

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 2, 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

10:00 A.M. Public Hearing For Consideration Of The Drainage Improvement Petition For Slate Lick Lateral #1

1
RESOLUTION NO. 21-809

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 30, 2021 AND SPECIAL MEETINGS HELD AUGUST 26, 2021 AND AUGUST 31, 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 August 30, 2021 and special meetings held August 26, 2021 and August 31, 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 meetings.

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

2
PUBLIC COMMENT
 -None.

3
RESOLUTION NO. 21-810

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0901:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0901 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
Tri County Nurses	JFS Program	22511607-5342	\$45,000.00
YOUTH VILLAGES	JFS PROGRAM	70161605-5342	\$8,280.00

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

4
RESOLUTION NO. 21-811

IN THE MATTER OF DESIGNATING AN ACTING COUNTY ADMINISTRATOR:

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

WHEREAS, on August 19, 2021, the Delaware County Board of Commissioners (the "Board") adopted Resolution No. 21-761, accepting the resignation of the Delaware County Administrator, with the resignation to be effective at 4:30 PM on September 3, 2021; and

WHEREAS, pursuant to section 305.29 of the Revised Code, in the event of the county administrator's resignation from office, the chairperson of the Board or a qualified person designated thereby, with the approval of the Board, shall act as county administrator and perform all duties of the office, until such time as the Board appoints a new county administrator;

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

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Ohio:

Section 1. The Board hereby approves the President of the Board designating Dawn Huston as Acting Delaware County Administrator to act as county administrator and perform all duties of the office, effective at 4:30 PM on September 3, 2021.

Section 2. The acting county administrator appointed in Section 1 shall serve at her current rate of pay and at the pleasure of the Board, until such time as the Board appoints a new county administrator.

Section 3. The Board hereby finds and determines that approval of this Resolution and all deliberations thereon are in compliance with the laws of the State of Ohio, including specifically section 121.22 of the Revised Code.

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

5
RESOLUTION NO. 21-812

IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM FORK & CORK KITCHEN BAR & GRILL LLC AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

It was moved by Mr. Benton, seconded by Mrs. Lewis 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 Fork & Cork Kitchen Bar & Grill LLC, located at 5915 Evans Farm Drive, Suite B, Lewis Center, Ohio 43035; 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

6
RESOLUTION NO. 21-813

IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM MEIJER STORES LP (DBA MEIJER GAS STATION 143) 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 C2 liquor license request from Meijer Stores LP (DBA Meijer Gas Station 143), located at 8872 Columbus Pike, Lewis Center, Ohio 43035; 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 Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

7
RESOLUTION NO. 21-814

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE THOMAS #9 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 20-1109 the Delaware County Commissioners established a drainage maintenance account (#2004) and approved the permanent drainage maintenance easement for the Thomas #9 Drainage Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

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WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 1.75%;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the final schedule of construction assessments for the Thomas #9 Drainage Improvement Project. (Copy available in the Commissioners' Office until no longer of administrative value);

BE IT FURTHER RESOLVED that the Commissioners' Office supply to the Auditor's Office the final schedule of construction assessments with the interest rates for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments. (Copy available in the Commissioners' Office until no longer of administrative value).

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

8
RESOLUTION NO. 21-815

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE RUDER WEST DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 20-1110 the Delaware County Commissioners established a drainage maintenance account (#2010) and approved the permanent drainage maintenance easement for the Ruder West Drainage Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 1.75%;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the final schedule of construction assessments for the Ruder West Drainage Improvement Project. (Copy available in the Commissioners' Office until no longer of administrative value);

BE IT FURTHER RESOLVED that the Commissioners' Office supply to the Auditor's Office the final schedule of construction assessments with the interest rates for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments. (Copy available in the Commissioners' Office until no longer of administrative value).

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

9
RESOLUTION NO. 21-816

IN THE MATTER OF ACCEPTING THE TREASURER'S REPORT FOR THE MONTH OF JULY 2021:

It was moved by Mr. Benton, seconded by Mrs. Lewis to accept the Treasurer's Report for the month of July 2021.

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

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

10
RESOLUTION NO. 21-817

IN THE MATTER OF APPOINTING TIFFANY MAAG AS THE COUNTY SANITARY ENGINEER'S OFFICE REPRESENTATIVE TO THE DELAWARE COUNTY REGIONAL PLANNING COMMISSION:

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

WHEREAS, the Delaware County Regional Planning Commission by-laws state that the County Sanitary Engineer's Office shall be represented; and

WHEREAS, the Board of Commissioners of Delaware County (the "Board") is the appointing authority for the sanitary engineer; and

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WHEREAS, County Administrator Michael Frommer is currently the County Sanitary Engineer’s Office representative to the Delaware County Regional Planning Commission and is resigning that position, effective at 4:30 PM on September 3, 2021; and

WHEREAS, Tiffany Maag is the current Delaware County Sanitary Engineer, and the Board desires to appoint Ms. Maag as the County Sanitary Engineer’s Office representative to the Delaware County Regional Planning Commission;

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

Section 1. The Board hereby appoints Tiffany Maag as the County Sanitary Engineer’s Office representative to the Delaware County Regional Planning Commission.

Section 2. The appointment made herein shall take effect at 4:30 PM on September 3, 2021.

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

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RESOLUTION NO. 21-818

IN THE MATTER OF APPOINTING DUANE MATLACK AS THE COUNTY DEPARTMENT OF BUILDING SAFETY’S REPRESENTATIVE TO THE DELAWARE COUNTY REGIONAL PLANNING COMMISSION:

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

WHEREAS, the Delaware County Regional Planning Commission by-laws state that the County Department of Building Safety shall be represented; and

WHEREAS, the Board of Commissioners of Delaware County (the “Board”) is the appointing authority for the Department of Building Safety; and

WHEREAS, Duane Matlack is the current Delaware County Chief Building Official with the County Department of Building Safety, and the Board desires to appoint Mr. Matlack as the County Department of Building Safety’s representative to the Delaware County Regional Planning Commission;

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

Section 1. The Board hereby appoints Duane Matlack as the County Department of Building Safety’s representative to the Delaware County Regional Planning Commission.

Section 2. This Resolution shall take effect immediately upon adoption.

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

12

RESOLUTION NO. 21-819

IN THE MATTER OF APPROVING AN AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND GILBANE BUILDING COMPANY FOR THE CONSTRUCTION MANAGER AT RISK FOR THE DELAWARE COUNTY BYXBE CAMPUS DACC REDEVELOPMENT:

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

WHEREAS, the Director of Facilities recommends approval of the agreement between the Delaware County Board of Commissioners and Gilbane Building Company for the construction manager at risk for the Delaware County Byxbe Campus DACC Redevelopment;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the agreement between the Delaware County Board of Commissioners and Gilbane Building Company for the construction manager at risk for the Delaware County Byxbe Campus DACC Redevelopment, as follows:

Agreement Form

This Agreement is made as of the date set forth below between the Delaware County Board of Commissioners, and the Construction Manager in connection with the Project.

Project Number: 2017.272

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Project Name: Delaware County Byxbe Campus DACC
Redevelopment

Site Address: 1610 State Route 521
Delaware, Ohio 43015

Owner (“County”): Delaware County Board of Commissioners
Address: 91 North Sandusky St.
Delaware, Ohio 43015

Contracting Authority: Board of Commissioners
Project Manager: Jon Melvin, Director of Facilities

Construction Manager (“CM”): Gilbane Building Company
CM’s Principal Contact: Bob Sewell, Vice President/ Regional Operations Manager
Address: 145 E. Rich St., 4th Floor
Columbus, OH 43215

Architect/Engineer (“A/E”): M+A Architects
A/E’s Principal Contact: Janell Arehart
Address: 775 Yard Street, Suite 325
Columbus, Ohio 43212

ARTICLE 1- SCOPE OF WORK; CONSTRUCTION BUDGET

- 1.1 The CM shall perform and provide all of the Work described in the Contract.
- 1.2 The Total Compensation Budget is \$1,993,710.00.
- 1.3 The Construction Budget is \$30,000,000.00.

ARTICLE 2- PRECONSTRUCTION STAGE COMPENSATION

2.1 The Preconstruction Stage Compensation is \$38,500.00, which is the sum of the (1) Preconstruction Fee, (2) Preconstruction Stage Personnel Costs, and (3) Preconstruction Stage Reimbursable Expenses. The County shall pay the Preconstruction Stage Compensation to the CM in exchange for the CM’s proper, timely, and complete performance of the Preconstruction Services.

2.2 Preconstruction Fee. The CM’s Preconstruction Fee is \$0.00 and is subject to the following allocation:

Project Stage/Task	Associated Fee	Portion of Total Fee
Construction Documents	\$0.00	%
GMP Proposal and Amendment	\$0.00	%
Total Preconstruction Fee	\$0.00	100%

2.3 Preconstruction Stage Personnel Costs. The CM’s Preconstruction Stage Personnel Costs shall not exceed \$37,700.00, and shall be paid on an hourly basis according to the rates set forth in the Personnel Costs Rate Schedule attached as Exhibit A.

2.4 Preconstruction Stage Reimbursable Expenses. The CM’s Preconstruction Stage Reimbursable Expenses shall not exceed \$800.00, and shall be paid according to the Preconstruction Stage Reimbursable Expenses Schedule attached as Exhibit B.

ARTICLE 3- CONSTRUCTION STAGE COMPENSATION

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3.1 As described in the General Conditions, the parties will establish the Contract Sum, Contract Times, Milestones, and other commercial terms relevant to the Construction Stage through at least one GMP Amendment, the form of which is attached as Exhibit D.

3.2 The CM shall propose the amount of the CM's Construction Stage Personnel Costs portion of the Cost of the Work as a part of the proposed GMP Amendment; provided, however, that the CM's Construction Stage Personnel Costs shall not exceed \$815,910.00.

3.2.1 The CM's Construction Stage Personnel Costs shall be based upon the rates set forth in the Personnel Costs Rate Schedule attached as Exhibit A.

3.3 The CM shall propose the amount of the General Conditions Costs portion of the Cost of the Work as a part of the proposed GMP Amendment; provided, however, that the General Conditions Costs shall not exceed \$680,300.00.

3.3.1 A detailed description of the items of Work included in the General Conditions Costs portion of the Cost of the Work is set forth in the General Conditions Costs Description attached as Exhibit C.

3.4 The CM shall propose the amount of the CM's Contingency as a part of the proposed GMP Amendment; provided, however, that the CM's Contingency shall not exceed an amount equal to 2% percent of the Cost of the Work identified by the CM in the proposed GMP Amendment.

3.4.1 Shared-Savings Change Order. Unless otherwise provided in the GMP Amendment, no more than 30 days before final payment to the CM, the parties shall execute a Change Order to reduce the Contract Sum by an amount equal to (1) fifty percent (50%) of the funds then remaining in the CM's Contingency plus (2) an associated reduction of the CM's Fee in an amount equal to 1.5% percent of the amount by which the Contract Sum is reduced on account of return of the CM's Contingency.

3.5 The CM shall propose the amount of the CM's Fee as a part of the proposed GMP Amendment; provided, however, that the CM's Fee shall not exceed an amount equal to 1.5% percent of the Cost of the Work plus the CM's Contingency, both as identified by the CM in the proposed GMP Amendment.

3.6 If the parties cannot agree on a Contract Sum, the County may terminate the Contract for convenience. If the County thereafter decides to pursue the Project using the Multiple-Prime Contract, or General Contractor, with Construction Manager Adviser project-delivery method and to enter into a related construction-management agreement with the CM, the CM's Fee under that contract shall not exceed 2% percent. The County is not obligated to offer or enter into a Construction Manager Adviser contract with the CM for the Project.

Article 4- Key Personnel

4.1 The CM's key personnel for the Project are:

- 4.1.1 Jeff Baumann, Project Manager;
- 4.1.2 Jason Ohlsson, Lead Scheduling Engineer;
- 4.1.3 Jon Dawson, Lead Estimator;
- 4.1.4 TBD, General Superintendent.

4.2 The CM's key personnel are authorized to act on the CM's behalf with respect to the Project and all matters concerning the Project.

ARTICLE 5—CONSULTANTS

5.1 The CM shall, prior to any Consultant commencing Work for the Project, disclose to the County in writing the name and address for each Consultant the CM will use for the Project.

5.2 The CM may provide a portion of the Work through one or more Consultants, provided, however, the CM will remain responsible for all duties and obligations of the CM under the Contract.

5.2.1 If the CM engages a Design-Assist Firm, that entity (1) will be considered a Consultant under the Contract during the Preconstruction Stage and (2) before that entity performs any Work during the Construction Stage, it shall be subject to all Applicable Law and Contract provisions concerning the prequalification, bidding, selection, and engagement of Subcontractors and shall enter into a Subcontract with the CM.

5.3 By appropriate written agreement, the CM shall require each Consultant, to the extent of the Consultant's portion of the Work, to be bound to the CM by the terms of the Contract, and to assume toward the CM all of the obligations and responsibilities which the CM assumes toward the County.

5.3.1 The CM shall not retain any Consultant on terms inconsistent with the Contract.

5.3.2 All agreements between the CM and a Consultant shall identify the County as the agreement's

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intended third-party beneficiary.

5.3.3 The County's receipt and approval of a copy of the agreement between the CM and a Consultant is a condition precedent to the County's obligation to pay the CM on account of the Consultant's services.

5.4 The County has no obligation to pay or see to the payment of money to any Consultant except as otherwise required under Applicable Law.

5.5 The CM shall obtain the County's written approval before engaging any Consultant not named above. The CM shall not employ any Consultant against whom the County has a reasonable objection. The County's approval or disapproval of any Consultant, however, will not relieve the CM of the CM's full responsibility for the performance of the Work.

5.6 The CM shall not remove any Consultant from the Project or reduce the extent of any Consultant's participation in the Work without the County's prior written consent. The CM shall not permit any Consultant to replace any previously identified team member except with the County's prior written consent unless the Consultant ceases to employ that person. On notice from the County, the CM shall immediately and permanently remove from the Project any Consultant or person under a Consultant's control whose performance is not satisfactory to the County.

5.7 The County may communicate with any Consultant either through the CM or directly with the Consultant, but the County may not modify the contract between the CM and any Consultant.

5.8 The CM hereby assigns to the County each Consultant's agreement provided that the assignment is effective only after the County terminates the Contract and only for those agreements which the County accepts by notifying the Consultant and CM in writing. The County may re-assign accepted agreements.

Article 6 General Provisions

6.1 Escalation of Personnel Cost Rates.

6.1.1 The CM may adjust the rates set forth in the Personnel Costs Rate Schedule attached as Exhibit A in accordance with the CM's normal salary-review practices, but (1) not before the date one year after the date of the Agreement, (2) not more than once in any one-year period thereafter, and (3) not in excess of five percent per annual increase.

6.1.2 No rate increase will (1) apply to any Work performed before the County receives written notice of the increase from the CM, or (2) result in an increase in a previously established fixed or not-to-exceed fee such as under (a) Sections 0 and 0 of this Agreement, (b) a GMP Amendment, or (c) as the parties may agree upon from time to time in connection with all or any part of the Work.

6.2 Effectiveness.

6.2.1 It is expressly understood by the CM that none of the rights, duties, and obligations described in the Contract Documents shall be valid and enforceable unless the Delaware County Auditor first certifies that there is a balance in the County's appropriation not already encumbered to pay existing obligations.

6.2.2 Subject to Section 0, the Contract shall become binding and effective upon execution by the County and CM.

6.2.2.1 If the CM is a joint venture, (1) each individual joint venturer shall (a) sign the Agreement in its own name and (b) be a party to the Contract, and (2) the Contract, Performance Bond, and Payment Bond shall be binding on and apply to all joint venturers jointly and severally.

6.2.2.2 If the CM is a limited liability company, which the Contracting Authority reasonably believes to be a special purpose or similar entity, the Contracting Authority may in its discretion require the limited liability company and each member of the limited liability company to (1) sign the Agreement in its own name and (2) be a party to the Contract. In that case, the Contract, the Performance Bond, and the Payment Bond shall be binding on and apply to the limited liability company and to all of its members jointly and severally.

6.2.3 This Agreement may be executed in several counterparts, each of which shall constitute a complete original Agreement, which may be introduced in evidence or used for any other purpose without production of any other counterparts.

6.3 Representations.

6.3.1 The CM represents and warrants that it is not subject to an unresolved finding for recovery under ORC Section 9.24. If this representation and warranty is found to be false, the Contract is void, and the CM shall immediately repay to the County any funds paid under this Contract.

6.3.2 The CM, by signature on this Agreement, certifies that it is currently in compliance with, and will

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continue to adhere to, the requirements of Ohio ethics laws and conflict of interest laws and will take no action inconsistent with those laws.

Article 7- Enumeration of Documents

7.1 The Contract Documents constitute the substance of the Contract, and include this Agreement, the GMP Documents, final Drawings, final Specifications, Addenda if any, Contracting Definitions, General Conditions, Project Manual, and Modifications if any.

7.2 This Agreement includes the following documents:

- 7.2.1** Personnel Costs Rate Schedule attached as Exhibit A;
- 7.2.2** Preconstruction Stage Reimbursable Expenses Schedule attached as Exhibit B;
- 7.2.3** General Conditions Costs Description attached as Exhibit C; and
- 7.2.4** GMP Amendment form attached as Exhibit D.

(Copy available for review at the Commissioners’ Office until no longer of administrative value of Personnel Costs Rate Schedule, Exhibit A; Preconstruction Stage Reimbursable Expenses Schedule, Exhibit B; General Conditions Costs Description, Exhibit C; and GMP Amendment, Exhibit D).

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

13
RESOLUTION NO. 21-820

IN THE MATTER OF CERTIFYING TO THE COUNTY AUDITOR SANITARY SEWER CAPACITY CHARGES FOR 2505 DELAMERE COURT, DELAWARE, OH 43015:

It was moved by Mr. Benton, seconded by Mrs. Lewis to certify the Sanitary Sewer Capacity Charges as follows:

WHEREAS, the owner of 2505 Delamere Court, Delaware, Ohio 43015 has requested to make a tap connection to the Delaware County sewer system; and

WHEREAS, the owner of 2505 Delamere Court, Delaware, Ohio 43015 has requested to pro-rate the charges over a 4 year period by certifying the charges to the tax duplicate, in accordance with Delaware County policy; and

WHEREAS, the Sanitary Engineer recommends approval of the connection and the 4 year pro-rated charge;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Delaware, Ohio approves certifying the capacity charges as follows:

2505 Delamere Court, Delaware, Ohio 43015

In the amount of \$4,050.00 with a \$341.52 finance charge (pro-rated over a 4 year period), making a total of \$4,391.52 for placement on the tax duplicate. Bi-annual payment being \$548.94.

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

14
TIFFANY MAAG,
DIRECTOR OF ENVIRONMENTAL SERVICES AND REGIONAL SEWER DISTRICT
MONTHLY SANITARY APPROVAL UPDATE TO BOARD OF COMMISSIONERS

15
RESOLUTION NO. 21-821

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

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

WHEREAS, the Delaware County Commissioners passed Resolution No. 21-449 on May 24, 2021, adopting a Delaware County Facilities Permit Policy (the “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

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Permit Form; and

WHEREAS, the 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 Policy;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED that the Delaware County Board of Commissioners hereby authorizes the use of Meeting Room in the Frank B. Willis Building, located at 2079 U.S. Route 23 North, Delaware, OH on September 13, 2021 at no cost.

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

16
RESOLUTION NO. 21-822

IN THE MATTER OF RE-APPOINTING A MEMBER TO THE WEST CENTRAL COMMUNITY FACILITY GOVERNING BOARD:

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

WHEREAS, the Judicial Advisory Board of the West Central Community Facility created a Facility Governing Board to function as a “board of directors” for the West Central Community Correctional Facility; and

WHEREAS, the Judicial Advisory Board is vested with the responsibility and authority to establish the process for appointment of members of the Facility Governing Board in accordance with statutory limitations; and

WHEREAS, the Boards of County Commissioners of Delaware and Morrow counties shall jointly appoint one (1) member to the Facility Governing Board; and

WHEREAS, the members of the Facility Governing Board appointed by the Boards of County Commissioners of the member counties shall be appointed for three (3) year terms; and

WHEREAS, the Morrow County Commissioners and the Delaware County Commissioners have discussed the re-appointment of Kathy Nicolosi to serve on the Governing Board, and the Morrow County Commissioners have agreed to the re-appointment; 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 re-appoint a current member of the Facility Governing Board of the West Central Community Facility;

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 re-appointment made herein by choosing to waive the requirement for posting the position and to proceed directly to re-appointment.

Section 2. The Board of Commissioners hereby approves the re-appointment of the following member to the West Central Community Correctional Facility Judicial Advisory Board for the term specified herein:

Position	Appointee	Term Ends
Member	Kathy Nicolosi	November 13, 2024

Section 3. The re-appointment approved in this Resolution shall take effect on November 13, 2021.

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

17
RESOLUTION NO. 21-823

IN THE MATTER OF THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, SELECTING REPRODUCTION COVERAGE THROUGH CORSA FOR THE HISTORIC COURTHOUSE AND CARNEGIE LIBRARY:

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

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WHEREAS, the Deputy County Administrator recommends selecting reproduction coverage through CORSA for the Historic Courthouse and Carnegie Library;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves selecting reproduction coverage through CORSA for the Historic Courthouse and Carnegie Library and approves the following form to make such election:

**CORSA
Property Valuation Selection
Board of Commissioners of Delaware County**

Replacement Cost-Cost to repair, rebuild, or replace with new materials of like size, kind, and quality.

Reproduction Cost-Cost to repair, rebuild, or replace with material of like kind and quality compatible to those originally used, including the cost of skilled labor and/or authentic materials necessary to restore the property as nearly as possible to its original condition.

We, the Board of Commissioners of Delaware County, do hereby elect the valuation method chosen below with respect to CORSA coverage for the following buildings (*please circle*):

Building	Replacement Cost	<u>Reproduction Cost</u>	Premium
Historic Courthouse	\$13,568,300	<u>\$20,475,100</u>	\$2,141
Carnegie Library	\$9,404,300	<u>\$12,905,600</u>	\$1,085

Please return to Sherry Barbosky (sbarbosky@ccao.org; Fax 614-220-7988)
Both buildings are currently on Reproduction Value.

_____	Date: _____
Commissioner	
_____	Date: _____
Commissioner	
_____	Date: _____
Commissioner	

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

ADMINISTRATOR REPORTS

Mike Frommer, County Administrator
-Will be meeting with Gilbane about the Byxbe Campus this afternoon.
-Read a statement about his time here.

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RESOLUTION NO. 21-824**

10:00A.M. - PUBLIC HEARING FOR CONSIDERATION THE SLATE LICK LATERAL #1 DRAINAGE IMPROVEMENT PETITION FILED BY DOUG AND SUZANN PUSSER:

It was moved by Mr. Benton, seconded by Mrs. Lewis to open the hearing at 10:01A.M..

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

RESOLUTION NO. 21-825

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 Mr. Benton, seconded by Mrs. Lewis 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 Aye Mrs. Lewis Aye

RESOLUTION NO. 21-826

IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE

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SLATE LICK LATERAL #1 DRAINAGE IMPROVEMENT PETITION FILED BY DOUG AND SUZANN PUSSEER:

It was moved by Mrs. Lewis, seconded by Mr. Benton to close the hearing at 10:23 A.M..

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

RESOLUTION NO. 21-827

IN THE MATTER OF PROCEEDING WITH THE PETITION FOR THE SLATE LICK LATERAL #1 DRAINAGE IMPROVEMENT, FILED BY DOUG AND SUZANN PUSSEER, 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. Benton to approve the following:

WHEREAS, on June 25, 2020, a Drainage Improvement Petition to the Slate Lick Lateral #1 Drainage Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, on April 26, 2021, the Board conducted a view of the proposed improvements; and

WHEREAS, on Thursday, September 2, 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 Slate Lick Lateral #1 Watershed Drainage Improvement. The Board hereby sets September 2, 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 SLATE LICK LATERAL #1 DRAINAGE IMPROVEMENT PROJECT 40311487

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 Aye Mr. Merrell Aye

RESOLUTION NO. 21-828

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT; EMPLOYMENT; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; FOR PENDING OR IMMINENT LITIGATION; FOR COLLECTIVE BARGAINING AND CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:

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

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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 appointment; employment; compensation of a public employee or public official; for pending or imminent litigation; for collective bargaining and confidential information related to economic development.

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 Aye Mr. Merrell Aye Mr. Benton Aye

RESOLUTION NO. 21-829

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 Mr. Merrell Aye Mrs. Lewis Absent Mr. Benton Aye

RECESS AT 12:43 PM /RECONVENED AT 1:01 PM

RESOLUTION NO. 21-830

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT; EMPLOYMENT; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; AND CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:

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

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:

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(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 appointment; employment; compensation of a public employee or public official; for pending or imminent litigation; for collective bargaining and confidential information related to economic development.

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 Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

RESOLUTION NO. 21-831

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 Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners