

COMMISSIONERS JOURNAL NO. 61 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 20, 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. 14-1200

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 16, 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 October 16, 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

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

DISCUSSION: DELAWARE COUNTY BOARD OF ELECTIONS

RESOLUTION NO. 14-1201

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1017, MEMO TRANSFERS IN BATCH NUMBERS MTAPR1017:

It was moved by Mr. Stapleton, seconded by Mr. O’Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1017, memo transfers in batch numbers MTAPR1017, and Purchase Orders as listed below:

<u>Vendor</u>		<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO’ Increase				
PR				
Number	Vendor Name	Line Description	Line Account	Amount
ENVIRONMENTAL SERVICES				
R1405561	ARCADIS US INC	NORTHSTAR WWTP ANALYSIS	66211911-5301	\$60,000.00
R1405611	S M MILLER	PRESSURE TESTING - INSPECTION OF	66211904-5328	\$13,867.00
	CONSTRUCTION	DIESEL TANK AT ALUM CREEK PS		

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

RESOLUTION NO. 14-1202

IN THE MATTER OF SETTING DATE AND TIME FOR A SPECIAL COMMISSIONERS’ SESSION ON TUESDAY OCTOBER 28, 2014 AT 9:00AM TO ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:

It was moved by Mr. Stapleton, seconded by Mr. O’Brien to set date and time for a special Commissioners’ Session on Tuesday October 28, 2014 at 9:00am to adjourning into executive session for consideration of confidential information related to economic development.

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

COMMISSIONERS JOURNAL NO. 61 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 20, 2014

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RESOLUTION NO. 14-1203

IN THE MATTER OF ACCEPTING IMPROVEMENTS WITHIN THE PROJECT KNOWN AS THE  
SHOPPES AT WEDGEWOOD AND RELEASING CONSTRUCTION SURETY:

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

Whereas, on October 10, 2013, the Board of County Commissioners (the “Board”) entered into a Project Agreement with Wedgewood Limited Partnership, LLC (“Owner”) for the project known as The Shoppes at Wedgewood (“Improvement”); and

Whereas, the County Engineer has inspected the Improvement and finds it to be constructed in accordance with the approved plans; and

Whereas, the County Engineer recommends the Board accept the Improvement in accordance with the Project Agreement and release the letter of credit being held as construction surety to the Owner;

Now, Therefore, Be It Resolved that the Board of Commissioners of Delaware County, Ohio hereby accepts the Improvement in accordance with the Project Agreement and releases the letter of credit being held as construction surety to the Owner.

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

RESOLUTION NO. 14-1204

IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH  
MAINTENANCE ASSESSMENTS FOR MC FITNESS & HEALTH:

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

WHEREAS, on October 10, 2014, a Ditch Maintenance Petition for MC Fitness & Health 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 MC Fitness & Health located off of U.S. 23 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 \$11,191.13. The drainage improvements are being constructed for the benefit of the lot(s) being created in the subject site. The developed area of 11.44 acres will receive benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each lot is therefore \$978.25 per acre. An annual maintenance fee equal to 2% of this basis (\$223.82) will be collected for each acre of developed lot. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year’s assessment for all the lots in the amount of \$223.82 has been paid to Delaware County, receipt of which is hereby acknowledged.

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. Stapleton              Aye              Mr. O'Brien              Aye              Mr. Merrell              Aye

COMMISSIONERS JOURNAL NO. 61 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 20, 2014

RESOLUTION NO. 14-1205

IN THE MATTER OF APPROVING RIGHT OF WAY WORK PERMIT SUMMARY SHEET:

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

Permit #	Applicant	Location	Type of Work
U14-064	Consolidated Electric	Shoemaker Road	Bore along/under road
U14-065	Fibertech Networks	Green Meadows Drive	Trench new Fibertech cable
U14-066	Consolidated Electric	Norton Road	Install fiber
U14-067	Consolidated Electric	Carr Road @ Ostrander Road	Bore along right-of-way
U14-068	Consolidated Electric	Ostrander Road	Place aerial cable

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

RESOLUTION NO. 14-1206

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR VETERANS SERVICES:

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

SUPPLEMENTAL APPROPRIATIONS		AMOUNT
10062601-5001	Veteran Svcs/Compensation	\$1,365.00
10062601-5101	Veteran Svcs/Health Insurance	\$8,250.00

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

RESOLUTION NO. 14-1207

IN THE MATTER OF APPROVING THE LEASE AGREEMENT BETWEEN THE BOARD OF DELAWARE COUNTY COMMISSIONERS AND THE BOARD OF ORANGE TOWNSHIP TRUSTEES FOR THE LEASE OF THE BUILDING LOCATED AT 6226 THIRD STREET, LEWIS CENTER OHIO FOR EMERGENCY MEDICAL SERVICES:

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

Whereas, the Director of Emergency Medical Services recommends approval of the lease agreement;

Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the Lease Agreement Between The Board Of Delaware County Commissioners And The Board Of Orange Township Trustees For The Lease Of The Building Located At 6226 Third Street, Lewis Center Ohio For Emergency Medical Services:

LEASE AGREEMENT

WHEREAS, the Board of Township Trustees of Orange Township, Delaware County, Ohio, (hereinafter referred to as "Township") desires to permit use of a portion of it's facilities located in Orange Township at 6226 Third Street, Lewis Center, Ohio 43035 by the Delaware County Emergency Services; and

WHEREAS, the Board of County Commissioners of Delaware County, Ohio (hereinafter referred to as "County") desires to make use of a portion of Township’s facilities for the provision of Emergency Medical Services to Southern Delaware County, including Orange Township; and

NOW THEREFORE, this Agreement made and entered into this date by and between the Township and the County;

Witnesseth:

1. County hereby leases from Township, and Township hereby leases to County the entire building located at 6226 Third Street, Lewis Center, Ohio 43035 and lots 12 and 18 as shown on the plat of Lewis Center (hereinafter collectively referred to as the "Facilities") for use as a base of operations for the provision of Emergency Medical Services (hereinafter "EMS"), and no other purpose(s), for a period of one (1) year beginning October 20, 2014 and ending October 19, 2015.
2. Township and County specifically agree that lot 17 of the plat of Lewis Center, also owned by Township, is not included within the Facilities, and shall remain subject to use and control of Township as determined by Township in its' sole discretion.

COMMISSIONERS JOURNAL NO. 61 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 20, 2014

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3. County shall pay Township, at the Township Fiscal Office, 1680 E. Orange Road, Lewis Center, Ohio 43035, or at such other place as the Township shall designate from time to time in writing, as rental for such use of the premises, the annual sum of Eight Thousand Six Hundred Forty Dollars (\$8,640.00), in equal monthly installments of Seven Hundred Twenty Dollars (\$720.00), each payable in advance on the first of each month, beginning on December 1, 2014.
4. In addition to the previously provided monetary rental, County agrees to provide, as a portion of its consideration herein, an EMS level of service from such facility to Southern Delaware County, including Orange Township. Such level of service shall be defined to include the placement of squad vehicles, staffed by a minimum of two (2) state certified EMT-P trained and one (1) state certified EMT-I trained personnel. (The terms EMT-P and EMT-I shall have the same meaning as provided by state law and shall further include any changes incorporated into such term(s) by amendments to state law, including substitution of equivalent designation(s) if use of such current term(s) is discontinued.) Such service shall be provided on a twenty-four (24) hour basis, seven (7) days per week during the entirety of the term of this Agreement.
5. County shall have the full right to control the Facilities and to construct and make repairs and/or install additions, fixtures and improvements to the Facilities, at County's sole cost and expense, upon the prior written consent of Township. Township shall have no obligation or liability to make any repair or improvement, nor for any costs or expenses in connection with the construction of repairs, additions, fixtures or improvements to the Facilities. All contractors of County performing such work shall be properly licensed and all necessary permits shall be obtained prior to any work being done. All work shall be performed in accordance with all applicable laws, orders, rules, regulations and requirements of federal, state and local governments and appropriate departments, commissions, boards, and officers of those governments.
- Any such repairs, additions, fixtures or improvements except movable furniture and like furnishings shall, without compensation to County, be the property of Township and remain upon the Facilities as a part thereof, and be surrendered with the premises upon the termination of this Lease, or upon failure of County to pay or perform the rents and covenants of this lease agreement to be paid or performed by County. County shall permit Township and its agents to enter into and upon the Facilities at all reasonable times for the purpose of inspecting the same.
6. County shall be responsible for, and shall pay for, all necessary maintenance, interior and exterior, of the Facilities, for the payment of all utility charges for utility services provided to the Facilities and for the payment, prior to delinquency, of all real estate taxes and installments of special assessments coming due during the lease term on the Facilities.
7. County shall promptly comply with all laws, orders, rules, regulations and requirements of federal, state and local governments and appropriate departments, commissions, boards, and officers of these governments throughout the term of this lease agreement, and without cost to Township. County shall promptly comply with these legal requirements whether they are foreseen or unforeseen, or ordinary or extraordinary.
8. Township shall maintain fire and extended coverage insurance upon the building located within the Facilities.
9. County shall not assign this lease, nor sublet the Facilities or any portion thereof, nor use the same, or any part thereof, nor permit the same or any part thereof to be used for any other purpose than as above stipulated, without the written consent of the Township.
10. All personal property and/or fixtures placed or moved in or upon the Facilities above described shall be at the risk of the County or owner thereof, and Township shall not be liable for any damage to said personal property and/or fixtures. Neither shall Township be liable to County for any damages resulting from the inability of County to make use of the Facilities by reason of bursting or leaking water pipes, fire, natural disaster, or any other cause.
11. County shall maintain, for the full term of this Agreement, self-insurance and/or general liability insurance policies with a combined minimum limit of One Million Dollars (\$1,000,000.00). Any such general liability insurance policies shall be issued by companies authorized to issue such policies within the State of Ohio and shall provide that the insurer will give Township written notice at least thirty (30) days prior to the effective date of cancellation. Township shall be named as an additional insured in such self-insurance program and/or general liability insurance policies and County shall provide proof of the same to the Township upon demand.
12. If any term, covenant or condition of this lease agreement shall be invalid or unenforceable to any extent, the remainder of the terms, covenants and conditions of this lease agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

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

COMMISSIONERS JOURNAL NO. 61 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 20, 2014

IN THE MATTER OF APPROVING TRANSFER OF APPROPRIATIONS FOR EMERGENCY COMMUNICATIONS:

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

Transfer of Appropriations		
From	To	
21411306-5330	21411306-5450	4,044.00
911/Communication Services	911/Capital Equipment	

Further Be It Resolved, that the Board of Commissioners approve a Purchase Order in the amount of \$17,022 for V28384 DBSPECTRA Inc.

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

ADMINISTRATOR REPORTS

Tim Hansley  
-No reports

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Stapleton  
-No reports

Commissioner O’Brien  
-No reports

Commissioner Merrell  
-Attended the Delaware County Foundation Event last Thursday evening. It is good to have recognition of good people doing good things in the county.  
-Attended and participated in the United Way kick off held on Friday. Would like to especially thank the volunteers for the dunk tank.  
-Attended the Fall Colors Spectacular Friends reception at Stratford Ecological Center.

RESOLUTION NO. 14-1209

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT; EMPLOYMENT; 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 9:58 AM.

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

RESOLUTION NO. 14-1210

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 11:46 AM.

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

There being no further business, the meeting adjourned.

Gary Merrell

Ken O’Brien

COMMISSIONERS JOURNAL NO. 61 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 20, 2014

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Dennis Stapleton

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Jennifer Walraven, Clerk to the Commissioners