

**COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 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

RESOLUTION NO. 13-1107

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 24, 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 October 24, 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. 13-1108

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1025:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1025.

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

RESOLUTION NO. 13-1109

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The County Administrator is requesting that Teri Morgan, Tim Hansley, Dennis Stapleton, Gary Merrell and Ken O'Brien attend the C.C.A.O. Winter Conference in Columbus, OH from December 8-10, 2013 at the cost of \$1,360.00 (fund number 10011102).

The Engineer's office is requesting that Mike Seiter attend a Roadside Safety Systems & Training class at the Ohio Expo Center in Columbus, OH from November 6-7, 2013; at the cost of \$54.00 (fund number 29214001).

The Board of Commissioners office is requesting that Dawn Huston, Teri Morgan, Tim Hansley, Commissioner Stapleton and Commissioner Merrell attend the Red Cross Heroes Breakfast at Ohio Wesleyan University on November 7, 2013 at the cost of \$125.00 (fund number 100111039).

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

RESOLUTION NO. 13-1110

IN THE MATTER OF ACCEPTING THE TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER 2013:

It was moved by Mr. Merrell, seconded by Mr. Stapleton to accept the Treasurer's Report for the month of September 2013.

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

**COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013**

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

RESOLUTION NO. 13-1111

IN THE MATTER OF CANCELING THE MONDAY DECEMBER 9, 2013 COMMISSIONERS' SESSION DUE TO THE COUNTY COMMISSIONERS' WINTER CONFERENCE:

It was moved by Mr. Merrell, seconded by Mr. Stapleton to approve canceling the Monday December 9, 2013 Commissioners' session.

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

RESOLUTION NO. 13-1112

IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND FOR SANCTUARY AT THE LAKES SECTION 1:

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

Sanctuary at the Lakes Section 1

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 Owner's Agreement, The Engineer recommends that the maintenance bond be set at **\$133,200** (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. O'Brien Aye Mr. Merrell Aye Mr. Stapleton Aye

RESOLUTION NO. 13-1113

IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND FOR ALUM CROSSING SECTION 2, PHASE B, PART 1:

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

Alum Crossing Section 2, Phase B, Part 1

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 Owner's Agreement, The Engineer recommends that the maintenance bond be set at **\$34,000** (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. Merrell Aye Mr. Stapleton Aye Mr. O'Brien Aye

RESOLUTION NO. 13-1114

IN THE MATTER OF APPROVING OWNER'S AGREEMENT FOR GOODWILL STORE:

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

Whereas, as The Engineer recommends approving the Owner's Agreement for Goodwill Store;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the Owner's Agreement for Goodwill Store:

Owner's Agreement for Goodwill Store

**OWNER'S AGREEMENT
FOR
DRAINAGE IMPROVEMENTS**

THIS AGREEMENT made and entered into this 28th day of October 2013 by and between the **COUNTY OF DELAWARE** (acting by and through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **ROMANELLI GW LLC**, hereinafter called the **OWNER**, as evidenced by Exhibit C of the Engineering and Construction Plan entitled "**Goodwill Store**" which was approved by the

**COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013**

County Engineer, hereinafter called the **PLAN**, is governed by the following considerations, to wit:

- 1) The **OWNER** is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the **PLAN**, which is a part of this **AGREEMENT**.
- 2) The **OWNER** shall pay the entire cost and expenses of said improvements.
- 3) The **OWNER** shall deposit **FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500)**, made payable to the Delaware County Engineer, estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **thirty percent (30%)** of the original amount deposited, the **OWNER** shall replenish the account, upon notice by the **Delaware County Engineer**. Upon completion and acceptance of the construction, the remaining amount in the fund shall be returned to the **OWNER**.
- 4) The **OWNER** is to complete all construction to the satisfaction of the **COUNTY** as evidenced by an approval letter from the **Delaware County Engineer**. Plat approval will be contingent upon satisfactory completion of all items in Exhibit C of the approved plans, to include permanent stabilization.
- 5) Upon approval of the improvements, all structures covered under Exhibit C of the approved plan will be placed on Delaware County's Ditch Maintenance Program.
- 6) The **OWNER** shall hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of the said improvements.
- 7) The **OWNER** will at all times during the construction of said improvements maintain through traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site in accordance with the **Ohio Department of Transportation "Uniform Traffic Control Devices"** and **"Traffic Control for Construction and Maintenance"**.
- 8) The **OWNER** further agrees that any violation of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvement.
- 9) If the **OWNER** should become unable to carry out the provisions of this **AGREEMENT**, the **OWNER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.
- 10) Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **OWNER** or his agent the right and privilege to make the said improvements stipulated herein.

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

RESOLUTION NO. 13-1115

IN THE MATTER OF ESTABLISHING DRAINAGE MAINTENANCE ACCOUNT AND APPROVING MAINTENANCE EASEMENTS FOR THE CHADWICK #135 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the Delaware County Engineering Staff and the Soil and Water Conservation Staff recommend finalizes the construction assessments, establishing the Drainage Maintenance Account and approving the Drainage Maintenance Easements for the Chadwick #135 Drainage Improvement Project;

**RE: Chadwick #135 Drainage Improvement Project
Final Assessments, Drainage Maintenance Account
Drainage Maintenance Easements**

Please accept this request to finalize the construction assessments, establish the drainage maintenance account and approve the drainage maintenance easements per ORC section 6131 and 6137. The following information may be used to initiate the account:

Name: Chadwick #135
Account: 1308
Organization: 21911401
Amount: \$15,000.00

Easement Description: (Map available at Engineer's Office)

Beginning at Point A at the junction of the Chadwick #135 surface drainage route and the road right-of-way for County Road #605, and at Point C at the junction of the Chadwick #135 subsurface drain and the same right-of-way, and extending downstream to Point F at the intersection of the Chadwick #135 open channel and the west property line for Delaware County parcel 41621001067

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013

Points A to B:
25 feet left of top of bank
25 feet right of top of bank

Points B to D
50 feet left of top of right bank
25 feet right of top of right bank

Points C to D
5 feet left of subsurface drain
25 feet right of subsurface drain

Points E to F
25 feet left of top of bank
25 feet right of top of bank

THEREFORE BE IT RESOLVED, that the Board of Commissioners Establish the Maintenance Account and Approve Maintenance Easements for the Chadwick #135 Drainage Improvement Project.

Further Be It Resolved, that the Board of Commissioners will approve the final schedule of construction assessments (copy available in the Commissioners' Office until no longer of administrative value) when the interest rate of the bond for the borrowing of the money is determined.

Be It Further Resolved, that the Commissioners' Office will supply to the Auditor's Office the final schedule of construction assessments after the bond is issued and the interest rates are determined for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate of the installment.

As the project's final cost is less than the estimate, those property owners who paid in advance are due a refund as shown on the proposed final schedule of assessments (copy available in the Commissioners' Office until no longer of administrative value).

Please also note that the final construction cost also includes \$75,140.00 as contributed by Carter-Jones Lumber Company.

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

RESOLUTION NO. 13-1116

IN THE MATTER OF ESTABLISHING DRAINAGE MAINTENANCE ACCOUNT AND APPROVING MAINTENANCE EASEMENTS FOR THE HARDIN #267 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the Delaware County Engineering Staff and the Soil and Water Conservation Staff recommend finalizes the construction assessments, establishing the Drainage Maintenance Account and approving the Drainage Maintenance Easements for Hardin #267 Drainage Improvement Project;

**RE: Hardin #267 Drainage Improvement Project
Final Assessments, Drainage Maintenance Account
Drainage Maintenance Easements**

Please accept this request to finalize the construction assessments, establish the drainage maintenance account and approve the drainage maintenance easements per ORC section 6131 and 6137. The following information may be used to initiate the account:

Name: Hardin #267
Account: 1317
Organization: 21911401
Amount: \$5,000.00

Easement Description: (Map available at Engineer's Office)
Beginning at Point A at a breather on Delaware County parcel #41943001019000 and extending downstream to Point F at the intersection of the Hardin #267 tile with the Hardin #8702 open channel:

Points A to D:
15 feet left of subsurface drain
18 feet right of subsurface drain

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013

Points E to F
15 feet left of subsurface drain
15 feet right of subsurface drain

Points B to G
15 feet left of subsurface drain
15 feet right of subsurface drain

Points B to H
15 feet left of subsurface drain
15 feet right of subsurface drain

Points C to K
15 feet left of subsurface drain
15 feet right of subsurface drain
Points J to L
15 feet left of subsurface drain
15 feet right of subsurface drain

Points L to M
15 feet left of surface drain centerline
15 feet right of surface drain centerline

THEREFORE BE IT RESOLVED, that the Board of Commissioners Establish Maintenance Account and Approve Maintenance Easements for the Hardin #267 Drainage Improvement Project.

Further Be It Resolved, that the Board of Commissioners will approve the final schedule of construction assessments (copy available in the Commissioners' Office until no longer of administrative value) when the interest rate of the bond for the borrowing of the money is determined.

Be It Further Resolved, that the Commissioners' Office will supply to the Auditor's Office the final schedule of construction assessments after the bond is issued and the interest rates are determined for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate of the installment.

As the project's final cost is less than the estimate, those property owners who paid in advance are due a refund as shown on the proposed final schedule of assessments (copy available in the Commissioners' Office until no longer of administrative value).

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

RESOLUTION NO. 13-1117

IN THE MATTER OF APPROVING AND AUTHORIZING THE SIGNING AND SUBMITTAL OF THE OHIO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM STATUS REPORT ON GRANT ACTIVITY TO DATE TO THE OHIO DEVELOPMENT SERVICES AGENCY, OFFICE OF COMMUNITY DEVELOPMENT (ODSA OCD):

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve and authorize the signing and submittal of the Ohio Community Development Block Grant Program Status Report:

WHEREAS, the Ohio Development Services Agency provides financial assistance to Delaware County through the Ohio Community Development Block Grant Program; and

WHEREAS, the Board of Commissioners is required to submit an Ohio Community Development Block Grant Program Status Report on Grant Activity for the B-F-12-1AT-1 Grant to the ODSA OCD.

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 of Commissioners approves and authorizes the President of the Board to sign the Ohio Community Development Block Grant Program Status Report for July 1, 2013 – December 31, 2013.

Section 2. The Board of Commissioners authorizes the submittal of Ohio Community Development Block Grant Program Status Report for the period July 1, 2013 – December 31, 2013, to the Ohio Development Services Agency, Office of Community Development.

Section 3. The Director of Economic Development is directed to submit the Status Report to ODSA OCD.

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

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013

RESOLUTION NO. 13-1118

IN THE MATTER OF REQUESTING THE EXTENSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT B-F-12-1AT-1:

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") approved Community Development Block Grant (CDBG) activity funding, per Resolutions 12-1361(CDBG Grant Agreement B-F-12-1AT-1 with the Ohio Development Services Agency) 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, Grant Agreement B-F-12-1AT-1 ends on February 28, 2014; and

WHEREAS, no suitable bids were received for the Ostrander sidewalk improvements (Grant Activity 2), and the project engineer requested a third bid to allow for a Spring 2014 construction; and

WHEREAS, the Delaware County Economic Development Director and the Grant Consultant jointly recommend extending the CDBG Grant Agreement B-F-12-1AT-1 by six months;

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

Section 1. The Board hereby approves requesting a six month extension of the CDBG Grant Agreement B-F-12-1AT-1.

Section 2. The Board hereby directs the Delaware County Economic Development Director to cause this request to be submitted to the Ohio Development Services Agency.

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

RESOLUTION NO. 13-1119

IN THE MATTER OF REQUESTING A WAIVER FROM THE OHIO DEVELOPMENT SERVICES AGENCY TO PARTIALLY FUND THE PRAIRIE RUN (SUNBURY) FOOTBRIDGE PROJECT WITH DELAWARE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUNDS:

It was move by Mr. Stapleton, seconded by Mr. Merrell to authorize the following;

WHEREAS, Delaware County manages a Community Development Block Grant Revolving Loan Fund (RLF) per the RLF Guidelines, approved per Resolution 12-317; and

WHEREAS, the Village of Sunbury requested funding for the Prairie Run (Sunbury) Footbridge Project. This pedestrian bridge will provide ADA access from the Sunbury United Methodist Church parking lot to the village administered Sunbury Memorial Park cemetery. A sidewalk connects the cemetery to the Sunbury Village Square. Currently, pedestrians must walk along the berm of heavily travelled SR37 between the church and the cemetery; and

WHEREAS, the total project cost is estimated to be \$75,000; and

WHEREAS, it is anticipated that a funding gap of \$35,000 exists between total project cost and donations; and

WHEREAS, the unencumbered balance in the Delaware County RLF is approximately \$180,000.

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 hereby requests a waiver from the Ohio Development Services Agency for a grant from the RLF to the Village of Sunbury in the amount of up to \$35,000 to further assist in the Parks and Recreation Facilities Activity to complete the Prairie Run (Sunbury) Footbridge Project.

Section 2. That this Resolution shall take effect and be in force immediately upon adoption.

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

RESOLUTION NO. 13-1120

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES:

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

Supplemental Appropriations		
29513000-5450	DODD Transportation/Capital Equipment	\$ 43,902.00

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

RESOLUTION NO. 13-1121

IN THE MATTER OF RENAMING AN ORGANIZATIONAL KEY, APPROVING AN ADVANCE OF FUNDS, TRANSFER OF FUNDS, TRANSFER OF APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR THE FAMILY CHILDREN’S FIRST COUNCIL:

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

Rename ORG Key Description
70161603 FCFC General

Supplemental Appropriations
70161603-5801 Transfers \$600.00

Transfer of Funds
From To
70161603-5801 FCFC General 70161604-4601 Early Head Start \$600.00

Advance of Funds
From To
70161603-8500 FCFC General 70161604-8400 Early Head Start \$8,500.00

Supplemental Appropriations
70161604-5001 Compensation (\$278.00)
70161604-5101 Health Insurance \$293.00
70161604-5102 Workman Comp (\$492.00)
70161604-5104 Life Insurance (\$2.60)
70161604-5120 OPERS (\$54.00)
70161604-5131 Medicare (\$19.00)
70161604-5201 Supplies (\$2,288.00)
70161604-5301 Contracted Services \$3.25
70161604-5305 Training/Staff Develop \$175.00
70161604-5308 Membership/Subscription \$150.00
70161604-5309 Travel/Mileage \$245.00
70161604-5313 Printing (\$900.00)
70161604-5332 Cell Phone \$117.00
70161604-5338 Utilities (\$400.00)

The following changes include an increase of \$38,000.00 from unencumbered funds on the certificate.

Supplemental Appropriations
70161606-5001 Compensation \$9,173.00
70161606-5101 Health Insurance \$15,109.00
70161606-5102 Workman Comp (\$3,419.00)
70161606-5103 Life Insurance (\$17.40)
70161606-5120 OPERS \$1,261.00
70161606-5131 Medicare (\$94.00)
70161606-5201 Supplies (\$2,862.00)
70161606-5217 Books \$147.70
70161606-5250 Equipment \$319.95
70161606-5301 Contracted Services (\$17,145.00)
70161606-5308 Membership/Subscriptions \$150.00
70161606-5309 Travel/Mileage (\$4,236.00)
70161606-5313 Printing (\$300.00)
70161606-5330 Communication Services \$3,600.00
70161606-5331 Postage (\$171.00)
70161606-5332 Cellphones (\$895.00)
70161606-5338 Utilities (\$2,600.00)
70161606-5342 Medical Health Services \$40,101.75

**COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013**

70161606-5355 Transportation (\$123.00)

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

RESOLUTION NO. 13-1122

IN THE MATTER OF CERTIFICATION OF DELINQUENT ACCOUNTS TO THE COUNTY AUDITOR FOR ACCOUNTS TO BE ASSESSED TO PAYABLE YEAR 2014 TAXES:

It was moved by Mr. Merrell, seconded by Mr. Stapleton to certify to the County Auditor the delinquent accounts for placement on the tax duplicate.

Whereas, the County owns and operates a Sewer District as authorized by Ohio Revised Code (ORC) 6117, and

Whereas, ORC 6117.02 authorizes the County to set rates and charges for the sanitary services provided by the Sewer District, and

Whereas, when any of the sanitary rates or charges are not paid when due, the board may certify the unpaid rates or charges, together with any penalties, to the County Auditor, who shall place them upon the real property tax list and duplicate against the property served by the connection, and

Whereas, staff has determined that there are unpaid rates and charges that need to be collected, and

Whereas, staff recommends collection of the unpaid rates and charges by certifying these delinquent accounts to the County Auditor.

Therefore be it resolved that the Board of County Commissioners certify the delinquent accounts in the amount of \$194,323.04 to the County Auditor for 2014 real property tax list and duplicate.

(Itemized listing of delinquent accounts available for review at the Commissioners' Office until no longer of administrative value).

**2014 Sewer Tax Assessments
To be certified by the Board of Commissioners on 10/28/13
Breakdown of Assessments by Treatment Plant:**

66211903 – OECC	\$71,657.85
66211904 – Alum Creek	\$111,263.62
66211906 – Tartan Fields	\$1,274.93
66211907 – Scioto Reserve	\$8,450.62
66211908 – Bent Tree	\$361.62
66211909 – Hoover Woods	\$132.30
66211910 – Scioto Hills	\$1,182.10
66211911 - Northstar	\$0.00
Total Assessments	\$194,323.04

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

RESOLUTION NO. 13-1123

IN THE MATTER OF APPROVING REVISED SANITARY SEWER PLANS FOR THE VILLAGE AT BALE KENYON PHASE 2-6:

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

WHEREAS, the Board of County Commissioners previously approved Resolution No.13-756 approving the sanitary sewer construction plans for The Village at Bale Kenyon, Phase 2; and

WHEREAS, the developer (Village Communities) has requested further phasing of the approved plan necessary for the completion of the development; and

WHEREAS, the developer is requesting the name of the development be changed to The Village at Bale Kenyon, Phase 2-6; and

WHEREAS, County Sewer District staff has reviewed the proposed plan changes and has found them to be acceptable; and

WHEREAS, County Sewer District staff recommends that the Board of County Commissioner accept these changes;

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners approve the revised sanitary sewer plans for The Village at Bale Kenyon Phase 2-6.

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

RESOLUTION NO. 13-1124

RESOLUTION FOR VACATION OF SANITARY SEWER EASEMENT:

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

WHEREAS, on September 12, 2001, Fiori Homes Inc, granted to the Board of County Commissioners of Delaware County, Ohio a Sanitary Sewer Easement; and

WHEREAS, said Easement was subsequently filed for record in **Official Record Book 137, pages 2231-2235**, of the Delaware County, Ohio records; and

WHEREAS, a portion of the associated development proposed by Fiori Homes Inc, did not occur; and

WHEREAS, Epcon Communities is seeking to develop the remainder of the subject property with a new sewer and building layout; and

WHEREAS, County Sewer District staff has reviewed the new sewer and building layout; and

WHEREAS, County Sewer District staff has determined that a portion of the previously recorded easement (more particularly described on the attached vacation exhibit) conflicts with and is not necessary for the proposed new development on the property; and

WHEREAS, the Developer requests that the aforementioned portion of the previously recorded easement be vacated to allow for the proposed new development,

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby vacates, terminates, cancels and releases the portion of the permanent easement recorded in OR Vol. 137, Pages 2231-2235 shown on the attached vacation exhibit, and the obligations and burdens contained therein. (Copy available for review at the Commissioners' Office until no longer of administrative value.)

PARTIAL VACATION OF SANITARY SEWER EASEMENT

KNOW ALL MEN BY THESE PRESENTS, Delaware County, office of the Sanitary Engineer ("Grantor"), for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it paid by Fiori Village Communities, LLC ("Grantee"), the receipt whereof is hereby acknowledged, does hereby release any and all easement rights in and vacate a portion of the easement for sanitary sewer purposes of record in Official Record 137, Page 2231, Recorder's Office, Delaware County, Ohio, (the "Sanitary Sewer Easement"), said portion to be vacated being further described in the legal description and plat attached as Exhibit A hereto, which is, by this reference, fully incorporated herein. The Delaware County Sanitary Engineer has determined the partial release and vacation of the Sanitary Sewer Easement will not adversely affect the County of Delaware, Ohio;

The Grantor has executed this instrument this ___ day of _____, 2013.

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013

EXHIBIT "A" PAGE 1 OF 2

SANITARY EASEMENT VACATION
0.177 ACRE

Situate in the State of Ohio, County of Delaware, City of Powell, lying in Farm Lot 37, Section 4, Township 3, Range 19, United States Military Lands, being on, over and across that 6.638 acre tract conveyed to Epcon Liberty, LLC by deed of record in Official Record 1201, Page 1974, and being part of that existing 20 feet wide Sanitary Sewer Easement conveyed to City of Powell in Official Record 126, Page 2161 and Delaware County Sanitary Engineer in Official Record 137, Page 2231, (all references refer to the records of the Recorder's Office, Delaware County, Ohio) being more particularly described as follows:

Beginning, for reference, in the northerly right-of-way line of Seldom Seen Road at the common corner of said 6.638 acre tract and "Second Amendment to Village at Powell Condominium", of record in Official Record 854, Page 2093;

Thence North 02° 29' 29" East, with the line common to said 6.638 acre tract and said "Second Amendment to Village at Powell Condominium", a distance of 26.78 feet to a point in the northerly line of said existing 20 feet wide Sanitary Sewer Easement;

Thence North 87° 28' 26" West, across said 6.638 acre tract, with the northerly line of said existing 20 feet wide Sanitary Sewer Easement, a distance of 146.28 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 87° 28' 26" West, across said 6.638 acre tract and said existing 20 feet wide Sanitary Sewer Easement, a distance of 20.00 feet to a point in the westerly line of said Easement;

Thence across said 6.638 acre tract with the perimeter of said 20 feet wide Sanitary Sewer Easement, the following courses and distances:

North 02° 37' 21" East, a distance of 95.98 feet to a point;

South 87° 22' 39" East, a distance of 73.49 feet to a point;

North 02° 37' 21" East, a distance of 215.93 feet to a point;

South 87° 22' 39" East, a distance of 20.00 feet to a point;

South 02° 37' 21" West, a distance of 235.93 feet to a point;

North 87° 22' 39" West, a distance of 73.49 feet to a point; and

South 02° 37' 21" West, a distance of 75.95 feet to the TRUE POINT OF BEGINNING, containing 0.177 acre, more or less

EVANS, MECHWART, HAMBLETON & HILTON, INC.



Heather L. King 5/2/13
Heather L. King

Professional Surveyor No. 8307

HLK
0_177 ac 20121246-VS-ESMT-SSWR_03

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

RESOLUTION NO. 13-1125

IN THE MATTER OF TERMINATING THE SANITARY SUBDIVIDER'S AGREEMENT FOR
LOCH LOMOND HILLS PHASE 1:

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013

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

Whereas, on July 15, 2013, the Board of County Commissioners of Delaware County, Ohio entered into an agreement with Loch Lomond Hills, LLC for the construction of the project known as Loch Lomond Hills Phase 1; and

Whereas, due to a number of business and financial reasons, Loch Lomond Hills, LLC has determined that at the present time they will not be proceeding with the development of Loch Lomond Hills Phase 1 and is uncertain when the project will move forward. Therefore, Loch Lomond Hills, LLC requests that the Sanitary Subdivider’s Agreement dated July 15, 2013 be nullified and that the Board of Commissioners approve release of the Letter of Credit, the inspection fee deposit and the review fees.

NOW, THEREFORE, be it resolved by the Board of County Commissioners that:

Section 1: The Sanitary Subdivider’s Agreement dated July 15, 2013 between the Board and Loch Lomond Hills, LLC be nullified; and

Section 2: The letter of credit in the amount of \$195,155.00 be returned to Loch Lomond Hills LLC and be released for termination; and

Section 3: A purchase order to Loch Lomond Hills LLC in the total amount of \$22,622.42 be approved to refund the actual inspection fee deposit (\$15,722.00) and review fees (\$6,900.42).

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

RESOLUTION NO. 13-1126

IN THE MATTER OF EXPRESSING SUPPORT FOR A SANITARY SEWER EXTENSION PROJECT IN LIBERTY TOWNSHIP AND A RELATED FUNDING FORMULA:

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

WHEREAS, the Board has been requested to give consideration to establishing a funding formula that would enable the construction of a sanitary sewer extension from the Nelson Farms subdivision and other current service lines to the area of Sawmill Parkway and other properties where growth is imminent in Liberty Township (the “Project”); and,

WHEREAS, the Board wishes to express its support for the Project and for the related funding formula; and,

WHEREAS, the Director of Environmental Services has developed a preliminary plan to provide for the extension of sanitary sewer service; and,

WHEREAS, the County Administrator, in consultation with the County Fiscal Services Director, has prepared a formula whereby the Project would be initially funded by the sanitary sewer enterprise fund and reimbursed by a combination of developer surcharges, general fund transfers and/or credits and by new revenues from an increase in user fees.

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

Section 1. The Board hereby expresses its support for the Project as a benefit for the continued economic growth of Delaware County.

Section 2. The Board hereby directs the County Administrator and/or the Director of Environmental Services to prepare all necessary legislation that provides for the establishment of a reimbursement formula based on appropriate shares from developer surcharges, general fund transfers and/or credits, and an increase in sanitary sewer fees; all of which will allow the Project to move forward without unnecessary delay.

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

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

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Merrell:
-No Reports

COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 28, 2013

Commissioner Stapleton:

-Board Of Elections Issue; Hoping To Eliminate The Requirement To Purchase Additional Voting Machines

Commissioner O'Brien:

-No Reports

Tim Hansley, County Administrator, Reports And Comments

Working On: Riverby Subdivision Sewer Issue, Liberty Township Contract, Delaware City And Sawmill Parkway

RESOLUTION NO. 13-1127

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to adjourn into Executive Session at 10:37AM.

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

RESOLUTION NO. 13-1128

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 10:45AM.

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

There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

Dennis Stapleton