

**COMMISSIONERS JOURNAL NO. 74 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JANUARY 25, 2021**

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

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

1
RESOLUTION NO. 21-44

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JANUARY 21, 2021:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on January 21, 2021; 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. 21-45

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0122 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0122:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0122 memo transfers in batch numbers MTAPR0122 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
P2100225 Fleetcor	Service Center	10011106-5228	\$5,500.00
P2100008 PNC	Facilities Department	10011105-5200	\$66,400.00
P2100210 Granite	Facilities Department	10011105-5330	\$5,100.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2101652	TAYLOR TIRE COMPANY LTD	LARGE TRUCK REPAIRS - RSD	66211900 - 5328	\$10,000.00
R2101669	LAYTON TRUCKING INC	MANHOLE IMPROVEMENT PROJECT - CASCADE DR	66611900 - 5403	\$16,000.00
R2101696	PETERSON CONSTRUCTION CO	CMAR SERVICES FOR ACWRF CLARIFIER UPGRADE PROJECT	66611900 - 5410	\$3,949,586.68
R2101698	TREASURER,DELAWARE COUNTY	RETAINAGE - PETERSON - CMAR SERVICES FOR ACWRF	66611900 - 5410	\$343,442.32

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

3
RESOLUTION NO. 21-46

IN THE MATTER OF SETTING DATE AND TIME FOR VIEWINGS AND PUBLIC HEARINGS FOR CONSIDERATION OF THE DRAINAGE IMPROVEMENT PETITIONS FOR GRIFFITH #391, FILED BY GRDEN LLC; SLATE LICK LATERAL #1, FILED BY DOUG AND SUZANN PUSSER; CHANCEL GATE, FILED BY STEPHEN CORVI; AND BUELL #542, FILED BY DAVID BUELL:

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

Griffith #391 drainage petition

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WHEREAS, on June 12, 2020, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by Grden LLC and Others, to:

1. Generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by replacing or repairing, or altering the existing improvement as required and/or creating new surface and subsurface drainage mains or laterals as requested by this petition.
2. In Delaware County, Berlin Township, within the Griffith #391 Watershed and generally following, but not limited to the course and termini of the existing improvements.

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer's cost from the bond in accordance with Section 6131.09 of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that **Monday, April 12, 2021, at 1:30P.M.**, with the use of video technology at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio 43015, be and the same is hereby fixed as the time and place for the view thereon; and

BE IT FURTHER RESOLVED that **Thursday, August 12, 2021, at 10:00A.M.**, at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, be and the same is hereby fixed as the time and place for the first hearing on the petition; and

BE IT FURTHER RESOLVED that notice of said view and hearing be given, as required by law.

Slate Lick Lateral #1 drainage petition

WHEREAS, on June 25, 2020 the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by Doug and Suzann Pusser, to:

1. Generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by replacing or repairing, or altering the existing improvement as required and/or creating new surface and subsurface drainage mains or laterals as requested by this petition.
2. In Delaware County, Kingston and Brown Townships, within the Slate Lick Lateral #1 Watershed and generally following, but not limited to the course and termini of the existing improvements.

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer's cost from the bond in accordance with Section 6131.09 of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that **Monday, April 26, 2021, at 1:30P.M.**, with the use of video technology at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio 43015, be and the same is hereby fixed as the time and place for the view thereon; and

BE IT FURTHER RESOLVED that Thursday, September 9, 2021, at 10:00A.M., at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, be and the same is hereby fixed as the time and place for the first hearing on the petition; and

BE IT FURTHER RESOLVED that notice of said view and hearing be given, as required by law.

Chancel Gate drainage petition

WHEREAS, on November 20, 2020, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by Stephen Corvi and Others, to:

1. Generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by replacing or repairing, or altering the existing improvement as required and/or creating new surface and subsurface drainage mains or laterals as requested by this petition.
2. In Delaware County, Concord Township, within the Chancel Gate Watershed and generally following, but not limited to the course and termini of the existing improvements

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of

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notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer’s cost from the bond in accordance with Section 6131.09 of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that **Monday, May 10, 2021, at 1:30P.M.**, with the use of video technology at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio 43015, be and the same is hereby fixed as the time and place for the view thereon; and

BE IT FURTHER RESOLVED that **Thursday, September 30, 2021, at 10:00A.M.**, at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, be and the same is hereby fixed as the time and place for the first hearing on the petition; and

BE IT FURTHER RESOLVED that notice of said view and hearing be given, as required by law.

Buell #542 drainage petition

WHEREAS, on December 15, 2020, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by David Buell and Others, to:

1. Generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by replacing or repairing, or altering the existing improvement as required and/or creating new surface and subsurface drainage mains or laterals as requested by this petition.
2. In Delaware County, Berkshire and Berlin Townships, within the Buell #542 watershed and generally following, but not limited to, the course and termini of existing improvements.

WHEREAS, the proper bond has been filed with the clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the cost incurred by the Engineer in making his preliminary reports, if the prayer of this petition is not granted, or if the petition is for any cause dismissed, unless the Board decides to pay the Engineer’s cost from the bond in accordance with Section 6131.09 of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that **Monday, May 24, 2021, at 1:30P.M.**, with the use of video technology at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio 43015, be and the same is hereby fixed as the time and place for the view thereon; and

BE IT FURTHER RESOLVED that **Thursday, October 7, 2021, at 10:00A.M.**, at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, be and the same is hereby fixed as the time and place for the first hearing on the petition; and

BE IT FURTHER RESOLVED that notice of said view and hearing be given, as required by law.

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

**4
RESOLUTION NO. 21-47**

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the following permits are hereby approved by the Board of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
UT21-0001	AT&T	E. Powell Road	Place cable on new pole
UT21-0002	Spectrum	Graphics Way	Place cable in ROW
UT21-0003	Spectrum	Fancher Road	Place cable in ROW
UT21-0004	Consolidated Cooperative	E. Orange Road	Place new buried fiber drop
UT21-0005	Clear Creek Sec. 2 & 3	Suburban Natural Gas	Lay gas main
UT21-0006	Del-Co Water	N. Old State Road	Road bores

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

5
RESOLUTION NO. 21-48

IN THE MATTER OF AWARDING BIDS FOR ENGINEERING MATERIALS FOR 2021:

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

**Tree Clearing Bid Award Recommendation
Bids Opened January 12, 2021**

As a result of the bids opened January 12, 2021 for tree clearing for 2021, the Engineer recommends that a non-exclusive bid award be made to Timberland Tree, Adam’s Tree Care, Complete Clearing, Inc. and Oberlander’s Tree & Landscape Ltd.

**Curb and Sidewalk Replacement Program
Bids Opened January 12, 2021**

As a result of the bids opened January 12, 2021 for the curb and sidewalk replacement program for 2021, the Engineer recommends that a non-exclusive bid award be made to Decker Construction Company, Nickolas M. Savko & Sons, Professional Pavement and Strawser Paving Company.

**Guardrail Installation
Bids Opened January 12, 2021**

As a result of the bids opened January 12, 2021 for guardrail installation for 2021, the Engineer recommends that a non-exclusive bid award be made to Lake Erie Construction Company, Paul Peterson Company, Cuyahoga Fence, LLC and MP Dory Company.

**Pavement Marking
Bids Opened January 12, 2021**

As a result of the bids opened January 12, 2021 for pavement marking for 2021, the Engineer recommends that a non-exclusive bid award be made to A&A Safety, Inc., DuraMark, Inc. and Griffin Pavement Striping, LLC.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Engineer’s recommendations stated herein and approves the following:

Section 1: A non-exclusive bid award be made to Timberland Tree, Adam’s Tree Care, Complete Clearing, Inc. and Oberlander’s Tree & Landscape Ltd. for tree clearing for 2021.

Section 2: A non-exclusive bid award be made to Decker Construction Company, Nickolas M. Savko & Sons, Professional Pavement and Strawser Paving Company for curb and sidewalk replacement for 2021.

Section 3: A non-exclusive bid award be made to Lake Erie Construction Company, Paul Peterson Company, Cuyahoga Fence, LLC and MP Dory Company for guardrail installation for 2021.

Section 4: A non-exclusive bid award be made to A&A Safety, Inc., DuraMark, Inc. and Griffin Pavement Striping, LLC for pavement marking for 2021.

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

6
RESOLUTION NO. 21-49

IN THE MATTER OF APPROVING AND ACCEPTING DEDICATION OF AN EXTENSION OF NORTH ROAD, TOWNSHIP ROAD 272, IN BERLIN TOWNSHIP:

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

WHEREAS, section 5553.31 of the Revised Code provides that any person may, with the approval of the board of county commissioners, dedicate lands for road purposes; and,

WHEREAS, pursuant to a Development Agreement approved by Resolution No. 20-500, Peachblow Land LLC, the owner of a 145.432 acre tract on the south side of Peachblow Road in Berlin Township, Delaware County Ohio, acting through its duly designated representatives, has filed a plat of survey for 6.9547 acres and voluntarily dedicates the same for public road purposes as a new public roadway, beginning on Peachblow Road (County Road 98) at a point approximately 0.46 miles west of the Norfolk Southern Railroad and extending in a southerly direction for approximately 0.54 miles, said public roadway to be the first phase of an

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extension of North Road, Township Road 272, known as project DEL-TR272-0.92;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County that the dedication of right of way pursuant to the referenced plat of survey is approved and accepted and that the description and plat shall, with the approval and acceptance stated herein indorsed thereon, be placed upon the proper road records of Delaware County.

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

7

RESOLUTION NO. 21-50

IN THE MATTER OF APPROVING A COOPERATIVE PROJECT AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS AND LIBERTY TOWNSHIP FOR IMPROVEMENTS TO SELDOM SEEN ROAD:

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

WHEREAS, the County Engineer recommends approval of a Cooperative Project Agreement between the Delaware County Board of Commissioners and Liberty Township for Improvements to Seldom Seen Road;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Cooperative Project Agreement with Liberty Township for the Improvements to Seldom Seen Road, as follows:

COOPERATIVE PROJECT AGREEMENT

SELDOM SEEN ROAD IMPROVEMENTS

This Agreement made and entered into this 25th day of January, 2021 by and between the Delaware County Board of Commissioners (“County”), the Liberty Township Board of Trustees (“Township”), and the Delaware County Engineer (“Engineer”).

WITNESSETH:

WHEREAS, any County, acting under authority of O.R.C. 5555.022, may declare the necessity for improvements to any public road and may order the County Engineer to prepare plans, specifications and estimates for such improvements; and,

WHEREAS, any Township, when acting under authority of O.R.C. 5573.01, may declare the necessity for improvements to any township road and may order the County Engineer to prepare plans, specifications and estimates for such improvements; and,

WHEREAS, O.R.C. 9.482 provides that a board of county commissioners may enter into an agreement with a board of trustees of any township, and a township board of trustees may enter into agreements with the board of county commissioners, whereby either board undertakes, and is authorized by the other board, to exercise any power, perform any function, or render any service, on behalf of the other board, that such board may exercise, perform, or render; and,

NOW, THEREFORE, for and in consideration of the premises and the mutual promises, covenants and obligations hereinafter stated, the parties mutually agree as follows, to wit:

Article 1 – Purpose

The County and Township enter into this agreement for the purpose of undertaking improvements to Seldom Seen Road (Township Road 121) as a Joint Project, further defined hereinafter, for the mutual benefit of both parties.

Article 2 – Scope of Work

The Project shall include reconstruction of the reverse curve, including minor widening and performing related drainage improvements on Seldom Seen Road (Township Road 121) extending from 400 feet west of the Filiz Lane/Seldom Seen Road intersection, terminating approximately 1500 feet west of the Filiz Lane/Seldom Seen Road intersection.

Article 3 – Project Costs

The Parties agree that the cost for the Project be split as follows:

The County shall pay for any costs for consulting engineers employed to assist the Engineer in preparation of surveys, plans, profiles, cross sections, estimates for the Project and for supervision and testing of the construction of the Project.

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The Township shall pay all costs associated with acquiring necessary land, locating or relocating utilities, and constructing the Project.

The Engineer shall keep an accurate record of all project costs and expenses and shall provide documentation of the accounting of such costs and expenses as requested by the County or Township.

The County and Township may pursue jointly or individually with consent of the other Party, any funding assistance available from other sources and shall apply any grants or funding assistance obtained specifically for the Project as estimated by the Engineer.

Article 4 – Preliminary Engineering

The Engineer shall prepare surveys, plans, profiles, cross sections, estimates and related documents for the Project. If requested by the Engineer, the County shall contract with qualified consulting engineer(s) to assist the Engineer and the County shall pay all costs of such consulting engineer(s).

The Engineer shall coordinate with the township, including furnishing copies of surveys, plans, profiles, cross sections, estimates and related documents during the design to the Township, to make such modifications as are desired by the Township, provided changes as are acceptable to the Engineer and meet the required current standards for roadway design and construction.

Article 5 – Right of Way Acquisition

The Township shall manage, and pay all costs associated with appraisal, negotiation, closing and purchase of all real property required for the Project. If requested by the Township, the Engineer shall assist with the selection of qualified appraisers or agents to assist the Township with the acquisition of such property.

In the event that contracts for the purchase of property cannot be negotiated with the owners of such property, the Township shall proceed with appropriation of such property in accordance with O.R.C. Chapter 163.

Article 6 – Utility Relocation

The Engineer shall coordinate for the relocation of necessary utilities for the Improvement.

Article 7 – Construction Contract

After all necessary real property has been acquired, the Engineer shall complete all necessary plans, specifications and estimates for the Improvement and shall transmit the same to the Township, at which time the Township shall proceed to contract for construction as stated in O.R.C. 5573.06.

Article 8 – Construction Engineering

The Engineer shall act in general supervision and direction as provided in O.R.C. 5543.09. If requested by the Engineer, the County shall contract with qualified consulting engineer(s) to assist the Engineer in supervising, inspecting and testing construction of the Project.

The Engineer shall coordinate with the Township to provide reasonable access to the work site for the Township representative(s) to monitor the progress of the work and shall cooperate with the Township toward successful completion of the Improvement.

Article 9 – Miscellaneous Terms & Conditions

- 9.1 **Entire Agreement:** This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.
- 9.2 **Governing Law:** This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.
- 9.3 **Headings:** The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.
- 9.4 **Waivers:** No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such

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waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.

9.5 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue to be effective and to be complied with.

9.6 Parties Responsible for Their Own Actions: The Parties are governmental entities/political subdivisions and lack authority to indemnify. The Parties, agree to be and shall be individually and solely responsible for their own negligence, actions, inactions, and/or omissions and/or the negligence, actions, inactions, and/or omissions of their respective boards, board members, officials, officers, employees, agents, representatives, and/or volunteers, resulting from the performance of this Agreement.

9.7 Termination: Either Party may terminate this Agreement for any or no reason on thirty (30) days advance written notice to the other.

9.8 No County/Township Funds: No actual funds are to be exchanged between the Parties in connection with this Agreement.

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

8
RESOLUTION NO. 21-51

IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND AND RETURNING CONSTRUCTION BOND FOR THE HEATHERS AT GOLF VILLAGE NORTH SECTION 4:

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

WHEREAS, the roadway construction has been completed for the project known as The Heathers at Golf Village North Section 4 (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 \$62,240 (10% of the original construction estimate) and the Project be placed on the required one year maintenance period; and

WHEREAS, Pulte Homes of Ohio, LLC (the "Principal") has provided a maintenance bond in the amount of \$62,240 as surety to cover the one year maintenance period; and

WHEREAS, the Engineer also requests approval to return the construction bond being held as construction surety to the Principal;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves establishing a maintenance bond for the Project and return of the construction bond to the Principal as outlined herein.

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

9
RESOLUTION NO. 21-52

IN THE MATTER OF APPROVING A DEVELOPER'S AGREEMENT FOR HOLLENBACK ROAD CONTRIBUTION IN CONJUNCTION WITH VILLAS AT OLD HARBOR WEST:

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

WHEREAS, the Engineer recommends approving the Developer's Agreement for Hollenback Road Contribution from 3 Pillar Homes in conjunction with Villas at Old Harbor West;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Developer's Agreement for Hollenback Road Contribution from 3 Pillar Homes in conjunction with Villas at Old Harbor West as follows:

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DEVELOPER’S AGREEMENT

THIS AGREEMENT made and entered into this 25th day of January, 2021, by and between the **COUNTY OF DELAWARE** (acting through its **BOARD OF COUNTY COMMISSIONERS**), hereinafter called the **COUNTY**, and **3 PILLAR HOMES**, hereinafter called the **OWNER**, is governed by the following considerations, to wit:

- 1) The **OWNER** is constructing a development known as The Villas at Old Harbor West (the “Development”), which will include a new roadway access to Hollenback Road and contribute to the need for improvements to Hollenback Road or other roadways in the vicinity of the Development which shall be constructed by the **COUNTY** (the “Improvements”).
- 2) On or before January 31, 2022, the **OWNER** shall pay to the **COUNTY** Three Hundred Fifty-Nine Dollars (\$359,000), mutually agreed to be the **OWNER’S** proportional share of, and contribution toward, the cost and expense of the Improvements. **OWNER** further agrees that such contribution may be used as determined by the **COUNTY** for improvements to Hollenback Road, or any other public roadway in the vicinity thereof, benefitting the Development.
- 3) The **OWNER** is to provide a bond, irrevocable letter of credit, or other approved financial warranty in the amount of Three Hundred Ninety-Five Thousand Dollars (\$395,000), payable to the **BOARD OF COUNTY COMMISSIONERS**, to insure the faithful performance of this **AGREEMENT**. Said financial warranty will be released and returned to the **OWNER** within thirty (30) days of the receipt of payment as required in Section 2 hereof.
- 4) To the extent the **OWNER**, either directly or through its agents or contractors, performs any work within the **COUNTY’S** right-of-way, the **OWNER** shall indemnify and hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the work.
- 5) The **OWNER** further agrees that any violation of or noncompliance with any of the provisions as stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to suspend or terminate any permit for access to or work within the **COUNTY** right-of-way.
- 6) If the **OWNER** should become unable to carry out the provisions of this **AGREEMENT**, the **OWNER’S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.
- 7) In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **OWNER** or his agent the right and privilege to access the Improvements stipulated herein, subject to the issuance of a right-of-way work permit.

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

10
RESOLUTION NO. 21-53

IN THE MATTER OF AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE COUNTY ENGINEER’S OFFICE:

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

WHEREAS, pursuant to section 5549.01 of the Revised Code, the Delaware County Board of Commissioners (the “Board”) may purchase machinery and equipment for the construction, improvement, maintenance, or repair of the highways, bridges, and culverts under its jurisdiction as it deems necessary and may also purchase, hire, or lease automobiles, motorcycles or other conveyances and maintain them for the use of the county engineer and the county engineer’s assistants when on official business; and

WHEREAS, the Delaware County Engineer’s Office has a need for one single axle dump body package, one tandem axle dump body package, one single axle cab and chassis, one tandem axle cab and chassis, one 4 WD motor grader, and installation of equipment on the chassis for use in performing the office’s official duties; and

WHEREAS, the Board participates in the Sourcwell (formerly NJPA) cooperative purchasing program (“Sourcwell”), and the single axle dump body package and tandem axle dump body package are available for purchase via Sourcwell; and

WHEREAS, pursuant to section 9.48(D) of the Revised Code, the Board may purchase supplies or services from another party, instead of through participation in cooperative purchasing programs, such as Sourcwell, if it can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts; and

WHEREAS, the equipment available for purchase via Sourcwell is available directly from the vendor upon equivalent terms, conditions, and specifications but at a price lower than the Sourcwell purchasing program

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price; and

WHEREAS, the Board is a member of the Ohio Department of Transportation’s cooperative purchasing program (the “ODOT Program”), and the single axle dump truck chassis and the tandem axle dump truck chassis are available for purchase via the ODOT Program; and

WHEREAS, the Board is a member of the Ohio Department of Administrative Services’ cooperative purchasing program (the “DAS Program”), and the 4 WD motor grader is available for purchase via the DAS Program; and

WHEREAS, pursuant to section 307.12(G) of the Revised Code, if the Board finds, by resolution, that the county has vehicles, equipment, or machinery that is not needed, or is unfit for public use, and the Board desires to sell the vehicles, equipment, or machinery to the person or firm from which it proposes to purchase other vehicles, equipment, or machinery, the Board may offer to sell the vehicles, equipment, or machinery to that person or firm, and to have the selling price credited to the person or firm against the purchase price of other vehicles, equipment, or machinery;

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

Section 1. The Board hereby authorizes the purchase of one 2021 single axle dump truck package at a price of \$79,900 directly from Kalida Truck Equipment Company. The Board hereby authorizes the purchase of one 2021 tandem axle dump truck package at a price of \$82,000 directly from Kalida Truck Equipment Company. The purchases authorized in this Section 1 shall be upon equivalent terms, conditions, and specifications as the Sourcewell contracts for the same equipment.

Section 2. The Board hereby authorizes the purchase of one 2022 single axle cab and chassis at a price of \$107,207.68 from Fremont Volvo Trucks. The Board hereby authorizes the purchase of one 2022 tandem axle cab and chassis at a price of \$116,221.44 from Fremont Volvo Trucks. The purchases authorized in this Sections 2 shall be subject to the contract and terms and conditions of ODOT Program Contract #023-21, which is fully incorporated herein and of which the purchase order shall be made a part.

Section 3. The Board hereby authorizes the purchase of one Case 836C 4 WD Motor Grader at a purchase price of \$182,336.64 from Southeastern Equipment Company. The purchase authorized in this Section 3 shall be subject to the contract and terms and conditions of DAS Program Index #STS-515, Contract #800585, which is fully incorporated herein and of which the purchase order shall be made a part.

Section 4. The Board hereby finds that the County has a 2002 Case CE Grader, S/N H8Z022007 and a 2013 Massey-Ferguson Boom Mowing Tractor, S/N RO53031 that are not needed or unfit for public use and authorizes the sale of the 2002 Case CE Grader for a price of \$17,400 and the 2013 Massey-Ferguson Boom Mower Tractor for a price of \$14,800, for a total price of \$32,200 as a credit on the total purchase price for the purchase approved in Section 3.

Section 5. The Board authorizes payment for the installation of the dump truck packages onto the dump truck chassis at a price of \$41,798 from Wurm Hydraulics Equipment.

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

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RESOLUTION NO 21-54

IN THE MATTER OF ESTABLISHING A NEW FUND AND NEW ORGANIZATION KEY:

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

New Fund
211 Emergency Rental Assistance Program

New Organization Key
21111171 Emergency Rental Assistance

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

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ADMINISTRATOR REPORTS

Dawn Huston, Deputy Administrator
-No reports.

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COMMISSIONERS’ COMMITTEES REPORTS

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Commissioner Benton

- The Land Bank met last Wednesday. They retained Robert Weiler as the broker to sell the Old Jail.
- Mainstreet Delaware held their annual meeting virtually last week. Susie Bibler was named Executive Director of the Year by Heritage Ohio.
- An Infrastructure meeting was held last week. Thanks to Representative Carfagna for keeping this going.
- The Legislative Update happened virtually last Friday. Highlights were the 2021-2022 budget is set to be revealed in early March; Senator Brenner has re-initiated the Little Brown Jug license plate; Senator Brenner chairs the Education Committee and his is pushing for changes in how schools are funded.

Commissioner Lewis

- Will be attending the virtual Bridges/Community Action meeting on Wednesday night.

Commissioner Merrell

- Gave a tour of the new offices to Brent Carson last Friday.
- Tim Bubba, President of CCAO, has asked our board to support five district within CCAO.
- Would like to ask the Board if they support submitting a letter to the Governor for Indigent Defense to be fully funded by the State.

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RESOLUTION NO. 21-55

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Benton, seconded by Mrs. Lewis 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 pending or imminent litigation.

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

RESOLUTION NO. 21-56

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

Other Business:

RESOLUTION NO. 21-57

A RESOLUTION AUTHORIZING INTERVENTION IN THE MATTER OF THE APPLICATION OF COLUMBIA GAS OF OHIO, INC., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED FOR THE CONSTRUCTION OF THE NORTHERN COLUMBUS LOOP – PHASE VII, BEFORE THE OHIO POWER SITING BOARD, CASE NO. 20-1236-GA-BTX:

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

WHEREAS, on January 14, 2021, the Delaware County Board of Commissioners (the “Board”) was served with a copy of the Application of Columbia Gas of Ohio, Inc., for a Certificate of Environmental Compatibility and Public Need for the Construction of the Northern Columbus Loop – Phase VII, filed with the Ohio Power Siting Board, Case No. 20-1236-GA-BTX; and

WHEREAS, the proposed construction is located, in part, within Delaware County, Ohio; and

WHEREAS, the members of the Board are the principal executive officers of Delaware County, Ohio, and are entitled to receive service of a copy of the application, pursuant to section 4906.06(B); and

WHEREAS, the Board is responsible for the orderly economic development, including road and public utility infrastructure, within Delaware County, Ohio; and

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WHEREAS, the Board finds and determines that the proposed project will have a profound impact on natural gas capacity within Delaware County and that intervention is necessary and proper to protect the interests of Delaware County and its constituents; and

WHEREAS, the Board finds and determines that it is uniquely positioned to provide appropriate perspectives on economic development growth patterns and infrastructure needs within Delaware County, that it can contribute to a just and prompt resolution of the issues in this proceeding without undue delay or prejudice to any other party, and that it has the necessary knowledge and expertise regarding conditions within Delaware County to aid in the determination of public need;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby authorizes the Board’s Staff Attorney to file a notice of intervention in the Matter of the Application of Columbia Gas of Ohio, Inc., for a Certificate of Environmental Compatibility and Public Need for the Construction of the Northern Columbus Loop – Phase VII, before the Ohio Power Siting Board, Case No. 20-1236-GA-BTX, and hereby authorizes the County Administrator to take all future actions on behalf of the Board, and in consultation with the Staff Attorney, with respect to this matter.

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

RESOLUTION NO. 21-58

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF FOR SECURITY ARRANGEMENTS AND EMERGENCY RESPONSE PROTOCOLS:

It was moved by Mrs. Lewis, seconded by Mr. Benton 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 for security arrangements and emergency response protocols.

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

RESOLUTION NO. 21-59

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

Gary Merrell

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Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners