

COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MAY 14, 2020

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

10:00 AM Public Hearing For Consideration Of The Zerbe-O’Keefe #265 Drainage Improvement Petition
(Hearing will be opened and immediately continued to a future date)

1
RESOLUTION NO. 20-405

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 7, 2020:

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 May 7, 2020; 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
RESOLUTION NO. 20-406

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0513 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0513:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0513, memo transfers in batch numbers MTAPR0513 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO’ Increase			
Altman Co (P2000872)	Courthouse Change Order	42011438-5410	\$ 6,856.81
Altman Co (P2000872)	Courthouse Change Order	42011438-5410	\$14,457.85

PR Number	Vendor Name	Line Description	Line Account	Amount
R2003134	STAPLES BUSINESS ADVANTAGE	SPECIAL PURCHASE CHILDREN SERVICES	22511607 - 5201	\$19,250.00
R2003188	CARDIOTRONIX LLC	PREVENTATIVE MAINTENANCE	10011303 - 5325	\$6,000.00
R2003194	COMMERCE CONTROLS INC	DISTRICT WIDE SCADA SUPPORT AND SERVIC	66211900 - 5328	\$10,000.00
R2003203	COMMISSIONERS	INDIRECT COST	23711630 - 5380	\$21,315.00
R2003203	COMMISSIONERS	RENT	23711630 - 5335	\$23,588.00
R2003219	RF VALVES INC	AIR RELEASE VALVES - RSD	66211900 - 5260	\$12,123.00
R2003224	PRODUCT TOOLING INC	FABRICATED SAMPLER - ALUM CREEK TO MINITOR NPDES	66211900 - 5450	\$7,900.00
R2003244	B L ANDERSON COMPANY INC	SOFT STARTS FOR LEATHERLIPS PUMP STATION MCC	66211900 - 5260	\$8,610.00

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

3

RESOLUTION NO. 20- 407

IN THE MATTER OF NAMING THE PLAZA BETWEEN THE DELAWARE COUNTY COURTHOUSE AND HAYES BUILDING “THE JON PETERSON MEMORIAL PLAZA,” AND AUTHORIZING THE PURCHASE OF TWO BRONZE PLAQUES DEDICATING “THE JON PETERSON MEMORIAL PLAZA” IN HONOR OF FORMER DELAWARE COUNTY TREASURER JON PETERSON:

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

WHEREAS, the Delaware County Board of Commissioners wishes to honor and express its admiration and respect for Jon Peterson; and

WHEREAS, the Commissioners honor Peterson, upon his passing, for his decades of public service to the residents of Delaware County and the State of Ohio, where he served as State Representative, Delaware County Auditor and Treasurer, Franklin County Finance Director and Deputy Auditor, and Pastor at Zion United Church of Christ; and

WHEREAS, in honor of Jon Peterson and his compassion and dedicated leadership in public service, the Commissioners desire to name the plaza outside of the Treasurer’s Office “The Jon Peterson Memorial Plaza”; and

WHEREAS, the Commissioners desire to purchase and display two (2) bronze plaques recognizing former Delaware County Treasurer Peterson for his public service and officially dedicating “The Jon Peterson Memorial Plaza” on the East pillar of the plaza;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves naming the plaza between the Delaware County Courthouse and Hayes Building as “The Jon Peterson Memorial Plaza” in honor of Jon Peterson and to celebrate his public service to the citizens of Delaware County and the State of Ohio and approves the purchase of two (2) bronze plaques to be purchased at a total cost not to exceed Three Thousand Six Hundred Dollars and Zero Cents (\$3,600.00).

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

4

RESOLUTION NO. 20-408

IN THE MATTER OF APPROVING A CUSTOMER SUPPLY AGREEMENT BETWEEN ENERGY HARBOR LLC AND THE DELAWARE COUNTY BOARD OF COMMISSIONERS FOR ELECTRICITY GENERATION:

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

WHEREAS, the Director of Facilities recommends approving the Customer Supply Agreement with Energy Harbor, LLC, for Electricity Generation;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Customer Supply agreement with Energy Harbor, LLC, for Electricity Generation.

(A copy of the Energy Harbor, LLC, Customer Supply Agreement is available in the Commissioners’ Office until no longer of administrative value.)

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

5

RESOLUTION NO. 20-409

IN THE MATTER OF RE-APPOINTING MEMBERS TO THE EVANS FARM NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES:

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

WHEREAS, on June 15, 2017, the Delaware County Board of Commissioners (the “Board of Commissioners”) adopted Resolution No. 17-623, establishing the Evans Farm New Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the Evans Farm New Community Authority Board of Trustees, pursuant to Resolution No. 17-

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623 and section 349.04 of the Revised Code; and

WHEREAS, the terms for two seats will expire June 21, 2020, and the two members occupying those seats wish 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 re-appoint current members of the board of trustees of the Evans Farm New Community Authority;

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-appointments of the following members to the Evans Farm New Community Authority Board of Trustees for the terms specified herein:

Position	Appointee	Term Ends
Citizen Member	Seiji Kille	June 21, 2022
Citizen Member	Pat Blayney	June 21, 2022

Section 3. The re-appointments approved in this Resolution shall take effect on June 22, 2020.

Section 4. The Clerk of the Board of Commissioners is hereby directed to certify a copy of this Resolution to Evans Farm Land Development Company, LLC, as the statutory developer for the Evans Farm New Community Authority.

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

6
RESOLUTION NO. 20-410

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR EVANS FARM SECTION 2 PHASE A PART 2.2:

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 for Evans Farm Section 2 Phase A Part 2.2;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Sanitary Sewer Subdivider’s Agreement for Evans Farm Section 2 Phase A Part 2.2:

SUBDIVIDER'S AGREEMENT
DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on this 14th day of May 2020, by and between **Evans Farm Land Development Company, LLC**, hereinafter called "Subdivider", and the Delaware County Board of Commissioners (hereinafter called "County Commissioners" or "County"), 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 Plan for Evans Farm Section 2, Phase A, Part 2.2**, dated **July 1, 2019**, and approved by the County on **July 22, 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 **21** 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.

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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 (**\$153,466.00**) 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 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 **Evans Farm Section 2, Phase A, Part 2.2**.

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 **Sanitary Sewer Improvement Plan for Evans Farm Section 2, Phase A, Part 2.2 (\$5,371.00)**. 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 **Evans Farm Section 2, Phase A, Part 2.2 (\$13,045.00)**. 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.

In addition to the charges above, the Subdivider shall pay the cost of any third party inspection services for **Evans Farm Section 2, Phase A, Part 2.2** 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 hold free and harmless Delaware County and its officials and employees from any and all damages, injury, costs, expenses, judgments or decrees, or any other liabilities that they may incur as a result of any negligent acts, errors or omissions of the Subdivider, its employees, agents, or contractors, or any other person for whose acts any of them may be liable.

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

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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.
- (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

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right and privilege to make the Improvements stipulated herein and as shown on the approved plans.

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

7

RESOLUTION NO. 20-411

IN THE MATTER OF SELECTING AND RANKING THE THREE MOST QUALIFIED PROGRESSIVE DESIGN-BUILD TEAMS FOR THE OLENTANGY ENVIRONMENTAL CONTROL CENTER HEADWORKS AND AERATION PROJECT FOR DELAWARE COUNTY, OHIO:

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

WHEREAS, the Delaware County Board of Commissioners received a total of three Statements of Qualifications from Progressive Design-Build teams for the Olentangy Environmental Control Center Headworks and Aeration Project for Delaware County, Ohio; and

WHEREAS, section 153.693 of the Revised Code requires the public authority to select and rank no fewer than three Design-Build teams that it considers to be the most qualified to provide the required Progressive Design-Build services; and

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

WHEREAS, section 153.693 of the Revised Code requires the public authority to provide each selected and ranked design-build team with a description of the project and project delivery, including the design criteria, a preliminary project schedule, a description of any preconstruction services and proposed design services, a description of a guaranteed maximum price, including the estimated level of design detail upon which the guaranteed maximum price shall be based, the form of the progressive design-build services 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 and ranks Peterson Construction Company, Kokosing Construction Company, and Shook Construction Company as the three most qualified design-build firms for the Olentangy Environmental Headworks and Aeration project for Delaware County, Ohio, and hereby authorizes and directs the Sanitary Engineer to proceed with providing all selected and ranked firms with the information required in section 153.693 of the Revised Code and evaluating the responses submitted by each firm.

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

8

RESOLUTION NO. 20-412

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE EMERGENCY MEDICAL SERVICES DEPARTMENT:

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

Supplemental Appropriations		
10011303-5201	Emergency Medical Services/General Supplies & Equipment	5,000.00
10011303-5225	Emergency Medical Services/Personal Protective Equipment	30,000.00
10011303-5243	Emergency Medical Services/Drugs & Pharmaceuticals	25,000.00
10011303-5301	Emergency Medical Services/Contracted Prof Services	21,800.00
10011303-5315	Emergency Medical Services/Satellite, Cable, Internet and Aircards	7,000.00
10011303-5319	Emergency Medical Services/Reimbursements/Refunds	33,000.00
10011303-5320	Emergency Medical Services/Software Licenses & Computer Services	5,500.00

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

9

RESOLUTION NO. 20-413

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IN THE MATTER OF APPOINTING A MEMBER TO THE COUNTYWIDE MULTIPURPOSE TRAIL COMMITTEE:

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

WHEREAS, on August 4, 2016, the Delaware County Board of Commissioners (the "Board") adopted Resolution No. 16-755, forming and appointing a chairperson for a countywide multipurpose trail committee; and

WHEREAS, on October 6, 2016, the Board adopted Resolution No. 16-1005, appointing members to the countywide multipurpose trail committee; and

WHEREAS, on July 22, 2019, the Board adopted Resolution No. 19-704, setting terms for the appointed committee members; and

WHEREAS, the Board wishes to update the composition of the committee by adding a position for a representative from the Delaware County Economic Development Department and establishing a procedure for the members of the committee to elect a Chairperson and a Secretary annually from its membership;

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

Section 1: The Board hereby adds a position to the Delaware County Trail Committee ("DCTC") to be held by a representative from the Delaware County Economic Development Department.

Section 2: The Board hereby appoints Zachary Dowley as the member from the Delaware County Economic Development Department with a term ending October 31, 2023.

Section 3: All other appointees and terms established per Resolution No. 19-704 shall remain in full force and effect.

Section 4: If an appointee of the DCTC is unable to carry out the duties or responsibilities of his/her membership, the Board shall appoint a new member from the same classification as the member to be replaced as soon as possible.

Section 5: The DCTC shall annually elect a Chairperson and a Secretary from the committee to serve as officers. The election shall occur at the first committee meeting in November. Nominations shall be presented and recorded by the general membership, and votes shall be cast in a manner previously agreed upon by the DCTC. A simple majority vote shall indicate the selection of the appropriate officer. The term of office shall run for a period of one year from the date of installation of officers, and shall terminate with the election and installation of new officers.

Section 6: In the event an officer of the DCTC is unable to carry out the duties or responsibilities of his/her office, or in the event the office shall become vacant, the DCTC may call for a special election to determine a replacement for that office. The procedure for such special election shall be similar to selection of officers as stated in Section 5.

Section 7: An Officer may be re-elected to serve consecutive or non-consecutive terms of office.

Section 8: The Chairperson shall preside at all meetings of the DCTC. The Chairperson shall perform all the duties relative to the office, and such other and further duties as may from time to time be required or requested of him/her by the DCTC. The Chairperson shall bring all committee meetings to order, ensure discussions remain pertinent to the issue being considered, assign committee meeting dates, and adjourn each meeting.

Section 9: The Secretary shall keep or supervise the keeping of the minutes of all meetings of the DCTC and shall perform such other and further duties as may be required or requested of him/her by the DCTC.

Section 10: This Resolution shall take effect immediately upon adoption.

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

10
DIRECTOR BOB LAMB
ECONOMIC DEVELOPMENT BUSINESS ASSISTANCE UPDATE

11
RESOLUTION NO. 20-414

IN THE MATTER OF ESTABLISHING A DELAWARE COUNTY ECONOMIC DEVELOPMENT REVOLVING LOAN FUND (RLF), COMMITTING FUNDS FOR THE RLF, DESIGNATING A

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COMMITTEE TO PROVIDE OVERSIGHT AND ADMINISTRATION OF THE RLF, AUTHORIZING SUBMISSION OF AN APPLICATION TO JOBSOHIO, AND AUTHORIZING THE COUNTY ADMINISTRATOR AND COUNTY ECONOMIC DEVELOPMENT DIRECTOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR THE CREATION AND OPERATION OF THE RLF:

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

WHEREAS, due to the worldwide COVID-19 pandemic affecting national, state and local economies, small businesses located within Delaware County are experiencing significant cash flow and operating funds shortages and are struggling to remain in operation; and

WHEREAS, the Delaware County Board of Commissioners (the "Board"), along with its state, local, and private sector partners (the "Partners"), recognizes the need for a revolving loan fund to assist these small businesses during this time of crisis; and

WHEREAS, Delaware County is committing up to \$2,500,000 in funding for the revolving loan fund and recognizes that the Partners desire to contribute various amounts of funding to the revolving loan fund; and

WHEREAS, the Board desires to designate a committee to provide oversight and administration of the revolving loan fund; and

WHEREAS, the Board desires to authorize and direct the County Administrator and County Economic Development Director to execute any and all documents necessary for the creation and operation of the revolving loan fund;

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

Section 1. Pursuant to Article VIII, Section 13 of the Ohio Constitution and section 307.07 of the Revised Code, the Board hereby establishes a Delaware County Economic Development Revolving Loan Fund (the "RLF") to assist small businesses located within Delaware County that have been affected by the COVID-19 pandemic, create or preserve jobs and employment opportunities within Delaware County, and improve the economic welfare of the people of Delaware County.

Section 2. Delaware County shall commit up to \$2,500,000 to the RLF from the Title Administration and General Funds, and the County Administrator is hereby authorized to cooperate with the County Auditor to take all actions necessary to formally establish the RLF and transfer the funds committed to the RLF.

Section 3. The County Administrator is authorized and directed to execute a request to JobsOhio for a matching grant amount to the funds committed by Delaware County and Partners.

Section 4. A committee to oversee and administer the RLF is hereby created, consisting of the following members: Donald E. Rankey, Jr.; Michael Frommer, County Administrator; Bob Lamb, Economic Development Director; and an additional member from each of the first four (4) Partners that contributes at least \$250,000 to the RLF.

Section 5. The County Administrator and County Economic Development Director are authorized and directed to execute any and all documents necessary for the creation and operation of the RLF, including but not limited to the negotiation of an agreement with a bank to manage the RLF process, in partnership with the committee.

Section 6. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board or any of its committees, and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Ohio Revised Code Section 121.22.

Section 7. This Resolution shall be in full force and effect immediately upon its adoption.

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

(Hearing will be opened and immediately continued to a future date)

12

RESOLUTION NO. 20-415

10:00A.M. - PUBLIC HEARING FOR CONSIDERATION OF THE ZERBE-O'KEEFE #265 DRAINAGE IMPROVEMENT PETITION FILED BY GARY GRAHAM AND LINDA GRAHAM AND OTHERS:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to open the hearing at 10:18 A.M..

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

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12 continued

RESOLUTION NO. 20-416

IN THE MATTER OF CONTINUING THE PUBLIC HEARING TO ADDRESS THE ZERBE-O'KEEFE #265 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT TO THURSDAY OCTOBER 1, 2020 AT 10:00A.M.:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to continue the public hearing to address the Zerbe-O'Keefe #265 Watershed Drainage Improvement Petition Project to Thursday, October 1, 2020 at 10:00A.M..

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

13

RESOLUTION NO. 20-417

RESOLUTION OF NECESSITY FOR THE PURCHASE OF A MOTOR VEHICLE FOR THE USE OF THE DELAWARE COUNTY SHERIFF'S OFFICE OR ITS 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 County Commissioners of Delaware County, Ohio (the "Board") may find, by resolution of necessity, that it is necessary to purchase a motor vehicle to be used by the Board, by any county department, board, commission, office or agency, or by any elected county official or his or her employees; and

WHEREAS, the Delaware County Sheriff has demonstrated a need for one (1) additional used motor vehicle;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby finds that it is necessary to purchase one (1) used motor vehicle for use by the Sheriff's Office or its employees, at a total estimated cost not to exceed \$25,000.00.

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

14

ADMINISTRATOR REPORTS

Mike Frommer, County Administrator
-This is the second week of the county's back to work plan.

15

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell
-Exciting day for the small businesses in Delaware County.

Commissioner Lewis
-Sean Miller gave an EMA update and wanted to thank Jon Melvin and the Facilities Department for their excellent and quick work in getting the county ready for re-opening.
-Also mentioned the Personal Protective Equipment supply is going well.

Commissioner Benton
-The Senate is looking at House Bill 310: Cares Act reimbursement for government spending on COVID supplies and services.
-The MORPC executive committee is working on projections for the rest of the year.
-The Montros Group will be holding a webinar tomorrow.
-The State Capital Budget update: Doubtful that funding will occur for this year.
-An article in the Gazette featured a local business (Trax Management Services) congratulating them on getting approved for advanced COVID testing kits.

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RESOLUTION NO. 20-418

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION TO CONSIDER THE SALE OF PROPERTY AT COMPETITIVE BIDDING AND FOR PENDING OR IMMINENT LITIGATION:

It was moved by Mrs. Lewis, 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

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

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Section 1. The Board hereby adjourns into executive session to consider the sale of property at competitive bidding and for pending or imminent litigation.

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

RESOLUTION NO. 20-419

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.

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

**For Consideration For Other Business On
Thursday May 14, 2020**

RESOLUTION NO. 20-420

IN THE MATTER OF APPROVING A PROPERTY REDEVELOPMENT CONTRACT BY AND BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO AND THE DELAWARE COUNTY FINANCE AUTHORITY FOR THE PROPERTY LOCATED AT OR NEAR THE NORTHEAST CORNER OF COLUMBUS PIKE (SR23) AND ORANGE ROAD, LOCATED IN ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO:

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

WHEREAS, the County Administrator and Economic Development Director recommend approving a property redevelopment contract by and between the Board of County Commissioners of Delaware County, Ohio and the Delaware County Finance Authority for the property located at or near the northeast corner of Columbus Pike (SR23) and Orange Road, located in Orange Township, Delaware County, Ohio;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the property redevelopment contract by and between the Board of County Commissioners of Delaware County, Ohio and the Delaware County Finance Authority for the property located at or near the northeast corner of Columbus Pike (SR23) and Orange Road, located in Orange Township, Delaware County, Ohio:

PROPERTY REDEVELOPMENT CONTRACT

This Property Redevelopment Contract (“Contract”) is entered into on May 14, 2020, by and between the Board of County Commissioners of Delaware County, Ohio, located at 101 N. Sandusky Street, Delaware, Ohio (the “County”), and the Delaware County Finance Authority, located at 101 N. Sandusky Street, Delaware, Ohio, (the “DCFA”), individually a “Party” and collectively the “Parties”.

WITNESSETH:

WHEREAS, the Parties desire to facilitate the redevelopment of property located at or near the northeast corner of Columbus Pike (SR23) and Orange Road, located in Orange Township, Delaware County, Ohio (the “Project”); and

WHEREAS, the Project is harmonious with the objectives and goals set forth by the County’s approved economic development master plan and the findings and recommendations of the ONE Delaware US Route 23 Corridor Study; and

WHEREAS, the County has executed a Memorandum of Understanding for Facility Relocation with the Delaware County Board of Developmental Disabilities (the “DCBDD”) dated February 14, 2020, and the County will, by quitclaim deed, obtain title to the building parcel and the undivided interest in the common elements and limited common elements of the Orange Corporate Center Commercial Condominium upon the subject conditions being met; and

WHEREAS, the DCFA will, by quitclaim deed, obtain title to the parcel known as 7935 Columbus Pike, Lewis Center, Ohio 43035 with Parcel Identification Number 31823404003507, the Limited Common Elements with Parcel Identification Number 31823404003506, as well as, the related Common Elements of the Orange Corporate Center Commercial Condominium (the “7935 Property”); and

WHEREAS, the County desires to transfer the DCBDD property in a similar manner to the DCFA, as well as, reimburse the DCFA for its expenses in the acquisition of the 7935 Property in exchange for \$6,500,000.00 in revenue from redevelopment of the DCBDD facility. This revenue can be in the form of cash purchase, future property tax revenues, special tax revenue from an executed economic development incentive tool, or any combination thereof.

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NOW THEREFORE, in consideration of the mutual promises and covenants set forth in this Contract, the County and the DCFA agree and bind themselves, their agents, employees, and successors as follows:

Section 1. Transfer of DCBDD Property

The DCBDD facility is located at 7991 Columbus Pike, Lewis Center, Ohio 43035, consisting of a ±73,700 square foot building on a 1.488 acre parcel (the “Current Facility”) and an undivided interest in the common elements and limited common elements of the Orange Corporate Center Commercial Condominium, including paved parking areas, driveways, and other site improvements (the “Condo Common Elements”) (the Current Facility and Condo Common Elements are collectively referred to herein as the “DCBDD Property”). The County acquired the DCBDD Property, for and on behalf of DCBDD and with DCBDD funds, on April 24, 2009, and immediately granted the DCBDD Property to DCBDD, pursuant to R.C. 307.10(B). Large portions of the Current Facility are not occupied or used in any way, and currently the County uses a portion of the facility for a sheriff substation. The County and DCBDD expect that the Current Facility will require significant maintenance expenditures in the near and long term for the Current Facility to remain a viable location for DCBDD. The DCBDD facility was constructed in 1970 and DCBDD’s initial purchase and renovation costs were approximately \$7,000,000.

The County and its Economic Development Department prepared an economic development master plan in 2016. Recommendations from the plan include, but are not limited to:

1. Creation of Public/Private Partnerships (P3s) to foster the development of industrial and office sites. This includes various county entities, local entities such as townships, villages and cities, and the private sector of land owners and developers.
2. Cooperative efforts to fund and develop critical infrastructure from local, state, and federal sources. At the county level, this would include the County Commissioners, County Auditor, and County Engineer, and would include TIFs and CRAs, as examples.
3. Standardization of development processes, including, common zoning standards and tax incentive agreements with townships, villages, cities and school districts within the county for high-wage jobs, and the launch of a business retention and expansion program.

ONE Delaware (a not-for-profit entity located and operating within Delaware County), in cooperation with the DCFA, Orange Township and the County, has prepared a comprehensive study of the US 23 Corridor that includes the location of the DCBDD Property, and the study provides recommendations on usage, economic incentives, and redevelopment opportunities. The County desires for redevelopment of the DCBDD Property and adjacent properties to be done in accordance with the recommendations of these planning efforts. The County understands that more desirable and attractive redevelopment opportunities may result in reduced or delayed revenue being received to the County and that many incentive tools may be considered in redevelopment of these properties including TIFs, CRAs, JEDDs, etc.

DCBDD transferring the DCBDD Property to the County, and the transfer of the DCBDD Property from the County to DCFA, are both contingent upon the successful planning, design, and construction of a proposed social services complex to be located at 1610 State Route 521, Delaware, Ohio 43015. DCBDD will not be moving to a temporary office during construction of the new social services complex. It is currently anticipated that the DCBDD Property will be vacated within the next three (3) years.

After the transfer of the DCBDD Property from the DCBDD to the County (the “Initial Transfer”), the County shall transfer the DCBDD Property to the DCFA by means of quitclaim deed (the “DCFA Transfer”), within sixty (60) days of the Initial Transfer. Any and all costs of the DCFA Transfer shall be paid by the County.

Section 2. Reimbursement of 7935 Property Acquisition Costs

The 7935 Property totals approximately 3.771 acres, consisting of approximately 1.028 acres located at 7935 Columbus Pike, Lewis Center, Ohio 43035 with Parcel Identification Number 31823404003507, the related Limited Common Elements consisting of approximately 1.509 acres with Parcel Identification Number 31823404003506, as well as, the related Common Elements consisting of approximately 1.234 acres of the Orange Corporate Center Commercial Condominium.

On or about May 15, 2020, the DCFA shall close on the purchase of, and acquire by quitclaim deed, the 7935 Property. The DCFA’s costs of acquisition, due diligence, and closing of the purchase of the 7935 Property are anticipated to be approximately \$610,000.00, consisting of \$510,000.00 for acquisition and approximately \$100,000 for due diligence and closing costs.

After the acquisition of the 7935 Property by the DCFA, the County shall reimburse the DCFA for all of its actual expenses incurred in an amount not to exceed \$610,000.00, which is \$510,000 for acquisition with an allowance of up to \$100,000 for due diligence and closing costs. The reimbursement from the County to the DCFA shall occur no later than nine (9) months from closing and shall only occur after the DCFA has submitted an itemized expense report to the County.

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Section 3. Redevelopment of DCBDD Property and 7935 Property

The Parties shall undertake collective redevelopment efforts as follows:

- a) The DCFA will evaluate redevelopment alternatives for both the DCBDD Property and the 7935 Property, including alternatives that utilize the existing facility, given the amount of community financial resources that have been invested in the facility, and alternatives for complete demolition of the existing building.
- b) The DCFA will solicit at least three (3) proposals from qualified developers for redevelopment of the DCBDD Property and the 7935 Property. The request for proposals shall reference the recommendations of the economic development master plan and US 23 corridor study. The proposal responses should include at a minimum a concept plan, proposed usage, construction timeframe, and revenue projections that include purchase of the property and use of different tax incentive vehicles and/or purchase of the property. It is understood that some preliminary analysis of the facilities would help select potential developers for consideration, but the cost of evaluating redevelopment opportunities should be borne by the proposing developers.
- c) DCFA is responsible for evaluating the proposals and selecting a developer. The County Administrator shall be a non-voting member in the proposal review and selection process to ensure that the revenue expectations of the County are being achieved. The County Administrator can also provide feedback on viability of the economic incentives that will need to be ultimately approved by the County.

Section 4. Redevelopment Revenue to County

In exchange for both the transfer of the DCBDD Property from the County to the DCFA, and the reimbursement of acquisition costs of the 7935 Property by the County to the DCFA, the County shall receive redevelopment revenues derived from either or both properties, up to a maximum aggregate amount of \$6,500,000.00 (the "Redevelopment Revenue"), as follows:

- a) The County will receive 100% of all funds generated through the sale of either or both properties, until such time as the Redevelopment Revenue has been satisfied.
- b) The County will receive 100% of all funds that can be generated by a Tax Increment Financing ("TIF") agreement, subject to the actual terms of a final TIF agreement, until such time as the Redevelopment Revenue has been satisfied.
- c) The County and DCFA may enter into a JEDD agreement with Orange Township, and/or be a recipient of JEDD revenues. The revenue generated from a JEDD will be split between the Parties based on the terms of the JEDD agreement. However, the County agrees that it will not receive funds from the JEDD that would exceed the amount being collected by the DCFA throughout the term of the JEDD agreement. The revenue received by the County through a JEDD shall be credited towards the Redevelopment Revenue to the County. The County will not continue to receive JEDD revenues after the Redevelopment Revenues have been satisfied. Any funds being collected by the County following the repayment of the Redevelopment Revenue will be allocated to the DCFA.

The Parties shall make their best efforts to ensure the County is reimbursed its \$6,500,000.00 within ten (10) years of the execution of this Contract.

Section 5. Other Documents

The Parties agree to mutually develop and/or execute any and all such other documents, instruments, and agreements as may be necessary to meet the obligations of this Contract.

Section 6. Entire Agreement

This Contract is the entire agreement of the Parties and merges and supersedes all prior discussions, agreements and undertakings of any kind between the Parties with respect to the subject matter of this Contract, or any particular contained therein. This Contract represents a negotiated agreement in which the Parties all participated in its drafting, and as such, is not to be construed against or for any individual Party.

Section 7. Binding Effect

This Contract shall inure to the benefit of and shall be binding upon the County and the DCFA and their respective permitted successors, subject, however, to the specific provisions hereof. This Contract shall not inure to the benefit of anyone other than as provided in the immediately preceding sentence. This Contract is for the exclusive benefit of the above, and nothing contained herein is intended, nor shall it, convey or create any right or privilege to or for any third party except as otherwise noted specifically herein.

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Section 8. Counterparts

This Contract may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same Contract. Signatures transmitted by facsimile or electronic means are deemed to be originals.

Section 9. Severability

In the event that any section, paragraph or provision of this Contract, or any covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, or any application thereof, is held to be illegal or invalid for any reason:

- a) That illegality or invalidity shall not affect the remainder hereof or thereof, any other section or provision hereof, or any other covenant, agreement, obligation or action, or part thereof, made, assumed, entered into or taken, all of which shall be construed and enforced as if the illegal or invalid portion were not contained herein or therein,
- b) The illegality or invalidity of any application hereof or thereof shall not affect any legal and valid application hereof or thereof, and
- c) Each section, paragraph, provision, covenant, agreement, obligation or action, or part thereof, shall be deemed to be effective, operative, made, assumed, entered into or taken in the manner and to the full extent permitted by law.

Section 10. Governing Law

This Contract shall be governed exclusively by and construed in accordance with the laws of the State of Ohio.

Section 11. Captions and Headings

The captions and headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections hereof.

IN WITNESS THEREOF, THE COUNTY AND THE DCFA HAVE CAUSED THIS CONTRACT TO BE EXECUTED BY THEIR DULY AUTHORIZED REPRESENTATIVES AS OF THE DATE HEREINBEFORE WRITTEN:

COUNTY

By: _____
Michael A. Frommer, P.E.
County Administrator

Acknowledged and Agreed this _____ day of _____, 2020.

DCFA

By: _____
William G. Bishop, Chair
Delaware County Finance Authority

Acknowledged and Agreed this _____ day of _____, 2020.

The undersigned Fiscal Officer of Delaware County Ohio hereby certifies that the moneys required to meet the obligations of the County during the calendar year 2020 under the foregoing Contract, have been appropriated lawfully for that purpose, and are in the treasury of the County, or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

By: George Kaitsa, MBA
Delaware County Auditor

The undersigned Fiscal Officer of the Delaware County Finance Authority, Delaware County, Ohio hereby certifies that the moneys required to meet the obligations of the DCFA during the calendar year 2020 under the foregoing Contract, and have been appropriated lawfully for that purpose, and are in the treasury of the DCFA, or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Ohio Revised Code Sections 5705.41 and 5705.44.

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By: David C. Stadge, Treasurer/CFO
Delaware County Finance Authority

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners