

**COMMISSIONERS JOURNAL NO. 58 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 25, 2013**

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

Present:
Ken O'Brien, President
Dennis Stapleton, Vice President
Gary Merrell, Commissioner

1:30 PM Viewing For The Roof #397 Watershed Area Drainage Improvement Petition Project

RESOLUTION NO. 13-182

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 21, 2013:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on February 21, 2013; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

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

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 13-183

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0222:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0222, and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line Account	Line Amount
JOBS AND FAMILY SERVICES – SERVICES AND CHARGES				
R1302898	BEST BUY STORES LP	EQUIPMENT SUPPORT FOR CHILD	22511607-5350	5,079.88
CHILD SUPPORT ENFORCEMENT AGENCY – SERVICES AND CHARGES				
R1302923	SHERIFF'S OFFICE	IV-D CONTRACT	23711630-5301	80,560.53
R1302924	JUVENILE COURT	IV-D CONTRACT	23711630-5360	147,926.84
SANITARY ENGINEER – SERVICES AND CHARGES				
R1302767	WOOLPERT INC	ORTHO PHOTOS AND CONTOURS	66211901-5301	110,300.00
R1302896	CRANE AMERICA SERVICES	CRANE INSPECTIONS AND REPAIRS	66211903-5328	11,000.00
R1302896	CRANE AMERICA SERVICES	CRANE INSPECTIONS AND REPAIRS	66211904-5328	1,200.00
R1302896	CRANE AMERICA SERVICES	CRANE INSPECTIONS AND REPAIRS	66211906-5328	250.00
R1302896	CRANE AMERICA SERVICES	CRANE INSPECTIONS AND REPAIRS	66211907-5328	300.00
R1302896	CRANE AMERICA SERVICES	CRANE INSPECTIONS AND REPAIRS	66211907-5328	250.00

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

RESOLUTION NO. 13-184

IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR OLENTANGY CROSSINGS SECTION 6, PHASE 1:

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

Whereas, M/I Homes of Central Ohio, LLC has submitted the Plat of Subdivision (“Plat”) for Olentangy Crossings Section 6, Phase 1, including related development plans (“Plans”) and requests approval thereof by the Board of Commissioners of Delaware County; and

Whereas, the Orange Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on December 12, 2012; and

Whereas, the Liberty Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on December 18, 2012; and

Whereas, the Delaware County Sanitary Engineer has reviewed said Plat and Plans for conformance with the Rules, Regulations, Standards and General Procedures Governing Sewerage in Delaware County and approved said Plat on January 7, 2013; and

Whereas, the Delaware County Engineer has reviewed said Plat and Plans for conformance with Delaware County Engineering and Surveying Standards and approved said Plat on January 7, 2013; and

Whereas, the Delaware County Regional Planning Commission has reviewed said Plat and Plans for conformance with Delaware County Subdivision Regulations and approved said Plat on February 1, 2013;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for Olentangy Crossings Section 6, Phase 1.

Olentangy Crossings Section 6, Phase 1:

Situated In The State Of Ohio, County Of Delaware, part in The Township of Liberty, Farm Lot 5, Quarter Township 1, Township 3, Range 19, United States Military Lands, and part in The Township of Orange, Farm Lot 9, Quarter Township 2, Township 3, Range 18, United States Military Lands, being a 76.237 acre Subdivision, consisting of part of that 28.208 acre tract of land described in Deed to M/I Homes of Central Ohio, LLC of record in Official Record 1027, Page 1869, being all of a 15.396, 25.963, 0.342 and a 0.368 acre tracts of land described in Deed to Preservation Parks of Delaware County, of record in Official Record Volume 600, Page 1312 and also being all of a 17.382 acre tract of land described in Deed to Preservation Parks of Delaware County, of record in Official Record Volume 600, Page 1331, all references being to the Records of the Recorder’s Office, Delaware County, Ohio. Cost: \$90.00

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

RESOLUTION NO. 13-185

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR ECONOMIC DEVELOPMENT:

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

Supplemental Appropriations
21011116-5382 BUSINESS DEVELOPMENT MEETINGS/NON TAXABLE MEALS 4,000.00

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

RESOLUTION NO. 13-186

IN THE MATTER OF CERTIFYING ENVIRONMENTAL REVIEW RECORD STATUTORY CHECKLISTS AND AUTHORIZING PUBLICATION OF A NOTICE OF INTENT TO REQUEST A RELEASE OF FEDERAL FUNDS (NOI/RROF) FOR FY2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED ACTIVITIES:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) approved activity funding, per Resolutions 12-1361(CDBG Grant B-F-12-1AT-1) and 12-605 (authorizing use of Revolving Loan Funds), for Ashley street improvements (Grant Activity 1), Ostrander sidewalk improvements (Grant Activity 2), Shawnee Hills sidewalk improvements (Grant Activity 3), Galena public rehabilitation (Grant Activity 4), county-wide home repair (Grant Activity 5), and fair housing (Grant Activity 6); and

WHEREAS, prior to activity funding, an Environmental Review Record (ERR) must be completed that documents each activity’s positive and negative social, economic and environmental impacts; and

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WHEREAS, the Ohio Regional Development Corporation completed an ERR for Delaware County for the Ashley, Ostrander and Home Repair activities. These activities were determined to be Categorically Excluded, per 40 CFR 1508.4 (Categorical exclusions are activities that do not involve significant environmental impacts); ERRs for the other activities are being completed; and

WHEREAS, following the activity determination to be Categorically Excluded, an NOI/RROF must be published one time for a seven day public comment period in a local newspaper of general circulation and paid subscription; and

WHEREAS, following the local public comment period, the NOI/RROF must be submitted to the Ohio Development Services Agency (ODSA). ODSA reviews for completeness and publishes for further public comment. Once ODSA processing requirements are completed, an Environmental Release is sent to the chief executive officer authorizing activity funding to begin; and

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 Board hereby approves the ERR for the activities known as Ashley street improvements (Grant Activity 1), Ostrander sidewalk improvements (Grant Activity 2), and county-wide home repair (Grant Activity 5) and authorizes the President of the Board to certify the Statutory Checklists for the ERR indicating such approval.

Section 2. The Board hereby approves the publication of the following NOI/RROF in the Delaware Gazette on February 27, 2013, then following a seven day public comment period, the Director of Economic Development is authorized to forward the published NOI/RROF to the Ohio Development Services Agency.

NOTICE OF INTENT TO REQUEST A RELEASE OF FUNDS (NOI/RROF)

Delaware County Board of Commissioners
101 N. Sandusky St.
Delaware, OH 43015
740-833-2100

To All Interested Persons, Agencies, and Groups:

On or about, but not before, March 7, 2013, Delaware County will request the State of Ohio to release Federal funds under Section 104 (g) of Title I of the Housing and Community Development Act of 1974, as amended; Section 288 of Title II of the Cranston Gonzales National Affordable Housing Act (NAHA), as amended; and/or Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended; to be used for the following projects:

FY 2012 CDBG Grant B-F-12-1AT-1 from the Ohio Development Services Agency
Projects: Ashley Street Improvements, Ostrander Sidewalk Improvements, and Home Repair Program.
Funding Source: CDBG and Revolving Loan Fund
Description: Street paving in the Village of Ashley, sidewalk improvements in the Village of Ostrander, and Home Repairs to income qualified individuals throughout Delaware County.
Single-year Project: Delaware County, \$153,200 of CDBG funds

The Environmental Review Record (ERR) for each of the Projects listed above has been conducted by Delaware County. The ERR documents the environmental reviews of the projects. The ERR is on file and available for the public's examination and copying, upon request, between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday (except holidays) at the above address.

Delaware County plans to undertake the projects described above with the Federal funds cited above. Any interested person, agencies, and/or groups, who have any comments regarding the environment, are invited to submit written comments for consideration to Delaware County at the address above listed prior to March 6, 2013.

Delaware County is certifying to the State of Ohio that Delaware County and Commissioner Ken O'Brien, in his official capacity as President of the Board of Commissioners, consent to accept the jurisdiction of Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making, and action; and that these responsibilities have been satisfied.

The legal effect of the certification is that upon its approval, Delaware County may use the Federal funds, and the State of Ohio will have satisfied its responsibilities under the National Environmental Policy Act of 1969, as amended.

The State of Ohio will accept an objection to its approval of the release of funds and acceptance of the certification only if it is on one of the following bases: (a) the certification was not, in fact, executed by the County's chief executive officer or other officer of the County approved by the State of Ohio; or (b) that the County's environmental review record for the project indicates omission of a step or failed to make a decision or finding required by HUD regulation at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by State of Ohio; or (d) another Federal agency acting pursuant to 40

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CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Written objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58), and must be addressed to the: State of Ohio; Environmental Grant Analyst; Office of Housing and Community Partnerships; P. O. Box 1001; Columbus, Ohio 43216-1001.

Objections to the Release of Funds on bases other than those stated above will not be considered by the State of Ohio. No objections received after March 26, 2013, (which is at least 15 days after it is anticipated that the State will receive a request for release of funds), will be considered by the State of Ohio.

The address of the chief executive officer is:

Ken O'Brien, President
Delaware County Board of Commissioners
101 N. Sandusky St.
Delaware, OH 43015
740-833-2100

Section 3. This resolution shall take effect and be in force immediately after its passage.

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

RESOLUTION NO. 13-187

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

Recommendation to name Tim Hansley, County Administrator, as the Interim 911 Communications Director; effective March 2, 2013;

Therefore Be it Resolved, the Board of Commissioners approve naming Tim Hansley, County Administrator, as the Interim 911 Communications Director; effective March 2, 2013.

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

RESOLUTION NO. 13-188

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Interim Director of 911 Communications recommends accepting the resignation of Jaqulynn Scott as a Tele Communicator; effective March 8, 2013;

Therefore Be It Resolved, the Board Of Commissioners accept the resignation of Jaqulynn Scott as a Tele Communicator; effective March 8, 2013.

The Director of Job and Family Services recommends accepting the resignation of Danny Lanzot from the JFS Department; effective February 15, 2013;

Therefore Be It Resolved, the Board of Commissioners accept the resignation of Danny Lanzot from the JFS Department; effective February 15, 2013.

The Director of Job and Family Services recommend accepting the resignation of Jill Heron from the JFS Department; effective March 1, 2013;

Therefore Be It Resolved, the Board of Commissioners accept the resignation of Jill Heron from the JFS Department; effective March 1, 2013.

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

DISCUSSION ON FUNDING DRAINAGE IMPROVEMENT PETITION PROJECTS

**Seiji Kille, Fiscal Services Director
Announced
County's Rating Of AAA, With Positive Outlook, By Standard And Poor's**

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COMMISSIONERS' COMMITTEES REPORTS**Commissioner Merrell**

-No Reports Today

Commissioner Stapleton

-Attended A CCAO Meeting Presentation By Clermont County On A TID-
-Interested In Looking At A Transportation Improvement Districts (TID)
-Will Attend The Community Action Organization Meeting On Wednesday
-Tuesday Training On Public Records And Ethics
-County Commissioners' Association Of Ohio Holding Regional Legislative Briefing Session
Delaware County's Is Friday April 5, 2013 At 11:30am At Bun's Restaurant
Host Dennis Stapleton, Delaware County Commissioner And Teresa Bemiller, Knox County
Commissioner
Guest: Kris Jordan, Ohio Senate 19th District; Andrew Brenner, Ohio House Of Representatives 2nd
District; Margaret Ann Ruhl, Ohio House Of Representatives 68th District

Commissioner O'Brien

-Would Not Be In Favor Of Creating A New Taxing Authority (TID)

RESOLUTION NO. 13-189**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION:**

It was moved by Mr. Stapleton, seconded by Mr. Merrell to adjourn into Executive Session at 9:58AM.

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

RESOLUTION NO. 13-190**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Merrell, seconded by Mr. Stapleton to adjourn out of Executive Session at 10:30AM.

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

**IN THE FIELD: 1:30PM VIEWING FOR CONSIDERATION OF THE ROOF #397 ROAD
WATERSHED AREA DRAINAGE PETITION**

On Monday the February 25, at 1:30PM (near the following address: 2164 N 3 B and K Rd. Sunbury OH 43074)
The Delaware County Commissioners viewed the watershed area with staff members from the Delaware County
Engineer's Office and the Delaware County Soil and Water Conservation District.

**Commissioners Present: Ken O'Brien, President; Dennis Stapleton, Vice President and Gary Merrell,
Commissioner**

On February 4, 2010, a petition for the Roof #397 Road Watershed was filed with the Board Of County
Commissioners. The Project, located in Delaware County, Kingston and Brown Townships within The Roof #397
Watershed, is to generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by
replacing or repairing, or altering the existing improvement as required and/or creating new surface and subsurface
drainage mains or laterals. On August 2, 2010, the Delaware County Commissioners determined the action is
necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the reconstruction
and improvement of the Roof #397 Road Watershed Area Drainage Improvement Petition Project and the directed
the Delaware County Engineer to proceed with the preparation of plans, reports, and schedules for the completion of
the drainage project. The Plans, reports, and schedules for the construction of the Roof #397 Watershed Area
Drainage Improvement Petition Project are finalized and the Board is viewing parts of the area before the final
hearing.

The Commissioners:

-Looked At And Followed The Standing Water along the Property at 2220 N 3B's and K Road and The Common
Access Drive of 2156
-Viewed Proposed Lateral Junction Points And Outlets On 2240 and the CAD
-4 Factors Determine Possible Assessment: Acres Benefited, Land Use, Percent Of Improvement Used; Remote
Factor;-Surface Drainage Is Accounted For (Grading and Culverts) And Title Drainage Is Accounted For
(Subsurface Tiles)
-Good And Sufficient Outlet Is Past The Red, White And Blue Silo

The following is a PDF copy of the Commissioners' Office sign-in sheet of the people present at the viewing who
chose to sign the sign-in sheet.

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SIGN-IN SHEET FOR FEBRUARY 25, 2013

1:30 PM Viewing For The Roof #397 Watershed Area Drainage Improvement Petition Project

NAME	ADDRESS
1 Gary Merrell	Commissioner
2 Eddie Havel	2405 N 3 B's + K
3 M. Adam Kratter	2848 N Galena Rd
4 David McCauslin	2501 N. 3 B's AND K Rd.
5 Theresa M. Snapp	2501 N 3 B's K Rd.
6 Brett Bergfeld	DCEO
7 Luke Molnar	2240 N 3 Br + K
8 Caroline Molnar	2240 N 3 B's + K
9 Deborah Hetrick	2220 N 3 B's + K
10 Matt Schoonover	2124 N 3 B's + K
11 Com Dennis Stapleton	Commissioner
12 Bob O'Brien	2156 N 3 B's + K
13 Mike Montgomery	2660 N. 3 B's + K
14 Matthew Larson	Soil and water
15 Gary Staples	S&W
16 John Walraven	Clerk to Board
17	

There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

Dennis Stapleton

Jennifer Walraven, Clerk to the Commissioners