

COMMISSIONERS JOURNAL NO. 61 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 16, 2014

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

Present:  
Gary Merrell, President  
Dennis Stapleton, Vice President  
Ken O'Brien, Commissioner

10:30 AM Public Hearing For Consideration Of The Haven's 503 Drainage Improvement Petition  
  
RESOLUTION NO. 14-679

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 12, 2014:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on June 12, 2014; 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

RESOLUTION NO. 14-680

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM WORK SESSION HELD JUNE 9, 2014:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in a work session on June 9, 2014; 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 work session 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 work session.

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

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 14-681

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0613:

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0613 and Purchase Orders as listed below:

<u>Vendor</u>		<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase				
Beem's BP		Fuel	10011106-5228	\$ 40,000.00
Quality Control		Inspection Work Load	66211902-5301	\$ 8,500.00
M Tech Company		Confined Space Winches	66211901-5260	\$ 8,684.00
PR				
Number	Vendor Name	Line Description	Line Account	Amount
JOB AND FAMILY SERVICES				
R1404131	INNOVATIVE MEDIA	OVERHEAD PROJECTION	22411605-5450	\$13,677.25

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SYSTEMS		SYSTEM				
ENVIRONMENTAL SERVICES						
R1404138	HARRIS INDUSTRIAL SERVICES	INSTALLATION OF YSI METERS IN AERATION AND EFFLUENT ALUM CREEK			66211904-5328	\$15,000.00
Vote on Motion	Mr. O'Brien	Aye	Mr. Merrell	Aye	Mr. Stapleton	Aye

RESOLUTION NO. 14-682

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Director of the Child Support Enforcement Agency is requesting to attend a Re-Entry Roundtable class in Marysville, OH on June 25, 2014 at no cost.

The Director of the Child Support Enforcement Agency is requesting that Emily Moore and Drew Mackey attend an Inquiry/Financial History and Allocation class in Columbus, OH on September 16-17, 2014 at no cost.

The Director of the Child Support Enforcement Agency is requesting that Emily Moore and Drew Mackey attend a Paternity and Support Establishment class in Columbus, OH on July 9-10, 2014 at no cost.

The Assistant County Administrator/Director of Administrative Services recommends that Brad Euans attend a County Loss Control Coordinators Association of Ohio Training In Marysville, Ohio June 20, 2014; at no cost.

Vote on Motion	Mr. Merrell	Aye	Mr. O'Brien	Aye	Mr. Stapleton	Aye
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RESOLUTION NO. 14-683

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR MEADOWS AT LEWIS CENTER NORTH:

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

WHEREAS, on May 31, 2014, a Ditch Maintenance Petition for Meadows at Lewis Center North 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 Meadows at Lewis Center North located off of Lewis Center Road in Orange 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 \$495,331.30 for the benefit of the lots being created in this subdivision. 38 lots are being created in this plat 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 \$13,035.03 per lot. An annual maintenance fee equal to 2% of this basis (\$260.70) will be collected for each lot. It is understood 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 \$9,906.60 has been paid to Delaware County, receipt of which is hereby acknowledged.

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

RESOLUTION NO. 14-684

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH  
MAINTENANCE ASSESSMENTS FOR THE VILLAS AT TUSSIC:

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

WHEREAS, on June 5, 2014, a Ditch Maintenance Petition for The Villas at Tussic 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 The Villas at Tussic located off of Tussic Street Road in Genoa 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 \$183,765.00. The drainage improvements are being constructed for the benefit of the condominium units being created in this development. The developed condominium area of 49 units will receive benefits (cost) of the project on a per unit basis. The basis for calculating the assessment for each condominium unit is therefore \$3,750.31 per unit. An annual maintenance fee equal to 2% of this basis (\$75.01) will be collected for each developed condominium unit. 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 \$3,675.30 has been paid to Delaware County, receipt of which is hereby acknowledged.

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

RESOLUTION NO. 14-685

IN THE MATTER OF ACCEPTING AND APPROVING THE RECOMMENDATION OF THE  
UNION COUNTY COMMISSIONERS FOR MAINTENANCE ASSESSMENT OF 20% FOR THE  
OTTAWA RUN JOINT COUNTY DITCH:

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

Whereas, the Union County Commissioners have received a recommendation from the Union County Engineer and the Union County Soil and Water Conservation District for continuance of the Ottawa Run Joint County Ditch maintenance assessment at 20%, and

Therefore Be It Resolved, that the Delaware County Commissioners accept and approve the recommendation of the Union County Commissioners and the Union County Soil and Water Conservation District for the continuance of the Ottawa Run Joint County Ditch maintenance assessment at 20%.

Further Be It Resolved, that the Clerk to the Delaware County Commissioners will send a certified copy of this resolution to the Union County Commissioners.

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

RESOLUTION NO. 14-686

IN THE MATTER OF APPROVING AN MOU BETWEEN THE DELAWARE COUNTY BOARD OF  
COMMISSIONERS, THE DELAWARE COUNTY EMERGENCY MEDICAL SERVICES AND THE

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**MIAMI VALLEY FIRE/EMS ALLIANCE:**

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

WHEREAS, the Chief of Emergency Medical Services has reviewed and recommends accepting the following Memorandum of Understanding;

THEREFORE, Be it Resolved the Board of Commissioners approve the following Memorandum of Understanding.

**MEMORANDUM OF UNDERSTANDING**

An understanding has been reached this 16th day of June, 2014, by and between the Miami Valley Fire/EMS Alliance and the Delaware County Board of Commissioners. (Employer/Participating Organization)

**I. Purpose**

To delineate responsibilities and procedures for Urban Search and Rescue (US&R) under the authority of the Robert T. Stafford Disaster Relief and Emergency Act, Public Law 93-288, as amended, 42 U.S.C. 5121, et seq. and relevant State authorities; to outline a basis for cooperation among parties participating in the US&R program of Ohio Task Force One; and to establish fundamental understandings between a member's Participating Organization and Ohio Task Force One.

**II. Scope**

The provision of these understandings apply only to US&R Task Force activities performed at the request of the Federal government, provided at the option of the local jurisdiction and the State, and in conjunction with, or in preparation of a Presidential declaration of disaster or emergency and upon activation as outlined below in sub-element V.A. Details concerning specific working relationships on various projects may be appended to this document as they are developed.

**III. Definitions**

**A. Activation** – the process of mobilizing specific Task Forces to deploy to a designated disaster site or staging area in anticipation of an emergency event. If the Task Force responds to such a mobilization request, the Task Force is to arrive with all equipment and personal gear at a pre-designed Point Of Departure within six hours of activation notice.

**B. Alert** – the process of informing Task Forces that an event has occurred and that Task Force might be activated at some point within a 12-hour timeframe.

**C. Department of Defense (DOD)** – the Department of Defense, to include military and civilian components. DOD is support agent for coordinating US&R efforts under Emergency Support Function (ESF) #9, US&R, under the Federal Response Plan.

**D. Disaster Assistance Employee (DAE)** – a temporary Federal Employee, hired under the provisions of the Robert T. Stafford Disaster Relief Act.

**E. Disaster Medical Assistance Team (DMAT)** – a functional unit activated under the National Disaster Medical System (NDMS) which provides austere medical care in a disaster area or medical services at transfer points and reception associated with patient evacuation. Personnel assigned to the Task Force Medical Team are also included in the NDMS system to cover medical liability issues during Task Force deployments.

**F. Emergency Information and Coordination Center (EICC)** – a control center located within FEMA headquarters in Washington, D.C., to provide interagency coordination of assistance to emergency or disaster areas.

**G. FEMA** – the Federal Emergency Management Agency

**H. Incident Commander** – the individual in-charge of coordinating response activities within the disaster area; under normal circumstances this individual will be emergency manager from the local community responsible for incident activities including the development and implementation of strategic decisions and for approving the allocation of resources.

**I. Operational Equipment** – that equipment which is required by FEMA for Task Force operations, as specified in the FEMA National US&R Response System Personnel, Equipment and Administration Manual.

**J. Participating Organization** – a public or private entity or individual that provides personnel and/or other resources to support the Task Force.

**K. Personal Protective Equipment (PPE)** – Items worn or carried by a Task Force member to prevent physical harm. This includes, but is not limited to: rescue helmet, NFPA- rated leather work boots, leather gloves, 100% cotton or Normex battle dress uniform (BDUs), eye protection, hearing protection, helmet-mounted light, and hand carried flashlight.

**L. Personal Equipment** – that equipment which is brought by the Task Force member for personal support requirements of a 72-hour self-sufficiency period. This equipment is not included on the FEMA equipment list in the FEMA National US&R Operation System Description but is taken by the Task Force member to sustain his/her personal needs.

**M. Sponsoring Agency** – the Miami Valley Fire/EMS Alliance, which provides administrative and other resources to support the Task Force.

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**N. Ohio EMA** – The State of Ohio Emergency Management Agency

**O. Task Force** – Ohio Task Force One; an integrated collection of personnel and equipment meeting standardized capability criteria for addressing the special needs of US&R. Ohio Task Force One is comprised of, but not limited to, membership of the Miami Valley Urban Search and Rescue Task Force.

**P. Task Force Leader** – an individual responsible for team training, equipment maintenance, mobilization and tactical direction of the Task Force

**Q. Urban Search and Rescue (US&R)** – special tactics, personnel and equipment suited to the unique lifesaving problems presented in structural collapse situations

#### **IV. Responsibilities**

**A. Ohio EMA is responsible for:**

1. Maintaining 24-hour alert capabilities, including a point-of-contact or duty officer available at all times.
2. Implementing FEMA's alert and activation procedure of the Task Force when requested by FEMA.
3. Document control in order to ensure that all agreed upon reports are directed to their respective FEMA Regional Point of Contact.
4. Reimburse the Sponsoring Agency and/or Participating Organization for direct costs incurred as a result of a State-requested Task Force response. This is include items specified in Appendix B – "Memorandum Of Understanding Between Miami Valley Fire/EMS Alliance and Urban Search and Rescue Task Force (OH-TF-1)".

**B. FEMA is responsible for:**

1. Oversight and management of the National Urban Search and Rescue Response System.
2. Coordination of System assets.
3. Assessing disaster in relation to need for US&R Task Force
4. Initiating the notification process to include verbal and written Alert and Activation orders.
5. Reimburse costs incurred as a result of a Federal-requested Task Force response. This is to include items specified in Appendix A – "Excerpts From MOA". Also, reference V.A.

**C. DOD is responsible for:**

1. Deploying US&R Task Forces from designated point of departure and moving Task Forces to and from disaster site.
2. Logistical, maintenance and other support to deployed US&R Task Forces.
3. Coordinating the replacement and/or rehabilitation of damaged or destroyed equipment used in the course of the US&R Task Force operations.

**D. The Sponsoring Agency is responsible for:**

1. Recruiting and organizing a Task Force, according to guidelines prescribed in the FEMA Urban Search and Rescue System Description Manual.
2. Providing other resources as appropriate or as assigned by the Task Force with the concurrence of the Participating Organization.
3. Developing, practicing, and implementing an internal call-out system for personnel assigned to the Task Force.
4. Providing appropriate documentation of expenses incurred during Task Force activation or other emergency related activity to either Ohio EMA or FEMA in order to facilitate the Participating Organization's cost recovery activities.

#### **V. Understandings**

**A. Personnel**

1. Ohio Task Force One understands that:
  - a. Task Force members are first employees or members of their Participating Organization and the Task Force cannot impact the employer/employee relationship without employer (Participating Organization) approval.
  - b. The operations and administration of the Participating Organization take precedence over Task Force issues.
  - c. Emergencies or other critical circumstances may prohibit the involvement of a member in a Task Force activation, attendance at training activities, planning sessions, or other Task Force activities.
2. The Participating Organization understands that:
  - a. The Participating Organization will make efforts to allow for and facilitate member participation in training and drills to meet Task Force requirements and to increase the member's safety and competence.

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- b. The Task Force is a response entity and expectations are that members will be allowed to respond as requested.
- c. Members must be covered under Workman's Compensation or other health care insurance when a member is participating in non-deployment/non-FEMA sanctioned activities. This includes training, work details, or ground support during alert and activation processes.
- d. Safety and personal protection are a Task Force priority and all attempts and provision should be made to outfit the member in Task Force approved Personal Protective Equipment (PPE). Note: As previously stated the Task Force cannot demand a Participating Organization provide PPE, however, the Task Force does retain the right to deny a member's participation if his/her safety and well-being are in question.
- e. Successful Task Force development and operations require the assistance and participation of all members. Members may be called upon to perform or assist in completing administrative, planning, or preparedness tasks, which may require limited "on-duty" time requirements when such duties or projects do not interfere with other important work-related tasks.
- f. Consistent communication must be maintained between the member, Participating Organization, Task Force and the Sponsoring Agency. To accomplish this, the Participating Organization should appoint a person to act as a liaison and be allowed to attend important meetings and functions in order to be current in Task Force issues and developments.
- g. If a member is no longer available, the sponsor understands the need to notify the Task Force in a timely fashion and that any Task Force issued property be returned upon separation.

**B. Equipment/Materials**

- 1. Ohio Task Force One understands that:
  - a. Emergencies or other unusual circumstances may prevent the immediate availability of the equipment or materials being offered for Task Force use.
  - b. Ownership of equipment/materials remain with the Participating Organization until such a time when the Task Force purchases the equipment or material or if the Participating Organization should donate the equipment outright.
  - c. The Task Force is responsible for the use of the equipment or material while in the possession of the Task Force. Any gross mishandling, misuse, or improper operation of the item is the responsibility of the Task Force.
  - d. Only equipment/material specifically listed on the Equipment/Material Affidavit are for Task Force uses. Use of any other equipment not listed is unacceptable without expressed consent of the Participating Organization.
- 2. The Participating Organization understands that:
  - a. Equipment/materials listed on the Equipment/Materials Affidavit must be routinely maintained by the Participating Organization while in its possession. This includes any maintenance and repair as a result of normal, non-Task Force use.
  - b. When at all possible, listed equipment should be made available to the Task Force for training activities.
  - c. US&R environments are harsh and some damage may occur from normal use. The Task Force will replace an item when damage occurs during normal use. The Task Force will replace an item when damage occurs during Task Force use only when said damage renders that equipment unusable.
  - d. Equipment offered to the Task Force as listed on the Equipment/Materials Affidavit may be physically tagged with Task Force marking labels for identification and tracking purposes.
  - e. Equipment/materials be available on a 24-hour/365 day basis and all possible arrangements are made to make these items accessible in an emergency; including, but not limited to, any internal policies or authorizations necessary for the rapid release of their items.
  - f. If any or all of the equipment/materials becomes temporarily or permanently unavailable for Task Force use, timely, written notification will be given.

**VI. Liabilities**

**A. Disclaimer**

The following information is offered in good faith to outline liability issues as currently understood

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by Ohio Task Force One. Much of this material is gained from a presentation by FEMA counsel at the Task Force Leaders meeting at Mount Weather Emergency Assistance Center the week of September 15, 1997. All Participating Organizations are encouraged to seek further understanding relating to these issues and NOT rely on this document as their sole source of information. The FEMA US&R Legal Issues Working Group is actively investigating and resolving these issues under the authority of the FEMA US&R Advisory Committee as authorized by Congress.

**B. Scope**

The following information relates only to Federal activation of FEMA US&R Task Forces and to FEMA Task Force operating during FEMA-sanctioned training and drills.

**C. Coverage of Federal Worker's Compensation**

1. Activation

Federal Worker's Compensation applies to those Task Force members who are listed on 62-person deployment list. It specifically does not apply to individuals who are standing by or assisting during deployment activities. Time of coverage starts at the time noted on the written, Federal Activation Notice and ends as specifically listed on the written, demobilization order.

2. Training/Drills

Federal Worker's Compensation applies to those Task Force members who are specifically rostered and participating in a FEMA-sanctioned drill or training.

**D. Coverage of Federal Tort Liabilities**

1. Activation

The Federal Tort Liabilities Act covers activated Task Force members while performing within their scope of work during a deployment. Members are subject to liability for firearm use, substance abuse, or preventable injury. Coverage extends only to members who deploy with complete paperwork in place including the Appointment Affidavit.

2. Training

There is currently no Federal Tort Liability coverage for members participating in FEMA sponsored training.

**VII. Deployment Reimbursement**

**A. Disclaimer**

The following information is provided in good faith as a basic outline of cost recovery for Task Force deployments. All cost recovery issues are subject to specific language in existing Memorandum of Agreement between FEMA and the Sponsoring Agency. Information provided is gathered on current knowledge of the MOA and other FEMA publications. Currently there are fiscal issues being further refined by the FEMA US&R Response System.

**B. Scope**

The following information applies to individuals who actually deploy with the Task Force as part of the 62-person roster and to those individuals who specifically replace a deploying member as allowed by the MOA.

**C. Responsibilities**

1. Participating Organization

- a. Maintain a current listing of Task Force members and their compensation package on file with the Task Force. This information must be updated by the Participating Organization as needed.
- b. Must submit accurate and honest information.
- c. Must submit all required information to the Task Force after a mission in order to fully complete required paperwork.
- d. The Task Force IS NOT responsible for failure to reimburse if a Participating Organization fails to fulfill required information within a timely period.

2. Ohio Task Force One

- a. Must maintain accurate and orderly files and records
- b. Will compile and format reimbursement information for submittal to FEMA
- c. Will maintain accurate records of member activities during Task Force deployments.
- d. Will file, through the Sponsoring Agency, the necessary reimbursement paperwork.

**D. Coverage**

See Appendix A – "Excerpt from MOA"

**VIII. Conditions, Amendments and Terminations**

**A. Conditions**

Ohio Task Force One and FEMA complies with the provision of Executive Order 11246 of September 24, 1965, as amended, and with the rules, regulations and relevant orders of the Secretary

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of Labor to the end that “(FEMA) will not discriminate against any employee or applicant for employment on the grounds of race, color, religion, sex or national origin.” In addition, use of Federal facilities, supplies and service will be in compliance with regulations prohibiting duplication of benefits and guaranteeing non-discrimination. Distribution of supplies, processing of applications, provision of technical assistance and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age or economic status.

**B. Amendment and Termination**

The Memorandum of Understanding (MOU) may be modified or amended only with the written agreement of the parties, and all amendments will be attached to this agreement. Either party upon 30 days written notice to the other party may terminate the MOU.

**MOU – ATTACHMENT B  
PERSONNEL AFFIDAVIT**

I, \_\_\_\_\_, (*Participating Organization Head*) have read and do understand the preceding MOU. Having read and understand the MOU, the Delaware County EMS (*Name of Participating Organization*) does acknowledge that the following individuals have offered to train and deploy with Ohio Task Force One subject to the provisions and understandings noted in the MOU. As employer, I support the below individual(s) participation and understand their deployment may cause some organizational disruption. I also understand that this relationship may be terminated as outlined in the MOU.

EMPLOYEE NAME	SSN
Michele Heimann	XXX-XX-XXXX

Vote on Motion	Mr. Stapleton	Aye	Mr. Merrell	Aye	Mr. O'Brien	Aye
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**RESOLUTION NO. 14-687**

**IN THE MATTER OF APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE  
STATEWIDE CONSORTIUM OF COUNTY LAW LIBRARY RESOURCE BOARDS AND BOARD  
OF DELAWARE COUNTY COMMISSIONERS ON BEHALF OF THE DELAWARE COUNTY  
LAW LIBRARY RESOURCES BOARD:**

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

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
STATEWIDE CONSORTIUM OF COUNTY LAW LIBRARY RESOURCE BOARDS  
AND BOARD OF DELAWARE COUNTY COMMISSIONERS ON BEHALF OF THE DELAWARE  
COUNTY LAW LIBRARY RESOURCES BOARD**

This Memorandum of Understanding (“MOU”) is made this 16th day of June, 2014 by and between the Statewide Consortium of County Law Library Resources Boards (hereinafter the “SCCLLRB”) and the Board of Delaware County Commissioners (hereinafter the “County”) on behalf of the Delaware County Law Library Resources Board (hereinafter the “LLRB”).

**SECTION 1: PURPOSE AND USE**

- 1.1 The SCCLLRB is a statewide consortium comprised of all county law library resource boards. R.C. 3375.481.
- 1.2 The County is a political subdivision of the State of Ohio.
- 1.3 The LLRB is a County board.

**SECTION 2: RESPONSIBILITIES OF THE SCCLLRB**

- 2.1 The SCCLLRB will provide grant funds, on the terms and conditions specified in its Request for Proposals, to the County for use by the LLRB on a quarterly basis upon submission of appropriate documentation at the rate of thirty dollars and 75/100 (\$30.75) per hour.
- 2.2 A true and accurate copy of the Request for Proposals is attached and incorporated.

**SECTION 3: RESPONSIBILITIES OF THE COUNTY BOARD**

- 3.1 The LLRB will provide assistance to the SCCLLRB, on the terms and conditions specified in the Request for Proposals and its Proposal.
- 3.2 A true and accurate copy of the LLRB’s Proposal in response to the Request for Proposals is attached and incorporated.



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SECTION 4: TERM, RENEWAL, TERMINATION

- 4.1 The term of this MOU shall be effective July 1, 2014 and shall continue in effect until June 30, 2015. Either party may cancel this MOU by sending a written notice of termination to the other party thirty (30) days prior to the date of termination.
- 4.2 All notices in connection with this MOU shall be sent to the following representatives:

Charles A. Schneider, Chair Statewide Consortium of County Law Library Resources Board 369 S. High St. Columbus, OH 43215	Barb Lewis, Chair Delaware County Law Library Resources Board 20 W. Central Ave. Delaware, OH 43015
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Section 5: MISCELLANEOUS

- 5.1 This MOU constitutes the entire agreement between the parties as to the subject matter described herein, and any changes or modifications to this MOU shall be made and agreed to in a written amendment signed by both parties.
- 5.2 This Agreement shall be governed, construed and interpreted in accordance with the laws of the State of Ohio.

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

RESOLUTION NO. 14-688

IN THE MATTER OF AUTHORIZING THE FISCAL YEAR 2014 SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO BE FILED WITH THE OHIO DEVELOPMENT SERVICES AGENCY:

It was moved by Mr. Stapleton, seconded by Mr. Merrell to authorize the application:

WHEREAS, the Ohio Development Services Agency has allocated \$193,000 in the Fiscal Year 2014 Small Cities Community Development Block (CDBG) grant funds under the Allocation Program to Delaware County; and

WHEREAS, Delaware County has conducted its first public hearing on April 14, 2014, concerning the CDBG program and has conducted the second public hearings on the proposed activities on June 5, 2014. Such hearings indicate significant need and interest in utilizing these funds to assist the communities within the County with necessary and useful programs, which are responsive to the State and national program objectives and qualification criteria for this program.

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 Economic Development Coordinator is hereby authorized to make application for \$193,000 of CDBG Small Cities Formula Program funds, \$23,600 of which shall be used for Public Facilities for an Outdoor Warning Siren in the Village of Ashley; \$74,400 of which shall be used for Public Rehabilitation for ADA accessibility for the Village of Galena; \$60,000 of which shall be used for Public Services for Delaware STEP; \$22,000 of which shall be used for Public Facilities for the Ashley Villa; \$6,000 of which shall be used for Fair Housing educational activities throughout the County; and \$7,000 of which shall be used for Program Administration. All necessary program assurances will be included with the application.

Section 2. The Board authorizes the President of the Board to execute any necessary administrative documents in support of the grant application.

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

RESOLUTION NO. 14-689

IN THE MATTER OF APPROVING THE ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR LOCAL GOVERNMENTS CONTINGENT THAT DELAWARE COUNTY RECEIVES THE CDBG FORMULA 2014 GRANT FROM THE OHIO DEVELOPMENT SERVICES AGENCY:

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

WHEREAS, the Ohio Development Services Agency (ODSA) has allocated \$193,000 in the Fiscal Year 2014 Small Cities Community Development Block (CDBG) grant funds under the Formula Program to Delaware

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County; and

WHEREAS, Delaware County is submitting an application to ODSA for the CDBG Formula 2014 Program; and

WHEREAS, ODSA requires an Anti-Displacement and Relocation Plan by all grantees prior to funding, regardless of whether or not demolition activities are planned; and

WHEREAS, this Anti-Displacement and Relocation Plan was developed as a strategy to assist low- and moderate-income dwelling units demolished or converted to a use other than low- and moderate-housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974; and

WHEREAS, Delaware County will provide relocation assistance, as described in 24 CFR 570.488 and 570.606, to each low-and moderate-income household displaced by the demolition of housing or conversion of a low- and moderate-income dwelling to another use as a direct result of assisted activities;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED by the Board of Commissioners, County of Delaware, State of Ohio as follows:

SECTION I. The Board of Commissioners authorizes the approval of the Anti-Displacement and Relocation Assistance Plan as part of the Formula 2014 grant.

**General Information**

An Anti-Displacement and Relocation Assistance Plan is required by all grantees prior to funding, whether or not demolition activities are planned. If you have not previously adopted a plan, utilize this format at a minimum to adopt a plan. If you have previously adopted a plan, you may submit an executed copy of that plan in lieu of completing this form (if your activities include demolition or conversion, you will need to get clearance from the Office of Community Development (OCD) prior to proceeding with any demolition or conversion. ATTACH INFORMATION REQUESTED IN THE FORM TO THE PLAN.

Ordinance or Resolution Number: 14-689

Date: 6/16/2014

Delaware County will replace all occupied and vacant occupiable low- and moderate-income (LMI) dwelling units demolished or converted to a use other than LMI housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, and as described in 24 CFR 570.488. HUD regulation have extended this requirement to the HOME program as well.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in demolition or conversion, the community will make public and submit to OCD the following information in writing:

- A description of the proposed activity
- The location of each site on a map and the number of dwelling units by bedroom size that will be demolished or converted to a use other than as LMI dwelling units as a direct result of the assisted
- A time schedule for the commencement and completion of the demolition or conversion;
- The general location on a map and approximate number of dwelling units by bedroom size that will be provided as replacement dwelling units;
- The source of funding and a time schedule for the provision of replacement dwelling units;
- The basis for concluding that each replacement dwelling unit will remain a LMI unit for at least 10 years for the date of initial occupancy;
- An analysis determining whether a dwelling unit proposed to be demolished is occupiable or not; and
- An analysis determining whether a dwelling unit proposed to be demolished or converted is considered a LMI unit.

Delaware County will provide relocation assistance, as described in 24 CFR 570.488, to each LMI household displaced by the demolition of housing or conversion of a LMI dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives under the Act, the Community agrees to provide substantial levels of assistance to persons displaced by HUD-assisted programs and will further seek to minimize displacement of persons as a result of assisted activities.

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

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RESOLUTION NO. 14-690

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Job and Family services recommends the hiring of Carra Woolwine as an Income Maintenance Worker III with JFS; effective June 30, 2014.

Therefore Be it Resolved, the Board of Commissioners approve the hiring of Carra Woolwine as an Income Maintenance Worker III with JFS; effective June 30, 2014.

The Director of Job and Family services recommends the hiring of Mandy Hardwick as an Income Maintenance Worker III with JFS; effective June 30, 2014.

Therefore Be it Resolved, the Board of Commissioners approve the hiring of Mandy Hardwick as an Income Maintenance Worker III with JFS; effective June 30, 2014.

The Director of Job and Family services recommends the hiring of Rachel Dienst as a Clerical Specialist with JFS; effective June 30, 2014.

Therefore Be it Resolved, the Board of Commissioners approve the hiring of Rachel Dienst as a Clerical Specialist with JFS; effective June 30, 2014.

The Director of Job and Family services recommends the hiring of Renee Scheeler as a Clerical Specialist with JFS; effective June 30, 2014.

Therefore Be it Resolved, the Board of Commissioners approve the hiring of Renee Scheeler as a Clerical Specialist with JFS; effective June 30, 2014.

The Director of Job and Family services recommends the hiring of Brenda Thompson as a Clerical Specialist with JFS; effective June 30, 2014.

Therefore Be it Resolved, the Board of Commissioners approve the hiring of Brenda Thompson as a Clerical Specialist with JFS; effective June 30, 2014.

The Director of Job and Family services recommends the hiring of Christi Friley as a Clerical Specialist with JFS; effective June 30, 2014.

Therefore Be it Resolved, the Board of Commissioners approve the hiring of Christi Friley as a Clerical Specialist with JFS; effective June 30, 2014.

The Director of Job and Family services recommends accepting the resignation of Larry Hager from the Department of Job and Family Services; effective June 13, 2014;

Therefore Be it Resolved, the Board of Commissioners accept the resignation of Larry Hager from the Department of Job and Family Services; effective June 13, 2014.

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

ADMINISTRATOR REPORTS

Dawn Huston- Assistant County Administrator/ Director of Administrative Services  
-No reports

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Stapleton

- Attended the CCAO meeting. The NACO is expecting a Federal government definition of waters under the Clean Water Act. We have until July 21 to comment on that.
- Among discussions were initiatives for pay raises for County Elected Officials. There have been no pay raises since 2008.
- There are provisions with the Mid-Year Budget Review supporting the effort for the Board of Commissioners to appoint a temporary person in the position of an elected official if that official has been let go due to suspension of an office holder. The position would be appointed until the Central Committee Board could appoint the position.
- Received a call from ODOT about the Gemini Parkway extension and how they would like to lock in rates as soon as possible

Commissioner O'Brien

- Would like to see a realistic definition of navigable waters.
- Gemini Parkway project needs to happen. More information would be appreciated

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Commissioner Merrell

- Agreed on the issues mentioned by other Commissioners
- Presented at the Sunbury Chamber of Commerce breakfast. Thankful for their hospitality.

RESOLUTION NO. 14-691

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

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to adjourn into Executive Session at 10:02AM.

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

RESOLUTION NO. 14-692

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 10:40AM.

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

RESOLUTION NO. 14-693

10:30AM PUBLIC HEARING FOR CONSIDERATION OF THE HAVEN'S 503 DRAINAGE  
IMPROVEMENT PETITION FILED BY GLENN ROAD CAPITAL, LLC:

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to open the hearing at 10:41AM.

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

RESOLUTION NO. 14-694

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE  
3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT  
PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF  
COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to approve, for a specific occurrence, a suspension  
of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules  
Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

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

RESOLUTION NO. 14-695

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE  
HAVEN'S 503 DRAINAGE IMPROVEMENT PETITION FILED BY GLENN ROAD CAPITAL,  
LLC:

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to close the hearing at 11:28AM.

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

RESOLUTION NO. 14-696

IN THE MATTER OF GRANTING THE PRAYER OF THE PETITION AND DIRECTING THE  
DELAWARE COUNTY ENGINEER TO PROCEED WITH PREPARATION OF PLANS, REPORTS,  
AND SCHEDULES FOR THE HAVEN'S 503 DRAINAGE IMPROVEMENT PETITION FILED BY  
GLENN ROAD CAPITAL, LLC:

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

Whereas, on March 18, 2014, a Drainage Improvement Petition to The Haven's 503 Watershed Drainage  
Improvement was filed with the Board of Commissioners of Delaware County (the "Board"); and

Whereas, the Board on Monday June 2, 2014, conducted a view of the proposed improvements; and

Whereas, the Board on Monday June 16, 2014, held a public hearing to determine if the action is necessary,  
conducive to the public welfare, and the benefits derived exceed the cost incurred for The Haven's 503  
Watershed Drainage Improvement; and

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Whereas, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, the Board is prepared to issue its findings on the proposed improvements.

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio as follows:

Section 1. The Board hereby finds that the proposed improvement is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement will be less than the benefits. Accordingly, the Board hereby grants the prayer of the petition. The hearing on the Petition is hereby adjourned to the date fixed for the filing of the reports, plans, and schedules by the Delaware County Engineer.

Section 2. The Board hereby orders the Delaware County Auditor to transfer \$ Zero from the general revenue funds of the county to the general drainage improvement fund.

Section 3. Upon the transfer of funds ordered in Section 2, the Board hereby orders the Delaware County Engineer to proceed with the preparation of plans, reports and schedules as presented for the proposed Haven’s 503Watershed Drainage Improvement. The Board hereby fixes June 16, 2015 as the date for filing of the engineer’s reports, plans, and schedules. Upon filing of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

Section 4. THE BOARD HEREBY APPROVES ESTABLISHING A NEW ORGANIZATION KEY FOR THE HAVEN’S 503DRAINAGE IMPROVEMENT PROJECT 40311449.

Section 5. 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.

Section 6. Sections 1, 4, 5, and 6 of this Resolution shall take immediate effect upon passage. Sections 2 and 3 of this Resolution shall take effect upon the expiration of the twenty-one day appeal period, provided no appeal has been taken.

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

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