

COMMISSIONERS JOURNAL NO. 67 - DELAWARE COUNTY  
 MINUTES FROM REGULAR MEETING HELD SEPTEMBER 14, 2017

THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY MET IN REGULAR SESSION ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT:

Present:  
 Jeff Benton, President  
 Gary Merrell, Vice President  
 Barb Lewis, Commissioner

9:45 AM Public Hearing Under Chapter 349 Of The Ohio Revised Code On The Application To Add Certain Parcels Of Real Property To The Concord/Scioto Community Authority District And To Amend The Petition For Establishment Of The Concord/Scioto Community Authority As A New Community Authority

**1**  
 RESOLUTION NO. 17-941

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 11, 2017:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on September 11, 2017; 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. Benton Aye

**2**  
 PUBLIC COMMENT

**3**  
 ELECTED OFFICIAL COMMENT

**4**  
 RESOLUTION NO. 17-942

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0913:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0913 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
P1701471 Fishel Hass Kim and Albrecht	Legal Services for Worker Compensation	61311923-5361	\$10,000.00
P1701774 Xylem	Water Reclamation Dept.	66211904-5201	\$ 9,000.00
P1701820 PNC Bank (line 1)	EMS procurement card supplies	10011303-5200	\$ 4,000.00
P1701820 PNC Bank (line 2)	EMS procurement card services	10011303-5300	\$ 4,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R1704859	CHILDRENS HOSPITAL MEDICAL CENTER	RESIDENTIAL CENTER 9/19/17-12/31/17Contract approved09/07/17	22511607-5342	\$45,240.00

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

**5**  
 RESOLUTION NO. 17-943

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Department of Job and Family Services is requesting that Steve Sikora attend The Delaware Area Chamber of Commerce, Microsoft Office Productivity Training on November 6th, November 13th, and November 20<sup>th</sup> 2017 at 35 South Sandusky St, Delaware, OH 43015 at the cost of \$100.00.

The Commissioners’ Office is requesting that Dawn Huston, and Mike Frommer attend an Annual State of the School in Delaware, Ohio on September 28, 2018 at the cost of \$30.00 (fund number 10011101).

The Emergency Medical Services Department is requesting that Captain Jen Cochran and Lieutenant Dan Jividen attend a Crisis Intervention Team training in Delaware, Ohio from October 23-26, 2017 at no cost.

The Administrative Services Department is requesting that Jon Landrum, Brad Euans, Mindy Owens, Dawn Huston, and Dana Bushong attend the OHPELRA’s 2017 Fall Program: Essential Lessons for HR in Columbus, Ohio October 13, 2017, at the cost of \$875.00 (fund number 10011108)

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

**6  
RESOLUTION NO. 17-944**

**IN THE MATTER OF SETTING DATE AND TIME FOR FILING APPLICATIONS FOR DESIGNATION OF PUBLIC DEPOSITORY OF ACTIVE PUBLIC MONEYS FOR DELAWARE COUNTY FOR A FOUR (4) YEAR PERIOD COMMENCING DECEMBER 1, 2017 PURSUANT TO SECTION 135.33 OF THE OHIO REVISED CODE:**

It was move by Mrs. Lewis, seconded by Mr. Merrell to set **Friday October 20, 2017, at 4:00 p.m.** as the deadline for filing applications for active depository designation of Delaware County Active Public Moneys for a four (4) year period commencing December 1, 2017. Applications shall be filed at the Commissioners’ Office, 101 North Sandusky Street, Delaware, Ohio, beginning Monday, October 2, 2017.

The County Treasurer has estimated that the aggregate amount of public moneys that might be available for deposit as active moneys at any one time during the next four-year period is \$150,000.000.

Further, the Board of Commissioners, upon recommendation of the Treasurer, shall designate, by resolution, said depositories during their regularly scheduled session on **Monday October 30, 2017.**

The Clerk shall give notice of this action to all eligible institutions as provided by the Treasurer and shall publish notice.

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

**7  
SEAN MILLER, DELAWARE COUNTY EMERGENCY MANAGEMENT  
AMERICAN RED CROSS  
PRESENTATION/DISCUSSION  
COMMISSIONERS’ AUTHORITIES IN DISASTERS/RED CROSS CAPABILITIES**

**8  
RESOLUTION NO. 17-945**

**IN THE MATTER OF PROCLAIMING THE MONTH OF SEPTEMBER 2017 BE DESIGNATED AS NATIONAL PREPAREDNESS MONTH IN DELAWARE COUNTY:**

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

**PROCLAMATION**

WHEREAS, National Preparedness Month is a nationwide coordinated effort sponsored by the U.S. Department of Homeland Security each September to encourage Americans to prepare for emergencies in their homes, businesses, and schools; and

WHEREAS, this event aims to increase public awareness concerning the importance of preparing for emergencies and to persuade individuals to take action; and

WHEREAS, during the month of September, the Delaware County Office of Homeland Security and Emergency Management (EMA) will urge residents to plan for, and take appropriate measures to make themselves and their families better prepared for emergencies; and

WHEREAS, being prepared includes having food, water and necessary medicines in your home to allow you and your family to survive for at least three days in the event of an emergency, addressing and planning for

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emergencies such as ice storms, dam inundation or hazardous material incidents that may cause residents to evacuate or shelter-in-place; and

WHEREAS, familiarizing themselves and their families with the best way to receive communications in an emergency, mitigate situations around their homes, and general preparedness; and

WHEREAS, the Delaware County Emergency Management promotes emergency preparedness year round by working with partner agencies, maintaining Delaware County’s “Storm Ready” certification from the National Weather Service; using traditional and social media to reach out to the community; and

WHEREAS, the Board of County Commissioners would like to officially recognize the Delaware County Office of Homeland Security and Emergency Management (EMA) and its community partners in law enforcement, fire service, EMS and the many other volunteer and civic organizations that routinely offer their services to our community;

NOW THEREFORE, be it proclaimed by the Board of County Commissioners of Delaware County, Ohio, that the month of September 2017 be designated as

**NATIONAL PREPAREDNESS MONTH**

in Delaware County .

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

**9  
RESOLUTION NO. 17-946**

**IN THE MATTER OF DECLARING THE NECESSITY TO IMPROVE THE INTERSECTION OF SMOTHERS AND RED BANK ROADS AND APPROVING A COOPERATIVE PROJECT AGREEMENT WITH FRANKLIN COUNTY:**

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

WHEREAS, section 5555.022 of the Revised Codes provides that a board of county commissioners may, by resolution adopted by a majority vote and acting without regard to or the necessity for a petition, find that the public convenience and welfare require the improvement of any public road or roads, or parts of any public road or roads, including an improvement along the county line between a county and one or more other counties in this state which may be undertaken without regard to and without the need for a joint board of county commissioners pursuant to an agreement between the counties;

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

Section 1: The Board finds that improvements to the intersection of Smothers Road (Delaware County Road 3/ Franklin County Road 20), including construction of a modern roundabout or traffic signal with turn lanes, are necessary for the public convenience and welfare;

Section 2: All costs to be paid by Delaware County for the improvements shall be paid from the Road and Bridge Projects Fund (10040421), and no special assessments shall be levied to pay for the improvements; and

Section 3: The Board hereby approves the following agreement:

**COOPERATIVE PROJECT AGREEMENT  
BETWEEN  
FRANKLIN COUNTY  
AND  
DELAWARE COUNTY  
FOR IMPROVEMENTS TO SMOTHERS ROAD  
AT THE INTERSECTION OF RED BANK AND SCHOTT ROAD  
CRS FRA-CR 20 -3.800 PID # 99415**

This Agreement made by and between the Board of Commissioners of Franklin County and the Franklin County Engineer (collectively “Franklin County”) and the Board of Commissioners of Delaware County and the Delaware County Engineer (collectively “Delaware County”), hereinafter known as the Parties to the Agreement;

WHEREAS, Franklin County Engineer and Delaware County Engineer have determined the need to make safety and traffic flow improvements to the intersection of Smothers Road (Delaware County Road 3/ Franklin County Road 20) and Red Bank/Schott Road; and,

WHEREAS, the Franklin County Engineer has received funding through the ODOT Safety Program for a portion of the cost of such improvements; and,

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WHEREAS, the Parties desire to cooperate for the purpose of undertaking a Project to improve said intersection;

**WITNESSETH:**

In consideration of the mutual benefits accruing to both Parties, each Party hereby agrees as follows:

**1 SCOPE OF PROJECT**

- 1.1 The Project shall consist of constructing a modern roundabout or traffic signal with turn lanes at the intersection of Smothers Road (Delaware County Road 3/ Franklin County Road 20) and Red Bank/Schott Road for the purposes of improving traffic flow, mobility and safety at the intersection, together with any incidental work relating to the same as determined necessary and by the mutual agreement of the County Engineers of **Franklin County** and **Delaware County**.

**2 INITIATION OF PROJECT**

- 2.1 The Parties shall each enact necessary legislation to declare the Project necessary either as part of the resolution approving this Agreement or by separate action.

**3 AUTHORITY OF COUNTY ENGINEER**

- 3.1 The Boards of Commissioners of **Franklin County** and **Delaware County** hereby authorize the County Engineers of **Franklin County** and **Delaware County**, respectively, to administer and carry out the provisions of this contract on its behalf and to take such necessary actions to complete the Project as contemplated by this Agreement. Such authority shall not include approval of agreements or obligations upon the county that would otherwise require Board approval, except where specifically enumerated within this Agreement.

**4 PROJECT COSTS**

- 4.1 Each Party shall pay for half of the Local Share of the Project.
- 4.2 For the purposes of this Agreement, the "Local Share" shall be defined as the total cost of the Project, including all engineering, environmental, utility, right of way, construction, inspection and testing expenses determined to be necessary for completion of the project by both Parties, less any costs paid for by grant(s) through state or federal agencies exclusively for the Project, and excluding any salaries, benefits and direct costs related to the performance of work by regular employees of the Parties on the Project.

**5 PRELIMINARY ENGINEERING**

- 5.1 **Franklin County** shall select a consulting engineering firm(s) to provide preliminary engineering services including design and environmental services for the Project through a qualifications based selection process conforming to Ohio Department of Transportation (ODOT) requirements, and shall negotiate a fair and reasonable fee for performance of said services, and shall provide Delaware County a reasonable opportunity to review the fee prior to entering into contract with said firm(s).
- 5.2 **Franklin County** shall administer the preliminary engineering phase of the project including coordination with ODOT, **Delaware County** and any necessary public agencies.
- 5.3 **Franklin County** shall provide copies of design submittals, including all plans, specifications and estimates to **Delaware County** for review, and **Delaware County** will promptly review said submittals within 30 days or other reasonable timeframe as agreed by the Parties.
- 5.4 The Parties shall cooperate to hold meetings as required for the Project.

**6 RIGHT OF WAY ACQUISITION**

- 6.1 **Franklin County** shall act as the lead local agency in the Right of Way Acquisition Phase and shall enter into necessary agreements with ODOT acting as the Local Public Agency or other public agencies pertaining to acquisition of necessary rights of way for the Project. **Delaware County** consents to Franklin County entering into such agreement(s).
- 6.2 **Franklin County** shall acquire the necessary rights of way for the Project, including performing all title research, appraisals, negotiation, closing and recording for all parcels involved in the Project. If Franklin County is unable to acquire the necessary rights of way through good faith negotiation, the parties shall proceed as follows:

- 6.2.1 **Franklin County** shall file for appropriation of all parcels located within Franklin County, shall deposit the estimated compensation due the property owner, litigate the case and make any additional payments as are required by settlements or judgments.

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- 6.2.2 **Delaware County** shall file for appropriation of all parcels located within Delaware County, shall deposit the estimated compensation due the property owner, litigate the case and make any additional payments as are required by settlements or judgments.
- 6.3 **Delaware County**, when requested by **Franklin County**, shall attend meetings or assist in the acquisition of right of way as required to complete the project.
- 6.4 If employing the assistance of an acquisition agent or firm, **Franklin County** shall negotiate a fair and reasonable fee for performance of said services, and shall provide **Delaware County** a reasonable opportunity to review the fee prior to entering into contract with said firm(s).
- 6.5 Upon completion of acquisition, **Franklin County** shall certify to **Delaware County** and to ODOT and any other agency as necessary, that the acquisition of all necessary rights of way is completed and shall transmit copies of executed instruments of conveyance to the same.
- 6.6 With respect to interest being obtained in the right of way for the Project, **Franklin County** shall make proper notation on the right of way plans and shall prepare instruments of conveyance to acquire all necessary rights of way for the Project as follows:
- 6.6.1 All permanent right of way, including easement or fee simple interest in properties situated within **Franklin County**, shall be acquired in the name and for the use of the "Franklin County Commissioners"; and,
- 6.6.2 All permanent right of way, including easement or fee simple interest in properties situated within **Delaware County**, shall be acquired in the name and for the use of the "Delaware County Board of Commissioners"; and,
- 6.6.3 All temporary easements or work agreements, regardless of location, shall be acquired in the name and for the use of the "**Franklin County** Commissioners".

## 7 UTILITIES

- 7.1 **Franklin County** shall order and coordinate the relocation of utilities on the project.
- 7.2 For any reimbursable utility relocations, **Franklin County** shall provide an estimate of the cost of such relocations to Delaware County for review prior to authorizing the work.
- 7.3 **Franklin County** shall certify to ODOT or other public agency as necessary that right of way acquisition is complete and that utility relocation is completed or will be completed to proceed to receive necessary ODOT or federal authorization(s) to bid the construction contract for the Project.

## 8 CONSTRUCTION

- 8.1 **Franklin County** shall act as the lead Local Public Agency and administer the construction phase of the Project including approving necessary agreements with ODOT, bidding and awarding the construction contract and managing the construction contract, including providing for the necessary inspection and testing of work.
- 8.2 **Franklin County** shall not proceed with any contract modifications or ordering work in excess of ten (10) percent of the contract amount without written consent of **Delaware County**, ODOT or any applicable agency that provides funding for the project.

## 9 COST ACCOUNTING AND PAYMENT

- 9.1 The Parties agree to each keep a detailed record of all eligible expenses relating to this Project and to transmit copies of the same to the other Party for its review when an invoice is submitted or otherwise when so requested.
- 9.2 At the completion of the Preliminary Engineering phase, **Franklin County** may, at its option, invoice **Delaware County** for its share of expenses incurred in the Preliminary Engineering phase and **Delaware County** shall pay the invoice within 30 days.
- 9.3 **Delaware County** shall deposit with **Franklin County** the estimated **Delaware County** portion of the local share of the Right of Way Acquisition and Construction phases within 30 days of being requested. **Franklin County** will request additional funds if the local share is higher than the deposit and/or shall refund any remaining funds, or at Delaware County's option may credit any remaining balance to other phase(s) at the completion of the current work phase.

## 10 OPERATION AND MAINTENANCE OF THE PROJECT

- 10.1 During the construction of the Project and until final acceptance by the Parties, **Franklin County** will

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operate and maintain the improvements.

10.2 Upon completion of the Project and acceptance by the county engineers of **Franklin** and **Delaware** Counties, the Parties agree to operate and maintain the completed improvements as follows:

10.2.1 **Delaware County** shall maintain the highway lighting and related appurtenances, including supply of electrical power, pavement, curbs and shoulders within the circulatory roadway and within the extent of the splitter islands.

10.2.2 **Franklin County** shall maintain the traffic signs, pavement markings, landscaping and snow and ice control, except that when pavement markings are replaced as part of a joint resurfacing project, the cost of pavement markings shall be split in the same manner as the costs of the joint project.

10.2.3 For all other portions of the improvements, the Parties shall maintain such improvements in the same manner as present.

**11 GENERAL PROVISIONS**

11.1 **Entire Agreement:** This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.

11.2 **Financial Audits:** The agency managing the respective phase of work of the Project shall be responsible for conducting and coordinating any federal or state audits of funds provided in those phases.

11.3 **Governing Law:** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.

11.4 **Headings:** The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.

11.5 **Waivers:** No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.

11.6 **Severability:** If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.

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

**10**

**RESOLUTION NO. 17-947**

**IN THE MATTER OF SELLING PERSONAL PROPERTY TO KINGSTON TOWNSHIP AND PORTER TOWNSHIP, DELAWARE COUNTY, OHIO:**

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

WHEREAS, Delaware County currently owns certain personal property, specifically a 2005 Chevrolet 1500 Silverado (Asset Tag #5652; VIN 1GCEK14VX5Z193823) and a 2003 Ford F-150 (Asset Tag #5373; VIN 1FTRF17253NB67416), that are no longer needed for use by Delaware County; and

WHEREAS, pursuant to section 307.12(D) of the Revised Code, the Board of County Commissioners (the "Board") may sell or donate county personal property to any political subdivision of the state without advertisement or public notification, regardless of the property's value; and

WHEREAS, Kingston Township has expressed a need for and can utilize the 2005 Chevrolet 1500 Silverado, and Porter Township has expressed a need for and can utilize the 2003 Ford F-150; and

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WHEREAS, both motor vehicles had previously been approved for sale via internet action, pursuant to Resolution No. 17-800;

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

Section 1. The Board hereby approves the sale of the 2005 Chevrolet 1500 Silverado to Kingston Township, Delaware County, Ohio, for the total sum of Five Hundred Dollars and Zero Cents (\$500.00) and on the condition that the motor vehicle is being accepted "as is."

Section 2. The Board hereby approves the sale of the 2003 Ford F-150 to Porter Township, Delaware County, Ohio, for the total sum of Five Hundred Dollars and Zero Cents (\$500.00) and on the condition that the motor vehicle is being accepted "as is."

Section 3. Both motor vehicles approved for sale in Sections 1 and 2 of this Resolution shall be withdrawn from sale via internet auction as approved in Resolution No. 17-800.

Section 4. The Clerk of the Board shall provide a certified copy of this Resolution to the Fiscal Officers of Kingston Township and Porter Township, Delaware County, Ohio.

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

**11**  
**RESOLUTION NO. 17-948**

**IN THE MATTER OF AUTHORIZING THE USE OF DELAWARE COUNTY SAFETY GRANT FUNDS TO PURCHASE SAFETY EQUIPMENT VIA A REQUEST BY THE DIRECTOR OF SAFETY AND SECURITY:**

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

Whereas, the Board of Commissioners of Delaware County, by Resolution No. 13-581 dated June 3, 2013, adopted a policy for the use of County Workers' Compensation Self Insurance funds to allow departments to apply for internal safety grants; and

Whereas, the Safety and Security Director has applied for, and the Safety Grant Review Committee has recommended approval of, Grant Funds, not to exceed Thirty-Five Thousand Dollars, to purchase fall protection, confined space, lockout/tagout, electrical safety, and hearing protection equipment;

Now, Therefore, Be It Resolved, the Board of Commissioners hereby approves Safety Grant Funds, not to exceed Thirty-Five Thousand Dollars, to purchase safety equipment and increase the 5201 object code in the Workers Comp org key 61311923 by \$35,000 for the execution of the grant.

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

**12**  
**RESOLUTION NO. 17-949**

**9:45AM PUBLIC HEARING FOR CONSIDERATION OF THE APPLICATION TO ADD CERTAIN PARCELS OF REAL PROPERTY TO THE CONCORD/SCIOTO COMMUNITY AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE CONCORD/SCIOTO COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to open the hearing at 9:59 AM.

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

**12 continued**  
**RESOLUTION NO. 17-950**

**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 Mr. Merrell, seconded by Mrs. Lewis 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            Mr. Benton            Aye            Mr. Merrell            Aye            Mrs. Lewis            Aye



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**12 continued**

**RESOLUTION NO. 17-951**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE APPLICATION TO ADD CERTAIN PARCELS OF REAL PROPERTY TO THE CONCORD/SCIOTO COMMUNITY AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE CONCORD/SCIOTO COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to close the hearing at 10:02 AM.

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

**13**

**RESOLUTION NO. 17-952**

**RESOLUTION APPROVING THE APPLICATION TO ADD CERTAIN PARCELS OF REAL PROPERTY TO THE CONCORD/SCIOTO COMMUNITY AUTHORITY DISTRICT AND TO AMEND THE PETITION FOR ESTABLISHMENT OF THE CONCORD/SCIOTO COMMUNITY AUTHORITY AS A NEW COMMUNITY AUTHORITY UNDER CHAPTER 349 OF THE OHIO REVISED CODE:**

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

WHEREAS, pursuant to Chapter 349 of the Ohio Revised Code, Concord/Scioto Development, LLC, as developer of the Concord/Scioto Community Authority (the "Authority"), filed an application (the "Application") on August 3, 2017 with the Board of County Commissioners of Delaware County, Ohio (the "Board") to add certain parcels of real property controlled by Concord/Scioto Development, LLC to the territory comprising the Authority (the "District") and to amend the petition (the "Petition") as originally filed with the Board for the establishment of the Authority; and

WHEREAS, the Application was accepted by this Board by adoption of Resolution No. 17-838 on August 14, 2017; and

WHEREAS, this Board is the "organizational board of commissioners," as that term is defined in Section 349.01(F) of the Ohio Revised Code, for the Authority; and

WHEREAS, on September 14, 2017 and pursuant to Section 349.03(A) of the Revised Code, the Board held a public hearing on the Application after public notice was duly published in accordance with Section 349.03 of the Ohio Revised Code;

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

1. The Board finds and determines that the addition of property to the District will be conducive to the public health, safety, convenience and welfare, and is intended to result in the continued development of a new community as defined in Section 349.01(A) of the Ohio Revised Code.
2. The Application is hereby accepted and shall be recorded, along with this Resolution, in the journal of the Board of County Commissioners of Delaware County, Ohio, as the organizational board of commissioners.
3. The boundary of the District shall be amended to include the territory set forth in Exhibit A attached to this Resolution.
4. This Board finds and determines that all formal actions of the 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 and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.
5. This Resolution shall be in full force and effect immediately upon its adoption.

(The application shall remain on file in the Commissioners' Office until no longer of administrative value.)

EXHIBIT A



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Legal Description  
80.669 acres

The following described tract of land is situated in the State of Ohio, Delaware County, Concord Township, part of Farm Lots 32 and 33, Township 4, Range 19, Section 3, U.S.M.L. being part of Mark E. and Kriss A. Ross' 99.836 acre tract described in Deed Volume 508, page 765, and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of S. Section Line Road (C.R.#5)(60') and the centerline of Clark-Shaw Road (C.R.# 139);

Thence South 00°26'50" West 1004.35 feet, following the centerline of S. Section Line Road, to a MAG nail set at the southwest corner of David E. and Carol A. Froehlich's 0.33 acre tract described in Official Record 916 page 2272, said MAG nail set marking the *point of beginning*;

10/24/11  
J. S. L.

The South 89°09'22" East 3457.30 feet, following the south line of said 0.33 acre tract, the south lines of David E. and Carol A. Froehlich's 0.6868 acre tract (O.R. 916 page 2272), Jonathan J. and Deantha L. Groff's 6.080 acre tract (D.V. 629, page 303), Cheryl L. and Toby A. Sayers' 5.817 acre tract (D.V. 641, page 510), John A. Steiner and Deborah Dixon-Steiner's 5.212 acre tract (D.V. 611, page 64), Brady J. and Constance W. Hartman's 5.224 acre tract (O.R. 681, page 226), Robert J. Kopp's 5.236 acre tract (D.V. 623, page 007), Steven J. and Julia D. Anzalone's 5.591 acre tract (O.R. 649, page 1610), James J. and Barbara J. Russell's 5.154 acre tract (D.V. 604, page 435), Sherry White's 6.349 acre tract (O.R. 1017, page 1407), passing at 26.77 feet an old concrete anchor post found, to a 3/4" iron pipe found at the northeast corner of said 99.836 acre tract and in the west line of Investors Realty LLC, an Ohio Limited Liability Company's 120.587 acre tract described in Official Record 573, page 1886;

Thence South 00°30'55" West 1319.28 feet, following the east line of said 99.838 acre tract and the west line of said 120.587 acre tract, to a 3/4" iron pipe found at the northeast corner of the Resubdivision of Dakhteh Two Subdivision recorded in Cabinet 2, Slide 302 and 302A;

Thence North 89°26'19" West 2409.30 feet, following the south line of said 99.838 acre tract and the north line of said Subdivision, to a 5/8" iron pin found at the southeast corner of Joel D. and Laura A. Rhoades' 7.213 acre tract described in Official Record 965, page 2410;

Thence North 00°29'36" East 300.07 feet, following the east line of said 7.213 acre tract to a 5/8" iron pin found;

Thence North 89°31'06" West 213.91 feet, following the north line of said 7.213 acre tract, passing at 71.12 feet a 5/8" iron pin found, to an iron pin set;

Thence North 00°29'36" East 912.44 feet, entering said 99.838 acre tract, to an iron pin set;

Thence North 89°09'22" West 833.44 feet, passing at 803.44 feet an iron pin set, to a MAG nail set in the centerline of S. Section Line Road and the west line of said 99.838 acre tract;

Thence North 00°26'50" East 120.00 feet, following the centerline of S. Section Line Road and the west line of said 99.838 acre tract, to the point of beginning, containing **80.669 acres**, more or less with 22.173 acres in Farm Lot 32 and 58.496 acres in Farm Lot 33. Subject to all valid easements and restrictions of record.

I, Timothy L. Guider, hereby certify that this description was prepared from an actual field survey made by me during the month of January and February 2011 and that monuments were placed as indicated herein. Iron pins set are 5/8" x 30" reinforcing rods with caps marked "GUIDER S 7752." Basis of Bearing: Centerline of S. Section Line Road from D.V. 508, page 765, S00°26'50"W.

*Timothy L. Guider*  
Timothy L. Guider R.S. #7752  
19550 Delaware County Line Rd.  
Guider Surveying, Inc.  
Marysville, Ohio 43040  
(740)666-8902



Date: 2/04/2011  
Job#: 11008-80.669

NEW DESCRIPTION  
Approved for transfer  
Chris Bauserman, Del. Co. Eng.  
 Survey Plat Must Be Attached

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

**15**  
**RESOLUTION NO. 17-953**

**IN THE MATTER OF APPROVING APPOINTMENTS TO THE DELAWARE COUNTY TRANSIT BOARD:**

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

WHEREAS, on October 25, 1999, the Delaware County Board of Commissioners (the "Board of Commissioners") created the Delaware County Transit Board (the "Transit Board") and made the necessary appointments to the Transit Board, pursuant to section 306.01 and 306.02 of the Revised Code; and

WHEREAS, as necessary, the Board of Commissioners has made appointments to the Transit Board to fill vacancies in both unexpired and expired terms; and

WHEREAS, Traci Cromwell, Jacob Fathbruckner and Roger VanSickle, whose terms expire on October 24, 2017,

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have applied for re-appointment for terms expiring on October 24, 2020;

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 re-appointment of the following members to the Transit Board for the terms specified herein:

Position	Appointee	Term Ends
DATA 5	Traci Cromwell	October 24, 2020
DATA 6	Jacob Fathbruckner	October 24, 2020
DATA 7	Roger VanSickle	October 24, 2020

Section 2. The re-appointments approved herein shall take effect on October 25, 2017.

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

**17  
RESOLUTION NO. 17-954**

**IN THE MATTER OF ACCEPTING PROMOTIONAL ITEMS FOR THE DELAWARE COUNTY FAIR ON BEHALF OF THE DELAWARE COUNTY PROSECUTOR’S OFFICE VICTIM SERVICES UNIT:**

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) may receive and apply gifts on behalf of the county, pursuant to section 9.20 of the Revised Code; and

WHEREAS, the Delaware County Prosecutor’s Office Victim Services Unit annually operates an informational and community outreach booth at the Delaware County Fair; and

WHEREAS, Meijer, The Columbus Zoo, Magic Mountain Fun Centers, Columbus Blue Jackets, Graeter’s Ice Cream and Foertmeyer and Sons have each donated promotional items for the Victim Services Unit to utilize in promoting its informational and community outreach objectives at the Delaware County Fair;

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

Section 1. The Board hereby accepts the donation of promotional items from Meijer, The Columbus Zoo, Magic Mountain Fun Centers, Columbus Blue Jackets, Graeter’s Ice Cream and Foertmeyer and Sons on behalf of the Delaware County Prosecutor’s Office Victim Services Unit.

Section 2. The Board hereby declares that the promotional items are not needed for public use but will serve a public purpose of promoting the Victim Services Unit’s informational and community outreach objectives at the Delaware County Fair and bringing public awareness to the plight of and services available to victims of crime.

Section 3. The Board hereby authorizes the Victim Services Unit to distribute the promotional items at the Unit’s fair booth in accordance with the terms of the donations.

Section 4. This Resolution shall take effect immediately upon adoption.

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

**18  
ADMINISTRATOR REPORTS**

Seiji Kille, Assistant County Administrator/Director of Fiscal Services  
-No reports

**19  
COMMISSIONERS’ COMMITTEES REPORTS**

Commissioner Lewis  
-Attended the DKMM Policy meeting yesterday. DKMM is reworking their policy manual  
-The BIA Parade of Homes reception was Tuesday. Gorgeous homes there

Commissioner Merrell  
-The MORPC Policy Committee meeting is today  
-Will be attending the CCAO Board meeting tomorrow

Commissioner Benton  
-The Delaware County Fair starts on Saturday  
-The Little Brown Jug will be next Thursday

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-The Cleveland Indians won their 21<sup>st</sup> consecutive game yesterday. They have now tied the American League record

**20**

**RESOLUTION NO. 17-955**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; FOR PENDING OR IMMINENT LITIGATION:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to adjourn into Executive Session at 10:09 AM.

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

**RESOLUTION NO. 17-956**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis to adjourn out of Executive Session at 12:27 PM.

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

**RECESSED/RECONVENED AT 4:00 PM**

**RESOLUTION NO. 17-957**

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

It was moved by Mr. Merrell, seconded by Mrs. Lewis to adjourn into Executive Session at 4:02 PM.

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

**RESOLUTION NO. 17-958**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis to adjourn out of Executive Session at 6:02 PM.

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

There being no further business, the meeting adjourned.

\_\_\_\_\_  
Gary Merrell

\_\_\_\_\_  
Barb Lewis

\_\_\_\_\_  
Jeff Benton

\_\_\_\_\_  
Jennifer Walraven, Clerk to the Commissioners