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



RESOLUTION NO. 21-192

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 11, 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 March 11, 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 Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye



RESOLUTION NO. 21-193

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0312 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0312:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR0312, memo transfers in batch numbers MTAPR0312 and Purchase Orders as listed below:

PR Number	Vendor Name		Line Description		Line Account	Amount
R2102234	INFORMATION		DIGITAL ARCHIVE		10011103- 5325	\$7,500.00
	MANAGEMENT SRVCS INC	1.	WRITER			
R2102476	NATIONAL EMS		PROGRAM JULY 26-		10011303 - 5305	\$12,000.00
	MANAGEMENT		JULY 30,2021			
	ASSOCIATION					
R2102477	COUNTY RISK SHARING		2020-2021 DEDUCTIBL	E	60111901 - 5370	\$10,395.25
	AUTHORITY		DOL 07 22 2020			
R2102479	PELTON ENVIRONMENTAL	_	SPARE DIFFUSERS FOR	R	66211900 - 5201	\$17,050.00
	PRODUCTS		AERATION TANKS AT			
			ALUM CREEK			
Vote on Motion	Mr. Merrell	Aye	Mrs. Lewis A	Aye	Mr. Benton	Aye



RESOLUTION NO. 21-194

IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM LT PIZZA CO LLC DBA PIZZA COTTAGE AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

WHEREAS, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a new D5 liquor license request from Lt Pizza Co LLC DBA Pizza Cottage, located at 8753 Owenfield Drive Orange Township, Powell, Ohio 43015; and

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

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

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RESOLUTION NO. 21-195

IN THE MATTER OF AMENDING RESOLUTION NO. 18-921 (APPOINTING THE CLERK AND DEPUTY CLERKS FOR THE BOARD OF COMMISSIONERS) TO REFLECT PERSONNEL CHANGES:

It was moved by Mrs. Lewis, seconded by Mr. Benton to amend Resolution No. 16-1225 and Resolution No. 18-921 (Appointing the Clerk and Deputy Clerks for the Board of Commissioners) to reflect personnel changes:

WHEREAS, Resolution No.16-1225 appointed Jennifer Walraven, Clerk and Sarah Dinovo, Dawn Huston, and Si Kille, Deputy Clerks to the Board of Delaware County Commissioners; and

WHEREAS, Resolution No. 18-921 appointed Sharon Fridley as an additional Deputy Clerk to the Board of Delaware County Commissioners, due to the transfer of Si Kille to the Auditor's office; and

WHEREAS, Sharon Fridley is no longer a Delaware County employee; and

WHEREAS, from time to time there exists the possibility of multiple absences from the workplace at the same time; and

WHEREAS, the Delaware County Board of Commissioners' Office may still need to accept official filing of petitions and other paperwork during periods of multiple absences; and

WHEREAS, the Delaware County Commissioners may still need to conduct meetings during periods of multiple absences;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners appoints Marisa Stith, Karen First, Jane Hawes, and Heather Van Hull as additional Deputy Clerks to the Board of Delaware County Commissioners.

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



RESOLUTION NO. 21-196

IN THE MATTER OF ACKNOWLEDGING THE WITHDRAWAL OF THE INITIAL FILING AND RECEIPT OF NEW FILING OF THE ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, ANDREW WECKER, ESQ., ATTORNEY-AT-LAW, MANOS, MARTIN & PERGRAM CO., LPA, REQUESTING ANNEXATION OF 35.336 ACRES OF LAND IN LIBERTY TOWNSHIP TO THE CITY OF POWELL:

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

WHEREAS, agent for the Petitioner, Andrew Wecker, Esq., Attorney-At-Law, Manos, Martin & Pergram Co., LPA, has requested to withdraw the petition, filed on February 18, 2021, with the Clerk to the Board of Commissioners, requesting annexation of 35.336 acres of land in Liberty Township to the City of Powell; and

WHEREAS, on March 10, 2021, the Clerk to the Board of Commissioners received a refiling of the petition requesting annexation of 35.336 acres from Liberty Township to the City of Powell;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners acknowledges the withdrawal of the February 18, 2021 petition and receipt of the March 10, 2021 petition requesting annexation of 35.336 acres from Liberty Township to the City of Powell.

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



RESOLUTION NO. 21-197

IN THE MATTER OF PROCLAIMING THE WEEK OF MARCH 21-27 BE DESIGNATED AS SEVERE WEATHER AWARENESS AND FLOOD SAFETY AWARENESS WEEK IN DELAWARE COUNTY:

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

WHEREAS, Ohio's Severe Weather Awareness AND Flood Safety Awareness Week are a statewide

coordinated effort to encourage Ohioans to prepare for severe weather in their homes, businesses, and schools;

WHEREAS, Delaware County will participate in the Statewide Tornado Drill on Wednesday, March 24, 2021 at 9:50 a.m. as this event aims to increase public awareness concerning the importance of preparing for emergencies and to persuade individuals to take action; and

WHEREAS, during the Week of March 21-27, the Delaware County Office of Homeland Security and Emergency Management (EMA) will urge residents to plan for, and take appropriate measures to make themselves and their families better prepared for severe weather and flooding; and

WHEREAS, being prepared includes understanding the difference between a watch and a warning; knowing where to shelter during a storm; exercising caution and not driving through flooded roadways; and

WHEREAS, familiarizing themselves and their families with the best way to receive communications in an emergency, mitigate situations around their homes, and general preparedness; and

WHEREAS, the Delaware County EMA promotes severe weather awareness, flood safety and emergency preparedness year round by working closely with partner agencies, maintaining "StormReady" certification from the National Weather Service; using traditional and social media to reach out to the community; and

WHEREAS, the Board of County Commissioners would like to officially recognize the Delaware County Office of Homeland Security and Emergency Management (EMA) and its community partners including law, fire, EMS and the many other volunteer and civic organizations that routinely offer their services to our community;

NOW THEREFORE, be it proclaimed by the Board of County Commissioners of Delaware County, Ohio, that the week of March 21-27 be designated as

SEVERE WEATHER AWARENESS and FLOOD SAFETY AWARENESS WEEK

ORDERED on this 15th day of March 2021 Board of County Commissioners Delaware County, Ohio.

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

RESOLUTION NO. 21-198

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION FOR THE TITLE **ADMINISTRATION FUND:**

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

Transfer of Appropriation

From

Τo

24820102-5450 24820101-5331

6,000,00

Title Administration/Postal & Freight Services Northpointe Satellite Office/Machinery & Equip

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

RESOLUTION NO. 21-199

IN THE MATTER OF APPROVING AN AGREEMENT WITH STANTEC CONSULTING SERVICES INC. FOR THE PROJECT KNOWN AS DEL-CR13-5.02, PID 97431:

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

WHEREAS, section 305.15 of the Revised Code provides that a Board of Commissioners may enter into contracts with any person, firm, partnership, association, or corporation qualified to perform engineering services in the state; and

WHEREAS, the County Engineer has received proposals from engineering firms interested in providing services for the project known as DEL-CR13-5.02, PID 97431; and

WHEREAS, the County Engineer has selected the consulting firm of Stantec Consulting Services, Inc., through a qualifications-based selection process, has negotiated a fee and agreement to provide the required services for engineering and design of the improvements, and requests that the Board enter into Contract with said firm:

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, State of Ohio, that the following Agreement is hereby approved:

DELAWARE COUNTY AGREEMENT NO. 26251

This Agreement No. 26251 entered into this 15th day of March, 2021, by and between Delaware County, acting by and through the Board of County Commissioners, hereinafter referred to as the County, and Stantec Consulting Services Inc., hereinafter referred to as the Consultant, with an office located at 1500 Lake Shore Drive, Suite 100 Columbus, Ohio 43204.

WITNESSETH:

That the County and the Consultant, for the mutual considerations herein contained and specified, have agreed and do hereby agree as follows:

CLAUSE I - WORK DESCRIPTION

The Consultant agrees to perform all professional services as may be authorized by the County for preparation of the Project Development Process for realignment and widening of 0.44 miles along CR 13 and .12 mile along CR 39. Improvements and widening on .20 miles of CR 106. The new intersection of CR 13 and CR 39 at CR 106 will be developed by providing a single lane roundabout. A turnaround will be provided on the portion of CR 13 to remain and the intersection of CR 106 to be improved. Improvements will also include pedestrian facilities, lighting, drainage, traffic control and drive improvements in Delaware County, Ohio, identified as DEL-CR13-5.02 PID 97431.

CLAUSE II - INVOICE & PROJECT SCHEDULE

The county and the Consultant agree to the attached Invoice & Project Schedule including the overall Agreement length, and Scheduled Submittal dates and Review Times set out in the Project Schedule.

The Consultant agrees to submit the completed Invoice & Project Schedule transmittal letter together with the updated Invoice & Project Schedule for all billing purposes for all Parts of this Agreement every thirty (30) days as follows:

- (a) Signed original transmittal letter and invoice (IPS) and three (3) copies of same.
- (b) Two (2) copies of the updated Project Schedule.

CLAUSE III - PRIME COMPENSATION

The County agrees to compensate the Consultant for the performance of the authorized portions of the Work specified in this Agreement.

Project Development Process.

Part 1: Planning thru Preliminary Engineering.

Actual costs plus a fixed fee of Thirteen Thousand Nine Hundred Seventy-Nine Dollars (\$13,979.00). However, the maximum prime compensation shall not exceed One Hundred Forty-Three Thousand Seven Hundred One Dollars (\$143,701.00).

Part 2: Geotechnical Services.

Actual costs plus a fix fee of One Thousand Sixty-Two Dollars (\$1,062.00) plus Unit of Work Compensation for laboratory testing and field exploration as established on the attached Laboratory Testing Rate Schedule and Field Exploration Fee Schedule dated October 13, 2020. However, the maximum prime compensation shall not exceed Twenty-Two Thousand Eight Hundred Ninety-Nine Dollars (\$22,899.00).

Part 3: Environmental Engineering

Actual costs plus a fixed fee of Twelve Thousand Two Hundred Eighty-Seven Dollars (\$12,287.00). However, the maximum prime compensation shall not exceed One Hundred Twenty-Five Thousand One Hundred Dollars (\$125,100.00).

Part 4: Final Engineering.

Actual costs plus a fixed fee of Five Thousand Seven Hundred Ninety-One Dollars (\$5,791.00). However, the maximum prime compensation shall not exceed Fifty-Nine Thousand Twenty-One Dollars (\$59,021.00).

The total maximum prime compensation of all Parts which may be authorized for the subject Agreement is Three Hundred Fifty Thousand Seven Hundred Twenty-One Dollars (\$350,721).

Prime Compensations, only as agreed and by proper modification of this Agreement and authorized in writing by the County, may be added to or subtracted from under the authority of the Department of Transportation's "Specifications for Consulting Services, 2016 Edition".

CLAUSE IV - INCORPORATION BY REFERENCE

The following documents, or specified portions thereof, are hereby incorporated into and made a part of this Agreement as though expressly rewritten herein:

- (a) The Department of Transportation's "Specifications for Consulting Services, 2016 Edition".
- (b) The attached Geotechnical Field Exploration Schedule and the attached Laboratory Testing Fee Schedule.
- (c) The attached Final Scope of Services Minutes dated November 11, 2020.
- (d) The Invoice & Project Schedule.
- (e) The most current Office of Budget and Management Travel Policy as published on the State of Ohio Website (http://obm.ohio.gov/TravelRule/default.aspx).

CLAUSE V - GENERAL PROVISIONS

Any person executing this Agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

Additionally, it is expressly understood by the parties that none of the rights, duties and obligations described in this Agreement shall be binding on either party until such time as the expenditure of funds is certified by the Director of Budget and Management, pursuant to Section 126.07 of the Ohio Revised Code.

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



RESOLUTION NO. 21-200

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

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

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

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

Permit #	Applicant	Location	Type of Work
UT21-0052	Columbia Gas	Green Meadows Drive	Relocate gas main
UT21-0053	Del-Co Water	Hollenback Road	Road bore
UT21-0054	WOW	Evans Farm Drive	Directional bore
UT21-0055	Century Link	Wilson Road	Remove old ped & access existing

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

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RESOLUTION NO. 21-201

IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR OLENTANGY FALLS EAST SECTION 3:

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

WHEREAS, Rockford Homes, Inc., has submitted the Plat of Subdivision ("Plat") for Olentangy Falls East Section 3, including related development plans ("Plans"), and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, the Liberty Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said Plat on January 14, 2021; and

WHEREAS, Del-Co Water Company has reviewed said Plat and Plans for conformance with its rules and regulations and approved said Plat; and

WHEREAS, the Delaware County Sanitary Engineer has reviewed said Plat and Plans for conformance with the Rules, Regulations, Standards and General Procedures Governing Sewerage in Delaware County and approved said Plat on February 9, 2021; and

WHEREAS, the Delaware County Engineer has reviewed said Plat and Plans for conformance with Delaware County Engineering and Surveying Standards and approved said Plat on February 12, 2021; and

WHEREAS, the Delaware County Regional Planning Commission has reviewed said Plat and Plans for conformance with Delaware County Subdivision Regulations and approved said Plat on March 1, 2021;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of Subdivision for Olentangy Falls East Section 3:

Olentangy Falls East Section 3:

Situated in the State of Ohio, County of Delaware, Township of Liberty and in Farms Lots 6 and 7, Quarter Township 1, Township 3, Range 19, United States Military Lands, being 17.150 of that 148.481 acre tract conveyed to Rockford Homes, Inc. by Deed of Record in Official Record Volume 1308, Page 42-46 (all references refer to the records of the Recorder's Office, Delaware County, Ohio). Cost: \$75.

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



RESOLUTION NO. 21-202

IN THE MATTER OF APPROVING A DEVELOPER'S AGREEMENT FOR WARRENSBURG ROAD CONTRIBUTION IN CONJUNCTION WITH SPRINGER WOODS:

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

WHEREAS, the Engineer recommends approving the Developer's Agreement for Warrensburg Road Contribution from Homewood Corporation in conjunction with Springer Woods;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Developer's Agreements for Warrensburg Road Contribution from Homewood Corporation in conjunction with Springer Woods as follows:

DEVELOPER'S AGREEMENT

THIS AGREEMENT made and entered into this 15th day of March, 2021, by and between the COUNTY OF DELAWARE (acting through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and HOMEWOOD CORPORATION, hereinafter called the OWNER, is governed by the following considerations, to wit:

- 1) The **OWNER** is constructing a development known as Springer Woods (the "Development"), which will include a new roadway access to Warrensburg Road and contribute to the need for improvements to Warrensburg Road or other roadways in the vicinity of the Development which shall be constructed by the **COUNTY** (the "Improvements").
- 2) On or before the access to Warrensburg Road is provided or December 31, 2022, whichever occurs first the Two Hundred Ninety-One Thousand Dollars (\$291,000), 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 Warrensburg 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 Two Hundred Ninety-One Thousand Dollars (\$291,000), 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 Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

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RESOLUTION NO. 21-203

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION FOR THE LITTER GRANT:

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

Transfer of Appropriation

From To

22111502-5001 22111502-5319 5,938.56

Litter Grant/Compensation Litter Grant/Reimbursements-Refunds

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

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ADMINISTRATOR REPORTS

Mike Frommer, County Administrator

- -We received the bids for the Byxbe Campus. All bids were over the amount allowed to be awarded. We will be meeting later this week to go over options for that Campus.
- -Jane Hawes introduced Heather Van Hull who will serve as a Communications and Legal Assistant.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

-Would like to request a letter of support for a grant to help in the funding on renovation of Delaware Village Apartments for the City of Delaware.

Commissioner Benton

-No reports.

Commissioner Merrell

- -Virtually attended a CORSA meeting last Friday.
- -Will be attending the CORSA annual meeting in person next month.

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RESOLUTION NO. 21-204

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; TO CONSIDER THE SALE OF PROPERTY AT COMPETITIVE BIDDING; FOR 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 appointment of a public employee or public official; to consider the sale of property at competitive bidding; for pending or imminent litigation.

Vote on Motion	on Motion Mr. Merrell		Mr. Benton	Aye	Mrs. Lewis	Aye
RESOLUTION NO. 21	-205					
IN THE MATTER OF	ADJOURNING	OUT OF	EXECUTIVE S	SESSION	:	
It was moved by Mrs. Le	wis, seconded by	Mr. Bent	ton to adjourn out	of Execu	tive Session.	
Vote on Motion	Mrs. Lewis	Aye	Mr. Merrell	Aye	Mr. Benton	Absent
There being no further b	usiness, the meeti	ng adjour	med.			
				N		
			Gary	Merrell		
			D. 1			
			Barb	Lewis		
			Jeff B	enton		
Jennifer Walraven, Clerk	to the Commissi	oners				