

COMMISSIONERS JOURNAL NO. 67 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 18, 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

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RESOLUTION NO. 17-959

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 14, 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 14, 2017; 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 Mrs. Lewis Aye Mr. Benton Aye

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PUBLIC COMMENT

3
ELECTED OFFICIAL COMMENT

4
RESOLUTION NO. 17-960

IN THE MATTER OF APPROVING A RESOLUTION HONORING THE 33rd LITTLE BROWN JUG 2017 JOSEPH NEVILLE AWARD WINNER:

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

2017 Joseph Neville Award 21st Recipient Sam McKee

WHEREAS, a Little Brown Jug Joseph Neville Award recipient is chosen and inducted by a panel of international harness racing enthusiasts each year; and

WHEREAS, this year's Joe Neville Award winner is awarded posthumously to Sam McKee, longtime Little Brown Jug simulcast host; and

WHEREAS, as a child, Michigan native McKee began calling imaginary races and developed a pen-pal relationship with Little Brown Jug Wall of Fame announcer Roger Huston, who became a mentor for McKee's career; and

WHEREAS, McKee worked as a race announcer at a wide range of tracks throughout the United States, from the Saginaw Valley Downs where his career began straight out of high school, to the Meadowlands Racetrack in New Jersey, where he also served as simulcast director and TV coordinator; and

WHEREAS, McKee previously has been honored with membership in the Communicators Corner of the Harness Racing Hall of Fame and the Michigan Harness Racing Hall because of his outstanding contributions to the harness-racing community; and

WHEREAS, many of the more than 198,000 residents living in Delaware County support the Delaware County Fair and the Little Brown Jug Circuit and enjoy their days at the races;

NOW THEREFORE, be it resolved that the Delaware County Board of Commissioners honors and applauds the late Sam McKee for his exemplary career in the field of horse racing with the presentation of this proclamation.

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

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RESOLUTION NO. 17-961

IN THE MATTER OF APPROVING A RESOLUTION HONORING THE 33rd LITTLE BROWN JUG WALL OF FAME RECIPIENT:

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

Wall of Fame Honoree David Miller

WHEREAS, a Little Brown Jug Wall of Fame recipient is chosen and inducted by a panel of international harness racing enthusiasts each year; and

WHEREAS, four-time Little Brown Jug champion driver David Miller has been selected as the 33rd Little Brown Jug Wall of Fame Honoree by the Delaware County Fair; and

WHEREAS, Miller is the all-time leading driver at the Delaware County Fair, numbering two Jugette titles, four Old Oaken Buckets, two Buckettes and 20 Standardbred event victories among his 218 career wins; and

WHEREAS, Columbus native Miller won his first Little Brown Jug title in 2003, with three more wins in 2008, 2011 and 2016; and

WHEREAS, Miller is only the third driver in the history of the sport to surpass \$200 million in career earnings and currently ranks fifth in career wins with 12,170; and

WHEREAS, many of the more than 198,000 residents living in Delaware County support the Delaware County Fair and the Little Brown Jug Circuit and enjoy their days at the races;

NOW THEREFORE, be it resolved that the Delaware County Board of Commissioners honors and applauds David Miller for his exemplary career in the field of horse racing with the presentation of this proclamation.

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

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**DELAWARE COUNTY RAILROAD SAFETY TASK FORCE
PRESENTATION OF HISTORY OF RAIL ROAD TASK FORCE IN DELAWARE COUNTY**

- Gena Shelton, State Coordinator for Ohio Operation Lifesaver**
- Charles Sheets-Founder**
- Don Wurtz-Commissioner in 1998**
- Debbie Martin-Commissioner in 1998**
- Stan Haas -Member 1998**

RESOLUTION NO. 17-962

IN THE MATTER OF PROCLAIMING SEPTEMBER 24-30, 2017 AS OHIO'S RAIL SAFETY WEEK IN DELAWARE COUNTY:

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

WHEREAS, the State of Ohio is a leader in supporting highway-rail grade crossing and pedestrian safety programs; and

WHEREAS, highway-grade crossing crashes during 2016 resulted in 7 persons killed and another 27 injured in the state of Ohio; and

WHEREAS, in 2016 75% of the highway-grade crossing in Ohio occurred at crossings with active warning devices; and

WHEREAS, pedestrian/railroad trespass incidents on railroad property during the 2016 resulted in 16 persons killed and another 18 injured in the state of Ohio; and

WHEREAS, in 2016 Ohio ranked in the Top 10 for both vehicle and trespasser casualties; and

WHEREAS, highway-grade crossing crashes are more severe than highway collisions and are more likely to result in death and injury; and

WHEREAS, collisions between trains and motor vehicles or pedestrians could have been prevented by increased public awareness of the dangers at crossings and around railroad property and the appropriate safety laws; and

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RESOLUTION NO. 17-965

IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTH OF AUGUST 2017:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to accept the Treasurer’s Report for the month of August 2017.

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

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

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RESOLUTION NO. 17-966

IN THE MATTER OF RECEIVING AND FILING THE ANNUAL REPORT OF THE SHERIFF OF ALL FINES AND COSTS COLLECTED BY THE SHERIFF’S OFFICE FOR THE YEAR NEXT PRECEDING SEPTEMBER 1, 2017:

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

BE IT RESOLVED, by the Delaware County Board of Commissioners that we hereby receive and file the annual report submitted by the Delaware County Sheriff of all fines and costs collected by the Sheriff’s Office for the year preceding September 1, 2017.

Said report is being filed pursuant to Ohio Revised Code Section 311.16 and total amount of fines and cost collected are in the amount of \$45,815.07

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

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RESOLUTION NO. 17-967

IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:

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

Whereas the below requests to perform work within the right-of-way have been reviewed and approved by the Delaware County Engineer;

Now Therefore Be It Resolved, that the following permits are hereby approved by The Board of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
U17-116	Spectrum	South Old State	Directional Bore
U17-117	WOW	Laurel Wind Drive	Directional Bore
U17-118	Columbia Gas	Braumiller Road	Relocate Gas Main
U17-119	Spectrum	Steitz Road	Place Cable in ROW

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

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RESOLUTION NO. 17-968

RESOLUTION OF NECESSITY FOR PURCHASE OR LEASE OF AUTOMOBILES FOR THE USE OF THE COUNTY SHERIFF OR HIS EMPLOYEES:

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

WHEREAS, pursuant to section 307.41 of the Revised Code, the Board of Commissioners of Delaware County, Ohio (the “Board”) may find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of a new automobile to be used by the County Commissioners, by any county department, board, commission, office or agency, or by any elected county official or his or her employees; and

WHEREAS, the Board has before it a request from the Sheriff’s Office to expend county monies for the purchase of new cruisers; and

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WHEREAS, the cruisers are available for purchase through the State of Ohio’s cooperative purchasing program (the “Program”);

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

Section 1. The Board hereby declares that it is necessary to expend county monies for the purchase of new automobiles to be used by the County Sheriff or his employees for the following reasons: (1) existing cruisers have reached the end of their useful service lives; (2) new cruisers are necessary to provide safe and reliable transportation for the County Sheriff and his employees; and (3) new cruisers will ensure optimal service, safety, and security for the citizens of Delaware County.

Section 2. The Board hereby authorizes the purchase of one (1) 2017 Jeep Cherokee at a cost of \$23,314.00 from Byers Chevrolet, and declares that the purchase of said vehicle shall be in accordance with the State of Ohio’s cooperative purchasing program, pursuant to the contract and terms and conditions set forth in Contract # RS901017, which is, by this reference, fully incorporated herein and of which the purchase orders approved herein shall be made a part.

Section 3. The Board hereby authorizes the Sheriff’s Office to initiate the necessary purchase order(s) to one or more approved vendors and hereby approves the purchase order(s) from fund number 41711436-5450.

Section 4. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the County Sheriff and the County Auditor.

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

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RESOLUTION NO. 17-969

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR NELSON FARMS SECTION 2 PHASE C PART 1:

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider’s Agreement;

THEREFORE, BE IT RESOLVED that the Board of Commissioners approve the Sanitary Sewer Subdivider’s Agreement for Nelson Farms Section 2 Phase C Part 1.

SUBDIVIDER’S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on this 18th day of September 2017, by and between **Nelson Farms Associates, LLC**, hereinafter called “Subdivider”, and the Delaware County Board of Commissioners (hereinafter called “County Commissioners” or “County”) as evidenced by the **Nelson Farms Section 2 Phase C Part 1** Subdivision Plat filed or to be filed with the Delaware County Recorder, Delaware County, Ohio, and is governed by the following considerations and conditions, to wit:

The Subdivider is to construct, install or otherwise make all public improvements (the “Improvements”) shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications for part 1 of **Sanitary Sewer Improvement Plan for Nelson Farms Section 2, Phase C, Parts 1 & 2**, dated **July 31, 2017**, and approved by the County on **September 7, 2017**, all of which are a part of this Agreement. The Subdivider shall pay the entire cost and expense of the Improvements.

SECTION II: CAPACITY

There are **20** single family residential equivalent connections approved with this Agreement. Capacity shall be reserved for one year from the date of this Agreement, unless the County Commissioners grant an extension in writing. Capacity is not guaranteed until the final Subdivision Plat is recorded. If the final Subdivision Plat is not recorded prior to expiration of the reservation deadline as set forth herein, the Subdivider agrees and acknowledges that capacity shall not be guaranteed.

SECTION III: FINANCIAL WARRANTY

OPTIONS:

- (1) Should the Subdivider elect to record the plat prior to beginning construction, the Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (**\$128,640.00**) which is acceptable to the County Commissioners to insure

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faithful performance of this Agreement and the completion of all Improvements in accordance with the Subdivision Regulations of Delaware County, Ohio.

- (2) Should the Subdivider elect to proceed with construction prior to recording the plat, no approved financial warranties are necessary until such time as Subdivider elects to record the plat. At that time, the Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction remaining to be completed as determined by the Delaware County Sanitary Engineer.

The Subdivider hereby elects to use Option 2 for this project.

Initials _____

Date _____

The Subdivider shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the Delaware County Sanitary Engineer a five (5) year maintenance bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The Subdivider further agrees that any violations of or noncompliance with any of the provisions and stipulations of this Agreement shall constitute a breach of contract, and the County shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the Improvements for part 1 of **Sanitary Sewer Improvement Plan for Nelson Farms Section 2, Phase C, Parts 1 & 2**.

SECTION IV: FEES

It is further agreed that upon execution of this Agreement, the Subdivider shall pay the Delaware County Sanitary Engineer three and one-half percent (3½%) of the estimated construction cost of the Improvements for plan review of part 1 of **Sanitary Sewer Improvement Plan for Nelson Farms Section 2, Phase C, Parts 1 & 2 (\$4502.40)**. The Subdivider shall also deposit with the Delaware County Sanitary Engineer the sum of **\$10,875.00** estimated to be necessary to pay the cost of inspection for part 1 of **Nelson Farms Section 2, Phase C** by the Delaware County Sanitary Engineer. The Delaware County Sanitary Engineer shall in his or her sole discretion inspect, as necessary, the Improvements being installed or constructed by the Subdivider and shall keep accurate records of the time spent by his or her employees and agents in such inspections for which the Delaware County Sanitary Engineer shall be reimbursed from charges against the deposit. At such time as the fund has been depleted to a level of \$600.00 or less, as a result of charges against the fund at the rate of:

INSPECTOR \$75.00 per hour
CAMERA TRUCK \$150.00 per hour

for time spent by the Delaware County Sanitary Engineer or his or her staff, the Subdivider shall make an additional deposit of \$600.00 to the fund. Upon completion of all Improvements provided herein and acceptance of Improvements by the County, any unused portions of the inspection fund shall be repaid to the Subdivider less an amount equal to \$0.75 per foot of sewer which will be deducted to cover re-inspection.

In addition to the charges above, the Subdivider shall pay the cost of any third party inspection services for part 1 of **Sanitary Sewer Improvement Plan for Nelson Farms Section 2, Phase C, Parts 1 & 2** as required by the County.

SECTION V: CONSTRUCTION

All public improvement construction shall be performed within one (1) year from the date of the approval of this Agreement by the County Commissioners, but extension of time may be granted if approved by the County Commissioners.

The Subdivider shall indemnify and save harmless the County, Townships, Cities, and/or Villages and all of their officials, employees, and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of the Subdivider, and any of its contractors or sub-contractors, or from any material, method, or explosive used in the Work, or by or on account of any accident caused by negligence, or any other act or omission of the Subdivider, and any of its contractors or the contractors' agents or employees in connection with the Work.

The Subdivider shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the County. The representative shall be replaced by the Subdivider when, in the opinion of the County, the representative's performance is deemed inadequate.

If, due to unforeseen circumstances during construction activities, the Subdivider must install any of the Improvements to a different location than shown on the approved and signed construction plans, the Subdivider shall request a revision to the construction plans and the Delaware County Sanitary Engineer shall evaluate this request. If the request for a revision is approved in writing by the Delaware County Sanitary Engineer, then the Subdivider shall provide and record a revised, permanent, exclusive sanitary easement prior to the County's acceptance of the sewer. The language and dimensions of the revised, permanent, exclusive sanitary easements

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RESOLUTION NO. 17-970

IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION FOR ADULT COURT SERVICES:

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

Supplemental Appropriation

25622303-5342	Intensive Supervision Fund/Medical & Health Related Services	5,000.00
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Vote on Motion	Mr. Benton	Aye	Mr. Merrell	Aye	Mrs. Lewis	Aye
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RESOLUTION NO. 17-971

IN THE MATTER OF RESCINDING RESOLUTION NO. 17-705 AND APPROVING THE ACCEPTANCE OF GRANT FUNDING AND AUTHORIZING THE APPROPRIATION AND EXPENDITURE OF THE MATCHING FUNDS FOR DELAWARE COUNTY EMERGENCY MEDICAL SERVICES:

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

WHEREAS, the Board of County Commissioners of Delaware County (the "Board") desires to ensure the most efficient and highest level of care is provided to the residents and visitors of Delaware County; and

WHEREAS, it is widely accepted that mechanical CPR devices increase the quality of chest compressions in the patient suffering cardiac arrest, that continuous CPR chest compressions administered by a mechanical CPR device are superior to that of human powered chest compressions, and that consistent and uninterrupted CPR chest compressions are desired for the best care and treatment of the cardiac arrest victim; and

WHEREAS, a local match of 10% is required for the Grant that will assist in the purchase of mechanical CPR devices; and

WHEREAS, the County Administrator is listed as the designated official for Delaware County for the Grant;

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

Section 1. The Board hereby approves the acceptance of grant funding as follows:

Grant #	EMW-2016-FO-02507
Source	Federal Emergency Management Agency
CFDA #	97.044
Grant Amount:	\$182,872.48
Local Match:	<u>\$20,319.17</u>
Total Grant Amount:	\$203,191.65

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

Section 3. The Board hereby approves the following supplemental appropriation and transfer of funds:

Supplemental Appropriation

21311322-5450	Assistance to Firefighters Grant/Capital Equipment	\$182,872.48
10011303-5801	EMS/Misc Cash Transfer	\$20,319.17

Transfer of Funds

From	To	
10011303-5801	21311322-4601	\$20,319.17
EMS/Misc Cash Transfer	Assistance to Firefighters Grant/Interfund Revenue	

Section 4. The Board hereby declares that the purchase of mechanical CPR devices shall be in accordance with the State of Ohio cooperative purchasing program, pursuant to the contract and terms and conditions set forth in State of Ohio Index # STS652, Contract number 800265, which is, by this reference, fully incorporated herein and of which the purchase order approved herein shall be made a part.

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Section 5. The Board hereby approves a purchase order in the amount of \$203,191.65 to Zoll Medical Corporation.

Section 6. This Resolution shall supersede Resolution No. 17-705, which is hereby rescinded.

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

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ADMINISTRATOR REPORTS

Ferzan Ahmed, County Administrator

- Two of our EMS employees have been deployed to help with Hurricane Irma. We wish Jeremy Sellers and Steven Roberts safe travels
- DCEMS will be at the Fair all week to assist visitors who may be in need of emergency services
- The new courthouse reached substantial completion last Friday. There was zero days lost to injury at the worksite

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

- Would like to thank all of those attending the meeting today. Especially former Commissioners Debbie Martin and Don Wuertz

Commissioner Merrell

- Attended the MORPC Policy meeting last Thursday
- Attended the CCAO meeting on Friday
- Would like to see an Open House for the new courthouse. Will be working on a date.
- Would like to welcome the Groeme Maher family today. Mr. Maher was from Australia and attended the Little Brown Jug for twenty years and took the knowledge he learned back to Australia. He has recently passed away but his widow, Wendy; daughter, Lisa and son, Stephen are here today.
- This is the most well attended Fair meeting of the Commissioners he has witnessed in the past five years

Commissioner Benton

- Attended the MORPC meeting last Thursday. It was announced that Columbus was one of the finalist for the Hyperloop which is a large magnetic railway that would connect Columbus to Chicago
- The Cleveland Indians clinched the Central Division this weekend
- The Veteran's Parade will be by November 11, 2017. It will start at Ohio Wesleyan and end at the Fairgrounds
- The Parade of Homes ended yesterday. Delaware County may be hosting their 6th Parade of Homes next year at Evans Farm
- Will be attending the Farm & Science Review tomorrow
- Some highlight this week for the fair will be the Hall of Fame tomorrow evening, the Jugette on Wednesday, the Little Brown Jug on Thursday and the Veteran's dinner on Friday
- A plan was presented to anyone who wanted to look to see how the bed tax was going to be used at the fairgrounds

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners