

COMMISSIONERS JOURNAL NO. 62 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD JANUARY 5, 2015

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
 Barb Lewis, Commissioner

RESOLUTION NO. 15-01

IN THE MATTER OF APPOINTING FOR YEAR 2015 THE CLERK AND DEPUTY CLERKS FOR THE BOARD OF COMMISSIONERS:

It was moved by Mr. O'Brien, seconded by Mr. Merrell to appoint Jennifer Walraven, Clerk and Sarah Dinovo, Tim Hansley, Dawn Huston, Si Kille, and Teri Morgan Deputy Clerks to the Board of Delaware County Commissioners for the year 2015.

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. O'Brien Aye

RESOLUTION NO. 15-02

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 29, 2014:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on December 29, 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 Mrs. Lewis Aye Mr. Merrell Aye Mr. O'Brien Aye

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 15-03

IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM PAPA STEVES PIZZA AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Trenton Township Trustees that Papa Steves Pizza has requested a new C1 permit located at 15910 E SR 37, Trenton Township, Sunbury, OH 43074 and

Whereas, the Delaware County Board of Commissioners has found no reason to file an objection,

Therefore Be it Resolved, The Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

Vote on Motion Mr. Merrell Aye Mr. O'Brien Aye Mrs. Lewis Aye

RESOLUTION NO. 15-04

IN THE MATTER OF UPDATING THE SPEAKER REGISTRATION FORM ADOPTED IN RESOLUTION NO. 11-322 (ADOPTING RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO):

It was moved by Mr. O'Brien, seconded by Mrs. Lewis to update the "Speaker Registration Form" adopted in

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Resolution No. 11-322 (Adopting Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio).

Whereas, the Board of Delaware County Commissioners adopted Resolution No. 11-322 (Adopting Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio); and

Whereas, Resolution 11-322 contains a "Speaker Registration Form"; and

Whereas, the "Speaker Registration Form" is in need of updating;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

The Board hereby approves an updated "Speaker Registration Form"

Speaker Registration Form

The following rules apply to any individual who wishes to speak before the Delaware County Board of Commissioners during Regular Session meetings:

- 1. This form is to be completed and submitted to the Clerk to the Board prior to speaking.
2. Speakers shall limit their remarks to three (3) minutes. If the subject does not concern the legislative or administrative responsibilities of county government, the President of the Board may refer the speaker to another public forum and/or deny the request to speak.
3. Speakers may only speak on the item(s) noted on the form. If a non-agenda item discussion is wanted please provide a brief description of the subject matter on the "Public Comment" line of the form, and you will be recognized during "Public Comment."
4. The Board reserves the right to limit the number of speakers to three (3) in favor and three (3) not in favor of any item.
5. Speakers' subject matter shall not contain obscenity, profanity, defamation or slander. Speakers shall not disrupt the order or decorum of the session. Speakers are expected to refrain from criminal behavior, including, but not limited to, riot, (R.C. 2917.03), disorderly conduct (R.C. 2917.11), or disturbing a lawful meeting (R.C. 2917.12).
6. All comments will be directed to the Board of Commissioners.
7. Permission to speak may be denied or terminated by the President subject to the rules governing public comment.

(Refer to Resolution No. 11-322 for a complete listing of the Adopted Rules Governing Public Comment)

The Clerk to the Board will present Speaker Registration Forms to the President of the Board in the order received. Individuals who would like to contact the Commissioners or County Administrator may do so via the following options:

E-mail:

Barb Lewis: County Commissioner: blewis@co.delaware.oh.us 740-833-2101
Gary Merrell: County Commissioner: gmerrell@co.delaware.oh.us 740-833-2102
Ken O'Brien: County Commissioner: kobrien@co.delaware.oh.us 740-833-2103
Tim Hansley: County Administrator: thansley@co.delaware.oh.us 740-833-2104

U.S. Mail: 101 N. Sandusky Street, P.O. Box 8006 Delaware, OH 43015-8006

General Session will be held on Mondays at 9:30AM and Thursdays at 9:30AM. Please call ahead to confirm at 740-833-2100.

Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Agenda Item: _____ Public Comment: _

Speaking "For" or "Against" the Item (please circle one): For Against

Date: _____

Vote on Motion Mrs. Lewis Aye Mr. O'Brien Aye Mr. Merrell Aye

RESOLUTION NO. 14-1483 WAS TABLED FROM DECEMBER 29, 2014

RESOLUTION NO. 15-05

IN THE MATTER OF TAKING FROM THE TABLE RESOLUTION NO. 14-1483 (IN THE MATTER OF APPROVING A FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS WITH KINSALE VILLAGE, LLC, AND GOLF VILLAGE NORTH, LLC):

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It was moved by Mrs. Lewis, seconded by Mr. Merrell to take resolution no. 14-1483 from the table.

Vote on Motion Mr. O'Brien Nay Mr. Merrell Aye Mrs. Lewis Aye

RESOLUTION NO. 14-1483

IN THE MATTER OF APPROVING A FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS WITH KINSALE VILLAGE, LLC, AND GOLF VILLAGE NORTH, LLC:

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

WHEREAS, two developers, Kinsale Village, LLC and Golf Village North, LLC, have requested that Delaware County approve an amendment to the reallocation of taps as between the two developers' respective properties; and

WHEREAS, Delaware County requested that any reallocation be formally memorialized and recorded prior to approval; and

WHEREAS, the Director of Environmental Services recommends approval of a First Amendment to Declaration of Covenants and Restrictions that sets forth the revised reallocation and shall be recorded to provide public notice of the reallocation;

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

Section 1. The Board hereby approves the following First Amendment to Declaration of Covenants and Restrictions and authorizes the President of the Board to execute it on the Board's behalf:

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS**

This First Amendment to Declaration of Covenants and Restrictions (this "Amended Declaration") is made to be effective as of this 29th day of December, 2014 (the "Effective Date"), by and among Kinsale Village LLC, an Ohio limited liability company ("Kinsale Village") and Golf Village North LLC, an Ohio limited liability company ("Golf Village North") and the Board of County Commissioners of Delaware County, Ohio ("Delaware County").

Recitals:

A. The parties hereto executed a Declaration of Covenants and Restrictions (the "Original Declaration") relating to the allocation of sewer taps on June 6, 2013, of record as Book 1251, Page 699, Recorder's Office, Delaware County, Ohio; and

B. The parties wish to amend the Original Declaration to re-allocate the sewer taps between Kinsale Village and the undeveloped Commercial Sites.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, for themselves and their successors and assigns, hereby agree as follows:

§1. **Allocation.** Upon the recording of this declaration, Kinsale Village within Subarea A will thereafter have 125 sewer taps allocated to it in accordance with Exhibit A and the undeveloped Commercial Sites will have 46 (14.55 + 31.46) sewer taps allocated to it in accordance with Exhibit A. The parties hereto acknowledge that the allocation of sewer taps as set forth on Exhibit A may limit any future development of the subject property contained within the Subarea and agree to be bound by the allocation set forth herein. Delaware County has reviewed the allocation on Exhibit A and hereby approves said allocation as set forth on Exhibit A.

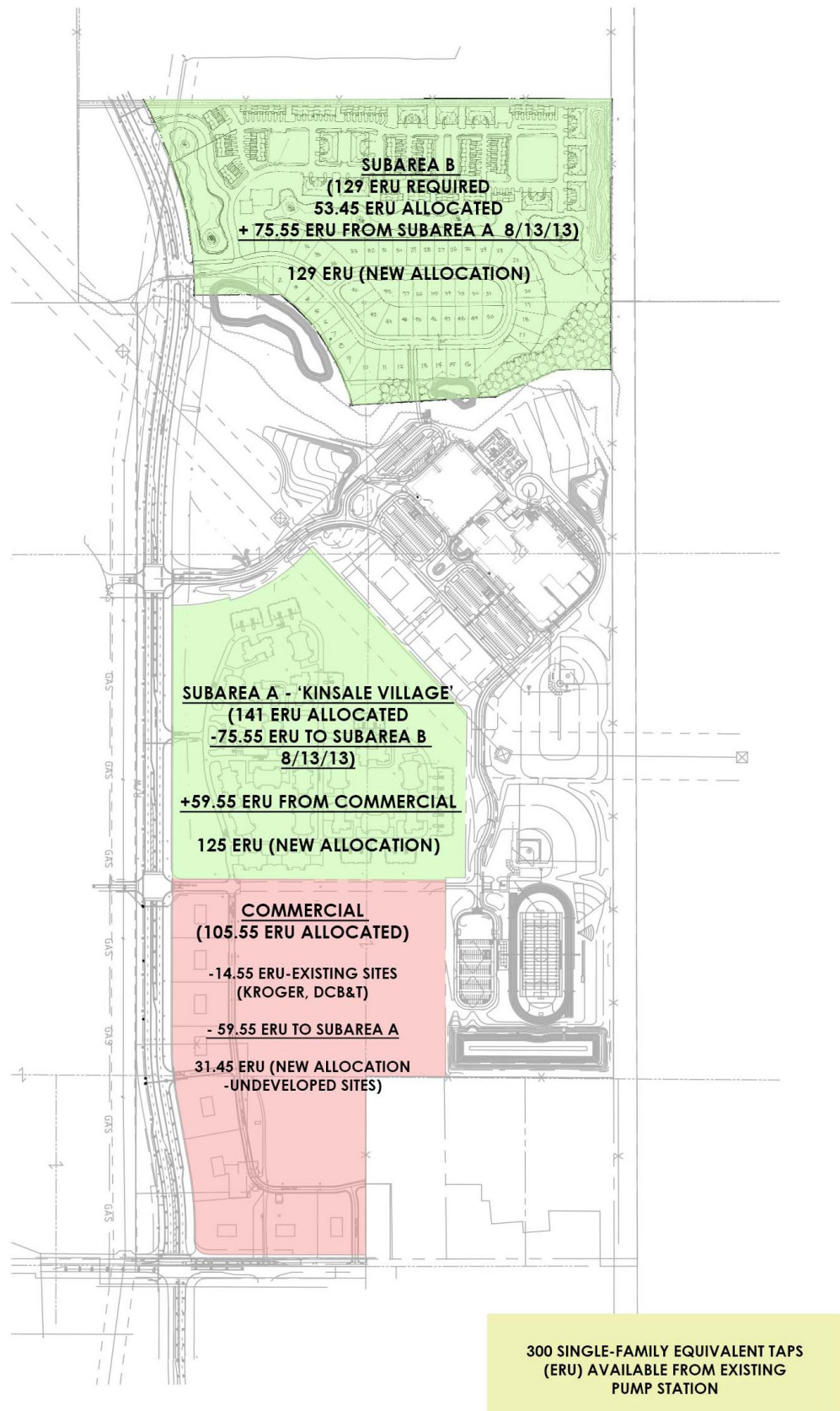
§2. **Perpetual Restrictions.** The easements, covenants, restrictions and obligations set forth in this Declaration shall be perpetual and shall run with the land for the benefit of and as a burden to, and shall be enforceable by and against, each Party and its successors and assigns. This Declaration and restrictions set forth herein shall not be amended, released, extinguished or otherwise modified without the prior written consent of the Parties, or their respective successors or assigns.

§3. **Miscellaneous.** Other than as amended and provided herein, all other terms and conditions of the Original Declaration shall remain in full force and effect, and the Original Declaration is hereby ratified and affirmed, as amended hereby. Capitalized terms not otherwise defined herein, shall have the meanings ascribed to them in the Original Declaration

IN WITNESS WHEREOF, the parties hereto have each caused this Amended Declaration to be executed and acknowledged by its duly authorized representative to be effective as of the Effective Date.

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Section 2. This Resolution shall take effect immediately upon adoption.



SEWER TAP ALLOCATION

EXHIBIT A

GOLF VILLAGE NORTH
 PREPARED FOR VILLAGE COMMUNITIES
 DATE: NOVEMBER 21, 2014

NORTH
 SCALE 1" = 400'

Faris Planning & Design
 LAND PLANNING + LANDSCAPE ARCHITECTURE
 243 N. 5th Street Suite 401 Columbus, OH 43215
 p (614) 487-1964 www.farisplanninganddesign.com

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. O'Brien Nay

RESOLUTION NO. 15-06

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IN THE MATTER OF ACCEPTING THE AWARD OF THE OHIO DEPARTMENT OF PUBLIC SAFETY OFFICE OF CRIMINAL JUSTICE SERVICES FOR DELAWARE COUNTY JUVENILE COURT:

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

WHEREAS, the Delaware County Juvenile Court has applied for and been awarded the Ohio Department of Public Safety grant; and

WHEREAS, the Grant will be used to pay for staffing with in the Juvenile Court and

WHEREAS, the Board of County Commissioners accepts this grant award and designates the Delaware County Juvenile Court Administrator David A. Hejmanowski to execute the agreement;

WHEREAS, the Board desires uninterrupted compliance with the Grant reporting requirements by maintaining Court Administrator Hejmanowski as the designated official;

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

Section 1. The Board hereby accepts the award of the Grant as follows:

Grant # 2014-JG-D01-6951
Source: Ohio Department of Public Safety
Grant Period: 1-1-15 thru 12-31-15

Grant Amount: \$ 38,951.59
Local Match: 38,951.60

Total Project Amount: \$ 77,903.19

Section 2. The Board hereby authorizes Court Administrator Hejmanowski, as the designated official, to execute reports and administrative documents for the Grant.

Section 3. When reports or administrative documents require execution by the designated official, a copy of the report or documents will be on file at Juvenile Court office of fiscal and grants.

Vote on Motion Mrs. Lewis Aye Mr. Merrell Aye Mr. O'Brien Aye

RESOLUTION NO. 15-07

IN THE MATTER OF ACCEPTING THE AWARD OF THE OHIO DEPARTMENT OF YOUTH SERVICES JOINT ACCOUNTABILITY BLOCK GRANT FOR DELAWARE COUNTY JUVENILE COURT:

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

WHEREAS, the Delaware County Juvenile Court has applied for and been awarded the Ohio Department of Youth Services Joint Accountability Block grant; and

WHEREAS, the Grant will be used to pay for staffing with in the Juvenile Court and

WHEREAS, the Board of County Commissioners accepts this grant award and designates the Delaware County Juvenile Court Administrator David A. Hejmanowski to execute the agreement;

WHEREAS, the Board desires uninterrupted compliance with the Grant reporting requirements by maintaining Court Administrator Hejmanowski as the designated official;

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

Section 1. The Board hereby accepts the award of the Grant as follows:

Grant # 2012-JB-015-B089S
Source: Ohio Department of Youth Services
Grant Period: 1-1-15 thru 12-31-15

Grant Amount: \$ 10,000.00
Local Match: 1,000.00

Total Project Amount: \$ 11,000.00

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Section 2. The Board hereby authorizes Court Administrator Hejmanowski, as the designated official, to execute reports and administrative documents for the Grant.

Section 3. When reports or administrative documents require execution by the designated official, a copy of the report or documents will be on file at Juvenile Court office of fiscal and grants.

Vote on Motion Mr. O'Brien Aye Mr. Merrell Aye Mrs. Lewis Aye

RESOLUTION NO. 15-08

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director of Job and Family Services recommends hiring Joy Vanzant as a Fiscal Specialist; effective January 12, 2015.

Therefore Be it Resolved, the Board of Commissioners approve hiring of Joy Vanzant as a Fiscal Specialist; effective January 12, 2015.

The Director of Job and Family Services recommends hiring Heidi Rayburn as an Income Maintenance Worker III; effective January 20, 2015.

Therefore Be it Resolved, the Board of Commissioners approve hiring Heidi Rayburn as an Income Maintenance Worker III; effective January 20, 2015.

Vote on Motion Mr. Merrell Aye Mr. O'Brien Aye Mrs. Lewis Aye

ADMINISTRATOR REPORTS

Tim Hansley
-No reports

COMMISSIONERS' COMMITTEES REPORTS

Commissioner O'Brien
-No reports

Commissioner Lewis
-No reports

Commissioner Merrell
-All the commissioners received an email on December 31, 2014 late in the day concerning the Help Me Grow/FCFC funds. Will make a meeting with those in charge to get more information. Encourages the other commissioners to do the same.

RESOLUTION NO. 15-09

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

It was moved by Mrs. Lewis, seconded by Mr. O'Brien to adjourn into Executive Session at 9:44 AM.

Vote on Motion Mrs. Lewis Aye Mr. O'Brien Aye Mr. Merrell Aye

RESOLUTION NO. 15-10

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. O'Brien, seconded by Mrs. Lewis to adjourn out of Executive Session at 10:05 AM.

Vote on Motion Mr. O'Brien Aye Mr. Merrell Aye Mrs. Lewis Aye

There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

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Barb Lewis

Jennifer Walraven, Clerk to the Commissioners