

COMMISSIONERS JOURNAL NO. 61- DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 12, 2014

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

Present:  
Gary Merrell, President  
Ken O’Brien, Commissioner

Absent:  
Dennis Stapleton, Vice President  
\*Until the start of Executive Session

RESOLUTION NO. 14-670

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 9, 2014:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on June 9, 2014; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

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

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

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 14-671

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0611 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0611:

It was moved by Mr. O’Brien, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0611, memo transfers in batch numbers MTAPR0611 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO’ Increase</b>			
Delaware Area Career Center	Program Job and Family	22411601-5348	\$ 24,280.02
Hufnagle Insurance (line 2)	Client Services Job and Family	22311611-5348	\$ 8,000.00
Delaware Motive Parts	Facilities Department	10011106-5228	\$ 10,000.00

<b>PR</b>				
<b>Number</b>	<b>Vendor Name</b>	<b>Line Description</b>	<b>Line Account</b>	<b>Amount</b>
<b>ENVIRONMENTAL SERVICES</b>				
R1404071	TREASURER, STATE OF OHIO	TARTAN FIELDS FILTER REPLACEMENT PROJECT	66611906 - 5316	\$ 5,400.00
<b>COMMUNICATIONS</b>				
R1404110	WATERFORD SIGNS INC	TABLE CLOTHS	22311611 - 5215	\$ 249.00
R1404110	WATERFORD SIGNS INC	SHIRTS	22311611 - 5224	\$ 498.00
R1404110	WATERFORD SIGNS INC	PROMOTIONAL ITEMS	22311611 - 5313	\$ 4,492.00
<b>JOB AND FAMILY SERVICES</b>				
R1404132	OFFICE CITY EXPRESS INC	OFFICE FURNITURE	22411605 - 5450	\$18,162.86

COMMISSIONERS JOURNAL NO. 61- DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 12, 2014

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

RESOLUTION NO. 14-672

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Commissioners' Office is requesting that Tim Hansley attend a National County Administrators Conference in Charlotte, North Carolina September 13-17, 2014; at the cost of \$1,838.04 (fund number 10011102).

Environmental Services is requesting that Dale Davis, Tom Compton, Jason Watts and Nick Eichensehr attend an Electronic Controls Training Class at Rockwell Automation in Cleveland, Ohio on June 19, 2014 at no cost.

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

RESOLUTION NO. 14-673

IN THE MATTER OF ACCEPTING AND APPROVING THE DELAWARE COUNTY SHERIFF'S  
OFFICE TRANSPORT REPORT FOR THE MONTH OF MAY 2014:

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

WHEREAS, section 325.07 of the Revised Code requires the County Sheriff to submit monthly expense reports to the Board of County Commissioners; and

WHEREAS, the Delaware County Sheriff has submitted a monthly report for May 2014;

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

Section 1. The Board hereby accepts and approves the Delaware County Sheriff's Office Transport Report for the month of May 2014.

Section 2. The Board hereby allows the expenses contained in the monthly report.

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

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

RESOLUTION NO. 14-674

IN THE MATTER OF APPROVING TRANSFER OF FUNDS FOR JOB AND FAMILY SERVICES:

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

22311611-5801	22411603-4601		
Workforce Investment Act/Transfers	JFS Workforce/Interfund Revenue	\$	70,225.06
22311614-5801	22411603-4601		
Workforce Investment Act/Transfers	JFS Workforce/Interfund Revenue	\$	5,266.53
22511607-5801	22411604-4601		
Children Services/Transfers	JFS Children Services/Interfund Revenue	\$	377,066.96

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

RESOLUTION NO. 14-675

IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER'S AGREEMENT FOR LOCH  
LOMOND HILLS SECTION 1, PHASES 1 & 2:

It was moved by Mr. O'Brien, seconded by Mr. Merrell to accept the following Sanitary Subdivider's Agreement:

Whereas, the Director of Environmental Services recommends approval of the Sanitary Subdivider's agreement:

Therefore, Be It Resolved the Board of Commissioners approve the Sanitary Subdivider's Agreement for Loch Lomond Hills Section 1, Phases 1 & 2:

SUBDIVIDER'S AGREEMENT

**COMMISSIONERS JOURNAL NO. 61- DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 12, 2014**

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**DELAWARE COUNTY SANITARY ENGINEER**

THIS AGREEMENT executed on this 12th day of June 2014, by and between **LoLoHi LLC** herein after called "SUBDIVIDER", and the BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio, as evidenced by **LOCH LOMOND HILLS** Plat, or Sanitary Sewer Easements on said Development Parcel, filed or to be filed with the Delaware County Recorder, Delaware County, Ohio, is governed by the following considerations and conditions, to wit:

There are **39.0** single family residential equivalent connections approved with this AGREEMENT. Capacity shall be reserved for one year from the date of this AGREEMENT, unless the COUNTY COMMISSIONERS grant an extension in writing. Capacity is not guaranteed until the final Subdivision Plat or Sanitary Easements are recorded. If the final Subdivision Plat or Sanitary Easements are not recorded prior to expiration of the reservation deadline as set forth herein, the SUBDIVIDER agrees and acknowledges that capacity shall not be guaranteed.

Said SUBDIVIDER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications for **LOCH LOMOND HILLS SECTION 1, PHASES 1 & 2**, all of which are a part of this AGREEMENT. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

The SUBDIVIDER shall indemnify and save harmless the County, Townships and/or Villages and all of their officials, employees and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of the SUBDIVIDER, and any of its contractors or sub-contractors, or from any material, method or explosive used in said work or by or on account of any accident caused by negligence or any other act or omission of SUBDIVIDER, and any of its contractors or the contractors' agents or employees.

All public improvement construction shall be performed within one (1) year from the date of the approval of this AGREEMENT by the COUNTY COMMISSIONERS, but extension of time may be granted if approved by the COUNTY COMMISSIONERS.

The SUBDIVIDER shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the COUNTY. The representative shall be replaced by the SUBDIVIDER, when in the opinion of the COUNTY, the representative's performance is deemed inadequate.

The SUBDIVIDER further agrees that any violations of or noncompliance with any of the provisions and stipulations of this AGREEMENT shall constitute a breach of contract, and the COUNTY shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this Subdivision.

Should the SUBDIVIDER become unable to carry out the provisions of this AGREEMENT, the SUBDIVIDER'S heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this AGREEMENT.

**SANITARY SEWER CONSTRUCTION**

It is further agreed that upon execution of this AGREEMENT, the SUBDIVIDER shall pay the DELAWARE COUNTY SANITARY ENGINEER three and one-half percent (3½%) of the estimated construction cost of the IMPROVEMENTS for plan review (**\$8,605.42**). The SUBDIVIDER shall also deposit with the DELAWARE COUNTY SANITARY ENGINEER the sum of **\$21,000.00** estimated to be necessary to pay the cost of inspection by the DELAWARE COUNTY SANITARY ENGINEER. The DELAWARE COUNTY SANITARY ENGINEER shall in his or her sole discretion inspect, as necessary, the IMPROVEMENTS being installed or constructed by the SUBDIVIDER and shall keep accurate records of the time spent by his or her employees and agents in such inspections for which the SANITARY ENGINEER shall be reimbursed from charges against said deposit. At such time as said fund has been depleted to a level of \$600.00 or less, as a result of charges against the same at the rate of:

INSPECTOR \$75.00 per hour  
CAMERA TRUCK \$150.00 per hour

for time spent by said SANITARY ENGINEER or his or her staff, the SUBDIVIDER shall make an additional deposit of \$600.00 to said fund. On completion of all IMPROVEMENTS provided herein and acceptance of same by the COUNTY, any unused portions of the inspection fund shall be repaid to the SUBDIVIDER less an amount equal to \$0.75 per foot of sewer which will be deducted to cover re-inspection.

The SUBDIVIDER, for a period of five (5) years after acceptance of the IMPROVEMENTS by the COUNTY, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the IMPROVEMENTS shall be the same as new equipment warranties and shall be assigned to the COUNTY upon acceptance of the IMPROVEMENTS.

COMMISSIONERS JOURNAL NO. 61- DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 12, 2014

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The SUBDIVIDER shall provide to the COUNTY all necessary easements or rights-of-way required to complete the IMPROVEMENTS, all of which shall be obtained at the expense of the SUBDIVIDER. All public sanitary sewers and private laterals to offsite properties shall have a recorded permanent, exclusive sanitary easement on file at the Delaware County Recorder's Office, the language of which shall be approved by the DELAWARE COUNTY SANITARY ENGINEER. The dimensions of all easements shall be as shown on the approved engineering drawings. If any onsite easement or necessary right of way is not to be recorded as part of a subdivision plat, such easements and rights-of-way shall be recorded and provided to the DELAWARE COUNTY SANITARY ENGINEER before a preconstruction meeting will be permitted and before construction may begin on the improvements. All offsite easements must be recorded prior to signing the plans.

If, due to unforeseen circumstances during construction activities, the SUBDIVIDER must install the proposed sanitary sewer mains or service laterals to a different location than shown on the approved and signed construction plans, the SUBDIVIDER shall request a revision to the construction plans and the SANITARY ENGINEER shall evaluate this request. If the request for a revision is approved in writing by the SANITARY ENGINEER, SUBDIVIDER shall provide and record revised permanent, exclusive sanitary sewer easements prior to the COUNTY'S acceptance of the sewer. The language and dimensions of the revised permanent exclusive sanitary sewer easements shall be acceptable to the SANITARY ENGINEER.

The COUNTY shall, upon certification in writing from the DELAWARE COUNTY SANITARY ENGINEER that all construction is complete according to the plans and specifications, by Resolution accept the IMPROVEMENTS described herein and accept and assume operations and maintenance of the same.

After said acceptance, the capacity charge shall be paid by the applicant upon request to the DELAWARE COUNTY SANITARY ENGINEER for a tap permit to connect to the sanitary sewer.

ALL CONSTRUCTION UNDER COUNTY JURISDICTION:

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to DELAWARE COUNTY as required:

- (1) "as built" drawings of the IMPROVEMENTS which plans shall become the property of the COUNTY and shall remain in the office of the DELAWARE COUNTY SANITARY ENGINEER and DELAWARE COUNTY ENGINEER. The drawings shall be on reproducible MYLAR (full size), two paper copies (one full size & one 11"x17"), and a Compact Diskette with the plans in DWG format & PDF format.
- (2) An excel spreadsheet, from a template as provided by the DELAWARE COUNTY SANITARY ENGINEER, shall accompany the plan submittal showing the locations of the manholes in Ohio State Plane North Coordinates NAD 1983 (NAVD 1988 datum) and other miscellaneous project data.
- (3) an itemized statement showing the cost of IMPROVEMENTS
- (4) an Affidavit or waiver of lien from all Contractors associated with the project that all material and labor costs have been paid. The SUBDIVIDER shall indemnify and hold harmless the COUNTY from expenses or claims for labor or materials incident to said construction of the IMPROVEMENTS.
- (5) documentation showing the required sanitary sewer easements

The SUBDIVIDER shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the DELAWARE COUNTY SANITARY ENGINEER a five (5) year maintenance Bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The SUBDIVIDER shall during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the COUNTY regarding submission of shop drawings, construction schedules, operation of facilities and other matters incident hereto.

The SUBDIVIDER shall obtain all other necessary utility services incident to the construction of said IMPROVEMENTS AND FOR THEIR CONTINUED OPERATION. The SUBDIVIDER shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the SUBDIVIDER and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the COUNTY.

IN CONSIDERATION WHEREOF, the DELAWARE COUNTY BOARD OF COMMISSIONERS hereby grants the SUBDIVIDER or its agent the right and privilege to make the IMPROVEMENTS stipulated herein and as shown on the approved plans.

Vote on Motion                      Mr. O'Brien              Aye              Mr. Merrell              Aye              Mr. Stapleton              Absent  
**RESOLUTION NO. 14-676**

**IN THE MATTER OF APPROVING A RENEWAL TO THE AGREEMENT BY AND BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND THE CITY OF DELAWARE FOR INDIGENT DEFENSE SERVICES FOR MUNICIPAL CODE VIOLATIONS (ASSIGNED COUNSEL SYSTEM):**

COMMISSIONERS JOURNAL NO. 61- DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 12, 2014

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

WHEREAS, on September 12, 2011, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 11-967, approving an agreement with the City of Delaware for indigent defense services for municipal code violations (the “Agreement”); and

WHEREAS, pursuant to Section 3.1 of the Agreement, the Agreement may be renewed for additional one year terms upon proper resolution by each party agreeing to the one year extension and proper appropriation of funding for the new year;

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

Section 1. The Board hereby agrees to renew the Agreement, with proper appropriation of funding, for an additional one (1) year term, commencing on September 12, 2013 and ending September 12, 2014.

Section 2. The Board hereby agrees to renew the Agreement, with proper appropriation of funding, for an additional one (1) year term, commencing on September 12, 2014 and ending September 12, 2015.

Section 3. The Board hereby directs the Clerk of the Board to cause copies of this Resolution to be delivered to the City of Delaware, 1 South Sandusky Street, Delaware, Ohio 43015, and the Ohio Public Defender, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215.

Section 4. This Resolution shall be effective immediately upon adoption.

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

**ADMINISTRATOR REPORTS**  
**Dawn Huston, Assistant County Administrator/Director of Administrative Services**  
**-No reports**

**COMMISSIONERS’ COMMITTEES REPORTS**  
**Commissioner O’Brien**  
**-Attended and participated in the Family and Children First Council Executive and full committee meeting. State Fiscal Year ’14 and the budget for FY2015**

**Commissioner Merrell**  
**-No reports**

**RESOLUTION NO. 14-677**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE FOR CONSIDERATION OF  
EMPLOYMENT, COMPENSATION, DISCIPLINE OR DISMISSAL FOR A PUBLIC EMPLOYEE  
OR PUBLIC OFFICIAL:**

It was moved by Mr. O’Brien, seconded by Mr. Merrell to adjourn into Executive Session at 9:36 AM.

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

**RESOLUTION NO. 14-678**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Stapleton, seconded by Mr. O’Brien to adjourn out of Executive Session at 10:17 AM.

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

There being no further business, the meeting adjourned.

COMMISSIONERS JOURNAL NO. 61- DELAWARE COUNTY  
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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