

COMMISSIONERS JOURNAL NO. 61 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD AUGUST 21, 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

RESOLUTION NO. 14-923

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 18, 2014:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on August 18, 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                      Aye                      Mr. O'Brien                      Aye

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 14-924

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0820, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0820 AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER PCAPR0820:

It was moved by Mr. O’Brien, seconded by Mr. Stapleton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0820, memo transfers in batch numbers MTAPR0820, Procurement Card Payments in batch number PCAPR0820 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line Account	Amount
<b>ENVIRONMENTAL SERVICE</b>				
R1404870	ROTORK CONTROLS INC	REPLACE MAIN PLC BOARD ON AERATION ROTORK	66211904-5201	\$5,956.70
R1404870	ROTORK CONTROLS INC	REPLACE DAMAGED AERATION ROTORK UNIT	66211904-5260	\$4,934.70
<b>CODE COMPLIANCE</b>				
R1404786	GREENWALT, HARLEY W	ELECTRIC INSPECTOR SERVICES	10011301-5301	\$24,999.99
R1404876	FEINKNOPF MACIOCE SCHAPPA ARCHITECTS	OURSOURCE PLAN REVIEW SERVICES	10011301-5301	\$10,000.00
<b>INSURANCE AND RISK</b>				
R1404887	BLUES AUTO SERVICE INC	REPAIR 21-27	60111901-5370	\$5,900.64

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

RESOLUTION NO. 14-925

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Director of Administrative Services/Assistant County Administrator is requesting that Christine Shaw attend an Electronic Records Training class in Akron, OH on September 24, 2014 at the cost of \$102.00 (fund number 10011103).

The Director of Administrative Services/Assistant County Administrator is requesting that Dawn Huston, Mindy

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Owens, Brad Euans, and Jenny Downey attend a professional conference, Avoiding Legal Pitfalls in Managing Employees, in Columbus, Ohio October 17, 2014, at the cost of \$700.00 (fund number 10011108).

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

RESOLUTION NO. 14-926

IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTH OF JULY 2014:

It was moved by Mr. O’Brien, seconded by Mr. Stapleton to accept the Treasurer’s Report for the month of July 2014.

(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              Aye

RESOLUTION NO. 14-927

IN THE MATTER OF RE-NAMING AN ORGANIZATION KEY AND APPROVING A SUPPLEMENTAL APPROPRIATIONS FOR THE DELAWARE COUNTY EMERGENCY MANAGEMENT AGENCY (EMA):

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

Whereas, the Director of Delaware County EMA recommends approval of the re-naming of an Organization Key and Supplemental Appropriations;

Therefore Be It Resolved, that the Delaware County Board of Commissioners approve renaming the Organization Key and Supplemental Appropriations for Delaware County EMA:

Re-Name Organization Key  
21581305                      2013-2014 HMEP

Supplemental Appropriations			Amount
21581305	2013-2014 HMEP	5365 GRANT RELATED SERVICES	\$12,395.00

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

RESOLUTION NO. 14-928

IN THE MATTER OF REDUCING THE SOLID WASTE TIPPING FEES FOR DELAWARE COUNTY FAIR TRASH:

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

WHEREAS, the Board of County Commissioners of Delaware County has a Solid Waste Transfer Station Operation Agreement with Central Ohio Contractor, Inc. (COC), for the operation of the Delaware County Solid Waste Transfer Station and the disposal of solid waste, and

WHEREAS, the Delaware County Fair has requested relief related to its solid waste tipping fees, and

WHEREAS, Central Ohio Contractors, Inc. has agreed to assist the Fair by reducing its portion of the tip fee by 50%, and

WHEREAS, the Board of County Commissioners wishes to waive the seven percent (7%) county surcharge for the 2014 Delaware County Fair.

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners of Delaware County does hereby reduce the solid waste tip fee rates by waiving the seven percent (7%) county surcharge for the 2014 Delaware County Fair.

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

RESOLUTION NO. 14-929

IN THE MATTER OF APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN DELAWARE COUNTY BOARD OF COMMISSIONERS AND DOMINION HOMES, INC. REGARDING SANITARY SEWER SERVICE TO BROOKVIEW MANOR, AFRICA ROAD, BERLIN

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**TOWNSHIP, DELAWARE COUNTY, OHIO:**

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

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, State of Ohio, approves A Memorandum Of Understanding Between Delaware County Board Of Commissioners And Dominion Homes, Inc. Regarding Sanitary Sewer Service To Brookview Manor, Africa Road, Berlin Township, Delaware County, Ohio:

**Memorandum of Understanding  
Between Delaware County Board of Commissioners and  
Dominion Homes, Inc. regarding Sanitary Sewer Service to Brookview Manor,  
Africa Road, Berlin Township, Delaware County, Ohio**

This Memorandum of Understanding ("MOU") outlines the provisions and terms for a future Sanitary Subdivider's Agreement(s) between the Delaware County Board of Commissioners ("County") and Dominion Homes, Inc. ("Dominion") for Brookview Manor (fka Crownover Farms), a residential development of 88 +/- acres on Africa Road in Berlin Township, Delaware County, Ohio (north of Sherman Road and south of U.S. 36).

Dominion agrees to construct and install sanitary sewers and appurtenant infrastructure as generally depicted on the attached Exhibit A within the Brookview Manor site. Such sanitary sewers shall be large enough and deep enough to serve the upstream tributary area as generally located to the east and south and depicted on attached Exhibit B. Final construction plans must be approved by the appropriate reviewing agencies (i.e. Sanitary Engineer, County Engineer, Ohio EPA, etc.).

The County shall reimburse Dominion through tap credits under the following terms:

- (1) Apply the standard oversizing reimbursement per the current County policy for the depicted installation. This is the cost difference between the actual project pipe material cost and the material cost for a 15" pipe plus 25%.
- (2) The County will also include the material cost difference between any sewer wyes over 15" in diameter and the material costs for wyes that are 15" in diameter plus 25%.
- (3) The County shall reimburse the cost of constructing the west to east leg of the "L" shaped 18 inch segment of sewer connection to the eastern property line, being the section of sewer pipe from MH O to MH O2 on attached Exhibit A. The reimbursement shall not exceed \$51,280.
- (4) Prior to construction, Dominion shall grant a 60' wide sanitary sewer easement to the Delaware County Board of Commissioners for the section of Brookview Manor where the north/south leg of the 18 inch "L" shaped sewer line is located being the segment of sewer from MH O2 to MH O4 as shown on Exhibit A. This sanitary easement shall be shown as existing on the final plat. The sanitary easement shall be exclusive. Dominion and/or its engineers shall not design, or allow to be installed, any storm sewers, waterlines, gas lines, electric, cable, telephone, fiber optic, or any other utility lines, conduits, structures, or appurtenances in the sanitary easement.

Additionally, Dominion agrees to file notice in the recorded subdivision deed restrictions (including the final plat) to notify adjacent lot owners of this section of sewer to be installed by others and to supply potential purchasers for said lots of this easement area information that the easement exists for said purpose, and such future sewer construction is planned within the easement area. Potential purchasers of said lots containing the easement shall be provided a STANDALONE copy of the following restrictions prior to, and included with, a sales contract.

Restrictions to be included in all sales contracts: The sanitary easement shall be exclusive. No fences, decks, sheds, swimming pools, or other such structures, or the footers or foundations of any structures, shall be permitted within the sanitary sewer easement unless authorized in writing by the Delaware County Sanitary Engineer. Any landscaping features may be removed by the Delaware County Sanitary Engineer at any time, with the cost of restoration to be the responsibility of the lot owner.

The County acknowledges that a portion of said 60' easement may be able to be released following construction of the sanitary sewer.

The above terms shall be incorporated into the typical Subdivider's Agreements for the development which are to be executed as construction plans are approved for the various sections of development in Brookview Manor. The terms shall be valid for two years from the date of the MOU. After the first Subdivider's Agreement is approved by the County within the two years limit, the terms will apply to all sections of the Brookview Manor development completed by Dominion Homes. The terms apply to Brookview Manor as depicted in Exhibit A. If the proposed development changes, the terms shall be re-evaluated and change as well. This MOU shall be assignable by Dominion Homes, Inc. to its successor or assigns, under the same terms and conditions specified herein and with

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written notice to the County. The County shall not unreasonably withhold its approval of such an assignment.

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

RESOLUTION NO. 14-930

IN THE MATTER OF PROCURING AN EXCESS INSURANCE POLICY FOR DELAWARE COUNTY'S SELF INSURED WORKERS' COMPENSATION PROGRAM AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE NECESSARY DOCUMENTS IN FURTHERANCE THEREOF:

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

WHEREAS, effective September 1, 2008, the Ohio Bureau of Workers' Compensation has approved Delaware County as an authorized self-insured employer; and

WHEREAS, the Delaware County Board of Commissioners (the "Board") has since 2008 procured excess workers' compensation coverage through Midwest Employers Casualty Company; and

WHEREAS, the existing policy expires on August 31, 2014, and the board wishes to procure excess workers' compensation coverage commencing on September 1, 2014; and

WHEREAS, competitive bidding under section 307.86 of the Revised Code would increase, rather than decrease, the cost of the purchase; and

WHEREAS, the Board, through the Agent of Record, Smith Feike Minton, Insurance has requested proposals from issuers of applicable policies and negotiated with the issuers to achieve the best and lowest price reasonably possible for the County; and

WHEREAS, pursuant to section 305.30(K) of the Revised Code, the County Administrator shall perform such duties as the Board may determine by resolution;

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

Section 1. The Board hereby approves procuring excess workers' compensation coverage through Midwest Employers Casualty Company, upon the following terms:

- (a) The policy shall be effective September 1, 2014 through August 31, 2016;
- (b) The premium shall be \$172,779, with the first installment of \$87,449 due on September 1, 2014 and the second installment of \$87,449 due on September 1, 2015; and
- (c) The S.I.R. shall be \$ 500,000.

Section 2. The Board hereby approves a purchase order and voucher for the first annual premium payment of \$85,330.00 (P1401940) to Smith-Feike-Minton, Inc. Insurance.

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

RESOLUTION NO. 14-931

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of The Child Support Enforcement Agency recommends accepting the resignation of Andrew Mackey with the CSEA Department; effective August 28, 2014;

Therefore Be It Resolved, that the Board of Commissioners accept the resignation of Andrew Mackey with the CSEA Department; effective August 28, 2014.

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

ADMINISTRATOR REPORTS

Tim Hansley

-Would like to have a work session on August 25<sup>th</sup> to discuss the Simon-Tanger project. ODOT is available to come to discuss the traffic concerns.

COMMISSIONERS' COMMITTEES REPORTS

Commissioner O'Brien

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- Talks with Sunbury, Delaware City, Berkshire Township are going well about the Simon-Tanger project. Will need to discuss sewer in that area.
- Attended and participated in the Executive Committee meeting for Regional Planning. Several projects are in the works.
- May need a DKMM meeting concerning projects soon.

Commissioner Stapleton

- There was an article in the Sunday Dispatch concerning Urbana (Crawford County) in relations to their fair and harness racing. They are spending around \$200,000 to improve their horse stalls for the races.

Commissioner Merrell

- The need for an updated Master Plan for the Sewer District is apparent. Would like to get that updated in an accelerated fashion.
- The Attorney General invited all the Commissioners to an opiate seminar. Would like to know if anyone was attending.
- There has been a request that the start time of the Commissioner Session on September 15<sup>th</sup> be moved up from 9:30 to 9:00AM. No objections were made.

RESOLUTION NO. 14-932

IN THE MATTER OF ADJOURNING INTO EXECUTIVE FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mr. O’Brien, seconded by Mr. Stapleton to adjourn into Executive Session at 10:22AM.

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

RESOLUTION NO. 14-933

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. O’Brien, seconded by Mr. Stapleton to adjourn out of Executive Session at 11:10AM.

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