

COMMISSIONERS JOURNAL NO. 62 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 12, 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

9:45 AM Final Hearing By The Commissioners For The Mooney Ditch #75 Drainage Improvement Petition Project

RESOLUTION NO. 15-283

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 9, 2015:

It was moved by Mrs. Lewis, 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 March 9, 2015; 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 Mrs. Lewis Aye Mr. O'Brien Aye

PUBLIC COMMENT

ELECTED OFFICIAL COMMENT

RESOLUTION NO. 15-284

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0311, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0311:

It was moved by Mr. O'Brien, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0311, memo transfers in batch numbers MTAPR0311 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Verizon	Service Job and Family	22411604-5201	\$1,000.00
Verizon	Service Job and Family	22411605-5315	\$7,000.00

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

RESOLUTION NO. 15-285

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Administrative Services Department is requesting that Mark Strohl and Daniel James attend a Basic Humane Agent Training In London, Ohio June 22-24, 2015; at the cost of \$300.00; from fund 20411305.

Environmental Services requests that Chris Stanich attends The Ohio Building Code Academy in Reynoldsburg, Ohio from April 6-8, 2015 at no cost.

Environmental Services requests that Joseph Amato attends the Ohio Chapter - International Association of Electrical Inspectors Annual State Conference in Cambridge, Ohio from May 4-6, 2015 at a total cost of \$405.00 from fund 10011301.

Environmental Services requests that John Feightner attends the OTCO 2015 Annual Wastewater Laboratory Workshop in Mt. Sterling, Ohio on May 13, 2015 at a cost of \$170.00 from fund 66211901.

The Administrative Services Department is requesting that Christine Shaw and Megan Henry attend an Ohio

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County Archivists and Records Managers Association Spring Meeting April 10, 2015; at the cost of \$44.00 from fund 10011103.

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

RESOLUTION NO. 15-286

IN THE MATTER OF ACCEPTING AND APPROVING THE DELAWARE COUNTY SHERIFF'S OFFICE TRANSPORT REPORT FOR THE MONTH OF FEBRUARY 2015:

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

WHEREAS, section 325.07 of the Revised Code requires the County Sheriff to submit monthly expense reports to the Board of County Commissioners; and

WHEREAS, the Delaware County Sheriff has submitted a monthly report for February 2015;

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

Section 1. The Board hereby accepts and approves the Delaware County Sheriff's Office Transport Report for the month of February 2015.

Section 2. The Board hereby allows the expenses contained in the monthly report.

(Copy available for review at the Commissioners' Office until no longer of administrative value.)

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

RESOLUTION NO. 15-287

SETTING DATE, TIME AND LOCATION FOR CONTINUATION OF THE VIEW FOR THE RIBOV #620 WATERSHED DRAINAGE IMPROVEMENT PETITION FILED BY STEPHEN L. SHEETS AND OTHERS:

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

WHEREAS, pursuant to Chapter 6131 of the Ohio Revised Code, Stephen L. Sheets and Others, filed a petition with the Clerk of the Board of Commissioners on September 17, 2014, in favor of certain improvements to the Ribov #620 Watershed (the "Petition"); and

WHEREAS, on December 15, 2014, the Board of County Commissioners conducted a view of the proposed improvement; and

WHEREAS, owners within the watershed have expressed a desire for the Board of County Commissioners to view additional portions of the proposed improvement that were purportedly not addressed at the view; and WHEREAS, the Board of County Commissioners has scheduled a view of the East Lateral of Main "A" as contained in the amendment to the Petition filed by the Kingston Township Board of Trustees and allowed by the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners desires to view the additional portions of the proposed improvements at the same date and time as the scheduled additional view;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, as fixes **Monday, April 13, 2015, at 1:30PM** at 8907 Todd Street Road, Sunbury, Ohio 43074 as the date, time, and location for the continuation of the view of the Ribov #620 Watershed drainage improvement, which shall be limited to portions of the proposed improvement not viewed at the original view; and

BE IT FURTHER RESOLVED, that the Clerk of the Board shall give notice of said continuation of the view to all affected owners via certified mail and publication in a newspaper of general circulation in Delaware County.

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

RESOLUTION NO. 15-288

IN THE MATTER OF APPROVING AN AMENDMENT TO THE AGREEMENT FOR INMATE HEALTH SERVICES FOR DETAINEES OF THE DELAWARE COUNTY JAIL BETWEEN DELAWARE COUNTY AND CORRECTIONAL HEALTHCARE COMPANIES, INC.:

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

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Whereas, the Sheriff's Office and Staff recommend approval of an amendment to the agreement for Inmate Health Services for detainees of the Delaware County Jail between Delaware County And Correctional Healthcare Companies, Inc.;

Now Therefore Be It Resolved, that the Delaware County Board of Commissioners approve the amendment to the agreement for Inmate Health Services for detainees of the Delaware County Jail between Delaware County And Correctional Healthcare Companies, Inc..

**SECOND AMENDMENT TO THE AGREEMENT FOR INMATE HEALTH CARE SERVICES AT
DELAWARE COUNTY, OHIO
(Effective March 1, 2015)**

This is the Second Amendment to the Agreement for Inmate Health Care Services at Delaware County, Ohio effective March 1, 2012 through February 28, 2015 (hereinafter "AGREEMENT") between Correctional Healthcare Companies, Inc., (hereinafter "CHC") and Delaware County, Ohio (hereinafter the "COUNTY").

WHEREAS, paragraph 9.0 of the AGREEMENT provides that the AGREEMENT may be renewed one additional three year period, which would commence on March 1, 2015 and terminate on February 28, 2018;

WHEREAS, Delaware County has experienced an increase in the number its federal inmates;

WHEREAS, Delaware County and CHC previously amended this contract to include an additional 24 hours of LPN services; and

WHEREAS, the parties desire to so renew the AGREEMENT and to amend it in accordance in herewith.

NOW THEREFORE, IN CONSIDERATION of the foregoing facts, the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree that the AGREEMENT shall be renewed for a term beginning March 1, 2015 and terminating February 28, 2018, and effective March 1, 2015, the AGREEMENT shall be amended as follows:

- I. Paragraph 1.11 of the AGREEMENT shall be deleted in its entirety and the following language shall be inserted in lieu thereof:
 - 1.11 MENTAL HEALTH CARE - NOT COVERED. CHC shall not be responsible for the provision of any mental health services, including, but not limited to, mental health evaluations, mental health referrals, suicide intervention, group therapy, or mental health medication evaluation/prescription. In the event a member of the JAIL POPULATION requires mental health services, the COUNTY shall bear the cost of any and all such mental health services. Notwithstanding the foregoing, before July ¹¹ of each calendar year of this AGREEMENT, the County and CHC may mutually agree to the provision of mental healthcare services by a Master's Level Social Worker assigned by CHC for up to 12 hours per week at an additional rate of \$1,575.00 per month, which amount will be subject to the annual percentage increase provided for in Article VIII. This service will terminate automatically July 1 each year unless renewed upon mutual consent of the COUNTY and CHC, but in no event shall services performed hereunder be extended beyond the expiration of this AGREEMENT on February 28, 2018. If mental health services are provided for more or less than 12 hours per week or provided by a health care professional other than a Master's Level Social Worker, the rate is subject to change and must be mutually agreed upon by the COUNTY and CHC.
2. Paragraph 2.01 shall be amended to add an additional 12 hours of LPN services and re-allocate 12 hours of LSW services to 12 hours of LPN services. This will result in a total 236 hours of Licensed Practical Nurse services being provided by CHC to the COUNTY.
3. Paragraph 2.02 shall be deleted in its entirety and the language "Intentionally Omitted." shall be inserted in lieu thereof.
4. Paragraph 8.0 shall be deleted in its entirety and the following language shall be inserted in lieu thereof:
 - 8.0 ANNUAL AMOUNT/MONTHLY PAYMENTS. The base annual amount to be paid by the COUNTY to CHC under this AGREEMENT is Five Hundred Seventy-One Thousand Four Hundred Six Dollars and ninety-three cents (\$571,406.93) for the period beginning March 1, 2015 and ending February 29, 2016. Each monthly payment shall be at Forty-Seven Thousand Seven Hundred Seventeen Dollars and twenty-four cents (\$47,617.24), pro-rated for any partial months and subject to any reconciliations as set forth below. The first monthly amount is to be paid to CHC on the day of March, 2015 for services administered in the month of March, 2015. Each monthly payment thereafter is to be paid by the COUNTY to CHC before or on the 1st day of the month of the month of service.

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8.0.1 YEAR 2. Effective March 1, 2016 until February 28, 2017, the base annual amount to be paid by the COUNTY TO CHC shall be the base annual amount under paragraph 8.0 above plus an increase of three percent (3%), payable in the same manner as provided in paragraph 8.0 above.

8.0.1 YEAR 3. Effective March 1, 2017 until February 28, 2018, the base annual amount to be paid by the COUNTY TO CHC shall be the base annual amount payable in YEAR 2 under paragraph 8.0.1 above plus an increase of three percent (3%), payable in the same manner as provided in paragraph 8.0 above.

Except for the provisions amended by this document, all other provisions of the AGREEMENT shall remain in full force and effect and unchanged.

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

RESOLUTION NO. 15-289

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLAN FOR MEADOWS AT LEWIS CENTER SECTION 2:

It was moved by Mr. O'Brien, seconded by Mrs. Lewis to approve the following sanitary sewer construction plans for Meadows at Lewis Center Section 2 for submittal to the Ohio EPA for their approval.

Whereas, the Director of Environmental Services recommends sanitary sewer plans for Meadows at Lewis Center Section 2 for submittal to the Ohio EPA for their approval.

Therefore be it resolved, that the Board of Commissioners approves sanitary sewer plans for Meadows at Lewis Center Section 2 for submittal to the Ohio EPA for their approval.

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

RESOLUTION NO. 15-290

IN THE MATTER OF APPROVING THE SANITARY SEWER IMPROVEMENT PLAN FOR BROOKVIEW MANOR SECTION 1:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following sanitary sewer construction plans for Brookview Manor Section 1 for submittal to the Ohio EPA for their approval.

Whereas, the Director of Environmental Services recommends sanitary sewer plans Brookview Manor Section 1 for submittal to the Ohio EPA for their approval.

Therefore be it resolved, that the Board of Commissioners approves sanitary sewer plans for Brookview Manor Section 1 for submittal to the Ohio EPA for their approval.

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

RESOLUTION NO. 15-291

IN THE MATTER OF APPROVING AMENDMENT NO. 1 TO THE CONTRACT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND MAYS CONSULTING & EVALUATION SERVICES, INC. FOR PROFESSIONAL DESIGN SERVICES:

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

Whereas, the Board of Commissioners entered into a contract with Mays Consulting & Evaluation Services, Inc. on July 23, 2012 for Professional Design Services; and

Whereas, due to workload and staffing availability, additional services are needed that will necessitate an increase to the original not to exceed cost of the contract; and

Whereas, the Director of Environmental Services recommends approval of Amendment No. 1.

Now Therefore Be It Resolved that that Delaware County Board of Commissioners approve Amendment No. 1 to Professional Design Services Agreement.

AMENDMENT NO. 1 TO PROFESSIONAL DESIGN SERVICES AGREEMENT

This Amendment No. 1 to the Original Agreement dated July 23, 2012, is made and entered into this 12th day of March, 2015, by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 101 North Sandusky Street, Delaware, Ohio 43015 ("County"), and Mays Consulting & Evaluation Services, Inc., P.O. Box

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1020 Delaware, Ohio 43015 (“Contractor”) (hereinafter collectively referred to as the “Parties”).

ARTICLE 1 – AMENDMENT

In accordance with Section 11.2 of the Original Agreement, the Parties mutually agree to amend the Original Agreement by replacing existing **Section 4 – Compensation and Section 5 – Payment** with the following:

Section 4 – Compensation

See Exhibit A for payment and Exhibit B for an increase to the Construction Phase services set forth in Exhibit A.

Section 5 – Payment

Total payments pursuant to this Agreement shall not exceed \$170,000.00.

The Contractor shall invoice the County monthly for services rendered through the previous month, and the County agrees to pay within thirty (30) days of receipt of a valid invoice. A valid invoice shall consist of a fully itemized account of the services performed. Invoices shall indicate the permit number, project address, the dates of service, the type(s) of inspection performed, the mileage (if applicable), and the time spent on each inspection. The Contractor shall provide any additional supporting documentation upon the County’s request. The County reserves the right to contest any portion of any submitted invoice that does not conform to the terms of this Agreement or appears to be fraudulent.

ARTICLE 2 – REMAINING PROVISIONS

All other terms and conditions of the Original Agreement not specifically amended herein shall remain in full force and effect.

FURTHERMORE, Be It Resolved that the Board of County Commissioners approve an increase to purchase order P1501334 with Mays Consulting & Evaluation Services, Inc. in the amount of \$35,000.00 (Exhibit “B”).

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

RESOLUTION NO. 15-292

IN THE MATTER OF AWARDING THE BID FOR NEW UV EQUIPMENT FOR THE OECC:

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

WHEREAS, sealed bids for the New UV Equipment for the OECC were received by the County of Delaware, Ohio at the Office of the Board of County Commissioners at 2:00 o’clock PM local time on February 9, 2015; and

WHEREAS, two (2) bids were received as part of the public bidding process; and

WHEREAS, the lowest bid received was from Trojan Technologies for \$162,990.00; and

WHEREAS, the bid received was evaluated against the bidding requirements and was determined to be the lowest and best bid.

THEREFORE BE IT RESOLVED that the New UV Equipment for the OECC be awarded to Trojan Technologies. The Sanitary Engineer shall prepare the necessary NOTICE OF AWARD and CONTRACT documents and submit them to the contractor for execution.

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

RESOLUTION NO. 15-293

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATIONS FOR ENVIRONMENTAL SERVICES:

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

Advance of Funds:

From	To	
66611906-5450	66611906-5301	\$20,000.00
Machinery & Equipment	Professional Services	

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

RESOLUTION NO. 15-294

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IN THE MATTER OF ACCEPTING THE AWARD OF GRANT FUNDS FROM THE OHIO PET FUND FOR THE DELAWARE COUNTY DOG SHELTER:

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

WHEREAS, the Delaware County Dog Shelter has been awarded grant funds from the Ohio Pet Fund (the "Grant"); and

WHEREAS, the Grant offers a sterilization program for individuals that adopt a dog from the Delaware County Dog Shelter; and

WHEREAS, a local match is not required for the Grant; and

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:

Source:	Ohio Pet Fund
Grant Period:	2015 Award
Total Grant Amount:	\$2,000.00

Section 2. The Board hereby authorizes Commissioner Merrell, 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 shall be provided to the Clerk of the Board, along with a copy of this Resolution.

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

RESOLUTION NO. 15-295

IN THE MATTER OF ACCEPTING THE AWARD OF GRANT FUNDS FROM THE COLUMBUS FOUNDATION FOR THE DELAWARE COUNTY DOG SHELTER:

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

WHEREAS, the Delaware County Dog Shelter has been awarded grant funds from The Columbus Foundation (the "Grant"); and

WHEREAS, the Grant offers support for the medical treatment of dogs at the Delaware County Dog Shelter; and

WHEREAS, a local match is not required for the Grant; and

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:

Source:	The Columbus Foundation
Grant Period:	2015 Award
Total Grant Amount:	\$24,870.00

Section 2. The Board hereby authorizes Commissioner Merrell, 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 shall be provided to the Clerk of the Board, along with a copy of this Resolution.

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

RESOLUTION NO. 15-296

IN THE MATTER OF APPROVING PERSONNEL ACTIONS:

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

The Director Emergency Medical Services recommends hiring Mary Reames as a part-time

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intermittent Staff Assistant with the EMS Department; effective March 16, 2015;

Therefore Be It Resolved that the Board of Commissioners approve hiring Mary Reames as a part-time intermittent Staff Assistant with the EMS Department; effective March 16, 2015.

The Director of Environmental Services recommends hiring Chris Bean as a part-time intermittent Building Inspector (residential and commercial) with the Code Compliance Department; effective date March 17, 2015;

Therefore Be It Resolved, the Board of Commissioners approve hiring Chris Bean as a part-time intermittent Building Inspector (residential and commercial) with the Code Compliance Department; effective date March 17, 2015.

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

ADMINISTRATOR REPORTS

Tim Hansley

-No reports

COMMISSIONERS' COMMITTEES REPORTS

Commissioner O'Brien

-Attended the Powell Chamber luncheon yesterday. Nice event

Commissioner Lewis

-Also attended the Powell Chamber. Seconded the comments made by Commissioner O'Brien. They are an enthusiastic group.

Commissioner Merrell

-Attended the Health District meeting on Tuesday.

Other Business:

1. Jenna Jackson, Economic Development Coordinator updated the Board on the upcoming deadline of the Community Reinvestment Area (CRA) appointments.
-Commissioner O'Brien asked, *if there was not a conflict*, for unanimous consent of the Board to consider appointing a county employee who would serve on county time.
-The Board did not object to an employee appointment after Assistant Prosecutor stated there was no conflict with an employee as the appointment and the county time issue would be up to the board.
2. Director of Administrative Services, Dawn Huston, updated the Board on the selection process of the search firm to assist in the job description/selection of applicants for the new Economic Development Director. A decision should be ready to come before the Board next week.
3. The Board received a request from CCAO and unanimously agreed to send a letter of support to CCAO for an Indigent Defense Reimbursement rate change increase.

RESOLUTION NO. 15-297

9:45AM FINAL HEARING FOR THE MOONEY DITCH #75 DRAINAGE IMPROVEMENT MAINTENANCE PETITION PROJECT:

It was moved by Mr. O'Brien, seconded by Mrs. Lewis to open the hearing at 9:51 AM.

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

RESOLUTION NO. 15-297-A

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mrs. Lewis, seconded by Mr. O'Brien to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment Before The Board Of County Commissioners Of Delaware County, Ohio

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

RESOLUTION NO. 15-298

IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE MOONEY DITCH #75 DRAINAGE IMPROVEMENT MAINTENANCE PETITION PROJECT:

It was moved by Mrs. Lewis, seconded by Mr. O'Brien to close the Hearing at 10:14 AM.

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

RESOLUTION NO. 15-299 WAS NOT UTILIZED

RESOLUTION NO. 15-300

IN THE MATTER OF COMMISSIONERS ACCEPTING EXHIBIT “A” AS EVIDENCE FOR GRANTING THE PETITION FOR THE MOONEY DITCH #75 DRAINAGE PETITION PROJECT:

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

Whereas, on October 30, 2013, a Drainage Improvement Petition for The Mooney Ditch #75 Drainage Improvement Project was filed with the Board of Commissioners of Delaware County (the “Board”); and

Whereas, on April 7, 2014, the Board of Commissioners of Delaware County held a public hearing and determined the action necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the improvement/maintenance of the Mooney Ditch #75 Drainage Improvement Petition Project; and

Whereas, the Board on **March 12, 2015 at 9:45AM**, set a final public hearing for the Mooney Ditch #75 Drainage Improvement Petition Project to consider finding affirming order and confirming the assessments; and

Whereas, before the close of the hearing a landowner submitted Exhibit(s) “A” as evidence for granting the petition;

Therefore, Be It Resolved, by the Board of Commissioners of Delaware County, Ohio accepts for review and consideration Exhibit(s) “A” as evidence for granting the petition.

(Exhibit “A” {A Letter of Support dated March 7, 2015, from Diane Nutter, General Manager Nutter Farm, Inc.} is available in the Commissioners’ Office file for The Mooney Ditch #75 Drainage Improvement Petition Project).

Vote on Motion Mr. Merrell Aye Mrs. Lewis Aye Mr. Merrell Aye

RESOLUTION NO. 15-301

IN THE MATTER OF COMMISSIONERS AFFIRMING THE ORDER AND CONFIRMING THE ASSESSMENTS FOR THE MOONEY DITCH #75 DRAINAGE IMPROVEMENT MAINTENANCE PETITION PROJECT:

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

Whereas, on October 30, 2013, a Drainage Improvement Maintenance Petition For The Mooney Ditch #75 Project was filed with the Board of Commissioners of Delaware County (the “Board”); and

Whereas, the Board on April 7, 2014 with Resolution 14-395 found in favor of the improvement and directed The Delaware County Engineer To Proceed With Preparation Of Plans, Reports, And Schedules For The Mooney Ditch #75 Drainage Improvement Maintenance Petition Project, and

Whereas, the Board on March 12, 2015, held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred For The Mooney Ditch #75 Drainage Improvement Maintenance Petition Project; and

Whereas, after hearing testimony from property owners; considering the schedules, plans, and reports filed by the County Engineer; and-considering the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, the Board is prepared to issue its findings on the proposed improvements.

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Delaware County, Ohio as follows:

The Board hereby finds that the proposed improvement (maintenance assessment) is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the cost of the proposed improvement (maintenance assessment) will be less than the benefits. Accordingly, the Board hereby affirms its order granting the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer, and

This Board finds and determines that all formal actions taken by this Board concerning and relating to the

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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.

FURTHER BE IT RESOLVED, The maintenance fund shall be maintained, as needed, by an assessment levied not more often than once annually upon the benefited owners, as defined in section 6131.01 of the Revised Code, apportioned on the basis of the estimated benefits for construction of the improvement. An assessment shall represent such a percentage of the estimated benefits as is estimated by the engineer and found adequate by the board or joint board to effect the purpose of section 6137.02 of the Revised Code, except that at no time shall a maintenance fund have an unencumbered balance greater than twenty per cent (20%) of all construction costs of the improvement. The minimum assessment shall be two dollars. Any cost incurred from the petition project process will be paid from the annual Drainage Improvement maintenance assessments

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

RESOLUTION NO. 15-302

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT; 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 10:17AM.

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

RESOLUTION NO. 15-303

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 11:35AM.

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

There being no further business, the meeting adjourned.

Gary Merrell

Ken O'Brien

Barb Lewis