

**COMMISSIONERS JOURNAL NO. 60 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 4, 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. 13-1138

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 31, 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 31, 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

-Chris Rinehart/Rinehardt Legal Services
-Letter To ODOT and the City of Delaware, From His Clients, In Opposition to Alternative F-1
Regarding DEL-23-8.77 US 23/SR 315 / Stratford Road Preferred Alternative Selection PID 79366

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 13-1139

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1101:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1101 and Purchase Orders as listed below:

| PR Number | Vendor Name | Line Description | Line Account | Amount |
|--|-------------|--------------------|---------------|------------|
| JOB AND FAMILY- SERVICE AND CHARGES | | | | |
| R1306037 | TECHSKILLS | TUITION/BOOKS/FEES | 22311611-5348 | \$9,520.00 |

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

RESOLUTION NO. 13-1140

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

Environmental Services is requesting that Joseph Amato, Ken Bruen, Dave Diehl, Larry Eley, John Hickman, Ric Irvine and Bill Johnson attend the Central Ohio Code Officials Association Membership Meeting and Training in Reynoldsburg, Ohio on November 13, 2013 at no cost.

Environmental Services is requesting that Erik McPeek and Mason Janczak attend the Bricker and Eckler 2013 Top Gun Construction Claims Seminar in Dublin, Ohio on November 21, 2013 at a total cost of \$398.00 from org key 66211902-5305.

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

RESOLUTION NO. 13-1141

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE AUDITOR'S OFFICE REA DEPARTMENT:

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

Supplemental Appropriations

20110105-5319 REA (Real Estate Assessment) Reimbursement/Refund \$ 5,446,548.00

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

RESOLUTION NO. 13-1142

IN THE MATTER OF APPROVING THE RELEASE OF THE BOND TO M/I HOMES OF CENTRAL OHIO, LLC FOR DEL-CR21-2.70, AFRICA ROAD WIDENING:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to release the bond to M/I Homes of Central Ohio, LLC for DEL-CR21-2.70, Africa Road Widening:

DEL-CR21-2.70, Africa Road Widening

In June, 2013, your Board entered into an Agreement with M/I Homes of Central Ohio, LLC, the developers for the above referenced project. As this project has been completed to the satisfaction of this office, The Engineer requests approval to return the Bond posted as construction surety to the developers and that they are released from their obligations to the project.

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

RESOLUTION NO. 13-1143

IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR ESTATES AT CHESHIRE, SECTION 2:

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

Whereas, South Galena Road Development Company, LLC has submitted the Plat of Subdivision ("Plat") for Estates at Cheshire, Section 2, including related development plans ("Plans") and requests approval thereof by the Board of Commissioners of Delaware County; and

Whereas, the Berkshire Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on September 27, 2013; and

Whereas, the Delaware County Health Department has reviewed said Plat and Plans for conformance with its rules and regulations and approved said Plat on September 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 September 27, 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 October 1, 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 October 1, 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 October 28, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for Estates at Cheshire, Section 2.

Estates at Cheshire, Section 2:

Situated In The State Of Ohio, County Of Delaware, Berkshire Township, Part of Farm Lot 8, Middle Tier, Section 2, Township 4 North, Range 17 West, United States Military Lands and Containing a Total of 52.863 Acres, of Which 3.945 Acres are Dedicated Rights-of-Way, and Being Part of the Lands as Conveyed by Deed to South Galena Road Development Company, LLC., as Recorded in Official Record 545, Page 2274, Recorder's Office, Delaware County Ohio. Cost \$60.00.

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

RESOLUTION NO. 13-1144

IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR TRAIL'S END SECTION 1:

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

Whereas, Edwards Land Development Co., LLC has submitted the Plat of Subdivision (“Plat”) for Trail’s End Section 1, including related development plans (“Plans”) and requests approval thereof by the Board of Commissioners of Delaware County; and

Whereas, the Liberty Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on September 16, 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 September 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 September 25, 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 September 30, 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 October 28, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for Trail’s End Section 1. Cost \$135.

Trail’s End Section 1:

Situated In The State Of Ohio, County Of Delaware, Township of Liberty and In Farm Lots 14 (23.383 AC), 15 (22.,371 AC), and 16 (1.093 AC), Section 1, Township 3, Range 19, United States Military Lands, Being Part of that 113.458 Acre Tract Conveyed to Edwards Land Development Co., LLC., by Deed of Record in Official Record Official Record Volume 1096, Page 664, and Re-Recorded in Official Record Volume 1102, Page 1996, (All References Refer to the Records of the Recorder’s Office, Delaware County, Ohio).

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

RESOLUTION NO. 13-1145

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR TRAIL’S END:

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

WHEREAS, on October 29, 2013, a Ditch Maintenance Petition for Trail’s End was filed with the Board of Commissioners of Delaware County (the “Board”), and

WHEREAS the Petition sets forth the drainage improvements that have been or will be constructed within Trail’s End located off Home Road and State Route 315 in Liberty Township; and

WHEREAS, the Petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the Real Estate Taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the Petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

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

Section 1: The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2: The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$1,151,056.07. The drainage improvements are being

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constructed for the benefit of the lots being created in this subdivision. 92 lots are created in these plats and each lot received an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$12,511.48 per lot. An annual maintenance fee equal to 2% of this basis (\$250.23) will be collected for each lot. We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$23,021.12 has been paid to Delaware County

Section 3: This Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

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

RESOLUTION NO. 13-1146

IN THE MATTER OF APPROVING THE TRANSFER OF APPROPRIATION IN THE FY11 STATE HOMELAND SECURITY GRANT PROGRAMS (SHSGP):

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

WHEREAS, the Delaware County Board of Commissioners approved the appropriation of the Org Key 21581302 FY11 SHSGP; and

WHEREAS, the Delaware County Office of Homeland Security and Emergency Management was awarded the grant and adjustments are needed to close out the grant;

NOW THEREFORE BE IT RESOLVED: That the Board of County Commissioners approves the transfer of appropriations:

Org Key 21581302 FY11 SHSGP
Request a transfer of appropriation of \$1,387.17 from 21581302-5101 to 21581302-5001.

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

RESOLUTION NO. 13-1147

IN THE MATTER OF AN AMENDMENT TO THE OHIO ATTORNEY GENERAL'S OFFICE MOVING OHIO FORWARD DEMOLITION PROGRAM AGREEMENT:

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

WHEREAS, the Ohio Attorney General ("Attorney General") and the Delaware County Board of Commissioners ("Lead Entity") entered into an Agreement executed on July 30, 2012 per Resolution 12-760; and

WHEREAS, the Attorney General and Lead Entity now desire to amend the Agreement to extend the Award Period set forth under the Agreement;

NOW THEREFORE, the Attorney General and the Lead Entity agree to enter into this Amendment to the Agreement ("Amendment") as follows:

SECTION 1. Delete the End Date of the Award Period set forth in the header of the Agreement and replace it with an End Date of May 31, 2014.

SECTION 2. All other terms and conditions of the Agreement remain the same.

SECTION 3. This Amendment is effective as of the date of signature by the Attorney General.

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

RESOLUTION NO. 13-1148

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR 911:

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

| Transfer of Appropriations | | |
|-----------------------------------|---------------------------|-----------|
| From | To | |
| 21411306-5301 | 21411306-5260 | 12,723.00 |
| 911/Contracted Prof. Services | 911/Inventoried Equipment | |

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| | | |
|---|--|-----------|
| 21411306-5305 911/Training & Staff Development | 21411306-5260 911/Inventoried Equipment | 12,786.00 |
| 21411306-5320 911/Data Processing Services | 21411306-5260 911/Inventoried Equipment | 51,546.00 |
| 21411306-5325 911/Maint Contracts & Agreements | 21411306-5260 911/Inventoried Equipment | 13,445.00 |
| 21411306-5338 911/Utilities | 21411306-5260 911/Inventoried Equipment | 9,500.00 |

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

RESOLUTION NO. 13-1149

IN THE MATTER OF APPROVING TRANSFER AND SUPPLEMENTAL OF APPROPRIATIONS FOR JOBS AND FAMILY SERVICE:

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

Transfer of Appropriations

| From | To | |
|--|--|-----------|
| 22311611-5348 WIA/Client Services | 22311614-5301 WIA/Contracted Prof Services | 5,000.00 |
| 22411601-5101 JFS Income Maintenance/Health Insurance | 22411601-5001 JFS Income Maintenance/Salaries | 40,000.00 |
| 22411604-5001 JFS Child Protection/Salaries | 22411604-5330 JFS Child Protection/Communication Services | 4,000.00 |
| 22511607-5342 Children Services/Medical & Health Related Services | 22511607-5215 Children Services/Program Supplies | 5,000.00 |

Supplemental Appropriations

| | | |
|---------------|--|-------------|
| 22411603-5001 | JFS Workforce/Salaries | (10,000.00) |
| 22411604-5001 | JFS Child Protection/Salaries | (17,000.00) |
| 22411601-5001 | JFS Income Maintenance/Salaries | 10,000.00 |
| 22411601-5355 | JFS Income Maintenance/Transportation Services | 17,000.00 |

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

RESOLUTION NO. 13-1150

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR ENVIRONMENTAL SERVICES:

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

| Supplemental Appropriations | | |
|------------------------------------|---------------------|-------------|
| 66211905 - 5338 | SRF LSWRF/Utilities | \$20,000.00 |

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

RESOLUTION NO. 13-1151

IN THE MATTER OF APPROVING THE SANITARY SEWER CONSTRUCTION PLANS FOR MCDONALD'S AND VINMAR VILLAGE SECTION 1:

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

Whereas, the Director of Environmental Services recommends sanitary sewer plans for McDonald's and Vinmar Village Section 1 for submittal to the Ohio EPA for their approval.

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Therefore be it resolved, that the Board of Commissioners approves sanitary sewer plans for McDonald's and Vinmar Village Section 1 for submittal to the Ohio EPA for their approval.

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

RESOLUTION NO. 13-1152

IN THE MATTER OF ACCEPTANCE OF THE SANITARY SEWERS FOR SANCTUARY AT THE LAKES SECTION 1:

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

Whereas, the construction of new sanitary sewers at the Sanctuary at the Lakes Section 1 have been completed to meet sewer district requirements; and

Whereas, the sewer district has received the necessary items required by the subdivider's agreement; and

Whereas, the Director of Environmental Services recommends accepting sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

| | | |
|---|----------------------------|--------------|
| Sanctuary at the Lakes Section 1 | 3588 feet of 8- inch sewer | \$236,883.75 |
| | 20- manholes | \$53,700.00 |

Therefore be it resolved, that the Board of Commissioners approve and accept the above sanitary sewers for ownership, operation, and maintenance by the Delaware County Sewer District.

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

RESOLUTION NO. 13-1153

IN THE MATTER OF APPOINTING MEMBERS TO THE NORTHSTAR COMMUNITY AUTHORITY BOARD OF TRUSTEES:

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

WHEREAS, on August 16, 2007, the Delaware County Board of Commissioners (the "Board of Commissioners") adopted Resolution No. 07-985, establishing the NorthStar Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the Community Authority Board of Trustees, pursuant to Resolution No. 07-985 and section 349.04 of the Revised Code; and

WHEREAS, one citizen member and the local government representative appointments expired on August 15, 2013;

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

Section 1. The Board of Commissioners hereby approves the appointments of the following members to the NorthStar Community Authority Board of Trustees for the terms specified herein:

| Position | Appointee | Term Ends |
|---------------------------------|------------------|------------------|
| Citizen Member | Bob Althoff | August 15, 2015 |
| Local Government Representative | Tim Hansley | August 15, 2015 |

Section 2. The appointments approved herein shall be effective on the date this Resolution is adopted.

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

RESOLUTION NO. 13-1154

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Emergency Medical Services recommends accepting the voluntary resignation of Jonathan Marsh as a part-time paramedic; effective November 4, 2013.

Therefore Be it Resolved, the Board of Commissioner accept the voluntary resignation of Jonathan Marsh as a part-time paramedic; effective November 4, 2013.

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

RESOLUTION NO. 13-1155

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND RETURN OF ADVANCE:

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

Supplemental Appropriations

| | | |
|---------------|---|------------|
| 40311432-5328 | Chadwick (2007) Ditch No. 135/ Maint & Repair Services | 21,693.29 |
| 24820101-5001 | Title Administration/Compensation | (3,200.00) |
| 24820101-5101 | Title Administration/Health Insurance | (2,280.00) |
| 24820101-5102 | Title Administration/Workers Comp | (32.00) |
| 24820101-5120 | Title Administration/County Share OPERS | (448.00) |
| 24820101-5131 | Title Administration/County Share Medicare | (46.40) |
| 24820102-5001 | Northpointe Satellite Office/Compensation | 3,200.00 |
| 24820102-5101 | Northpointe Satellite Office/Health Insurance | 2,280.00 |
| 24820102-5102 | Northpointe Satellite Office/Workers Comp | 32.00 |
| 24820102-5120 | Northpointe Satellite Office/County Share OPERS | 448.00 |
| 24820102-5131 | Northpointe Satellite Office/County Share Medicare | 46.40 |

Return of Advance

| | | |
|---|------------------------------------|--------|
| From | To | |
| 26226206-8500 | 10011102-8400 | 205.30 |
| Specialized Court Docket/ Advances Out | Commissioners General /Advances In | |

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

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell:
-Election Day Tuesday

Commissioner Stapleton:
-No Reports

Commissioner O'Brien:
-This Week Will Attend An EMA Meeting And DKMM Meetings

Tim Hansley, County Administrator, Reports And Comments
-Proposed Budget Meeting The Afternoon Of Tuesday November 12, 2013

There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

Dennis Stapleton