

**COMMISSIONERS JOURNAL NO. 73 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 21, 2020**

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**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**

**1**  
**RESOLUTION NO. 20-830**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 17, 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 September 17, 2020; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the previous meeting.

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

**2**  
**RESOLUTION NO. 20-831**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0918, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0918 AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER PCAPR0918:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0918, memo transfers in batch numbers MTAPR0918, Procurement Card Payments in batch number PCAPR0918 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
P2003371 TREASURER DEL CO	Retainage Trucco	66711900-5415	\$9,919.68
	Construction Project RSD		
<b>PR Number</b>	<b>Vendor Name</b>	<b>Line Description</b>	<b>Line Account</b>
R2004309	XYLEM WATER SOLUTIONS USA INC	SPARE PUMP FOR GOLF VILLAGE	66211900 - 5450
			\$27,251.00

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

**3**  
**RESOLUTION NO. 20-832**

**IN THE MATTER OF ACCEPTING THE TREASURER'S REPORT FOR THE MONTH OF AUGUST 2020:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to accept the Treasurer's Report for the month of August 2020.

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

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

**4**  
**RESOLUTION NO. 20-833**

**IN THE MATTER OF DECLARING COUNTY PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE AND AUTHORIZING THE SALE OF THE PERSONAL PROPERTY TO DEPUTY TIM SCHAMBS ON THE OCCASION OF HIS RETIREMENT:**

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

WHEREAS, Delaware County Sheriff’s Deputy Tim Schambs will retire from the Sheriff’s Office through the PERS program and in good standing with the office; and

WHEREAS, Deputy Tim Schambs’ assigned duty firearm, Glock, Gen 4, Model 22 w/night sights –Serial # WXT676 (the “Firearm”) is no longer needed for public use; and

WHEREAS, Delaware County wishes to permit Deputy Tim Schambs to purchase the Firearm for One Dollar (\$1.00), pursuant to section 307.12(B)(1) of the Revised Code;

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

Section 1. The Firearm is no longer needed for public use and authorizes the sale of the Firearm to Deputy Tim Schambs for One Dollar (\$1.00).

Section 2. The sale of the Firearm shall be conditioned upon Deputy Tim Schambs accepting the Firearm “as is” and accepting sole responsibility for the care and maintenance of the Firearm. The sale of the Firearm is further conditioned upon the deputy executing and submitting an Acknowledgement and Release from Liability.

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

**5**  
**RESOLUTION NO. 20-834**

**IN THE MATTER OF DECLARING COUNTY PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE AND AUTHORIZING THE SALE OF THE PERSONAL PROPERTY TO DEPUTY MATT GRAHAM ON THE OCCASION OF HIS RETIREMENT:**

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

WHEREAS, Delaware County Sheriff’s Deputy Matt Graham will retire from the Sheriff’s Office through the PERS program and in good standing with the office; and

WHEREAS, Deputy Matt Graham’s assigned duty firearm, Glock, Gen 4, Model 22 w/night sights –Serial # WXT600 (the “Firearm”) is no longer needed for public use; and

WHEREAS, Delaware County wishes to permit Deputy Matt Graham to purchase the Firearm for One Dollar (\$1.00), pursuant to section 307.12(B)(1) of the Revised Code;

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

Section 1. The Firearm is no longer needed for public use and authorizes the sale of the Firearm to Deputy Matt Graham for One Dollar (\$1.00).

Section 2. The sale of the Firearm shall be conditioned upon Deputy Matt Graham accepting the Firearm “as is” and accepting sole responsibility for the care and maintenance of the Firearm. The sale of the Firearm is further conditioned upon the deputy executing and submitting an Acknowledgement and Release from Liability.

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

**6**  
**RESOLUTION NO. 20-835**

**IN THE MATTER OF SELLING PERSONAL PROPERTY TO THE JACKSON COUNTY SHERIFF’S OFFICE, JACKSON COUNTY, OHIO:**

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

WHEREAS, Delaware County currently owns certain personal property, specifically one (1) 2009 Harley-Davidson FLHTP-I, Police Motorcycle, Vin Number: 1HD1FMM139Y660690, equipped with an MPH Bee III Radar Unit, Serial Number: 122200988 (the “Property”), that is no longer needed for use by Delaware County; and

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

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WHEREAS, the Jackson County Sheriff’s Office has expressed a need for and can utilize the Property;

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

Section 1. The Board hereby approves the sale of the Property to the Jackson County Sheriff’s Office, Jackson County, Ohio, for the total sum of Eight Thousand Five Hundred Dollars and Zero Cents (\$8,500.00).

Section 2. The Property shall be sold upon the condition that the Property is accepted “as is.”

Section 3. The Director of Facilities is hereby authorized to execute any documents necessary to complete the sale of the Property approved herein.

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

**7**  
**RESOLUTION NO. 20-836**

**IN THE MATTER OF SELLING PERSONAL PROPERTY TO THE HOCKING COUNTY SHERIFF’S OFFICE, HOCKING COUNTY, OHIO:**

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

WHEREAS, Delaware County currently owns certain personal property, specifically one (1) 2009 Harley-Davidson FLHTP-I, Police Motorcycle, Vin Number: 1HD1FMM1X9Y613947, equipped with an MPH Bee III Radar Unit, Serial Number: 122200987, and one (1) 2008 Harley-Davidson FLHTP-I, Police Motorcycle, Vin Number: 1HD1FMM128Y684297, equipped with an MPH Bee III Radar Unit, Serial Number: 122200986 (collectively, the “Property”), that are no longer needed for use by Delaware County; and

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

WHEREAS, the Hocking County Sheriff’s Office has expressed a need for and can utilize the Property;

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

Section 1. The Board hereby approves the sale of the Property to the Hocking County Sheriff’s Office, Hocking County, Ohio, for the total sum of Fourteen Thousand Five Hundred Dollars and Zero Cents (\$14,500.00).

Section 2. The Property shall be sold upon the condition that the Property is accepted “as is.”

Section 3. The Director of Facilities is hereby authorized to execute any documents necessary to complete the sale of the Property approved herein,

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

**8**  
**RESOLUTION NO. 20-837**

**IN THE MATTER OF AUTHORIZING THE SUBMITTAL OF A LOCAL SPONSOR APPLICATION TO THE OHIO DEPARTMENT OF AGRICULTURE OFFICE OF FARMLAND PRESERVATION:**

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

WHEREAS, the Ohio Department of Agriculture Office of Farmland Preservation offers matching grants for the acquisition of farmland preservation easements through local sponsors; and

WHEREAS, the Delaware County Board of Commissioners, in cooperation with the Delaware Soil and Water Conservation District, wishes to submit an application for Delaware County to serve as a local sponsor for the program; and

WHEREAS, the Delaware County Board of Commissioners, as a matter of policy, plans to request approval of a modified scoring system that reflects the need for Delaware County to establish a proper balance between farmland preservation and the obligation to obtain future easements for the County’s sanitary sewer system; and

WHEREAS, the Board hereby declares that Resolution No. 17-1131 (approving a memorandum of understanding between Delaware County, Ohio and the Ohio Department of Agriculture for The Local Agricultural Easement Purchase Program), shall remain in full force and effect;

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NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby authorizes the County Administrator to complete a local sponsor application to the Ohio Department of Agriculture Office of Farmland Preservation and authorizes the President of the Board to sign and submit this application.

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

**9**

**RESOLUTION NO. 20-838**

**IN THE MATTER OF GRANTING THE PETITION TO VACATE THE DRAINAGE IMPROVEMENTS FOR NORTH ORANGE SECTION 1:**

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

WHEREAS, on January 2, 2007, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 07-05, approving, in pertinent part, a ditch maintenance petition and the ditch maintenance assessments for North Orange Section 1; and

WHEREAS, on September 17, 2020, a Drainage Vacation Petition was filed with the Board, requesting vacation of the drainage improvements approved for North Orange Section 1 in Resolution No. 07-05; and

WHEREAS, the petitioners represent 100% of the owners currently assessed for and benefiting from the drainage improvements to be vacated and have waived their rights to a viewing and public hearings; and

WHEREAS, the Delaware County Engineer and the Delaware Soil & Water Conservation District jointly recommend granting the Drainage Vacation Petition;

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

Section 1. The Board hereby grants the Drainage Vacation Petition, having found and determined that the vacation satisfies all statutory criteria, pursuant to Chapter 6131 of the Revised Code.

Section 2. The Board hereby orders the refund of any collected and unexpended balance of annual maintenance assessments for the drainage improvements vacated herein.

Section 3. The Board hereby orders that all maintenance for the drainage improvements vacated herein shall cease and that the easements for the purpose of constructing, operating and/or maintaining storm sewers, culverts, storm water drainage swales, retention/detention basins and/or other storm water drainage facilities, including ingress and egress thereto, shall also be vacated.

Section 4. The Clerk of the Board shall cause this Resolution and a copy of the aforesaid Drainage Vacation Petition to be recorded in the Office of the Delaware County Recorder.

Section 5. The 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 held in compliance with the laws of the State of Ohio.

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

**10**

**RESOLUTION NO. 20-839**

**IN THE MATTER OF ACCEPTING SANITARY SEWER IMPROVEMENTS FOR HEATHER RIDGE SECTION 2 AND NORTHSTAR GOLDWELL NEIGHBORHOOD SECTION 1:**

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

WHEREAS, the construction of new sanitary sewers at the Heather Ridge Section 2 and Northstar Goldwell Neighborhood Section 1 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 Agreements; and

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

**Heather Ridge Section 2**

1,900 linear feet of 8-inch dia. PVC sanitary sewer	\$72,390.00
41 ea. 8x6 PVC wye fittings	\$ 7,134.00

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1,966 linear feet of 6-inc dia. PVC laterals, risers, and fittings	\$75,023.60
9 sanitary manholes	<u>\$27,252.00</u>
Total	\$181,799.60

**Northstar Goldwell Neighborhood Section 1**

2,341 linear feet of 8-inch dia. PVC sanitary sewer w/ testing	\$243,199.35
55 ea. 8x6 PVC wye fittings	\$ 24,308.90
2,734 linear feet of 6-inch dia. PVC laterals, risers, and fittings	\$175,066.84
20 sanitary manholes	\$111,346.34
Connection to existing manhole	<u>\$ 18,815.20</u>
Total	\$572,736.63

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 agreements for the five-year maintenance period for the above sanitary sewer improvements.

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

**11  
RESOLUTION NO. 20-840**

**RESOLUTION OF NECESSITY FOR THE PURCHASE OR LEASE OF A MOTOR VEHICLE FOR THE USE OF THE DELAWARE COUNTY REGIONAL SEWER DISTRICT:**

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

WHEREAS, the Board of County Commissioners of Delaware County, Ohio (the “Board”) may find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of a 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 Board has before it a request from the Delaware County Regional Sewer District to expend county monies for the purchase of one new vehicle; and

WHEREAS, the Board participates in the State of Ohio’s cooperative purchasing program (the “Program”); and

WHEREAS, the vehicle is available for purchase via the program;

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

Section 1. The Board hereby declares that a necessity exists to purchase one new motor vehicle for use by the Delaware County Regional Sewer District, it being required to replace a piece of equipment used to haul sewage sludge from the district’s wastewater treatment plants to various disposal sites.

Section 2. The Board hereby declares that the make and model of such vehicle is a 2021 Freightliner M2 106 Chassis with Cummins L9 350 HP Engine and Allison 3000 RDS Automatic Transmission for a total price of \$217,475.00.

Section 3. The Board hereby declares that the purchase of said vehicle will be from Jack Doheny Company, an approved vendor under the Program, in accordance with the Program, pursuant to the contract and terms and conditions set forth in Contract #800724 – Index #STS670, which is, by this reference, fully incorporated herein and of which the purchase orders approved herein shall be made a part.

Section 4. The Board hereby approves a purchase order request for a total of \$217,475.00 to Jack Doheny Company in Northville, MI from 66211900-5450.

Section 5. This Resolution shall take immediate effect upon passage.

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

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**12****RESOLUTION NO. 20-841**

**IN THE MATTER OF SETTING THE BID DATE AND TIME TO RECEIVE BIDS FOR THE PEACHBLOW PUMP STATION IMPROVEMENTS PROJECT AND THE PEACHBLOW FORCE MAIN AND GRAVITY SEWER IMPROVEMENTS PROJECT:**

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

WHEREAS, the Delaware County Regional Sewer District desires to bid the Peachblow Pump Station Improvements Project and the Peachblow Force Main and Gravity Sewer Improvements Project; and

WHEREAS, Sewer District staff has provided the contract documents and technical specifications for the Peachblow Pump Station Improvements Project and the Peachblow Force Main and Gravity Sewer Improvements Project;

NOW, THEREFORE, BE IT RESOLVED that the specifications for the projects known as Peachblow Pump Station Improvements and Peachblow Force Main and Gravity Sewer Improvements are hereby approved, and the Sanitary Engineer is authorized to advertise for and receive bids on behalf of the Board in accordance with the following Legal Notices:

PUBLIC NOTICE  
ADVERTISEMENT FOR BIDS

DELAWARE COUNTY REGIONAL SEWER DISTRICT  
PEACHBLOW PUMP STATION & FORCEMAIN UPGRADE – PUMP STATION  
CONTRACT NO. DCES 1-2020

Sealed Bids for the construction of the PEACHBLOW PUMP STATION IMPROVEMENTS PROJECT shall be submitted electronically through the [www.bidexpress.com](http://www.bidexpress.com) web service until **10:00 AM** local time on **Tuesday, 10/20/20**, at which time they will be publicly opened and read aloud.

The Bidder shall furnish all labor and material to construct a new wastewater pumping station and appurtenances and decommission the existing facilities.

Copies of the plans and specifications must be obtained from [www.bidexpress.com](http://www.bidexpress.com). All bidders must register and be a member of the web service to bid on the project.

All proposals shall be submitted electronically through the web service [www.bidexpress.com](http://www.bidexpress.com). A Bid must be accompanied by Bid security made payable to Owner, in the form of a certified or bank check or a Bid Bond issued by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions. The amount of a cashier's check or certified check must be at least TEN percent (10%) of the Bidder's maximum bid price (in accordance with Ohio Revised Code Chapter 1305). If a Bid Security is issued in the form of a Bid Bond by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions and O.R.C. 153.54, it shall be equal to ONE HUNDRED percent (100%) of the Bidder's maximum Bid Price. Bid security furnished in bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

The County reserves the right to reject any and all Bids, in whole or in part, to waive any informality in any or all Bids, to accept the Bid it deems lowest and best after the Bids have been examined and checked, and subject to the approval of the County Commissioners.

The Engineer's Estimate is \$ 2,630,004

A pre-Bid conference will be held on **October 6, 2020** at **10:00 A.M.** at the Delaware County Regional Sewer District Office, 50 Channing Street (South Wing), 2<sup>nd</sup> floor Conference Room, Delaware, Ohio 43015. Attendance at this conference is not required to bid but is encouraged. This conference will be held jointly with the pre-bid conference for a separate related project, Peachblow Force Main Improvement Project, Contract No. 2-2020.

No Bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read. All Bidders must bid on all items listed on the Bid Form. The successful Bidder shall be required to furnish performance and payment bonds in the amount of 100% of the Contract Price. Carriers must be authorized to do business in the State of Ohio.

The Bid will be advertised on **September 25, 2020** in the Delaware Gazette. The Bid will also be posted on the Delaware County website at [www.co.delaware.oh.us](http://www.co.delaware.oh.us) and may be accessed by selecting "Public Notices and Bids".



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RESOLUTION NO. 20-843

**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. Merrell 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, Delaware Pediatric Dentistry has donated 48 blankets and 400 reusable bags to the Department of Job and Family Services to be given to children involved with Children Services; and

WHEREAS, the value of these blankets and bags has been set at \$1,449.92; and

WHEREAS, the Delaware County Board of Commissioners wishes to formally accept the donation from Delaware Pediatric Dentistry and offer thanks for their generous support of the Delaware County Department of Job and Family Services;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners hereby accepts Delaware Pediatric Dentistry’s donation of \$1,449.92 in blankets and bags to the Delaware County Department of Job and Family Services and thanks the Delaware Pediatric Dentistry for their thoughtful generosity and commitment to the children of Delaware County.

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

15

RESOLUTION NO. 20-844

**IN THE MATTER OF ESTABLISHING MAINTENANCE BONDS FOR THE COURTYARDS AT CLEAR CREEK AND THE COURTYARDS AT CLEAR CREEK – GOODING BOULEVARD IMPROVEMENTS:**

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

**The Courtyards at Clear Creek**

WHEREAS, the roadway construction has been completed for the project known as The Courtyards at Clear Creek (the “Project”); and

WHEREAS, as the result of the Engineer’s recent field review of the Project, the Engineer has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period; and

WHEREAS, the Engineer recommends that in accordance with the Owner’s Agreement, the Maintenance Bond be set at \$93,600 (10% of the original construction estimate) and the Project be placed on the required one year maintenance period; and

WHEREAS, Epcon Clear Creek, LLC (“Principal”) has provided a Maintenance Bond in the amount of \$93,600 as surety to cover the one year maintenance period; and

WHEREAS, the Engineer also recommends approval to return the construction performance bond to the Principal;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves establishing a maintenance bond for the Project in the amount of \$93,600, and returning the construction bond for the Project to the Principal.

**The Courtyards at Clear Creek – Gooding Boulevard Improvements**

WHEREAS, the roadway construction has been completed for the project known as The Courtyards at Clear Creek – Gooding Boulevard Improvements (the “Project”); and

WHEREAS, as the result of the Engineer’s recent field review of the Project, the Engineer has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period; and

WHEREAS, the Engineer recommends that in accordance with the Owner’s Agreement, the Maintenance Bond be set at \$127,800 (10% of the original construction estimate) and the Project be placed on the required one year maintenance period; and



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WHEREAS, Epcon Clear Creek, LLC (“Principal”) has provided a Maintenance Bond in the amount of \$127,800 as surety to cover the one year maintenance period; and

WHEREAS, the Engineer also recommends approval to return the construction performance bond to the Principal;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves establishing a maintenance bond for the Project in the amount of \$127,800, and returning the construction bond for the Project to the Principal.

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

**16**  
**RESOLUTION NO. 20-845**

**IN THE MATTER OF DECLARING COUNTY PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE:**

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

WHEREAS, section 307.12(E) of the Revised Code authorizes the Delaware County Board of Commissioners (the “Board”) to sell, by internet auction, county personal property that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired; and

WHEREAS, on August 1, 2016, the Board adopted Resolution No. 16-749, declaring its intent to sell unneeded, obsolete, or unfit personal property by internet auction and establishing general guidelines for such sale; and

WHEREAS, pursuant to section 307.12(I) of the Revised Code, if the Board determines that county personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the Board may discard or salvage that property; and

WHEREAS, pursuant to section 307.12(B) of the Revised Code, when the Board finds, by resolution, that the county has personal property, including motor vehicles acquired for the use of county officers and departments, and road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, and when the fair market value of the property to be sold or donated under this division is, in the opinion of the Board, two thousand five hundred dollars or less, the Board may sell the property by private sale, without advertisement or public notification; and

WHEREAS, the Delaware County Engineer has determined that the following equipment is no longer needed for public use, is obsolete, or is unfit for the use for which it was acquired:

<u>Asset Tag Number</u>	<u>Item Description</u>	<u>Serial Number</u>
ENG0505	2005 Dodge Dakota QC Pickup Truck	1D7HW228K45354155
5403	2003 Dodge Dakota Pickup Truck	1D7HG38X93532223
4810310097	1996 International Dump Truck	1HTSDAAN1TH288679
5710	Challenger Lift Two Post	N/A
00946	1987 Woods 5’ Mower	553434
00482	1986 Woods 5’ Mower	3923
0105129801	1990 Woods 5’ Mower	635494

(hereinafter collectively referred to as the “Property”).

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

Section 1. The Board hereby declares that the Property is not needed for public use, is obsolete, or is unfit for the use for which it was acquired and authorizes the sale of the Property by internet auction, in accordance with the guidelines set forth in Resolution No. 16-749.

Section 2. The Board hereby determines that any of the Property that is not sold by internet auction within a reasonable period of time has no value and may be discarded or salvaged.

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

**17**  
**RESOLUTION NO. 20-846**

**IN THE MATTER OF APPROVING A DITCH MAINTENANCE PETITION AND THE DITCH**

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**MAINTENANCE ASSESSMENTS FOR GRAND POINTE AT NORTH ORANGE:**

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

WHEREAS, on September 21, 2020, a Ditch Maintenance Petition for Grand Pointe at North Orange (the “Petition”) was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS the Petition sets forth the drainage improvements that have been or will be constructed within Grand Pointe at North Orange located off Gooding Boulevard in Orange Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$409,765.78. The drainage improvements are being constructed for the benefit of the lot(s) being created in this subdivision. 35 lots are created in these plats and each lot received an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore \$11,707.59 per lot. An annual maintenance fee equal to 2% of this basis (\$234.15) will be collected for each lot. The basis for calculating the maintenance assessment shall be reviewed and subject to revision every six (6) years. The first year’s assessment for all the lots in the amount of \$8,195.25 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3: 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.

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

**18**

**RESOLUTION NO. 20-847**

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

It was moved by Mrs. Lewis, seconded by Mr. Merrell 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:

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Permit #	Applicant	Location	Type of Work
UT20-0150	Spectrum	Berkshire Road	Place cable in ROW
UT20-0151	AEP	Maxtown Road	Replace poles
UT20-0152	AT&T	Green Meadows Drive S.	Road Bore
UT20-0153	Suburban Natural Gas	Tall Pines Subdivision	Lay gas main
UT20-0154	Suburban Natural Gas	Home Road	Lay gas main
UT20-0155	Union Rural Electric Cooperative Inc.	Cook Road	Bore under road
UT20-0156	Union Rural Electric Cooperative Inc.	Plantation Road	Bore gas line under road

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

**19**

**RESOLUTION NO. 20-848**

**IN THE MATTER OF ACCEPTING IMPROVEMENTS WITHIN THE PROJECT KNOWN AS COURTYARDS AT SOUTH SECTION LINE ROAD PHASES 1 & 2 AND RELEASING CONSTRUCTION SURETY:**

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

WHEREAS, on December 12, 2016, the Board of County Commissioners (the "Board") entered into an Owner's Agreement with Epcon Communities, Inc. (the "Owner"), for the project known as Courtyards at South Section Line Road Phases 1 & 2 (the "Improvements"); and

WHEREAS, the County Engineer has inspected the Improvements and finds them to be constructed in accordance with the approved plans; and

WHEREAS, the County Engineer recommends the Board accept the Improvements in accordance with the Owner's Agreement and release the bond being held as construction surety to the Owner;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio hereby accepts the Improvements made for Courtyards at South Section Line Road Phases 1 & 2 in accordance with the Owner's Agreement and releases the bond being held as construction surety to the Owner.

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

**20**

**TIM WILSON, EXECUTIVE DIRECTOR  
DELAWARE COUNTY CONVENTION & VISITORS BUREAU  
-PRESENTATION/ UPDATE TO THE BOARD OF COMMISSIONERS**

**21**

**RESOLUTION NO. 20-849**

**IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE LAW LIBRARY:**

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

**Supplemental Appropriation**

20683201-5001	Law Library Resources Board/Compensation	\$16,060.00
20683201-5101	Law Library Resources Board/Health Insurance	\$4,127.80
20683201-5102	Law Library Resources Board/Workers Comp	\$97.10
20683201-5120	Law Library Resources Board/OPERS	\$2,159.40
20683201-5131	Law Library Resources Board/Medicare	\$121.88

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

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22

RESOLUTION NO. 20-850

**A RESOLUTION REQUESTING THE OHIO DEPARTMENT OF HEALTH PROVIDE PERTINENT DATA RELATING TO THE TOTAL NUMBER OF COVID-19 TESTS PERFORMED FOR RESIDENTS OF DELAWARE COUNTY, OHIO TO THE DELAWARE GENERAL HEALTH DISTRICT:**

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

WHEREAS, access to data, such as the total number of COVID-19 tests in Delaware County, is one of several important factors that inform public health officials in their decision making to accurately assess the complex challenge of accurately and properly determining and combatting the spread of COVID-19; and

WHEREAS, an important factor in accurately determining positivity rating is a high and accurate rate of testing; and

WHEREAS, it is important to know what amount of COVID-19 testing is occurring in order to more completely gauge its spread in Delaware County beyond that depicted by daily case numbers; and

WHEREAS, the State of Ohio Department of Health has collected data that shows the total number of COVID-19 tests performed for citizens of the State of Ohio; and

WHEREAS, the State of Ohio Department of Health has collected data that shows the total number of COVID-19 tests performed for citizens of Delaware County, Ohio; and

WHEREAS, the Ohio Department of Health has failed to provide the total number of tests performed in each county during a particular reporting period making calculating our county's positivity rate impossible; and

WHEREAS, this critical data point was promised to our local health district by August 1 by the Ohio Department of Health, but it has failed to provide this information;

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

Section 1. The Board recognizes the importance of the Delaware General Health District being able to determine the total number of tests performed during particular reporting periods for residents of Delaware County, Ohio.

Section 2. The Board requests that the Ohio Department of Health immediately begin providing to the Delaware General Health District the total number of tests performed during particular reporting periods for residents of Delaware County, Ohio.

Section 3. The Board requests that the Ohio Department of Health work with local health departments to develop a comprehensive and efficient testing process to provide the most accurate data possible for developing and implementing plans to combat COVID-19.

Section 4. This resolution shall take effect and be in force immediately after its passage.

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

23

**ADMINISTRATOR REPORTS**

Mike Frommer, County Administrator

-Attended the State of the Schools presentation at the Third Thursday luncheon. This year the focus was on how the school are adapting to the COVID mandates.

23

**COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Merrell

- Attended the Veteran's Dinner Friday evening.
- November 11, 2020 there will be a rededication ceremony for the monuments in front of the Historic Courthouse at 11:00 AM.
- Attended a CCAO virtual meeting last week.
- The Junior Fair is this week. Volunteer donations if you are able.

Commissioner Lewis

-Have asked John Lutz to attend the Scioto Energy presentation today.

Commissioner Benton

-Attended the Veteran's dinner Friday night.

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- Attended the unveiling of Little Brown Jug Way on Saturday.
- The Land Bank will meet on Wednesday afternoon.
- Will be attending a CEBCO Board retreat.

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**GREG BECHERT, SCIOTO ENERGY**  
**-PRESENTATION**

25

**RESOLUTION NO. 20-851**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES; TO CONSIDER THE SALE OF PROPERTY AT COMPETITIVE BIDDING:**

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:

Section 1. The Board hereby adjourns into executive session for consideration of appointment of a public employee or public official; to consider the purchase of property for public purposes; to consider the sale of property at competitive bidding.

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

**RESOLUTION NO. 20-852**

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

It was moved by Mrs. Lewis, 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