

COMMISSIONERS JOURNAL NO. 59 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 6, 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
Gary Merrell, Commissioner

Absent:
Dennis Stapleton, Vice President

RESOLUTION NO. 13-584

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 3, 2013:

It was moved by Mr. Merrell, seconded by Mr. O'Brien to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on June 3, 2013; 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 Mr. Stapleton Absent Mr. O'Brien Aye

Pledge Of Allegiance
Webelos Den/ Part Of Pack 488
Liberty Tree/Indian Springs Elementary Schools – Olentangy School District

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 13-585

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0605:

It was moved by Mr. Merrell, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0605, and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Central Ohio Farmers	Gasoline	10011106-5228	\$ 80,000.00

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

RESOLUTION NO. 13-586

IN THE MATTER OF APPROVING CHANGE ORDER NO. 1 FOR THE ALUM CREEK WATER RECLAMATION FACILITY ROOFING REPAIR AND REPLACEMENT PROFESSIONAL DESIGN SERVICES PROJECT:

It was moved by Mr. Merrell, seconded by Mr. O'Brien to approve the following:

Whereas, Mays Consulting and Evaluation Services, Inc. is currently under contract to complete the Alum Creek Water Reclamation Facility Roofing Repair and Replacement Professional Design Services Project; and

Whereas, it has been determined that an alternate design using a metal roof system may be beneficial to the County based on the cost of construction and life expectancy of this alternate roof system; and

Whereas, a change order is needed to design a standing seem metal roof system replacement option, revise the bid documents to include this alternate and assist the County in rebidding the project; and

Whereas, the contract amount is increased by \$21,500.00 for a new contract price not to exceed \$156,500.00; and

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Whereas, there is not a change in the contract times; and

Whereas, the Sanitary Engineer recommends approving Change Order No. 1.

THEREFORE BE IT RESOLVED that the Delaware County Board of Commissioners approve Change Order No. 1 for the Alum Creek Water Reclamation Facility Roofing Repair and Replacement Professional Design Services Project.

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

RESOLUTION NO. 13-587

IN THE MATTER OF APPROVING A DECLARATION OF COVENANTS AND RESTRICTIONS WITH KINSALE VILLAGE, LLC, AND GOLF VILLAGE NORTH, LLC:

It was moved by Mr. Merrell, seconded by Mr. O'Brien to approve the following:

WHEREAS, two developers, Kinsale Village, LLC and Golf Village North, LLC, have requested that Delaware County approve a reallocation of taps as between the two developers' respective properties; and

WHEREAS, Delaware County requested that any reallocation be formally memorialized and recorded prior to approval; and

WHEREAS, the Director of Environmental Services recommends approval of a Declaration of Covenants and Restrictions that sets forth the reallocation and shall be recorded to provide public notice of the reallocation;

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

Section 1. The Board hereby approves the following Declaration of Covenants and Restrictions and authorizes the President of the Board to execute it on the Board's behalf:

DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration (this "Declaration") is made to be effective as of this 6th day of June, 2013 (the "Effective Date"), by and among Kinsale Village LLC, an Ohio limited liability company ("Kinsale Village") and Golf Village North LLC, an Ohio limited liability company ("Golf Village North") and the Board of County Commissioners of Delaware County, Ohio ("Delaware County").

Recitals:

- A. Kinsale Village is the developer of the Kinsale Village Condominiums, which is identified as Subarea A on Exhibits A attached hereto and the owner of certain parcels of real estate within Subarea A as identified on Exhibit A-1 ("Kinsale Village Parcels").
- B. Golf Village North is the owner of certain real property identified as Subarea B on Exhibit A attached hereto, which encompasses those parcels identified on Exhibit A-2 attached hereto ("Subarea B").
- C. At the time Kinsale Village Condominium was developed by Kinsale Village, a certain number of sewer taps were allocated by Delaware County Sanitary Engineer among Subarea A and Subarea B.
- D. Kinsale Village LLLC will not utilize all the sewer taps allocated to Subarea A in the completion of the Kinsale Village Condominium development.
- E. Golf Village North LLC will need more sewer taps than originally allocated to Subarea B.
- F. The parties hereto have agreed to allow Delaware County to re-allocate the sewer taps between Subarea A and Subarea B to allow for the development of Subarea B consistent with the zoning approved by Liberty Township for Subarea B.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, for themselves and their successors and assigns, hereby agree as follows:

§1. Allocation. Upon the recording of this declaration, Subarea A will have 65.45 sewer taps allocated to it in accordance with the description from Evans, Mechwart, Hableton & Tilton attached hereto as Exhibit B. Subarea B will thereafter have 129 sewer taps allocated to it in accordance with Exhibit B. The parties hereto acknowledge that the allocation of sewer taps as set forth on Exhibit B may limit any future development of the subject property contained within each subarea and agree to be bound by the allocation set forth herein. Delaware County has reviewed the allocation on Exhibit B and hereby approves said allocation as set forth on Exhibit B.

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§2. **Perpetual Restrictions.** The easements, covenants, restrictions and obligations set forth in this Declaration shall be perpetual and shall run with the land for the benefit of and as a burden to, and shall be enforceable by and against, each Party and its successors and assigns. This Declaration and restrictions set forth herein shall not be amended, released, extinguished or otherwise modified without the prior written consent of the Parties, or their respective successors or assigns.

§3. **Severability.** Each provision of this Declaration and the application thereof to the Property are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration.

§4. **Governing Law.** This Declaration shall be governed by, and construed in accordance with the laws of the State of Ohio.

§5. **Counterpart Execution.** This Declaration may be executed in any number of counterparts, each constituting and original by collectively constituting one document.

Section 2. This Resolution shall take effect immediately upon adoption.

(Copy of exhibits available for review at the Commissioners’ Office and Environmental Services Department until no longer of administrative value.)

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

RESOLUTION NO. 13-588

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR ENVIRONMENTAL SERVICES:

It was moved by Mr. Merrell, seconded by Mr. O’Brien to approve the following:

Transfer of Appropriations		
From:	TO:	
66211903-5328	66211903-5428	\$ 60,000.00
OECC SRF/Service and Charges	OECC SRF/Capital	
66211904-5328	66211904-5428	\$100,000.00
ACWRF SRF/Service and Charges	ACWRF SRF/Capital	

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

RESOLUTION NO. 13-589

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

It was moved by Mr. Merrell, seconded by Mr. O’Brien to approve the following:

The Director of Job and Family Services recommends hiring Anthony W. Smith as a Full-Time Social Worker III with the JFS Department; effective June 24, 2013.

Therefore Be It Resolved that the Board of Commissioners approve hiring Anthony W. Smith as a Full-Time Social Worker III with the JFS Department; effective June 24, 2013.

The Director of Job and Family Services recommends promoting Jenny Newell from IM III to Social Worker III Ongoing with the JFS Department; effective July 8, 2013.

Therefore Be It Resolved that the Board of Commissioners accept the promotion of Jenny Newell from IM III to Social Worker III Ongoing with the JFS Department; effective July 8, 2013.

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

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Merrell
-The 911 Board Is Working On A Process For The New Director
-Attended A Village Of Ashley Meeting

Commissioner O’Brien
-DKMM Full Board Meeting Is Next Week Not This Week
-Friday Is The CCAO Summer Conference

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RESOLUTION NO. 13-590

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

It was moved by Mr. Merrell, seconded by Mr. O'Brien to adjourn into Executive Session at 9:38AM.

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

RESOLUTION NO. 13-591

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Merrell, seconded by Mr. O'Brien to adjourn out of Executive Session at 9:40AM.

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

RESOLUTION NO. 13-592

IN THE MATTER OF ADJOURNING INTO EXECUTIVE FOR CONSIDERATION OF PENDING OR IMMINENT LITIGATION AND FOR THE CONSIDERATION OF EMPLOYMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICE:

It was moved by Mr. Merrell, seconded by Mr. O'Brien to adjourn into Executive Session at 9:42AM.

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

RESOLUTION NO. 13-593

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Merrell, seconded by Mr. O'Brien to adjourn out of Executive Session at 11:40AM.

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

There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

Dennis Stapleton

Jennifer Walraven, Clerk to the Commissioners