

COMMISSIONERS JOURNAL NO. 61 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 30, 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

9:45 AM Public Hearing For Consideration Of The Vacation Of An Unused Portion Of The Right Of Way Of County Road 13 (Olde Worthington Road) In Orange Township Delaware County, Ohio

RESOLUTION NO. 14-1241

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 27, 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 October 27, 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

RESOLUTION NO. 14-1242

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM SPECIAL MEETING HELD OCTOBER 28, 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 special session on October 28, 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. Stapleton Absent Mr. Merrell Aye Mr. O'Brien Aye

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RETIREMENT RECOGNITION, MARY REAMS

RESOLUTION NO. 14-1243

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1029, MEMO TRANSFERS IN BATCH NUMBERS MTAPR1029:

It was moved by Mr. O’Brien, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1029, memo transfers in batch numbers MTAPR1029 and Purchase Orders as listed below:

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<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
US Bank	Sewer Bonds	66311901-5720	\$296,231.25
PR			
Number	Vendor Name	Line Description	Line Account Amount
EMERGENCY MEDICAL SERVICE			
R1405719	CITY OF DELAWARE	3RD QUARTER EMS RUNS	10011303-5345 \$155,981.88
R1405750	LIBERTY TWP FIRE DEPT	3RD QUARTER EMS RUNS	10011303-5345 \$60,617.28
JOB AND FAMILY SERVICES			
R1405738	EASTWAY CORPORATION	RESIDENTIAL TREATMENT	22511607-5342 \$15,000.00
Vote on Motion	Mr. O'Brien	Aye	Mr. Merrell Aye Mr. Stapleton Absent

RESOLUTION NO. 14-1244

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM
AGENT FOR THE PETITIONER, MICHAEL R. SHADE, REQUESTING ANNEXATION OF 0.96
ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mr. O'Brien, seconded by Mr. Merrell to acknowledge that on October 24, 2014, the Clerk to the Board of Commissioners received an annexation petition request to annex 0.96 acres from Delaware Township to the City of Delaware.

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

RESOLUTION NO. 14-1245

IN THE MATTER OF ADOPTING THE DELAWARE COUNTY STRATEGIC ECONOMIC
DEVELOPMENT PLAN BY REGIONOMICS LLC, COMPLETED AS A PRIORITY INITIATIVE
FOR AN ECONOMIC DEVELOPMENT ACTION PLAN PER RESOLUTION 13-496:

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

Whereas, the Economic Development Coordinator recommends the Strategic Economic Development Plan by Regionomics LLC, completed as a portion of the priority initiative for an Economic Development Action Plan per Resolution 13-496, be adopted.

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners adopts the Strategic Economic Development Plan by Regionomics LLC.

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

RESOLUTION NO. 14-1246

IN THE MATTER OF APPROVING SATISFACTION OF MORTGAGE:

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

WHEREAS, on or about June 9, 2006 and July 5, 2006, Galen and Julie McLeod granted a third and fourth mortgage to Delaware County, Ohio, for the purpose of down payment assistance/rehabilitation under the Delaware County Community Housing Improvement Program; and

WHEREAS, the Delaware County Economic Development Coordinator has determined that the balance on the loans have been paid in full and recommends approving a Satisfaction of Mortgage to release the liens of record;

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

Section 1. The Board hereby approves the following Satisfaction of Mortgages:

SATISFACTION OF MORTGAGES

KNOW ALL MEN BY THESE PRESENTS, that the County of Delaware, for valuable consideration paid, the receipt and sufficiency of which is hereby acknowledged, does hereby certify that certain Mortgages from Galen and Julie McLeod, dated June 9, 2006 and July 5, 2006, to the County of Delaware, filed of record in the Recorder's Office, Delaware County, Ohio, in **OR Volume 714, page 2191 and Volume 721, page 260**, have been fully paid and satisfied, and the Recorder is hereby authorized to discharge same of record.

Property Address: 3694 Horseshoe Road, Delaware, OH 43015

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Tax Parcel Number: 519-100-06-013-000

Section 2. The Board hereby authorizes the President of the Board to execute the Satisfaction of Mortgages on the Board’s behalf and directs the Economic Development Coordinator to cause the Satisfaction of Mortgages to be recorded.

Section 3. This Resolution shall take effect immediately upon adoption.

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

RESOLUTION NO. 14-1247

IN THE MATTER OF APPROVING THE SANITARY SUBDIVIDER’S AGREEMENT FOR NELSON FARMS SECTION 2, PHASE B:

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 Nelson Farms Section 2, Phase B:

SUBDIVIDER’S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

THIS AGREEMENT executed on this 30th day of October 2014, by and between **Nelson Farms Associates, LLC** herein after called “SUBDIVIDER”, and the BOARD OF COUNTY COMMISSIONERS of Delaware County, Ohio, as evidenced by the **Nelson Farms Section 2, Phase B** Subdivision Plat 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 **21** 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 is recorded. If the final Subdivision Plat is 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 **Nelson Farms Section 2, Phase B**, all of which are a part of this AGREEMENT. The SUBDIVIDER shall pay the entire cost and expense of said improvements.

OPTIONS:

- (1) Should SUBDIVIDER elect to record the plat prior to beginning construction, SUBDIVIDER shall execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (**\$102,333.56**) which is acceptable to the COUNTY COMMISSIONERS to insure faithful performance of this AGREEMENT and the completion of all improvements in accordance with the Subdivision Regulations of Delaware County, Ohio.
- (2) Should SUBDIVIDER elect to proceed with construction prior to recording the plat, no approved financial warranties are necessary until such time as SUBDIVIDER elects to record the plat. At that time, the SUBDIVIDER shall execute Bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction remaining to be completed as determined by the SANITARY ENGINEER.

The SUBDIVIDER hereby elects to use Option **2** for this project.

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

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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 of **Nelson Farms Section 2, Phase B (\$3,581.67)**. The SUBDIVIDER shall also deposit with the DELAWARE COUNTY SANITARY ENGINEER the sum of **\$8,700.00** estimated to be necessary to pay the cost of inspection for **Nelson Farms Section 2, Phase B** 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.

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 unless otherwise permitted by the SANITARY ENGINEER.

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 **and any surcharges** 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:

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- (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. Merrell Aye Mr. Stapleton Absent Mr. O'Brien Aye

RESOLUTION NO. 14-1248

IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATIONS:

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

Supplemental Appropriations		
10011108-5001	Human Resources/Compensation	35,500.00
10011108-5101	Human Resources/Health Insurance	3,800.00
40311433-5319	Midway Gardens Ditch Project/Reimbursement	527.24
50311120-5375	Bond Retirement Tartan Fields/Settlement Services	(68.69)

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

RESOLUTION NO. 14-1249

IN THE MATTER OF APPROVING COOPERATION WITH THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION:

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

WHEREAS, pursuant to section 5521.02 of the Revised Code, a board of county commissioners may cooperate with the director of the Ohio Department of Transportation ("ODOT") in the cost of obtaining right-of-way required for or in connection with any state highway improvement or repair contemplated by the director, and may pay any agreed proportion of the cost of such right-of-way; and

WHEREAS, ODOT is in the process of obtaining right-of-way necessary for improvements to and the extension of Gemini Place in the vicinity of its intersection with Interstate Highway 71 (the "Project"); and

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WHEREAS, the Delaware County Board of Commissioners (the “Board”) wishes to cooperate with the director of ODOT in the cost of the Project, having determined that the Project confers a benefit to the public safety and welfare, as well as furthers the Board’s interest in continued economic development within Delaware County;

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

Section 1. The Board hereby approves cooperation with the director of ODOT in the cost of obtaining right-of-way for the Project and approves payment to the State of Ohio in the amount of \$100,000 for that exclusive purpose.

Section 2. The Board hereby approves a supplemental appropriation to organizational key 10011102-5601 in the amount of \$100,000.

Section 3. The Board hereby approves a purchase order and voucher to the Treasurer of State of Ohio, Department of Transportation in the amount of \$100,000 paid from organizational key 10011102-5601.

Section 4. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the director of ODOT and the office of the deputy director of ODOT District 6.

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

RESOLUTION NO. 14-1250

9:45AM PUBLIC HEARING FOR CONSIDERATION OF THE VACATION OF AN UNUSED PORTION OF THE RIGHT OF WAY OF COUNTY ROAD 13 (OLDE WORTHINGTON ROAD) IN ORANGE TOWNSHIP DELAWARE COUNTY, OHIO:

It was moved by Mr. O’Brien, seconded by Mr. Merrell to open the hearing at 9:46 AM.

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

RESOLUTION NO. 14-1251 WAS NOT UTILIZED

RESOLUTION NO. 14-1252

IN THE MATTER OF CONTINUING THE PUBLIC HEARING FOR CONSIDERATION OF THE VACATION OF AN UNUSED PORTION OF THE RIGHT OF WAY OF COUNTY ROAD 13 (OLDE WORTHINGTON ROAD) IN ORANGE TOWNSHIP DELAWARE COUNTY, OHIO TO THURSDAY, DECEMBER 11, 2014 AT 9:45AM:

It was moved by Mr. O’Brien, seconded by Mr. Merrell to continue the public hearing to Thursday, December 11, 2014 at 9:45AM.

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

ADMINISTRATOR REPORTS

Tim Hansley

-The Facility Committee interviewed six consulting firms for the new courthouse project. They will meet again tomorrow to rank the firms and hope to have the top three to present to the Board this coming Monday.

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner O’Brien

-No reports

Commissioner Merrell

-No reports

PROPOSED RESOLUTION, IN THE MATTER OF ADJOURNING INTO EXECUTIVE FOR CONSIDERATION OF APPOINTMENT; PROMOTION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; MOTION DIED FOR LACK OF MOTION

MOTION WAS MADE BY COMMISSIONER O’BRIEN TO ADJOURN FOR CONSIDERATION OF PROMOTION, BUT DIED FROM A LACK OF A SECOND MOTION

DISCUSSION OF BOARD APPOINTMENT INTERVIEWS BECOMING A PART OF OPEN SESSION.

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There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

Dennis Stapleton

Jennifer Walraven, Clerk to the Commissioners