

COMMISSIONERS JOURNAL NO. 62 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 10, 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

1:30 PM Viewing For Consideration Of The Realignment Of Approximately 1,400 Feet Of Home Road (County Road 124) Located Just West Of U.S. Route 23 In Orange Township, Delaware County, Ohio

RESOLUTION NO. 14-1280

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 6, 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 November 6, 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. 14-1281

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM WORK SESSION HELD NOVEMBER 3, 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 November 3, 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 work session.

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

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

TOM HOMAN, DELAWARE CITY MANAGER  
UPDATE ON DELAWARE CITY HISTORIC DISTRICT OVERLAY

RESOLUTION NO. 14-1282

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1107:

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1107 and Purchase Orders as listed below:

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

RESOLUTION NO. 14-1283

IN THE MATTER OF AUTHORIZING THE COUNTY ENGINEER TO LOAN ROCK SALT FOR SNOW AND ICE CONTROL TO LOCAL AGENCIES IN DELAWARE COUNTY:

**COMMISSIONERS JOURNAL NO. 62 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 10, 2014**

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

WHEREAS, several local road maintenance agencies within Delaware County have notified the County Engineer of a shortage of road salt for the winter of 2014-15 due to circumstances beyond the control of said local agencies; and,

WHEREAS, the County Engineer has road salt available to assist agencies in need of salt;

NOW, THEREFORE, Be It Resolved by the Board of Commissioners of Delaware County, Ohio that:

Section 1: The 2014 Delaware County Salt Loan Program ("Program") is established in accordance with the following:

**2014-15 DELAWARE COUNTY SALT LOAN PROGRAM**

**TERMS AND CONDITIONS**

**Purpose:** The 2014-15 Delaware County Salt Loan Program ("Program") is established to provide up to 3,500 tons of rock salt available out of the Delaware County Engineer's Office (DCEO) salt inventory on a loan basis to any local road maintenance agency within Delaware County that is in need of salt for use on roads within the agency's jurisdiction.

**Program Dates:** The Program will run from the date of establishment to April 15, 2015.

**Solicitation for Salt Requests:** DCEO will solicit requests from agencies that have been unable to obtain sufficient quantities of rock salt for the winter of 2014-15. After all requests for salt are received, if total tonnage requested is less than the amount available, all requests will be fulfilled. If the total tonnage requested is more than the amount available, salt will be made available pro rata based on each agency's request through the usual purchasing contract of that agency compared to tonnage available, or in an amount determined by DCEO if the pro rata share calculation is not applicable. Agencies will then be notified of the amount of salt they can receive under this agreement.

If additional requests for salt are made to the County and if DCEO determines that additional salt is available to be loaned, the county may repeat the offering of salt in additional round(s) as described above.

**Authority to Sign:** The Delaware County Administrator is authorized to act on behalf of the Board of County Commissioners to enter into agreement with Borrowing agencies subject to the terms and conditions of this Program.

**Legislation:** Prior to picking up salt, Delaware County must receive a copy of the approved Program Agreement.

**Salt Pick-Up Procedure:** Borrowing agencies must pick up salt at the Delaware County Engineer's salt storage facility at 4020 U.S. 42 North, Delaware, Ohio. Salt will be weighed and loaded by County Engineer personnel. Borrower is required to provide trucking. DCEO anticipates salt will be available for pick up by December 1, 2014, provided that initial winter contract deliveries are received by the County.

**Return of Borrowed Salt:** Borrower shall return to the Delaware County Engineer's salt storage facility at 4020 U.S. 42 North, Delaware, Ohio, or other facility as directed by the DCEO, an equal amount of salt, measured by weight, in substantially the same condition, gradation and quality as the loaned salt, no later than April 15, 2015, plus payment of Handling Charges.

**Alternate Form of Repayment:** Alternatively, after making a good faith effort to return the borrowed amount of salt, if Borrower is unable to return the amount borrowed, Borrower shall repay Delaware County for the tons of salt borrowed in an amount equal to the following, plus Handling Charges, with payment due by June 1, 2015:

1. The price per ton obtained by the County in the 2015 ODOT cooperative summer fill-up contract, or
2. If County does not participate in the summer fill-up contract, the price per ton obtained by County in the 2015 ODOT cooperative winter contract; or,
3. If the County does not participate in either of the above contracts or is unable to obtain the amount of salt required to replace all salt borrowed by the Borrowers named in this agreement, the Borrower shall make repayment based on the market price for salt or other price deemed acceptable by the County.

**Handling Charges:** A handling charge of \$4.00 per ton of salt loaned under this agreement will be applied to each ton of salt loaned, which includes the cost of loading the loaned salt and the cost of stockpiling returned salt or new salt purchased to replace loaned salt.

**Default:** In the event Borrower has not submitted payment by June 1, 2015, the payment shall be made by the

COMMISSIONERS JOURNAL NO. 62 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 10, 2014

retention in the county treasury of the amounts due from taxes collected for the Borrower, and the County Auditor and County Treasurer all be governed by this payment provision in settling the accounts for such taxes.

Section 2: The County Administrator is authorized to enter into agreement on behalf of the Board with any local agency within Delaware County requesting road salt in accordance with the Program terms and conditions.

Section 3: The County Engineer is authorized to disburse up to 3,500 tons of rock salt to participating agencies in accordance with the Program terms and conditions.

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

A MOTION WAS MADE BY COMMISSIONER O'BRIEN TO TABLE RESOLUTION NO. 14-1283 UNTIL THURSDAY, NOVEMBER 13, 2014. MOTION DIED FOR A LACK OF A SECOND.

RESOLUTION NO. 14-1284

IN THE MATTER OF APPOINTING A MEMBER TO THE DELAWARE COUNTY FINANCE AUTHORITY BOARD OF DIRECTORS:

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

WHEREAS, on April 24, 2006, the Delaware County Board of Commissioners (the "Board of Commissioners") adopted Resolution No. 06-506, creating the Delaware County Port Authority, pursuant to section 4582.22 of the Revised Code, which was later renamed as the Delaware County Finance Authority in Resolution No. 13-973; and

WHEREAS, the Board of Commissioners shall make appointments to the Delaware County Finance Authority Board of Directors, pursuant to Resolution No. 06-506 and section 4582.27 of the Revised Code; and

WHEREAS, the term for one member of the Board of Directors is expiring on December 31, 2014;

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

Section 1. The Board of Commissioners hereby approves the appointment of Frank Reinhard as a member to the Delaware County Finance Authority Board of Directors for the term commencing on January 1, 2015 and ending on December 31, 2018.

Section 2. The appointment approved herein shall be effective on January 1, 2015.

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

RESOLUTION NO. 14-1285

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 Emergency Medical Services recommends the promotion of Travis Ries to the position of Lieutenant with Delaware County EMS; effective November 25, 2014;

Therefore Be It Resolved, the Board of Commissioners approve the promotion of Travis Ries to the position of Lieutenant with Delaware County EMS; effective November 25, 2014.

The Director of Emergency Medical Services recommends the promotion of Corey Lenigar to the position of full-time paramedic with Delaware County EMS; effective November 11, 2014;

Therefore Be It Resolved, the Board of Commissioners approve the promotion of Corey Lenigar to the position of full-time paramedic with Delaware County EMS; effective November 11, 2014.

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

ADMINISTRATOR REPORTS

Tim Hansley  
-No reports

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Stapleton  
-No reports  
Commissioner O'Brien  
-No reports

COMMISSIONERS JOURNAL NO. 62 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 10, 2014

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Commissioner Merrell  
-No reports

RESOLUTION NO. 14-1286

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERTATION OF APPOINTMENT; EMPLOYMENT; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL, FOR PENDING OR IMMINENT LITIGATION; FOR COLLECTIVE BARGAINING:

It was moved by Mr. Stapleton, seconded by Mr. O'Brien to adjourn into Executive Session at 10:30AM.

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

RESOLUTION NO. 14-1287

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 11:28AM.

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

RESOLUTION NO. 14-1288

IN THE MATTER OF 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 approve the following:

WHEREAS, pursuant to section 121.22(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

- (1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and
- (2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

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

Section 1. The Board hereby adjourns into executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance.

Section 2. The Board hereby finds and determines that the information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

Section 3. The Board hereby finds and determines that the executive session is necessary to protect the interests of an applicant for economic development assistance or the possible investment or expenditure of public funds to be made in connection with the economic development project.

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

RESOLUTION NO. 14-1289

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: 57AM.

COMMISSIONERS JOURNAL NO. 62 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 10, 2014

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

Recess at 11:58AM/1:30PM Reconvene In The Field

IN THE FIELD:  
1:30PM VIEWING REGARDING THE REALIGNMENT OF APPROXIMATELY 1,400 FEET OF HOME ROAD (COUNTY ROAD 124) LOCATED JUST WEST OF U.S. ROUTE 23 IN ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO

On Monday November 10, 2014, at 1:30PM, in the vicinity of Home Road (County Road 124) just west of U.S. Route 23 in Orange Township, Delaware County, Ohio, The Delaware County Commissioners viewed the area of the proposed realignment with County Engineer Chris Bauserman and Rob Riley, Deputy Engineer, from the Delaware County Engineer's Office.

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

On October 2, 2014, the Delaware County Board of Commissioners adopted Resolution No. 14-1124, declaring the board's opinion regarding the realignment of approximately 1,400 feet of Home Road (County Road 124) Located Just West Of U.S. Route 23 in Orange Township, Delaware County, Ohio.

Description of Realignment: approximately 1,400 feet of Home Road (County Road 124) located just west of U.S. Route 23 in Orange Township, Delaware County, Ohio.

- In the field at the Viewing, The Commissioners:
- Looked at the area to be realigned.
  - general area from first house on south side Home Road and the white sign along Home (3-4 utility poles)
  - this is not a road right of way vacation
  - where Home Road ends, there are ravines to east of U.S. Route 23.
  - there is a church and stream to the north of Home road at the intersection, so improvements and aligning a possible new development on the east side of U.S. Route 23 not preferred.
  - proximity to Lewis Center intersection

The following is a PDF copy of the Commissioners' Office sign-in sheet of the people present at the viewing who chose to sign the sign-in sheet.

SIGN-IN SHEET FOR NOVEMBER 10, 2014

1:30 PM Viewing For Consideration Of The Realignment Of  
Approximately 1,400 Feet Of Home Road (County Road 124)  
Located Just West Of U.S. Route 23 In Orange Township,  
Delaware County, Ohio

	NAME	ADDRESS
1	Gary Merrell	101 N. Sandusky
2	Dennis Stapleton	101 N. Sandusky
3	Ken O'Brien	
4	Chris Bauserman	50 Channing St. Del.
5	John Gleason	415 N. High Col. Ohio
6	Jennifer Walraven	Board Clerk
7	Sarah Danov	Assist Clerk to Board
8	Rob Riley	50 Channing St. Del.
9	JIM KERBLER	6871 COL'S PIKE
10		

There being no further business, the meeting adjourned.

COMMISSIONERS JOURNAL NO. 62 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD NOVEMBER 10, 2014

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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