

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 23, 2021**

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RESOLUTION NO. 21-767

IN THE MATTER OF DECLARING COUNTY PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE AND AUTHORIZING THE SALE OF THE PERSONAL PROPERTY TO SERGEANT SHAWN WADE ON THE OCCASION OF HIS RETIREMENT:

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

WHEREAS, Delaware County Sheriff’s Sergeant Shawn Wade retired from the Sheriff’s Office in good standing with the office; and

WHEREAS, Sergeant Shawn Wade’s assigned duty firearm, Glock, Model 27 – Serial # BAEK204 (the “Firearm”) is no longer needed for public use; and

WHEREAS, Delaware County wishes to permit Sergeant Shawn Wade 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 Sergeant Shawn Wade for One Dollar (\$1.00).

Section 2. The sale of the Firearm shall be conditioned upon Sergeant Shawn Wade 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 Sergeant executing and submitting an Acknowledgement and Release from Liability.

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

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RESOLUTION NO. 21-768

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:

Permit #	Applicant	Location	Type of Work
UT21-0143	Spectrum	E. Orange Road	Place cable in ROW
UT21-0144	Spectrum	Center Village Road	Place cable in ROW
UT21-0145	Columbia Gas	Northlake Preserve 3	Install gas main
UT21-0146	Columbia Gas	Northlake Preserve 4	Install gas main
UT21-0147	Columbia Gas	Northlake Preserve 5	Install gas main
UT21-0148	Columbia Gas	Liberty Grand 4	Install gas main
UT21-0149	Columbia Gas	Liberty Grand 5	Install gas main
UT21-0150	Everstream Solutions, LLC	Venture Drive	Place underground fiber
UT21-0151	Columbia Gas	Stratford Road	Service line/meter relocation
UT21-0152	Columbia Gas	Harvest Curve	Install gas main
UT21-0153	Columbia Gas	Retreat at Woodcrest 3	Install gas main
UT21-0154	Columbia Gas	Sedona Drive	Install gas main
UT21-0155	Frontier	Steitz Road	Remove poles & place cable in ROW

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

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RESOLUTION NO. 21-769

IN THE MATTER OF APPROVING AMENDMENT NO. 1 TO THE OWNER’S AGREEMENTS
FOR EVANS FARM SECTION 2, PHASE B AND EVANS FARM SECTION 2, PHASE C:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following Amendment No. 1 to the Owner’s Agreements for Evans Farm Section 2, Phase B and Evans Farm Section 2, Phase C:

Evans Farm Section 2, Phase B:

AMENDMENT NO. 1
OWNER’S AGREEMENT
Project Number 20059

This Amendment No. 1 to the Owner’s Agreement dated September 28, 2020 for **Evans Farm Section 2, Phase B**, is made and entered into this 23rd day of August, 2021, by and between **Evans Farm Land Development Company, LLC**, (“Owner”) and the **Board of County Commissioners of Delaware County Ohio** (“County Commissioners”) (hereinafter collectively referred to as the “Parties”).

ARTICLE 1 – AMENDMENT

Both Parties mutually agree to amend the Owner’s Agreement as follows:

- A. The Owner elects to change the Option chosen for this project from Option 2 to Option 1.
- B. The Owner shall execute a bond, certified check, irrevocable letter of credit, or other approved financial warranties in accordance with Option 1 of the Owner’s Agreement.

ARTICLE 2 – REMAINING PROVISIONS

All other terms and conditions of the Owner’s Agreement not specifically amended herein shall remain in full force and effect.

Evans Farm Section 2, Phase C

AMENDMENT NO. 1
OWNER’S AGREEMENT
Project Number 20060

This Amendment No. 1 to the Owner’s Agreement dated September 28, 2020 for **Evans Farm Section 2, Phase C**, is made and entered into this 23rd day of August, 2021, by and between **Evans Farm Land Development Company, LLC**, (“Owner”) and the **Board of County Commissioners of Delaware County Ohio** (“County Commissioners”) (hereinafter collectively referred to as the “Parties”).

ARTICLE 1 – AMENDMENT

Both Parties mutually agree to amend the Owner’s Agreement as follows:

- A. The Owner elects to change the Option chosen for this project from Option 2 to Option 1.
- B. The Owner shall execute a bond, certified check, irrevocable letter of credit, or other approved financial warranties in accordance with Option 1 of the Owner’s Agreement.

ARTICLE 2 – REMAINING PROVISIONS

All other terms and conditions of the Owner’s Agreement not specifically amended herein shall remain in full force and effect.

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

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RESOLUTION NO. 21-770

IN THE MATTER OF APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES
AGREEMENT WITH TRANS ASSOCIATES ENGINEERING CONSULTANTS, INC.:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following Amendment No. 1 to the Professional Services Agreement with Trans Associates Engineering Consultants, Inc.

AMENDMENT NO. 1
PROFESSIONAL SERVICES AGREEMENT
DEL-CR125-1.46 ~ Steitz Road Improvements, Phase 2

This Amendment No. 1 to the Prime Agreement dated December 18, 2017, is made and entered into this 23rd day

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of August, 2021, by and between the **Delaware County Board of Commissioners**, Delaware County, Ohio, 91 North Sandusky Street, Delaware, Ohio 43015 (“County”), and **Trans Associates Engineering Consultants, Inc.**, 4955 Steubenville Pike, Suite 400, Pittsburgh, PA 15205 (“Consultant”) (hereinafter collectively referred to as the “Parties”).

ARTICLE 1 – AMENDMENT

Pursuant to Section 3.1 of the Prime Agreement, the Parties mutually agree to amend the Prime Agreement as follows:

- A. The addresses of both Parties are hereby changed to the addresses listed in the preamble of this Amendment No. 1.
- B. Based on the proposed fee increase dated July 20, 2021, Section 4.3 of the Prime Agreement shall be modified to increase the maximum total compensation to Four Hundred Twenty One Thousand Seven Hundred Sixty Five Dollars and Zero Cents (\$421,765.00).
- C. Section 7.1 of the Prime Agreement shall be modified to extend the date for the completion of Services to June 15, 2022.

ARTICLE 2 – REMAINING PROVISIONS

All other terms and conditions of the Prime Agreement not specifically amended herein shall remain in full force and effect.

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

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RESOLUTION NO. 21-771

IN THE MATTER OF APPOINTING MEMBERS TO THE CONCORD/SCIOTO COMMUNITY AUTHORITY BOARD OF TRUSTEES AND THE NORTHSTAR NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES:

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

WHEREAS, on March 22, 2007, the Delaware County Board of Commissioners (the “Board of Commissioners”) adopted Resolution No. 07-331, establishing the Concord/Scioto Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the Concord/Scioto Community Authority Board of Trustees, pursuant to Resolution No. 07-331 and section 349.04 of the Revised Code; and

WHEREAS, on August 16, 2007, the Delaware County Board of Commissioners (the “Board of Commissioners”) adopted Resolution No. 07-985, establishing the NorthStar New Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the NorthStar New Community Authority Board of Trustees, pursuant to Resolution No. 07-985 and section 349.04 of the Revised Code; and

WHEREAS, on June 20, 2013, the Board of Commissioners adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board of Commissioners to conduct interviews of any applicants; and

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to appoint new members of the Boards of Trustees for the Concord/Scioto Community Authority and the NorthStar New Community Authority;

WHEREAS, Tiffany Maag would be filling an unexpired term as the local government representative on the Concord/Scioto Community Authority Board of Trustees that has been vacated by Michael Frommer, and Erik McPeck would be filling an unexpired term as the local government representative on the NorthStar New Community Authority Board of Trustees that has been vacated by Tiffany Maag;

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

Section 1. The Board of Commissioners hereby approves the appointment of the following member to the Concord/Scioto Community Authority Board of Trustees:

Position	Appointee	Term Ends
Local Government Representative	Tiffany Maag	March 21, 2023

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Section 2. The Board of Commissioners hereby approves the appointment of the following member to the NorthStar New Community Authority Board of Trustees:

Position	Appointee	Term Ends
Local Government Representative	Erik McPeck	August 15, 2023

Section 3. The appointments shall be effective Aug. 23, 2021.

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

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RESOLUTION NO. 21-772

IN THE MATTER OF APPOINTING A MEMBER TO THE JOB AND FAMILY SERVICES COMMUNITY PLANNING COMMITTEE:

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

WHEREAS, Section 329.06 of the Ohio Revised Code requires the establishment of a Job and Family Services Community Planning Committee (the “Community Planning Committee”) whose membership is a broad representation of the groups of individuals and public and private entities that have an interest in social services and workforce development services provided in the county; and

WHEREAS, the Community Planning Committee may consult with the Delaware County Board of Commissioners (the “Board of Commissioners”) and make recommendations regarding social services and workforce development services provided in the county with regard to state and local funds, establishment of goals to be achieved, evaluation of the outcomes of programs, and any other matter the Board of Commissioners considers relevant to the provision of social services and workforce development programs; and

WHEREAS, Barb Lyon, the United Way of Delaware County representative on the Community Planning Committee, has resigned her position; and

WHEREAS, on June 20, 2013, the Board of Commissioners adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board of Commissioners to conduct interviews of any applicants; and

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to appoint the United Way of Delaware County’s selected representative to the Community Planning Committee;

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

Section 1. The Board hereby approves an exception to the Policy for the appointment made herein by choosing to waive the requirement for posting the position and to proceed directly to appointment.

Section 2. The Board of Commissioners hereby approves the appointment of Gina Grote to replace Barb Lyon as the United Way of Delaware County representative on the Delaware County Job and Family Services Community Planning Committee, filling an unexpired term as specified herein:

Appointee	Term Ends
Gina Grote	October 4, 2023

Section 3. The appointment approved herein shall take effect immediately upon adoption of this Resolution.

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

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ADMINISTRATOR REPORTS

Mike Frommer, County Administrator
-No reports.

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COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Lewis
-No reports.

Commissioner Merrell

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-Attended the Sunbury Sizzle and Sounds Festival this past Saturday.

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RESOLUTION NO. 21-773

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT; EMPLOYMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; FOR COLLECTIVE BARGAINING:

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; employment of a public employee or public official; for collective bargaining.

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

RESOLUTION NO. 21-774

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. Benton Absent Mrs. Lewis Aye Mr. Merrell Aye

RECESS 10:22 AM/RECONVENE 1:30 PM

1:30 P.M. Public Hearing For Consideration Of The Drainage Improvement Petition For Radnor Township Watershed No. 2015-1 Filed By MAKAPA LLC, Et Al

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RESOLUTION NO. 21-775

1:30P.M. - PUBLIC HEARING FOR CONSIDERATION OF THE RADNOR TOWNSHIP WATERSHED NO. 2015-1 DRAINAGE IMPROVEMENT PETITION FILED BY MAKAPA LLC, ET AL:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to open the hearing at 1:30 P.M..

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

RESOLUTION NO. 21-776

IN THE MATTER OF APPROVING, FOR A SPECIFIC OCCURRENCE, A SUSPENSION OF RULE 3-SPEAKER REGISTRATION; RULE 4-LIMITATIONS AND RULE 7-PUBLIC COMMENT PROCEDURE FROM THE RULES GOVERNING PUBLIC COMMENT BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve, for a specific occurrence, a suspension of Rule 3-Speaker Registration; Rule 4-Limitations; Rule 7-Public Comment Procedure from the Rules Governing Public Comment before the Board of County Commissioners of Delaware County, Ohio.

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

RESOLUTION NO. 21-777

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE RADNOR TOWNSHIP WATERSHED NO. 2015-1 DRAINAGE IMPROVEMENT PETITION FILED BY MAKAPA LLC, ET AL:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to close the hearing at 3:01 P.M..

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

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RESOLUTION NO. 21-778

IN THE MATTER OF PROCEEDING WITH THE PETITION FOR THE RADNOR TOWNSHIP WATERSHED NO. 2015-1 DRAINAGE IMPROVEMENT, FILED BY MAKAPA LLC, ET AL, AND ORDERING THE DELAWARE COUNTY ENGINEER TO PROCEED WITH PREPARATION OF REPORTS, PLANS, AND SCHEDULES FOR THE PROPOSED IMPROVEMENT:

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

WHEREAS, on March 17, 2021, a Drainage Improvement Petition to the Radnor Township Watershed No. 2015-1 Drainage Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, on June 15, 2021, the Board conducted a view of the proposed improvements; and

WHEREAS, on Monday, August 23, 2021, the Board held the first hearing on the petition; and

WHEREAS, after hearing the preliminary report of the Delaware County Engineer and any evidence offered by any owner for or against the granting of the proposed improvement or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, the Board is prepared to vote to determine whether to proceed with the project survey and design or to dismiss the petition, taking into consideration the petition, the preliminary report, and comments on the proposed improvements;

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

Section 1. The Board hereby finds that the proposed improvement is necessary and that it will be conducive to the public welfare. The Board also finds that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs. Accordingly, the Board hereby decides to proceed with the project survey and design.

Section 2. The Board hereby determines that the route and termini of the proposed improvement, and the manner of construction thereof, shall be as set forth in the Delaware County Engineer's preliminary report.

Section 3. The Board hereby orders the Delaware County Engineer to prepare reports, plans, and schedules for the proposed Radnor Township Watershed No. 2015-1 Watershed Drainage Improvement. The Board hereby sets August 23, 2023, as the date by which the Delaware County Engineer shall file the reports, plans, and schedules, whereupon a public hearing date will be set and proper notification given to property owners in the affected watershed.

Section 4. THE BOARD HEREBY APPROVES ESTABLISHING A NEW ORGANIZATION KEY FOR THE RADNOR TOWNSHIP WATERSHED NO. 2015-1 DRAINAGE IMPROVEMENT PROJECT (2021) 40311485.

Section 5. 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 conducted in compliance with the laws of the State of Ohio.

Section 6. This Resolution shall be effective immediately upon adoption.

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners