

COMMISSIONERS JOURNAL NO. 74 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD APRIL 8, 2021

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

**Present:**  
Gary Merrell, President  
Jeff Benton, Commissioner

**Absent:**  
Barb Lewis, Vice President

**1**  
RESOLUTION NO. 21-283

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD APRIL 5, 2021:**

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on April 5, 2021; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

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

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

**2**  
RESOLUTION NO. 21-284

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0407, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0407:**

It was moved by Mr. Benton, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0407, memo transfers in batch numbers MTAPR0407 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
LIMBACH (P2101576)	HVAC repair Regional Sewer	66211900-5328	\$25,000.00
NORTH CENTRAL (P2101139)	Job & Family Program (line 1)	22311611-5348	\$ 8,000.00
NORTH CENTRAL (P2101139)	Job & Family Program (line 2)	22411601-5348	\$10,000.00
NECCO (P2101038)	Job & Family Program	22511607-5342	\$10,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2102705	COMMISSIONERS	2021 CENTRAL COST ALLOCATION	66211900 - 5380	\$359,678.00
R2102708	RUMPKE CONSOLIDATED COMPANIES	SLUDGE DISPOSAL	66211900 - 5380	\$250,000.00
R2102709	METROPOLITAN ENVIRONMENTAL	RES # 21 -243	66211900 - 5380	\$100,000.00

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

**3**  
RESOLUTION NO. 21-285

**IN THE MATTER OF GRANTING 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 Mr. Merrell to approve the following resolution:

WHEREAS, on March 10, 2021, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Andrew Wecker, Esq., Attorney-at-Law, Manos, Martin & Pergram Co., LPA , agent for the petitioner, of 35.336 acres, more or less, in Liberty Township to the City of Powell; and

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WHEREAS, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

WHEREAS, 25 days have passed and the Clerk of the Board has not received an objection from the City of Powell or the Township of Liberty;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 35.336 acres, more or less, from Liberty Township to the City Of Powell.

Vote On Motion            Mr. Benton            Aye            Mrs. Lewis            Absent    Mr. Merrell            Aye

**4**  
**RESOLUTION NO 21-286**

**IN THE MATTER OF APPROVING AMENDMENT NO. 1 TO THE AGREEMENT FOR WEST PROFLEX BY AND BETWEEN THE BOARD OF DELAWARE COUNTY COMMISSIONERS AND WEST, A THOMSON REUTERS BUSINESS, FOR THE ADDITION OF THE DELAWARE COUNTY PUBLIC DEFENDER’S OFFICE:**

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

WHEREAS, the Delaware County Public Defender recommends approval of Amendment No. 1 to the Agreement for West Proflex by and between the Board of Delaware County Commissioners and West, a Thomson Reuters Business, for the addition of the Delaware County Public Defender’s Office;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the following Amendment No. 1 to the Agreement for West Proflex by and between the Board of Delaware County Commissioners and West, a Thomson Reuters Business, for the addition of the Delaware County Public Defender’s Office:

**AMENDMENT NO. 1 TO  
DELAWARE COUNTY, OHIO AGREEMENT FOR WEST PROFLEX**

This Amendment No. 1 to the Addendum to the Thomson Reuters Order Form for West Proflex and the General Terms and Conditions of the Order Form, dated February 1, 2021, is entered into on April 8, 2021 by and between West, a Thomson Reuters business (hereinafter, “West”), whose principal place of business is located at 610 Opperman Drive, St. Paul, Minnesota 55164-1803, and the Delaware County Board of Commissioners, Delaware County, Ohio, whose principal place of business is located at 91 North Sandusky Street, Delaware, Ohio 43015 (the “County”) (West and County shall be collectively referred to herein as the “Parties”).

**WHEREAS**, on or about February 1, 2021, the Parties entered into the agreement known as West Order Form for West Proflex, with its accompanying General Terms and Conditions (v.2.1), applicable incorporated documents, and the Addendum to Thomson Reuters Order Form for West Proflex (the “Agreement”); and

**WHEREAS**, subsequent to approval of the Agreement, the Delaware County Public Defender’s Office commenced operations, and the County wishes to amend the Agreement to add the Delaware County Public Defender’s Office;

**NOW THEREFORE**, the Parties agree as follows:

1. The Parties agree to amend the Agreement to add the Delaware County Public Defender’s Office as a “Subscriber” with the following address:

Delaware County Public Defender’s Office  
10 Court Street  
Delaware, Ohio 43105

2. The addition of the Delaware County Public Defender’s Office shall be in accordance with the Order Form identified as Order ID: Q-01055772, attached hereto and, by this reference incorporated herein.

3. All other provisions of the Agreement shall remain in full force and effect, including the deletion of Section (d) of paragraph 9 of the General Terms and Conditions (v.2.1) (titled "Your Obligations").

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

**5**  
**RESOLUTION NO. 21-287**

**IN THE MATTER OF A LETTER IN OPPOSITION TO H.R.1, FOR THE PEOPLE ACT OF 2021:**

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

April 8, 2021

The Honorable Rob Portman  
United States Senate  
448 Russell Senate Office Building,  
Washington, DC 20510

Dear Senator Portman:

As members of the Delaware County Board of Commissioners, we thank you for your staunch opposition to H.R.1, For the People Act of 2021, which has already passed the U.S. House of Representatives under Speaker Pelosi. We share in your strong opposition to this bill.

H.R.1 takes away most state authority over federal elections and places that authority in the hands of the federal government. Not only is this likely unconstitutional, we feel its passage would do great damage to the fairness and transparency of our electoral system.

This bill interferes with the states' ability to secure the integrity of future elections, restricts the ability to determine districting lines, and would allow for same-day voter registration. This legislation also removes the states' ability to set crucial voter identification laws. Furthermore, this legislation strips states and their citizens of the granted power to conduct secure, organized, and accurate elections and gives that power to the federal government.

This board opposes H.R.1 and wholeheartedly supports your opposition to this legislation. We thank you again for fighting to preserve fair and honest elections.

_____	_____	_____				
Gary Merrell	Barb Lewis	Jeff Benton				
Vote on Motion	Mr. Benton	Aye	Mrs. Lewis	Absent	Mr. Merrell	Aye

**RESOLUTION NO. 21-288**

**IN THE MATTER OF APPROVING A PERMIT FOR USE OF DELAWARE COUNTY FACILITIES:**

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

WHEREAS, the Delaware County Commissioners passed Resolution No. 19-810 on August 19, 2019, adopting a Delaware County Facilities Permit Policy; and

WHEREAS, it is the intent of the policy to allow persons and organizations access to appropriate Delaware County facilities, grounds and meeting places; and

WHEREAS, each request will only be considered after the receipt of a completed Delaware County Facilities Permit Form; and

WHEREAS, the August 19, 2019 policy mandates approval from the Commissioners for use of county facilities by groups of 30 participants or more that have agreed in writing to full compliance with the Permit Policy;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED that the Delaware County Board of Commissioners hereby authorizes the use of the north end of the Frank B. Willis Building 2079 U.S. Route 23 North, Delaware, Ohio by the Delaware Public Health District on Saturdays beginning April 17-September 25, 2021; at no cost.

Vote on Motion	Mr. Merrell	Aye	Mr. Benton	Aye	Mrs. Lewis	Absent
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**6 ADMINISTRATOR REPORTS**

-participated in a Pre-Hospital Care Board meeting on Tuesday; Working on a strategic plan the chiefs plan to present to the BCC later

**7 COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Benton  
-MORPC meeting later today

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- CEBCO annual meeting Friday
- The first of the Delaware Sheetz is opening this weekend
- The Master is today

Commissioner Merrell  
-no comments

8

**RESOLUTION NO. 21-289**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF SALE OF PROPERTY AT COMPETITIVE BIDDING:**

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

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

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

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

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

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

Section 1. The Board hereby adjourns into executive session for consideration of [list all other purposes under (G)(1) through (7)].

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

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

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

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

**RESOLUTION NO. 21-290**

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

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

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

There being no further business, the meeting adjourned.

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Gary Merrell

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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners