

**COMMISSIONERS JOURNAL NO. 59 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD AUGUST 1, 2013**

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**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**

**RESOLUTION NO. 13-787**

**NOTE FOR THE RECORD OF JULY 29, 2013: RESOLUTION NUMBERS 13-764 THRU 13-772 (ORIGINALLY UTILIZED ON JULY 25, 2013) WERE INADVERTENTLY UTILIZED A SECOND TIME ON JULY 29, 2013. JULY 29, 2013 RESOLUTIONS NOW REFERENCED WITH THE ADDITION OF AN "A":**

It was moved by Mr. Merrell, seconded by Mr. Stapleton to Note For The Record Of July 29, 2013: Resolution Numbers 13-764 Thru 13-772 (Originally Utilized On July 25, 2013) Were Inadvertently Utilized A Second Time On July 29, 2013. July 29, 2013 Resolutions Now Referenced With The Addition Of An "A".

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

**RESOLUTION NO. 13-788**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JULY 29, 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 July 29, 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 Aye Mr. O'Brien Aye

**PUBLIC COMMENT**

**ELECTED OFFICIAL COMMENT**

**RESOLUTION NO. 13-789**

**IN THE MATTER OF DESIGNATING AUGUST 2013 AS CHILD SUPPORT AWARENESS MONTH IN DELAWARE COUNTY:**

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

WHEREAS, ensuring children grow up safe and healthy, and children and families stay out of poverty; and

WHEREAS, ensuring that children receive the financial support they deserve involves working partnerships between county, state and federal agencies, parents, legislators, judges, healthcare professionals, advocacy groups, employers and many others; and

WHEREAS, through the leadership of Delaware County Child Support Enforcement Agency, many children's lives are brighter because of the following accomplishments in the past year:

Collected \$26,677,496.96 for 2012.

In March of 2013, DCSEA received an award from the State for our Superior Performance in Current Support Collections.

In May of 2013, DCCSEA broke our highest collection in one month record with \$2,282,736.71.

The Agency received awards from the State of Ohio for Best Overall Performance in the Medium Caseload Division, Best Performance Collections on Cases with Arrears in the Medium Caseload Division, Best Performance Collections on Current Support in the Medium Caseload Division and Total

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Disbursement per Total Full Time Employees (Cost effectiveness) in the Medium Caseload Division.

For every dollar the agency spent we collected \$17.31.

WHEREAS, the theme of this year’s Child Support Awareness Month is “Support Is Key”. We applaud parents who are committed to supporting their children; therefore, during Child Support Awareness Month, we acknowledge and celebrate parents who provide positive emotional and financial foundations for their children.

NOW, THEREFORE, The Delaware County Board of Commissioners of Delaware County, Ohio, do hereby designate, in conjunction with the State of Ohio,

**AUGUST 2013  
CHILD SUPPORT  
AWARENESS MONTH**

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

**RESOLUTION NO. 13-790**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0731:**

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0731 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line Account	Amount
<b>Job and Family – SERVICE AND CHARGES</b>				
R1304392	GENESIS HEALTHCARE SYSTEM	RESIDENTIAL TREATMENT	22511607-5342	\$15,000.00
<b>DRAINAGE MAINTENANCE –SERVICE AND CHARGES</b>				
R1304866	B & K LEHNER EXCAVATING	ROOF #397 DITCH CONSTRUCTION	40311436-5328	\$71,706.25
<b>PERMANENT IMPROVEMENT -SERVICE AND CHARGES</b>				
R1304982	HILLS BLACKTOP INC	CH COMPLEX - BLACKTOP SEAL COAT	40111402-5328	\$5,800.00

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

**RESOLUTION NO. 13-791**

**IN THE MATTER OF AMENDING THE CHILD PLACEMENT SERVICES CONTRACTS BETWEEN THE DELAWARE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES, THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND PROVIDERS AS LISTED:**

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

Whereas, Delaware County contracts with Child Care Placement providers in accordance with state and federal regulations, and

Whereas, the Director of Job & Family Services recommends approval of the following contract amendments;

**AMENDMENT NO. 1**

This is to amend the Contract for Child Placement and Related Services between the Delaware County Department of Job and Family Services, a department of the Delaware County Commissioners, and ENA, Inc. DBA NECCO Center, entered into on the first day of July 2013.

- I. Article IV. Reimbursement for Placement Services: Changes the maximum amount reimbursable under the contract from \$15,000 to \$75,000.00.

Now Therefore Be It Resolved that the Delaware County Board of Commissioners approve the contract amendments for Child Care Placement providers.

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

**RESOLUTION NO. 13-792**

**IN THE MATTER OF APPROVING A RECOMMENDATION BY THE DELAWARE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) TO APPROVE THE APPOINTMENT OF REPRESENTATIVES.**

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

WHEREAS, section 3750.03(B) of the Revised Code requires the Board of Commissioners to submit a list of persons to appoint to the Local Emergency Planning Committee ("LEPC"); and

WHEREAS, the LEPC recommends the Board of Commissioners approve the appointments of representatives to the LEPC for the period July 2013 through July 2015;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the following persons as representatives to the Delaware County LEPC:

Representatives:

- |                   |                                  |
|-------------------|----------------------------------|
| Ken O'Brien       | Delaware County Commissioner     |
| Sandra Stults     | Scioto Twp. Trustee              |
| Charles Miley     | Brown Township Trustee           |
| Sean Miller       | Delaware County EMA              |
| Bob Lavender      | Delaware County EMA              |
| Sandy Mackey      | Delaware County EMA              |
| Sharon Creamer    | Delaware County EMA              |
| Troy Morris       | Tri Twp. Fire Department         |
| John Donahue      | Delaware Fire Department         |
| Dale Lipps        | Elm Valley Fire District         |
| Brian Galligher   | Delaware County 911              |
| Stewart Gray      | Red Cross                        |
| Kelli Kincaid     | Delaware General Health Dist.    |
| Scott Vance       | Delaware County Sheriff's Office |
| Steve Hrytzik     | City of Powell Police Dept.      |
| Brandon Feller    | United Way – Delaware County     |
| Mike Schuiling    | Delaware County EMS              |
| Tonya Latto       | PPG                              |
| Sonrisa Sehlmeier | Grady Memorial Hospital          |
| Mary Damico       | Helpline                         |
| Stan Broadway     | ARES                             |
| Kenneth Steinman  | Kroger Distribution Center       |
| Mike Taylor       | ODOT District 6                  |

BE IT FURTHER RESOLVED: That the Clerk of the Board of Commissioners shall cause this Resolution to be spread upon the Board's Official Journal.

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

**RESOLUTION NO. 13-793**

**IN THE MATTER OF NOMINATING MEMBERS FOR THE INITIAL DELAWARE COUNTY DANGEROUS WILD ANIMAL RESPONSE TEAM TO THE STATE EMERGENCY RESPONSE COMMISSION:**

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

WHEREAS, section 935.27 of the Revised Code requires the Ohio Dangerous Wild Animal State Emergency Response Commission to a county dangerous wild animal response emergency response team ("DWARD") for each county in the state; and

WHEREAS, the Ohio Dangerous Wild Animal State Emergency Response Commission has requested that each board of county commissioners nominate members for their respective county's initial DWARD;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby nominates the members for the initial Delaware County DWARD as set forth in the following nomination form, which is hereby approved and shall be submitted to the Ohio Dangerous Wild Animal State Emergency Response Commission for its consideration in making appointments to the Delaware County DWARD:

**INITIAL DANGEROUS WILD ANIMAL RESPONSE TEAM NOMINATION FORM**

County: Delaware

Member Type	Member's Name	Organization/Address	Telephone	E-Mail
Members Required by Statute				

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Member Type	Member's Name	Organization/Address	Telephone	E-Mail
Law Enforcement	Captain Scott Vance	Delaware County Sheriff's Office	(740) 833-2819	<a href="mailto:SVance@co.delaware.oh.us">SVance@co.delaware.oh.us</a>
Fire	Chief Troy Morris	Tri-Township Fire District	(740) 362-1600	<a href="mailto:tmorris@tritwp.org">tmorris@tritwp.org</a>
First Aid	Chief Michael Schuiling	Delaware County EMS	(740) 833-2193	<a href="mailto:MSchuiling@co.delaware.oh.us">MSchuiling@co.delaware.oh.us</a>
Emergency Management	Sean Miller	Delaware County EMA	(740) 833-2183	<a href="mailto:smiller@co.delaware.oh.us">smiller@co.delaware.oh.us</a>
Health	Sonrisa Sehlmeier	Grady Memorial Hospital	(740) 615-1073	<a href="mailto:SSEHLM15@OhioHealth.com">SSEHLM15@OhioHealth.com</a>
Media	Dustin Ensinger	Delaware Gazette	(740) 363-1161 x. 344	<a href="mailto:densing@civitasmedia.com">densing@civitasmedia.com</a>
Elected Official	Ken O'Brien	Delaware County Commissioner	(740) 833-2103	<a href="mailto:kobrien@co.delaware.oh.us">kobrien@co.delaware.oh.us</a>
Dangerous Wild Animal Owner	Scott Thompson	Columbus Zoo	(614) 724-3583	<a href="mailto:scott.thompson@columbuszoo.org">scott.thompson@columbuszoo.org</a>
<b>Members Recommended by the State of Ohio Dangerous Wild Animal Emergency Response Commission</b>				
Veterinarian	Dr. Randy Junge	Columbus Zoo	(614) 724-3654	<a href="mailto:randy.junge@columbuszoo.org">randy.junge@columbuszoo.org</a>
Public Health	Kelli Kincaid	Delaware General Health District	(740) 203-2046	<a href="mailto:kkincaid@delawarehealth.org">kkincaid@delawarehealth.org</a>
<b>Optional Members</b>				
Public Health	Adam Howard	Delaware General Health District	(740) 203-2069	<a href="mailto:ahoward@delawarehealth.org">ahoward@delawarehealth.org</a>
Media Outreach	Teri Morgan	Delaware County – PIO	(740) 833-2109	<a href="mailto:tmorgan@co.delaware.oh.us">tmorgan@co.delaware.oh.us</a>

Ohio Department of Agriculture  
Dangerous Wild Animal Office  
8995 East Main Street  
Reynoldsburg, Ohio 43068  
Email: [animal@agri.ohio.gov](mailto:animal@agri.ohio.gov)  
Fax: (614) 752-3065

This Resolution shall take immediate effect upon adoption.

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

**RESOLUTION NO. 13-794**

**IN THE MATTER OF ADOPTING CHANGES TO THE DELAWARE COUNTY ZONING FEE SCHEDULE:**

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

WHEREAS, the Zoning Fee Schedule was most recently amended in October, 2000; and

WHEREAS, by virtue of Ohio Revised Code 303.02, the Board of County Commissioners is authorized and empowered to adopt regulations that pertain to the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated portion of the County and any other jurisdiction under contract with the County; and

WHEREAS, the administration of the Delaware County Zoning Resolution results in expenses to the County; and

WHEREAS, by virtue of Ohio Revised Code 303.02 and Section 28.11 of the Delaware County Zoning Resolution, the Board of County Commissioners is authorized and empowered to adopt fees; and

WHEREAS, the changes to the Delaware County zoning fee schedule was considered during the Board of Commissioners' regular session on August 1, 2013.

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

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COUNTY, STATE OF OHIO:

1. That the following fee schedule be adopted and become effective September 1, 2013:

Delaware County Zoning Fee Schedule  
Marlboro, Radnor & Thompson Townships

Zoning Certificates

Residential

Single Family	\$150
Multi-Family (per unit)	\$150
Garage, Accessory Building	\$ 75
Addition	\$ 75
Swimming Pool	\$ 50
Deck	\$ 50
Temporary Mobile Home	\$150
Mobile Home (Farm Labor)	\$150

Commercial, Industrial, Institutional, Recreational

New Construction	\$300
Addition	\$250
Temporary Office/Storage Trailer	\$150
Cellular Tower	\$300

Other

Rezoning/Zoning Amendment	\$350 + \$50/acre (min. fee \$400)
Final Development Plan Meeting/Second Meeting	\$350
Extension of Time &/or Modification (additional RZC mtg.)	\$350
Final Development Plan Minor Change	\$350
Variance	\$350
Conditional Use	\$350
Appeal	\$350
Change of Use	\$100
Zoning Code Book/Resolution	\$ 10
Signs (requiring a zoning certificate)	\$100
Antenna/satellite dish	\$ 75

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

**RESOLUTION NO. 13-795**

**IN THE MATTER OF REQUESTING STATEMENTS OF QUALIFICATIONS FOR PROFESSIONAL DESIGN SERVICES FOR THE DELAWARE COUNTY DIVISION OF ENVIRONMENTAL SERVICES (FOR THE REGIONAL SEWER DISTRICT AND SOLID WASTE):**

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

WHEREAS, the Delaware County Division of Environmental Services (“DCDES”) has numerous facilities and infrastructure that from time to time are in need of upgrade or improvement; and

WHEREAS, the required upgrades and improvements are necessary to maintain proper wastewater conveyance and treatment to serve the Regional Sewer District’s customers, protect the water quality of the State of Ohio surface waters, and provide for the solid waste disposal needs of the County’s residents; and

WHEREAS, the required upgrades and improvements may require staffing resources beyond that of the current technical staff of DCDES; and

WHEREAS, the Ohio Revised Code requires professional design firms to be prequalified by the County in order to perform consulting services for projects with an estimated design fee below fifty thousand dollars (\$50,000.00); and

WHEREAS, the Ohio Revised Code also requires the County to use a qualifications-based selection process to select professional design firms to perform consulting services for projects with an estimated design fee greater than or equal to fifty thousand dollars (\$50,000); and

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WHEREAS, the Director of Environmental Services recommends the following procedures be implemented to qualify firms to provide the desired professional design services;

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

Section 1. The Board hereby approves and implements the procedures to pre-qualify professional design firms to provide consulting services known as the following: DELAWARE COUNTY DIVISION OF ENVIRONMENTAL SERVICES PREQUALIFICATION AND QUALIFICATIONS-BASED SELECTION PROCEDURE FOR PROFESSIONAL DESIGN SERVICES.

Section 2. The Board hereby approves publicly advertising a Request for Statements of Qualifications (SOQ'S) for professional design services to be used by DCDES. Advertisements will appear in the Delaware Gazette on August 12, 2013, and also continuously on the County's website at <http://www.co.delaware.oh.us/sanitary/> until further notice.

Section 3. The Board hereby directs the Director of Environmental Services to receive Statements of Qualifications at the office located at 50 Channing Street, Delaware, Ohio 43015 and to evaluate Statements of Qualifications in accordance with the implemented procedures.

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

**RESOLUTION NO. 13-796**

**IN THE MATTER OF APPROVING PERSONNEL ACTIONS:**

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

The Director of Job and Family Services recommends the promotion of Amanda Burns from an Income Maintenance Worker III to an Income Maintenance Case Control Review Team Leader position with the JFS Department; effective August 5, 2013;

Therefore Be It Resolved, that the Board of Commissioners approve the promotion of Amanda Burns from an Income Maintenance Worker III to an Income Maintenance Case Control Review Team Leader position with the JFS Department; effective August 5, 2013.

The Director of Job and Family Services recommends the promotion of Jessica Cimino from an Income Maintenance Worker III to an Income Maintenance Case Control Review Team Leader position with the JFS Department; effective August 5, 2013;

Therefore Be It Resolved, that the Board of Commissioners approve the promotion of Jessica Cimino from an Income Maintenance Worker III to an Income Maintenance Case Control Review Team Leader position with the JFS Department; effective August 5, 2013.

The Director of Job and Family Services recommends hiring Amanda Setliff as an Employment Counselor with the JFS Department; effective August 12, 2013;

Therefore Be It Resolved, that the Board of Commissioners approve hiring Amanda Setliff as an Employment Counselor with the JFS Department; effective August 12, 2013.

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

**RESOLUTION NO. 13-797**

**IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR MEADOWS AT LEWIS CENTER SECTION 1, PHASE B, PART 2:**

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

Whereas, Jones/Lewis Center, LLC has submitted the Plat of Subdivision ("Plat") for Meadows at Lewis Center Section 1, Phase B, Part 2, 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 June 27, 2013; and

Whereas, Del-Co Water Company has reviewed said Plat and Plans for conformance with its rules and regulations and approved said Plat on June 27, 2013; and

Whereas, the Delaware County Sanitary Engineer has reviewed said Plat and Plans for conformance with the

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Rules, Regulations, Standards and General Procedures Governing Sewerage in Delaware County and approved said Plat on July 2, 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 July 2, 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 July 29, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for Meadows at Lewis Center Section 1, Phase B, Part 2.

**Meadows at Lewis Center Section 1, Phase B, Part 2:**

Situated in the State of Ohio, County of Delaware, Township of Orange, and in Farm Lot 16, Quarter Township 2, Township 3, Range 18, United States Military Lands, containing 5.399 acres being part of that tract of land conveyed to Jones/Lewis Center, LLC, by deed of record in Official Record 720, Page 2291, Recorder’s Office, Delaware County, Ohio. Cost \$45.

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

**RESOLUTION NO. 13-798**

**IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR MENARDS CREEKSIDE:**

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

Whereas, Menard, Inc. has submitted the Plat of Subdivision (“Plat”) for Menards Creekside, 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 February 15, 2013; and

Whereas, Del-Co Water Company has reviewed said Plat and Plans for conformance with its rules and regulations and approved said Plat on February 18, 2013; 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 June 3, 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 June 3, 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 July 29, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for Menards Creekside.

**Menards Creekside:**

Situated in the Township of Orange, County of Delaware, State of Ohio, and being a part of (Farm Lots 3,4 & 5, Section 2, Township 3 North, Range 18 West, U.S. Military Survey Lands), and being the same tract as conveyed to Menard, Inc. as described in Deed Book 1107, Page 1856, County Recorder’s Office, Delaware, Ohio. Cost \$51.

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

**RESOLUTION NO. 13-799**

**IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR ROBIN HAVEN SUBDIVISION, LOT #2191, DIVISION #1:**

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

Whereas, Mark O’Dell has submitted the Plat of Subdivision (“Plat”) for Robin Haven Subdivision, Lot #2191, Division #1, including related development plans (“Plans”) and requests approval thereof by the Board of Commissioners of Delaware County; and

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Whereas, the Liberty Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on July 1, 2013; 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 June 18, 2013; and

Whereas, Del-Co Water Company has reviewed said Plat and Plans for conformance with its rules and regulations and approved said Plat on June 19, 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 July 2, 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 July 29, 2013;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for Robin Haven Subdivision, Lot #2191, Division #1.

**Robin Haven Subdivision, Lot #2191, Division #1:**

Situated in the Township of Liberty, County of Delaware, State of Ohio and being all of Lot 2191, of Robin Haven Subdivision, recorded in Plat Cabinet 1, Slide 367. Being a subdivision of 1.598 acres, being all of the original Lot 2191, conveyed to Mark A. O'Dell in Official Records Volume 1050, Page 1825 in the Delaware County Recorder's Office. Cost \$6.00

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

*Not approved:*

**RESOLUTION NO. 13-800**

**IN THE MATTER OF APPROVING THE AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO ("COUNTY"), WALKERLAND, LTD. ("OWNER"), AND SCHOTTENSTEIN REAL ESTATE GROUP ("DEVELOPER"):**

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

**AGREEMENT**

This Agreement is entered into by, between and among THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO ("County"), WALKERLAND, LTD. ("Owner"), and SCHOTTENSTEIN REAL ESTATE GROUP ("Developer") and is made effective as of the last date signed by a party hereto.

**BACKGROUND RECITALS**

A. Owner is the present owner of approximately 15.015 acres, located in Orange Township, Delaware County, Ohio on the east side of South Old State Road approximately 347 feet north of Candlelite Lane and immediately south of The Retreat Condominium, comprised of Delaware County Tax Parcel Numbers 318-341-01-001-000, 318-341-01-001-001, and 318-314-05-005-001 (collectively the "Property"). Parcel Number 318-314-05-005-001, 0.135 acres, and Parcel Number 31-341-01-001-001, 0.416 acres, are present road right-of-way for South Old State Road.

B. Owner and Developer are the parties, as respectively Seller and Purchaser, under a Real Estate Purchase Contract with respect to the Property, with various contingencies, including approval by the City of Columbus (the "City") of an application to rezone the Property from PUD-8, Planned Unit Development District, to L-ARLD, Limited Apartment Residential District, and the approval of a development plan for 198 apartment units (the "Polaris Rental Community").

C. County is presently designing, with construction plans about 90 percent complete, a major widening of South Old State Road (Delaware County Road 10), the DEL-CR 10-0.90 South Old State Road Improvements ("Project DEL-CR 10-0.90"). Project DEL-CR 10-0.90 will require additional road right-of-way for South Old State Road from the Property and will require a drainage easement to the County on the Property.

D. The Traffic Impact Study ("TIS") submitted in conjunction with the development plan for the Polaris Rental Community in the zoning application to the City for the Property was approved by the Delaware County Engineer's Office ("County Engineer") upon the conditions, among others, that (1) Developer be required to construct the 225 foot long northbound right turn lane plus 50 foot divergent taper as part of the development and dedicate the additional right-of-way needed to accommodate this turn lane and the sidewalk proposed in Project DEL-CR 10-0.90, or, in lieu of construction, the County would accept a Fair Share Contribution of \$56,250 and include the construction

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of the turn lane in Project DEL-CR 10-0.90 and (2) include the statement, at the end of the conclusion paragraph of the TIS, that "The Developer acknowledges that Delaware County may modify or restrict vehicular access to the development in the future if determined necessary by Delaware County for the safety and welfare of the public."

**NOW, THEREFORE**, in consideration of the covenants and conditions herein contained, including the Background Recitals stated above, the parties agree as follows:

1. County shall provide a donation letter using Ohio Department of Transportation's ("ODOT") LPA, Donation Letter, Rev. 01/2010 with respect to the additional road right-of-way and the drainage easement from the Property for Project DEL-CR 10-0.90.

2. As to the additional road right-of-way from the Property, County and Owner shall enter into a Contract for Purchase and Sale of Real Property, using ODOT LPA RE 840-L, Rev. 03/2013 form and providing for the gift/donation as soon as parcel identification and the legal descriptions for Exhibit A for said Contract have been prepared by the County (the "Contract"). In accordance with the Contract, Owner shall convey to County as a gift/donation the real property described in Exhibit A to the Contract by Quit Claim Deed, ODOT LPA RE 803, Rev. 10/2012.

3. As soon as practicable, County shall provide to Owner and Developer a legal description of the easement area to be granted by Owner to County as a gift/donation for the drainage easement on the Property necessary for Project DEL-CR 10-0.90, said easement to be in substantially the form of the Drainage Easement attached hereto as Exhibit A.

4. As soon as practicable, County shall provide to Owner and Developer legal descriptions for the temporary easement areas needed on the Property for construction of Project DEL-CR 10-0.90 and thereupon Owner shall grant a temporary easement for a duration not greater than twenty-four (24) months from the date of entry by the County or its contractor, using the ODOT LPA RE 807, Rev. 09/2012, Temporary Easement, form.

5. If the currently vacant land of Owner is rezoned and developed by Developer as the Polaris Rental Community as proposed in Application Z12-065 to the City, Developer shall pay the Fair Share Contribution of \$56,250 toward County's construction of a northbound right turn lane into the Access Drive, as set forth in the TIS. The Fair Share Contribution shall be made as a condition of and before issuance of the right-of-way permit issued by the County, governing the construction of the Access Drive, which issuance shall not be unreasonably delayed or withheld. A copy of the Traffic Impact Study is attached hereto as Exhibit B.

6. Before commencement of construction of Project DEL-CR 10-0.90, the Polaris Rental Community shall have full movement (left-in, left-out, right-in, right-out) to and from the access drive whose location is indicated on the Illustrative Site Plan of Polaris Rental Community (the "Access Drive") except, as set forth in the TIS, that Delaware County may modify or restrict vehicular access to the development in the future if determined necessary by Delaware County for the safety and welfare of the public. If such modification or restriction of the Access drive occurs, such modification or restriction of vehicular access to Polaris Rental Community shall continue until the completion of Project DEL-CR 10-0.90, at which time full movement for the Access Drive shall be restored.

7. During the construction of Project DEL-CR 10-0.90, the County shall endeavor at all times to maintain access at the Access Drive, with such modification, limitation or restriction of access as required by the construction of Project DEL-CR 10-0.90. County shall not, during the construction of Project DEL-CR 10-0.90 close at any time the Access Drive unless absolutely necessary and then only if County first gives thirty (30) days written notice to Developer and Owner and does such temporary construction as necessary to provide two lane ingress and egress over the area of the emergency access drive depicted on Exhibit C.

8. After the completion of the construction of Project DEL-CR 10-0.90, the Access Drive shall be full movement, except as set forth in the TIS, that Delaware County may modify or restrict vehicular access to the development in the future if determined necessary by Delaware County for the safety and welfare of the public.

9. County agrees that in making a determination as to whether or not it is necessary for the safety and welfare of the public to modify or restrict vehicular access to the Access Drive, Delaware County shall apply (a) any objective standards for limitation of access on public safety and welfare grounds which may be adopted by ODOT, or any objective standard for limitation of access on public safety and welfare grounds which may be adopted in the future by the County and applicable to public roads under its/the County Engineer's jurisdiction, or (b) in the absence of such objective standards adopted by ODOT or by the County, the County shall apply divisions A and B of the Standard set forth in Section 4C.08, Warrant 7, Crash Experience of the Ohio Manual of Uniform Traffic Control Devices, Current Edition, as the same may be amended from time to time.

10. Owner and Developer agree that if the County has determined that vehicular access to the Access Drive must be modified or restricted for the safety and welfare of the public that (a) County is not responsible to construct or pay for a traffic signal or perform any other roadway alterations or improvements necessary to maintain unrestricted vehicular access to the Access Drive, and (b) County may permit construction of a traffic signal or additional public road improvements by Owner or Developer at Owner or Developer's cost, with approval of the County Engineer, to allow for continued unrestricted access to the Access Drive, and (c) upon approval, construction and acceptance of a traffic signal or any other public road improvements the same shall become the property of the

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public agency with jurisdiction of the infrastructure, and (d) any such approval shall not constitute in any way a waiver of the County's rights to further modify such access in the future, including traffic signal or other public road alterations or improvements constructed by Owner or Developer, upon public safety and welfare grounds as determined by the County based on standards adopted and uniformly enforced by the County.

11. This Agreement constitutes the full agreement and understanding between and among the parties as to the subject matter of this Agreement and any prior discussions or understandings as to the items herein are deemed merged into this Agreement. This Agreement may not be modified or amended except in writing signed by the parties affected by such modification or amendment.

12. No action to interpret or enforce this Agreement shall be brought in any court other than the Court of Common Pleas of Delaware County, Ohio, and all parties hereto consent and agree to the venue and jurisdiction of such court.

13. The parties to this Agreement represent and warrant to each other that each of them, along with the signatory signing on behalf of the party represented, have the authority to enter into this Agreement, and that this Agreement shall be binding and enforceable as to each of them, their successors and assigns.

**EXHIBIT A**

**Additional Right of Way, Drainage Easement and Temporary Easements**

Being Parcel No. 66-WD, 66-S, 66-CH and 66-T as delineated upon the Right of Way Plan for DEL-CR10-0.90, by this reference made a part hereof, now or as may be necessarily amended in the future to accommodate the proposed northbound right turn lane for Parcel 66.

A copy of the Right of Way Plan for DEL-CR10-0.90 shall be placed on file at the Delaware County Engineer's Office and the Delaware County Recorder's Office.

**EXHIBIT B**

**Traffic Impact Study (TIS)**

Being the Traffic Impact Study (TIS) prepared March 28, 2013 and updated May 15, 2013 by EMH&T, Inc., by this reference made a part hereof.

A copy of the TIS shall be placed on file at the Delaware County Engineer's Office.

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

**COMMISSIONERS' COMMITTEES REPORTS**

**-No reports today**

**RESOLUTION NO. 13-801**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE FOR EMPLOYMENT; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL AND FOR PENDING OR IMMINENT LITIGATION:**

It was moved by Mr. Stapleton, seconded by Mr. Merrell to adjourn into Executive Session at 9:55AM.

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

**RESOLUTION NO. 13-802**

**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 11:27AM.

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

\*Due to a prior commitment Commissioner O'Brien was absent for the adjourning of Executive Session.

There being no further business, the meeting adjourned.

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Gary Merrell

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Ken O'Brien

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Dennis Stapleton

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Jennifer Walraven, Clerk to the Commissioners