

**COMMISSIONERS JOURNAL NO. 68 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 27, 2017**

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

Present:
Jeff Benton, President
Barb Lewis, Commissioner

Absent:
Gary Merrell, Vice President

1
RESOLUTION NO. 17-1250

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 20, 2017:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session On November 20, 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 Absent Mrs. Lewis Aye Mr. Benton Aye

2
PUBLIC COMMENT

3
ELECTED OFFICIAL COMMENT

4
RESOLUTION NO. 17-1251

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1122:

It was moved by Mrs. Lewis, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1122 and Purchase Orders as listed below:

	<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase				
PR Number	Vendor Name	Line Description	Line Account	Amount
R1705924	HILL EQUIPMENT	BOX TRAILER	41711436-5450	\$5,484.00

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

5
RESOLUTION NO. 17-1252

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Environmental Services Department is requesting that Cory Smith and Jason Watts attend an Ohio Wastewater Agency Response Workshop in Columbus, Ohio December 5, 2017, at the cost of \$80.00 (fund number 66211901)

The Economic Development Department is requesting that Jenna Jackson attend a US-China Council Signature

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Breakfast Event in Dublin, Ohio on December 12, 2017 at the cost of \$28.00 (fund number 21011113).

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

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RESOLUTION NO. 17-1253

IN THE MATTER OF A STOCK REQUEST FROM YA YUAN, INC. (DBA ASIAN GARDEN BUFFET) AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

Whereas, the Ohio Division of Liquor Control has notified both the Delaware County Board of Commissioners and the Orange Township Trustees that a stock request from Ya Yuan, Inc. (DBA Asian Garden Buffet) located at 8633 Columbus Pike, Lewis Center, OH 43035;

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

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

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

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RESOLUTION NO. 17-1254

IN THE MATTER OF ACCEPTING A DONATION MADE TO THE DEPARTMENT OF JOB AND FAMILY SERVICES:

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

WHEREAS, pursuant to section 9.20 of the Revised Code, the Board may receive by gift, devise, or bequest moneys, lands, or other properties, for their benefit or the benefit of those under their charge; and

WHEREAS, the Delaware County Department of Job and Family Services has received multiple donations to be given to parent/adult caregivers and their children as well as seniors; and

WHEREAS, gifts included clothing, pajamas, outerwear, books, games, bikes, toys, household items, gift cards, etc.; and

WHEREAS, these donations along with the donations of other area businesses, agencies, and area residents provided Christmas to 100 adults and 250 children and youth; and

WHEREAS, these gifts were received from the following organizations in the amounts as follows:

- New Hope Church of Powell: \$2,940.00
- Kate Koch, the Bike Lady: \$1,350.00
- Lewis Center Lifepoint Church: \$1,200.00; and

WHEREAS, the Delaware County Board of Commissioners wishes to formally accept these donation and offer thanks to all these organizations for their generous support of the Delaware County Department of Job and Family Services and the children, families, and seniors of Delaware County;

NOW, THEREFORE, BE IT RESOLVED, that the Delaware County Board of Commissioners hereby accepts these donations for a total amount of \$5,490.00 to the Delaware County Department of Job and Family Services and thanks to New Hope Church of Powell, Kate Koch, and Lewis Center Lifepoint Church for their thoughtful generosity and commitment to the children, families, and seniors of Delaware County.

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

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RESOLUTION NO. 17-1255

IN THE MATTER OF ADOPTING THE DELAWARE COUNTY COUNTYWIDE TRAIL PLAN:

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

WHEREAS, the Board of County Commissioners formed a committee to create a plan to develop and fund a countywide multipurpose trail system per Resolution 16-755 and appointed members per Resolution 16-1005;

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and

WHEREAS, the Delaware County Trail Committee (DCTC) has worked with MORPC, local jurisdictions and various stakeholders to assemble a Countywide Trail Plan which includes a map with conceptual trail corridors and a written plan including project prioritization criteria and potential funding resources; and

WHEREAS, the DCTC recommends the Delaware County Board of Commissioners encourage each local jurisdiction to adopt a local trail plan, endorse complete streets policies for each local jurisdiction as those standards may apply, and review local zoning to encourage trails to be built as development occurs to make their communities more walkable.

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

Section 1. The Board hereby adopts the Delaware County Countywide Trail Plan.

Section 2. The Board encourages each local jurisdiction to adopt a local trail plan.

Section 3. The Board encourages each local jurisdiction to endorse complete streets policies as those standards may apply.

Section 4. The Board encourages review of local zoning codes to make changes to encourage trails to be built as development occurs to make their communities more walkable.

Section 5. This Resolution shall take effect immediately after its passage.

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

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RESOLUTION NO. 17-1256

IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS FOR NORTHSTAR SECTION 3 PHASE A & B:

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

Whereas, the construction of new sanitary sewers at the Northstar Section 3 Phase A & B have been completed to meet Delaware County Sewer District requirements; and

Whereas, the Sewer District has received the necessary items required by the Subdivider’s Agreement; and

Whereas, the Sanitary Engineer recommends accepting sanitary sewers for ownership, operation, and maintenance by Delaware County as follows:

Northstar Section 3 Phase A & B	4140’ of 8” sewer	\$503,579.00
	941’ of 10” D.I. sewer	\$167,860.00
	27- manholes	\$128,300.00

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

Section 1. The Board hereby approves and accepts the above sanitary sewer improvements for ownership, operation, and maintenance by the Delaware County Sewer District.

Section 2. The Board hereby releases any Bond, certified check, irrevocable letter of credit, or other approved financial warranties executed to insure faithful performance for construction of the above sanitary sewer improvements, if applicable.

Section 3. The Board hereby accepts any Bond, certified check, irrevocable letter of credit, or other approved financial warranties executed per the requirements of the subdivider’s agreement for the five-year maintenance period for the above sanitary sewer improvements.

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

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RESOLUTION NO. 17-1257

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IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION FOR CODE COMPLIANCE:

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

Transfer of Appropriation

From	To	
10011301-5001	10011301-5301	25,000.00
Code Compliance/Compensation	Code Compliance/Contracted Professional Service	

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

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RESOLUTION NO. 17-1258**

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

It was moved by Mrs. Lewis, seconded by Mr. Benton 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
U17-150	AT&T	Smothers Road	Relocate/replace cables
U17-151	Madison Energy Cooperative	Duffy Road	Directional Bore
U17-152	Spectrum	Sawmill Parkway	Place buried cable in ROW
U17-153	Spectrum	Green Meadows Drive N.	Place cable in ROW

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

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RESOLUTION NO. 17-1259**

IN THE MATTER OF ACCEPTING ROADS, APPROVING RECOMMENDED SPEED LIMITS, RELEASING SURETY AND ESTABLISHING STOP CONDITIONS FOR WEDGEWOOD PARK NORTH

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

Whereas, The Engineer has reviewed the roadway construction of the roads within Wedgewood Park North (“Subdivision”) and finds them to be constructed in accordance with the approved plans. Therefore, it is his recommendation that the following roadways within the Subdivision be accepted into the public system.

- An addition of 0.12 mile to Township Road Number 1525, McDowell Drive
- Krendale Drive, to be known as Township Road Number 1688

Whereas, The Engineer also recommends that 25 mile per hour speed limits be established throughout the Subdivision; and

Whereas, The Engineer requests approval to return the Letter of Credit being held as maintenance surety to the owner, Paragon Building Group, Ltd.; and

Whereas, The Engineer also requests that stop conditions be established at the following intersection within the Subdivision:

- On Township Road Number 1688 Krendale Drive, at its intersection with Township Road Number 1525, McDowell Drive

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

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RESOLUTION NO. 17-1260**

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**IN THE MATTER OF APPROVING AN OWNER’S AGREEMENT FOR COURTYARD AT
 MUIRFIELD RIDGE - MANLEY ROAD WIDENING**

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

OWNER’S AGREEMENT

THIS AGREEMENT made and entered into this 27th day of November 2017 by and between the **COUNTY OF DELAWARE** (acting through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **EPCON COMMUNITIES, INC.**, hereinafter called the **OWNER**, as evidenced by the Engineering and Construction Plan entitled **COURTYARDS AT MUIRFIELD RIDGE – MANLEY ROAD WIDENING**, hereinafter called the **Plan**, is governed by the following considerations to wit:

- 1) The **OWNER** is to have surveyed, engineered, constructed, installed and/or otherwise make all of the improvements according to the **PLAN**.
- 2) The **OWNER** shall pay the entire cost and expense of said improvements.
- 3) The **OWNER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of **THREE HUNDRED SEVENTY-TWO THOUSAND DOLLARS (\$372,000)**, payable to the **BOARD OF COUNTY COMMISSIONERS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current **“Delaware County Engineering and Surveying Standards for Subdivision Development”** and current **“Subdivision Regulations of Delaware County, Ohio”**. Said financial warranty will be released and returned to the **OWNER** within thirty (30) days of the acceptance of the improvements by the **COUNTY**.
- 4) Before beginning construction, the **OWNER** shall deposit inspection fees in the amount of **TWENTY-NINE THOUSAND EIGHT HUNDRED DOLLARS (\$29,800)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to **ten percent (10%)** of the original amount deposited, the **OWNER** shall replenish the account upon notice by the **Delaware County Engineer**. Upon completion of the project and acceptance of the improvements by **DELAWARE COUNTY**, the remaining amount in the fund shall be returned to the **OWNER**.
- 5) The **OWNER** is to complete all construction to the satisfaction of the **COUNTY no later than November 1, 2018** and will receive an approval letter from the **Delaware County Engineer** as evidence of the **OWNER’S** release from responsibility to said project.
- 6) The **OWNER** shall indemnify and hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of said improvements that result from the **OWNER’S** negligence or intentional misconduct.
- 7) The **OWNER** will at all times during the construction of said improvements maintain thru traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site as in accordance with the **Ohio Department of Transportation “Uniform Traffic Control Devices”** and **“Traffic Control for Construction and Maintenance”**.
- 8) The **OWNER** further agrees that any violation of or noncompliance with any of the provisions as stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvements.
- 9) If the **OWNER** should become unable to carry out the provisions of this **AGREEMENT**, the **OWNER’S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.
- 10) Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Delaware County Engineer**.
- 11) In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **OWNER** or his agent the right and privilege to make the said improvements stipulated herein.

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

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RESOLUTION NO. 17-1261

**IN THE MATTER OF RE-ELECTING MEMBERS OF THE DELAWARE COUNTY VOLUNTEER
 PEACE OFFICERS’ DEPENDENTS FUND BOARD:**

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

WHEREAS, on April 7, 2016, the Delaware County Board of Commissioners adopted Resolution No. 16-324, establishing the Delaware County Volunteer Peace Officers’ Dependents Fund Board, pursuant to section 143.02 of the Revised Code; and

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WHEREAS, the Board of Commissioners shall elect two members to the Delaware County Volunteer Peace Officers' Dependents Fund Board each year not earlier than the first day of November and not later than the second Monday in December for terms that commence on the first day of January and that are for one year; and

WHEREAS, the terms of Sheriff Russ Martin and Brad Euans are expiring on December 31, 2017; and

WHEREAS, Sheriff Russ Martin and Brad Euans have applied for re-election to the Delaware County Volunteer Peace Officers' Dependents Fund Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby re-elects Sheriff Russ Martin and Brad Euans as members of the Delaware County Volunteer Peace Officers' Dependents Fund Board for terms of one year, commencing on January 1, 2018 and expiring on December 31, 2018.

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

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RESOLUTION NO. 17-1262

IN THE MATTER OF RE-APPOINTING A MEMBER TO THE DELAWARE COUNTY RURAL ZONING COMMISSION:

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

WHEREAS, the Delaware County Board of Commissioners (the "Board of Commissioners") created the Delaware County Rural Zoning Commission (the "RZC"), pursuant to section 303.04 of the Revised Code; and

WHEREAS, as necessary, the Board of Commissioners shall make appointments to the RZC to fill vacancies in both unexpired and expired terms; and

WHEREAS, the term for Ed Reely (RZC-2) will expire on December 31, 2017, and Mr. Reely has communicated a request to be re-appointed; and

WHEREAS, on June 20, 2013, the Board of Commissioners adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the "Policy"), which requires posting of all available positions for at least fourteen (14) days and permits the Board of Commissioners to conduct interviews of any applicants; and

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to reappoint a current member of the RZC;

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

Section 1. The Board hereby approves an exception to the Policy for the appointments made herein by choosing to waive the requirement for posting the position and to proceed directly to appointment.

Section 2. The Board of Commissioners hereby approves the re-appointment of the following member to the RZC and for the term specified herein:

Position	Appointee	Term Commences	Term Ends
RZC-2	Ed Reely	January 1, 2018	December 31, 2022

Section 3. The re-appointment approved in this Resolution shall take effect on January 1, 2018.

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

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ADMINISTRATOR REPORTS

Michael Frommer, County Administrator

-Would like to recognize excellence within the county. Joyce Bowens, Delaware County Child Support Enforce Agency Director listed the five awards from the State of Ohio given to their department. One of them being #1 in the state for collection rates.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

-Hoped everyone had a good Thanksgiving break.

Commissioner Benton

-The Economic Development 411 forum is this Friday.

-Would like to share that our own Jenna Jackson got engaged over the long weekend.

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There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners