling drop-off locations. In addition to the District sites, several drop-offs are maintained by private recyclers and waste management enterprises. The District meets or exceeds compliance with the 90% access goal. As District population increases, several site may be required to assure that 90% access is maintained.

In early 2011, the District made significant changes to the drop-off program In three of the four counties. In Delaware County, the commingled program using front load containers was introduced. In Marion and Morrow Counties, all part-time sites were upgraded to full-time. The District has not had the opportunity to fully evaluate the effects of these changes on the amount of material collected and on operating costs. The District will evaluate the effects of the changes before making any more major program adjustments in these three counties. If funds are available and there is a demonstrated need for additional drop-off facilities, additional sites may be added. To encourage continuous improvement, the District, with the assistance of each county and the service provider, will annually review the effectiveness of drop-off sites based on the amount and quality of the material collected taking into consideration the population of the service area.

**Recycling by private waste haulers and recyclers counts toward access and recycling percentages:** It should be noted that the importance of drop-off opportunities provided by private waste hauling companies are acknowledged in the Plan. The private companies that, provide these recycling opportunities will be asked to report the amount recycled. The amounts reported will be included in the amount of recycling that the District reports annually to Ohio EPA. The amount recycled through privately operated waste collection and recycling companies for 2010 is included in the District's reported recycling. See Exhibit A in Appendix F at the end of the Plan for additional information regarding reported recycling in the reference year.

**Materials Recovery Facilities (MRF):** Recycling cannot be accomplished without facilities that sort, process, and market the recyclables that are collected. As in the past, the District plans to rely on privately owned and operated material recovery facilities, to sort, process and market the material that is collected by the curbside and drop-off programs included In this Plan.

**Commercial, institutional and industrial recycling:** Recycling at businesses and institutions is primarily the responsibility of the individual business. However, the District and-the county recycling programs will assist businesses and institutions in several ways:

- a. Identify recycling service providers
- b. Provide education and technical assistance including guidelines and methodology for performing waste audits;
- c. Provide recycling opportunities for small generators through the residential drop-off program.

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d. The District Recycling grant program may assist businesses, institutions, and industries with start-up costs for setting up recycling and composting programs. The programs selected should be programs that are likely to be successful and sustainable without continued subsidies and which can be replicated by other similar enterprises.

Yard waste composting: Yard waste composting diverts substantial amounts of material from disposal. Many District residents and landscape maintenance providers rely on publicly available yard waste compost facilities.

The Plan commits DKMM District to the following:

a. Provide financial support, if necessary, to assure that at least one facility per county is publicly available to receive yard waste from district residents. The facilities currently in use are Price Farms Organics Ltd, a licensed Class II facility in Delaware County, the Knox County Compost Facility, a registered class IV Facility in Knox County, Park Enterprise Construction Co Inc., a registered class IV Facility in Marion County, and the Morrow County registered Class IV facility in Morrow County.

b. Provide education and information to assist residents in learning methods for decreasing the generation of yard Waste (Don't bag it" programs), composting at home, and identifying facilities that accept yard waste.

Education and awareness: The District is required to provide information and technical assistance to residential, commercial and industrial waste generators to increase recycling, composting, and reuse, and to reduce the generation of waste. The main focus of the District's public education will be to increase participation in the recycling programs that are available in the District.

The District provides funding through contracts with each of the four counties for a County Recycling and Litter Prevention Office (CRLPO). The CREPO provides outreach and education programs and accomplishes other tasks related to providing recycling access, special events, and program monitoring in the county it serves. The primary mission of the CRLPO is to work in cooperation with the District and with the other programs to change behavior to decrease waste and increase recycling.

In previous Plans the District focused on building the infrastructure for recycling. That infrastructure is substantially in place. In this Plan the District will place a greater emphasis on reducing waste by increasing participation in existing and new recycling opportunities.

Implementation Schedule for Facilities, Strategies, Programs and Activities: The Implementation Schedule is a list of the recycling programs, education and awareness programs, and other Waste management related activities that the District plans to implement over the fifteen year planning period. This list is the heart of the Plan. The schedule starts on Plan page V1-9 and continues through VI-24. Note that the implementation of most, but not all, of the listed activities is required by the Plan. The items listed on the Implementation Schedule are described on Plan pages V-8 through V-25.

Cost and Financing of Plan Implementation: The District's projected budget for the entire planning period is contained in Chapter VIII of the Plan.

Revenue: The majority of the District's revenue is generated by a Designation Contract Fee. The District Board of Directors began implementing a Designation Contract Fee in 2006. The Designation Contract Fee is collected from all of the facilities, including transfer stations and landfills that have contracted with the District to accept District waste. The facilities remit the Contract Fee to the District. These facilities are the only facilities designated to receive solid waste generated in the District. The designated facilities have agreed to submit to the DKMM District a fee of \$6.00 per ton on each municipal solid waste generated in the District and delivered to the facility. In The case if waste that is first delivered to a transfer station and then taken to a landfill, the fee is collected at the first facility to accept the waste.

When this Plan is ratified and approved by the Director of the Ohio Environmental Protection Agency, the District will continue, without interruption, collecting a \$6.00 per ton Designation Contract Fee. At the present time, the District does not anticipate a change in the fee during the planning period. The projected growth in revenue in the later years of the planning period is due to anticipated growth in waste disposal as a result of population growth, not a fee increase. However, the District reserves the right to increase the Designation Contact Fee in the future if an unforeseen circumstance requires a change in the fee to all implementation of the programs that are required by the approved Plan. The fee may be decreased if circumstance allow.

Expenses: The anticipated expenditures in 2013, the first year of the planning period, are \$1,658,000. Of this amount approximately 55% will be used for recycling and composting, of this 55% about two-thirds of the funds will pay directly for recycling and composting services and one-third will be allotted for grants. Grants will be used to start new recycling, composting and waste reduction programs or to improve the effectiveness or efficiency of recycling, composting, and waste reduction programs. 3% of the budget is allotted for programs to collect and recycle or safety dispose of difficult to handle materials like tires, electronics, and household hazardous waste.

Slightly more than 20% will be used for public education. This amount includes support for the recycling and litter prevention programs in all four counties.

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The District contracts with the four county health departments for services directly related to the monitoring of solid waste collection, disposal and transfer services and facilities, including closed facilities; education about the laws and regulations governing solid waste and tire transportation, storage and disposal littering, illegal dumping, and solid-waste-related nuisances. Approximately 11% of the budget is allotted for Health Department programs. District administration including Plan implementation and monitoring requires 12% of the annual budget.

**Members of the Policy Committee (Updated February 21, 2012)**

Delaware County	Knox County	Marion County	Morrow County	Sector Represented
Tommy Thompson, Delaware County Commissioner	Roger Reed, Knox County Commissioner	Dan Russell, Marion County Commissioner	Tom Harden, Morrow County Commissioner	County Government
Tim Browning, Public Works, Delaware City	Mayor Dick Mavis, Mount Vernon	Jay Shoup, Service Director, City of Marion	Dan Rogers, Mount Gilead Village Administrator	Municipal Government
Ronald Bullard, Trustee Berlin Twp.	Gene Phillips, Trustee Clinton Twp.	John Peacock, Trustee Pleasant Twp.	Dave Lester, Trustee Washington Twp.	Townships
Douglas Sams, Delaware Health District	Julie Miller, Knox County Health Commissioner	Sandy Bridenstine, Marion County Health Department	Krista Wasowski, Morrow County Health Commissioner	Health Departments
Carl Johnson, PPG Industries	Donald Nuce, Mount Vernon Packaging, Inc.	Mary Jakeway, Whirlpool Corporation	Earl Linder, Mid-Ohio Sanitation	Industry
Vacant	Linda Montgomery	Gary Sims	Tom Reynolds	Citizens
Vacant	Larry Schafer	Sue Yazel	Dwight McFarland	Public

**Board of Directors (Updated February 21, 2012)**

The Chair man of the board is Allen Stockberger. The Vice Chairman is Ken O'Brien

**Delaware County**

Ken O'Brien  
Dennis Stapleton  
Tommy W. Thompson

**Marion County**

Andy Appelfeller  
Dan Russell  
Kenneth Stiverson

**Knox County**

Teresa A. Bemiller  
Roger Reed  
Allen Stockberger

**Morrow County**

Tom Whiston  
Tom C. Harden  
Olen J. Jackson

Vote on Motion Mr. O'Brien Aye Mr. Thompson Aye Mr. Stapleton Aye

**COMMISSIONERS' COMMITTEES REPORTS**

**Commissioner O'Brien**

-Central Ohio Youth Center Meeting Is Thursday at 4:00PM

**Commissioner Thompson**

-Looking Forward To The Completion Of The Strand Theater Project

**Commissioner Stapleton**

-Attended A CORSA Meeting On Friday  
-There Is A DKMM Meeting On Tuesday

**RESOLUTION NO. 12-842**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES AND FOR PENDING OR IMMANENT LITIGATION:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to adjourn into Executive Session at 10:05AM.

Vote on Motion Mr. Thompson Aye Mr. O'Brien Aye Mr. Stapleton Aye

**RESOLUTION NO. 12-843**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Thompson, seconded by Mr. Stapleton to adjourn out of Executive Session at 10:46AM.

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Vote on Motion Mr. Stapleton Aye Mr. O'Brien Aye Mr. Thompson Aye

There being no further business, the meeting adjourned.

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Ken O'Brien

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Dennis Stapleton

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Tommy Thompson

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Jennifer Walraven, Clerk to the Commissioners