

COMMISSIONERS JOURNAL NO. 72 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD OCTOBER 10, 2019

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

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

10:00 A.M. Public Hearing For Consideration Of The Hoover #61 Drainage Improvement Petition

1
 RESOLUTION NO. 19-1001

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 7, 2019:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on October 7, 2019; 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
 RESOLUTION NO. 19-1002

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1009 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1009:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1009, memo transfers in batch numbers MTAPR1009 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Enterprise	Fleet Management	66211900-5335	\$8,500.00
PR Number	Vendor Name	Line Description	Line Account
R1904672	HOGAN,JOHN R	HUMAN SERVICES FISCAL CONSULTING	22411605 - 5301
R1904852	STRAIGHT UP EQUIPMENT CO LLC	GENIE MAN LIFT	66211900 - 5450
R1904867	MS CONSULTANTS INC	BERLIN BUSINESS PARK PS AND FM PROJECT	66711900 - 5410
R1904897	WASTEQUIP LLC	REPAIR TARPS ON THREE TRAILERS	66211900 - 5328

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

4
 RESOLUTION NO. 19-1003

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Emergency Medical Department is requesting that Terry Webb attend an Ohio Health Trauma Care Conference in Columbus, Ohio from November 18-19, 2019 at the cost of \$100.00 (fund number 10011303).

The Child Support Enforcement Agency is requesting that Joyce Bowens attend a Conducting Internal Investigations course in Dublin, Ohio October 25, 2019; at the cost of \$275.00 (fund number 23711630).

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The Emergency Medical Services Department is requesting that Glen Keating attend a FISDAP Research Summit in Minneapolis, MN from February 7-10, 2020 (fund number 10011303).

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

**5
RESOLUTION NO. 19-1004**

IN THE MATTER OF APPROVING THE SCHEDULE OF ASSESSMENTS FOR THE COSTS FOR THE PROCEEDINGS FOR THE DISMISSED KINGSTON TOWNSHIP WATERSHED #2017-2 DRAINAGE IMPROVEMENT PETITION:

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

WHEREAS, with Resolution No. 19-693, the Delaware County Commissioners approved that the costs for the proceedings of the dismissed Kingston Township Watershed #2017-2 Drainage Improvement Petition be distributed to the landowners in the same ratio as determined in the final estimated assessments presented at the hearing; and

WHEREAS, the date for the landowners to pay for the costs for the proceedings upfront, rather than having the costs placed on their real estate tax bill, has passed;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the schedule of assessments for the costs for the proceedings for the dismissed Kingston Township Watershed #2017-2 Drainage Improvement Petition. (A copy of the schedule of assessments is available in the Commissioners' Office until no longer of administrative value);

FURTHER, BE IT RESOLVED that the Commissioners' Office will supply to the Auditor's Office the schedule of assessments. Two years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with no interest rate on the installments.

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

**6
RESOLUTION NO. 19-1005**

IN THE MATTER OF CANCELING THE COMMISSIONERS' SESSION FOR THURSDAY OCTOBER 17, 2019:

It was moved by Mr. Benton, seconded by Mr. Merrell to cancel the Commissioners' Session for Thursday October 17, 2019.

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

**7
RESOLUTION NO. 19-1006**

IN THE MATTER OF APPROVING TENANT ESTOPPEL CERTIFICATE FOR THE LEASE BETWEEN TULLER SQUARE NORTHPOINTE LLC AND THE DELAWARE COUNTY COMMISSIONERS FOR THE DELAWARE COUNTY CLERK OF COURTS TITLE DIVISION: PREMISE AT 8647 COLUMBUS PIKE, LEWIS CENTER, OHIO:

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

WHEREAS, the Delaware County Clerk of Courts recommends approval of the Tenant Estoppel Certificate for the lease between Tuller Square Northpointe LLC and the Delaware County Commissioners for the Delaware County Clerk of Courts Title Division: premise at 8647 Columbus Pike, Lewis Center, Ohio;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approve the Tenant Estoppel Certificate for the lease between Tuller Square Northpointe LLC and the Delaware County Commissioners for the Delaware County Clerk of Courts Title Division: premise at 8647 Columbus Pike, Lewis Center, Ohio

TENANT ESTOPPEL CERTIFICATE

The Huntington National Bank
200 Public Square (CMI7)
Cleveland, Ohio 44114
("Lender")

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- Lease dated April 8, 2003 between Tuller Square Northpointe LLC, an Ohio limited liability company ("Landlord") and the Delaware County Commissioners - Title Division ("Tenant")
- Premises: 8647 Columbus Pike, Lewis Center, Ohio 43035 consisting of approximately 2,500 rentable square feet
- Commencement Date: May 19, 2003 Expiration Date: May 31, 2023
- Renewal Options: One (1) option of five (5) years
- Current Monthly Base Rent (excluding overage rent, and expense reimbursements): \$4,129.17
- Security Deposit: \$0.00
- Rental Payments Commenced: May 19, 2003
- Monthly Base Rent Paid Through: November 30, 2019 (TENANT, PLEASE FILL IN)

Ladies and Gentlemen:

The undersigned, Tenant under the above-described lease ("Lease"), hereby confirms and certifies to Lender, as of the date hereof, that all information contained in this certificate is true and correct:

1. The Lease is in full force and effect, has not been modified or amended, and is enforceable in accordance with its terms except for: Commencement Date Agreement dated May 19, 2003, Letter Agreement re: exercise of renewal option dated April 16, 2008, First Lease Modification Agreement dated April 25, 2013, and Second Lease Modification Agreement dated January 12, 2018.
2. To the best of Tenant's actual knowledge, all duties of Landlord under the Lease have been fulfilled and all other obligations required to be performed or observed by Landlord have been duly and fully performed or observed by Landlord, including, without limitation, the satisfaction of Landlord's obligation to provide a tenant improvement allowance to Tenant, if any.
3. Tenant has accepted possession and is in full and complete occupancy of the Premises without any existing conditions or qualifications. The buildings, improvements, space, and any common areas (if applicable) to be furnished or provided by the terms of the Lease have been completed in all respects to the satisfaction of the Tenant, and the existing parking satisfies any applicable Lease requirements.
4. Tenant has neither assigned, transferred, nor encumbered the Lease, or any interest therein, nor sublet the Premises, or any portion thereof.
5. No rent has been prepaid for more than one (1) month and Tenant shall not prepay any such rent or other sum more than one (1) month in advance, except with Lender's prior written consent.
6. Tenant has not been given any free rent, partial rent, rebates, rental abatements or rent concessions of any kind, except as set forth in the Lease.
7. Tenant has not mortgaged, hypothecated, pledged, or otherwise transferred its interest under the Lease.
8. Tenant has deposited the Security Deposit stated above with Landlord, and none of the Security Deposit has been applied by Landlord to the payment of rents or any other amounts due under the Lease.
9. Landlord has not waived the performance or observance by Tenant of any of the terms, covenants, or conditions to be performed or observed by Tenant under the Lease, including, specifically, any use or radius restriction provisions, if any, as set forth in the Lease. Tenant has not violated any such use restriction provision.
10. Landlord is not in default under the Lease nor, to the best of Tenant's knowledge, has Landlord failed to duly and fully perform or observe any term, covenant, or condition by it to be performed or observed under the Lease which would, but for the existence of any applicable notice and/or grace period, constitute a default under the Lease, including, specifically, the exclusive use provision, if any, as set forth in the Lease.
11. Tenant has no defenses, set-offs, or counterclaims to the payment of rent and all other amounts due from Tenant to Landlord under the Lease, and Tenant has no claims or defenses to enforcement of the Lease.
12. Tenant has not been granted and has not exercised any options or rights of expansion, purchase, or first refusal concerning the Lease or the Premises, except (none if nothing entered).
13. Tenant has no knowledge of past or present use or occupancy of the Premises involving the handling, manufacturing, treatment, use, transportation, spillage, leakage, dumping, discharge or disposal of hazardous substances, materials or any wastes regulated under local, state or federal law.
14. Tenant has not filed and is not the subject of any filing for bankruptcy or reorganization under federal bankruptcy laws.
15. The address for notices to Tenant under the Lease is as follows:

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Delaware County Commissioners
91 North Sandusky Street
Delaware, Ohio 43015

16. The person signing this letter on behalf of Tenant is a duly authorized agent of the Tenant. Delaware County Commissioners (Tenant)

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

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RESOLUTION NO. 19-1007

IN THE MATTER OF APPROVING TRANSFER OF FUNDS FOR THE JOB AND FAMILY SERVICES DEPARTMENT:

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

Transfer of Funds

From	To	
22311611-5801 Workforce Investment Act/Transfers	22411603-4601 JFS Workforce/Interfund Revenues	\$ 65,736.71
22511607-5801 Children Services Fund/Transfers	22411604-4601 JFS Child Protection/Interfund Revenues	\$ 226,628.54

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

9

RESOLUTION NO. 19-1008

IN THE MATTER OF APPROVING CHANGE ORDER 004 TO THE CONTRACT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE ALTMAN COMPANY FOR THE DELAWARE COUNTY HISTORIC COURTHOUSE:

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

WHEREAS, the Director of Facilities recommends approval of Change Order 004 to the contract between the Delaware County Board of Commissioners and the Altman Company for the Delaware County Historic Courthouse;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves Change Order 004 to the contract between the Delaware County Board of Commissioners and the Altman Company for the Delaware County Historic Courthouse:

**DELAWARE COUNTY HISTORIC COURTHOUSE
DELAWARE, OH**

Original Contract Amount:	\$8,580,000.00
Total Cost of This Change Order:	\$ 28,303.75
Amount of Changes Previously Issued:	<u>\$ 31,375.31</u>
Revised Contract Amount	\$8,639,679.06

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

10

RESOLUTION NO. 19-1009

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR COURTYARDS ON HYATTS SECTIONS 1 & 2:

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider’s Agreement for Courtyards on Hyatts Sections 1 & 2;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider’s Agreement for Courtyards on Hyatts Sections 1 & 2:

SUBDIVIDER'S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

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SECTION I: INTRODUCTION

This Agreement is entered into on this 10th day of October 2019, by and between **Epcor Hyatts, LLC**, hereinafter called “Subdivider”, and the Delaware County Board of Commissioners (hereinafter called “County Commissioners” or “County”) as evidenced by the **Courtyards on Hyatts** Subdivision Plat or condominium amendments on said development parcel 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 **Sanitary Sewer Improvement Plans for Courtyards on Hyatts – Sections 1 & 2**, dated **May 2, 2019**, and approved by the County on **June 3, 2019**, 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 **84** 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. 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.

The development includes one connection for a clubhouse. This connection will require a Commercial Tap Fee Form be submitted to the County. The number of residential equivalent connections will be determined following submittal of this form

SECTION III: FINANCIAL WARRANTY

For on-site improvements the following options for financial warranty apply:

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 (**\$211,105.00**) which is acceptable to the County Commissioners to insure 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 1 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 **Sanitary Sewer Improvement Plan Carriage Cove**.

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 **Sanitary Sewer Improvement Plans for Courtyards on Hyatts – Sections 1 & 2 (\$7,389.00)**. The Subdivider shall also pay the Delaware County Sanitary Engineer eight and one-half percent (8½ %) of the estimated construction cost of the Improvements for inspection during construction and cleaning and televising of the sewers and appurtenances of **Sanitary Sewer Improvement Plans for Courtyards on Hyatts – Sections 1 & 2 (\$17,945.00)**. 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 records of the time spent by his or her employees and agents in such inspections and in the event the hours worked for inspection at a rate of \$75.00 per hour and for the camera truck at \$150.00 per hour exceeds the eight and one-half percent (8½%), the County may require, and the Subdivider shall pay, additional funds based on the estimated effort for completion as determined by the Sanitary Engineer in his or her sole discretion.

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In addition to the charges above, the Subdivider shall pay the cost of any third party inspection services for **Sanitary Sewer Improvement Plans for Courtyards on Hyatts – Sections 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 shall be subject to the approval of the Delaware County Sanitary Engineer.

The Subdivider shall, during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the County regarding submission of shop drawings, construction schedules, operation of facilities, and other matters incident to the construction and operation of the Improvements.

The Subdivider shall obtain all other necessary utility services incident to the construction of the Improvements and for their continued operation. The Subdivider shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the Subdivider and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the County.

SECTION VI: EASEMENTS

The Subdivider shall provide to the County all necessary easements or rights-of-way required to complete the Improvements, all of which shall be obtained at the expense of the Subdivider. All Improvements, including, but not limited to, public sanitary sewers, force mains, manholes, and private laterals to offsite properties shall be located within a recorded, permanent, exclusive sanitary easement on file at the Delaware County Recorder's Office, the language of which shall be subject to approval by the Delaware County Sanitary Engineer. The dimensions of all easements shall be as shown on the approved engineering drawings. If any onsite easement or necessary right of way is not to be recorded as part of a subdivision plat, such easements and rights-of-way shall be recorded and provided to the Delaware County Sanitary Engineer before a preconstruction meeting will be permitted and before construction may begin on the Improvements. All offsite easements must be recorded prior to signing the plans unless otherwise permitted, in writing, by the Delaware County Sanitary Engineer.

SECTION VII: COMPLETION OF CONSTRUCTION

The County shall, upon certification in writing from the Delaware County Sanitary Engineer that all construction is complete according to the plans and specifications, by Resolution, accept the Improvements described herein and accept and assume operations and maintenance of the Improvements.

The Subdivider shall within thirty (30) days following completion of construction of the Improvements, and prior to final acceptance, furnish to the County as required:

- (1) "As built" drawings of the Improvements which plans shall become the property of the County and shall remain in the office of the Delaware County Sanitary Engineer and Delaware County Engineer and/or the City of Powell. The drawings shall be on reproducible Mylar (full size), two paper copies (one full size & one 11"x17"), and a Compact Diskette with the plans in .DWG format & .PDF format.

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- (2) An Excel spreadsheet, from a template as provided by the Delaware County Sanitary Engineer, shall accompany the plan submittal showing the locations of the manholes in Ohio State Plane North Coordinates NAD 1983 (NAVD 1988 datum) and other miscellaneous project data.
- (3) An itemized statement showing the cost of the Improvements.
- (4) An Affidavit or waiver of lien from all contractors associated with the project that all material and labor costs have been paid. The Subdivider shall indemnify and hold harmless the County from expenses or claims for labor or materials incident to the construction of the Improvements.
- (5) Documentation showing the required sanitary easements.

Should the Subdivider become unable to carry out the provisions of this Agreement, the Subdivider's heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this Agreement. Notwithstanding any other provision of this Agreement, the County shall have no obligation to construct any improvements contemplated herein, and any construction thereof on the part of the County shall be strictly permissive and within the County's sole discretion.

The Subdivider, for a period of five (5) years after acceptance of the Improvements by the County, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the Improvements shall be the same as new equipment warranties and shall be assigned to the County upon acceptance of the Improvements. A list of corrective items shall be provided to the Subdivider prior to expiration of the five (5) year period.

After the acceptance of the Improvements, the capacity charge **and any surcharges** shall be paid by the applicant upon request to the Delaware County Sanitary Engineer for a tap permit to connect to the sanitary sewer. User fee charges will commence the day the sanitary tap is made, regardless of completeness of construction.

SECTION VIII: SIGNATURES

IN CONSIDERATION WHEREOF, the County Commissioners hereby grant the Subdivider or its agent the right and privilege to make the Improvements stipulated herein and as shown on the approved plans.

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

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RESOLUTION NO. 19-1010

IN THE MATTER OF SELECTING THE THREE MOST QUALIFIED CONSTRUCTION MANAGERS AT RISK FOR THE ALUM CREEK WRF CLARIFIER UPGRADE PROJECT FOR DELAWARE COUNTY, OHIO:

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

WHEREAS, the Delaware County Board of Commissioners received a total of five proposals from Construction Managers at Risk for the Alum Creek WRF Clarifier Upgrade project for Delaware County, Ohio; and

WHEREAS, section 9.334(A) of the Ohio Revised Code requires the public authority to select no fewer than three construction managers at risk that it considers to be the most qualified to provide the required construction management services; and

WHEREAS, the review committee recommends the top three most qualified firms are Peterson Construction Company, Shook Construction Company, and Kokosing Construction Company; and

WHEREAS, section 9.334(B) of the Ohio Revised Code requires the public authority to provide each construction manager at risk selected under section 9.334(A) of the Ohio Revised Code with a description of the project, including a statement of available design detail, a description of how the guaranteed maximum price for the project shall be determined, including the estimated level of design detail upon which the guaranteed maximum price shall be based, the form of the construction management contract, and a request for a pricing proposal;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Delaware County, State of Ohio, hereby selects Peterson Construction Company, Shook Construction Company, and Kokosing Construction Company as the three most qualified construction managers at risk for the Alum Creek WRF Clarifier Upgrade project for Delaware County, Ohio, and hereby authorizes and directs the Sanitary Engineer to proceed with the request for pricing proposals.

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

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ADMINISTRATOR REPORTS

Mike Frommer, County Administrator
-No reports.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell

- Attended the SourcePoint Wellness Expo yesterday.
- Attended the P.I.N. Annual dinner Tuesday evening.

Commissioner Benton

- The new pavilion at P.I.N. turned out well.
- Would like to commend Auditor Kaitsa for the AAA rating by Moody & Poor.
- The Delaware Foundation's dinner is tonight.
- The T.I.D. met yesterday.
- MORPC will have a meeting this afternoon.
- There will be an Economic Development conference on Saturday.
- The Finance Authority has release a 5-year action plan.
- DKMM will hold an electronic recycling event at the Delaware County Fairgrounds from 9-1 on Saturday.
- The State Capital budget announce funding for capital projects. MORPC will have information.

Commissioner Lewis

- The dedication of the new pavilion at P.I.N. was on Tuesday. The pavilion was named after Kevin Crowley who did a lot of good things for P.I.N.

12

RESOLUTION NO. 19-1011

10:00A.M. PUBLIC HEARING FOR CONSIDERATION OF THE HOOVER #61 WATERSHED DRAINAGE IMPROVEMENT PETITION:

It was moved by Mr. Benton, seconded by Mr. Benton to open the hearing at 10:05 A.M..

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

12 continued

RESOLUTION NO. 19-1012

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 Mr. Benton 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. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

12 continued

RESOLUTION NO. 19-1013

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE HOOVER #61 WATERSHED DRAINAGE IMPROVEMENT PETITION:

It was moved by Mr. Merrell, seconded by Mr. Benton to close the hearing at 11:07A.M..

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

12 continued

RESOLUTION NO. 19-1014

IN THE MATTER OF GRANTING THE PRAYER OF THE PETITION AND DIRECTING THE DELAWARE COUNTY ENGINEER TO PROCEED WITH PREPARATION OF PLANS, REPORTS, AND SCHEDULES FOR THE HOOVER #61 WATERSHED DRAINAGE IMPROVEMENT PETITION:

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

WHEREAS, on February 22, 2019, a Drainage Improvement Petition to the Hoover #61 Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Board on Monday, July 15, 2019, conducted a view of the proposed improvements; and

WHEREAS, the Board on Thursday, October 10, 2019, held a public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the Hoover

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#61 Watershed Drainage Improvement; and

WHEREAS, after hearing testimony from property owners and the preliminary report of County Engineer, Chris Bauserman, the Board is prepared to issue its findings on the proposed improvements;

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

Section 1. The Board hereby finds that the proposed improvement 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 will be less than the benefits. Accordingly, the Board hereby grants the prayer of the petition. The hearing on the Petition is hereby adjourned to the date fixed for the filing of the reports, plans, and schedules by the Delaware County Engineer.

Section 2. The Board hereby orders the Delaware County Auditor to transfer \$ Zero from the general revenue funds of the county to the general drainage improvement fund.

Section 3. Upon the transfer of funds ordered in Section 2, the Board hereby orders the Delaware County Engineer to proceed with the preparation of plans, reports and schedules as presented for the proposed Hoover #61 Watershed Drainage Improvement. The Board hereby fixes **October 10, 2021** as the date for filing of the engineer’s reports, plans, and schedules. Upon filing of this information a public hearing date will be set and proper notification given to property owners in the affected watershed.

Section 4. THE BOARD HEREBY APPROVES ESTABLISHING A NEW ORGANIZATION KEY FOR THE HOOVER #61 WATERSHED DRAINAGE IMPROVEMENT PROJECT 40311475.

Section 5. This Board finds and determines that all formal actions taken by this 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 that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Section 6. Sections 1, 4, 5, and 6 of this Resolution shall take immediate effect upon passage. Sections 2 and 3 of this Resolution shall take effect upon the expiration of the twenty-one day appeal period, provided no appeal has been taken.

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

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RESOLUTION NO. 19-1015

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:

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

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)–(7) of the Revised Code; and

WHEREAS, pursuant to section 121.22(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

- (1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and
- (2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

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

Section 1. The Board hereby adjourns into executive session for consideration of confidential information related to economic development.

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Section 2. The Board hereby adjourns into executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance.

Section 3. The Board hereby finds and determines that the information listed in Section 2 is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

Section 4. The Board hereby finds and determines that the executive session held pursuant to Section 2 is necessary to protect the interests of an applicant for economic development assistance or the possible investment or expenditure of public funds to be made in connection with the economic development project.

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

RESOLUTION NO. 19-1016

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Benton, seconded by Mr. Merrell to adjourn out of Executive Session.

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