

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 25, 2021**

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

Present:
Barb Lewis, Vice President
Jeff Benton, Commissioner

Absent:
Gary Merrell, President

1
RESOLUTION NO. 21-1027

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

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on October 21, 2021; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

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

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

2
PUBLIC COMMENT
 -None.

3
RESOLUTION NO. 21-1028

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1022:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR1022 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
P2101041 (Var AA/PASSS)	Job and Family Services Program	22511607-5350	\$30,000.00
P2101025 (BEEMS)	Service Center Fuel	10011106-5228	\$30,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
R2104699	BINDER LIFT LLC	BARIATRIC BINDER LIFTS	61311923 - 5201	\$9,692.00

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

4
RESOLUTION NO. 21-1029

IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM CRACKER BARREL OLD COUNTRY STORE INC. (DBA CRACKER BARREL STORE 466) 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 D5I liquor license request from Cracker Barrel Old Country Store Inc. (DBA Cracker Barrel Store 466), located at 60 Fourwinds Drive, Sunbury, Ohio 43074; 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

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 25, 2021**

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 Absent Mrs. Lewis Aye

5

RESOLUTION NO. 21-1030

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS FOR THE DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES:

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

Supplemental Appropriation

29552501-5801	Developmental Disabilities/Interfund Cash Transfer	(530,000.00)
29552502-5365	Devel Disability Indiv Program/Grant Related Services	530,000.00

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

6

RESOLUTION NO. 21-1031

IN THE MATTER OF AUTHORIZING COMMISSIONER MERRELL TO SUBMIT AN APPLICATION FOR FUNDING ASSISTANCE TO THE OHIO PUBLIC WORKS COMMISSION:

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

WHEREAS, the County Engineer has developed surveys, plans, profiles, cross sections and estimates for the Green Meadows Drive - Home Road to Lewis Center Road, pursuant to Resolution No. 20-386; and

WHEREAS, the OPWC’s State Capital Improvement Program and Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the infrastructure improvement described herein is a qualified project under the OPWC programs;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County that Commissioner Merrell is hereby authorized to apply to the OPWC for funds in support of the Green Meadows Drive – Home Road to Lewis Center Road project.

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

7

RESOLUTION NO. 21-1032

IN THE MATTER OF APPROVING THE COOPERATIVE PROJECT AGREEMENT BETWEEN DELAWARE COUNTY AND THE CITY OF DELAWARE TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION:

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

WHEREAS, the County Engineer recommends approval of the Cooperative Project Agreement with the City of Delaware;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Cooperative Project Agreement with the City of Delaware:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
CITY OF DELAWARE
AND DELAWARE COUNTY**

The CITY OF DELAWARE, the Project Sponsor, and the Delaware County Board of Commissioners (Delaware County) hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as GLENN PARKWAY AND CHESHIRE ROAD IMPROVEMENTS PROJECT, for Round 36 of the OPWC programs.

The City of Delaware will provide the Local Share as described in the OPWC Application for Funding Assistance from the General Fund, totaling 38.7% of the cost of the Project. The City of Delaware will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds

COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 25, 2021

equal to three (\$3) Dollar for every (\$1) Dollar Local Share provided by the City of Delaware, not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Project Fund, subject to the approved RGAP Grant Guidelines.

Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

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

8
RESOLUTION NO. 21-1033

IN THE MATTER OF ESTABLISHING MAINTENANCE BONDS AND RELEASING CONSTRUCTION BONDS FOR EVANS FARM SECTION 2, PHASE B AND EVANS FARM SECTION 2, PHASE C:

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

Evans Farm Section 2, Phase B

WHEREAS, the roadway construction has been completed for the project known as Evans Farm Section 2 Phase B (the "Project"); and

WHEREAS, as the result of the Engineer's recent field review of the Project, the Engineer has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period; and

WHEREAS, the Engineer recommends that, in accordance with the Owner's Agreement, the maintenance bond be set at **\$227,200** (10% of the original construction estimate) and the Project be placed on the required one year maintenance period; and

WHEREAS, Evans Farm Land Development Company has provided a maintenance bond in the amount of \$227,200 as surety to cover the one year maintenance period; and

WHEREAS, the Engineer recommends that, in accordance with the Owner's Agreement, the construction bond being held as surety for the Project be returned to Eramo and Sons;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners accepts the maintenance bond in the amount of \$227,200 for the Project, places the Project on the required one year maintenance period, and returns the construction bond being held for the Project to Eramo and Sons.

Evans Farm Section 2, Phase C

WHEREAS, the roadway construction has been completed for the project known as Evans Farm Section 2 Phase C (the "Project"); and

WHEREAS, as the result of the Engineer's recent field review of the Project, the Engineer has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period; and

WHEREAS, the Engineer recommends that, in accordance with the Owner's Agreement, the maintenance bond be set at **\$77,000** (10% of the original construction estimate) and the Project be placed on the required one year maintenance period; and

WHEREAS, Evans Farm Land Development Company has provided a maintenance bond in the amount of \$77,000 as surety to cover the one year maintenance period; and

WHEREAS, the Engineer recommends that, in accordance with the Owner's Agreement, the construction bond being held as surety for the Project be returned to Eramo and Sons;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners accepts the maintenance bond in the amount of \$77,000 for the Project, places the Project on the required one year maintenance period, and returns the construction bond being held for the Project to Eramo and Sons.

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

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 25, 2021**

9**RESOLUTION NO. 21-1034**

IN THE MATTER OF APPROVING A COOPERATIVE PROJECT AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE ORANGE TOWNSHIP BOARD OF TRUSTEES FOR LAZELLE ROAD CULVERT AND STORM SEWER IMPROVEMENTS:

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

WHEREAS, the County Engineer recommends approval of a Cooperative Project Agreement between the Delaware County Board of Commissioners and Orange Township Board of Trustees for Lazelle Road Culvert and Storm Sewer Improvements;

NOW, THEREFORE BE IT RESOLVED that the Delaware County Board of Commissioners approves the Cooperative Project Agreement with Orange Township Board of Trustees for Lazelle Road Culvert and Storm Sewer Improvements, as follows:

COOPERATIVE PROJECT AGREEMENT

LAZELLE ROAD CULVERT AND STORM SEWER IMPROVEMENTS

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

WITNESSETH:

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

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

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

WHEREAS, an existing 36-inch storm sewer and 73-inch x 55-inch corrugated metal pipe culvert under Lazelle Road are in poor condition and as result of settlement of backfill and deterioration of the corrugated metal pipe culvert, Lazelle Road is currently closed to traffic; and

WHEREAS, the County, as a routine matter, assists townships with the costs of replacing certain transportation infrastructure, including, but not limited to, large culverts and sewers located on/under township roads, for the safety, convenience and welfare of the public; and

WHEREAS, Lazelle Road is located on the county line between Delaware and Franklin Counties and the existing 36-inch storm sewer and 73-inch x 55-inch corrugated metal pipe culvert are located within an area lying partially within the corporation limits of the City of Columbus (“City”) and partially within the unincorporated area of the Township, and are, by law, the shared maintenance responsibility of the Township and the City;

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

1. **PURPOSE:** The County and Township enter into this agreement for the purpose of undertaking the repair and replacement of an existing 36-inch storm sewer and an existing 73-inch x 55-inch culvert under Lazelle Road as a cooperative Project for the mutual benefit of both parties.
2. **RESPONSIBILITIES OF EACH PARTY:** The County Engineer, pursuant to request of the Township, has completed surveys, plans, profiles, cross sections, estimates, and specifications for the Project.

The Township has acquired, at its cost, the necessary right of way within the unincorporated area of the township for construction and maintenance of the Project.

The County will cooperate with the City to acquire any additional, necessary right of way, contract for and construct the Project in cooperation with the City.

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 25, 2021**

3. **PROJECT COSTS:** The Township has acquired, at its cost, the necessary public right of way located within the unincorporated area of the township for construction and maintenance of the Project.

The Township further agrees to pay the County a lump sum of **Thirty Five Thousand Dollars (\$35,000)** as reimbursement for its share of the Project construction cost, which shall be considered the Township’s entire cost responsibility for construction of the Project, within 30 days of receipt of an invoice and certification from the County Engineer stating that the construction of the Project has been acceptably completed.

The County and City shall pay all remaining costs of the Project pursuant to separate agreement.

4. **MISCELLANEOUS TERMS AND CONDITIONS:**

4.1 Entire Agreement: This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.

4.2 Governing Law: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.

4.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.

4.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.

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

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

10

RESOLUTION NO. 21-1035

IN THE MATTER OF APPROVING A SPEED LIMIT REDUCTION ON HARLEM ROAD (COUNTY ROAD #17):

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

WHEREAS, a request has been made by the Delaware County Engineer (the “Engineer”) that the statutory vehicular speed established by section 4511.21 of the Revised Code is greater than that considered to be safe and reasonable on Harlem Road (County Road #17) between Sunbury Road (County Road #30) and Woodtown Road (County Road #23) in Delaware County, Ohio; and

WHEREAS, the Engineer has caused to be made engineering and traffic investigations upon the section of road described above; and

WHEREAS, it is the belief of the Engineer that such investigation confirms that, due to several factors identified within such investigation, the allegation that the statutory speed limit of 55 is unrealistic upon the section of road; and

WHEREAS, the Engineer has brought such findings to the Delaware County Board of Commissioners of Delaware County, Ohio (the “Board”) to request that the Board, by virtue of section 4511.21 of the Revised Code, request that the Director of the Ohio Department of Transportation review the engineering and traffic investigations to determine and declare a reasonable and safe prima facie speed limit of 50 miles per hour on Harlem Road (County Road #17) between Sunbury Road (County Road #40) and Woodtown Road (County Road #23) in Delaware County, Ohio;

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

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 25, 2021**

Section 1. The Board hereby requests that the Director of the Ohio Department of Transportation determine and declare a reasonable and safe speed limit on the section of road described above.

Section 2. Upon being advised that the Director of Transportation has determined and declared a revision of the speed limit on the section of road described above, the Engineer shall promptly erect standard signs properly posted and giving notice thereof.

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

11

RESOLUTION NO. 21-1036

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN AS THE MAIN PART OF THE KINGSTON TOWNSHIP #2017-1 WATERSHED DRAINAGE IMPROVEMENT PROJECT AND LATERAL #1 OF THE KINGSTON TOWNSHIP #2017-1 WATERSHED DRAINAGE IMPROVEMENT:

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

WHEREAS, the County Engineer recommends approval of the Plans, Estimate, Bid Specifications and Bid Opening Date and Time for the Main Part of the Kingston Township #2017-1 Watershed Drainage Improvement Project and Lateral #1 of the Kingston Township #2017-1 Watershed Drainage Improvement Project (collectively, the "Improvements"); and

WHEREAS, the County Engineer has prepared plans, specifications and estimates for the Improvements; and

WHEREAS, the County Engineer has estimated the construction cost of the Improvements to be \$68,769.50 for the Main Part and \$21,876.00 for Lateral #1;

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

Section 1. The plans, specifications and estimate for the project known as Main Part of the Kingston Township #2017-1 Watershed Drainage Improvement Project and Lateral #1 of the Kingston Township #2017-1 Watershed Drainage Improvement Project are hereby approved.

Section 2. The County Engineer is authorized to advertise for and receive bids on behalf of the Board in accordance with the following Advertisement for Bids:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, November 26, 2019, at which time they will be publicly received and read aloud, for the project known as:

**O.R.C. 6131 Drainage Improvement Project
Kingston #2017-1 Drainage Improvement**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a one (1) year Maintenance/Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

THE ENGINEER'S CONSTRUCTION ESTIMATE FOR THE PROJECT IS \$ 90,645.50 PER O.R.C. 6131.40 NO BIDS SHALL BE ACCEPTED THAT EXCEED THE ENGINEER'S CONSTRUCTION ESTIMATE.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before March 31, 2022. The estimated commencement of work date is December 16, 2021.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 25, 2021**

Delaware Gazette Advertisement Dates:
November 12, 2021

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

12

RESOLUTION NO. 21-1037

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN AS THE MAIN SECTION 1 OF THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT AND THE MAIN SECTION 2 OF THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:

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

WHEREAS, the County Engineer recommends approval of the Plans, Estimate, Bid Specifications and Bid Opening Date and Time for the Main Section 1 of the Gorsuch Joint County #588 Watershed Drainage Improvement Petition Project and the Main Section 2 of the Gorsuch Joint County #588 Watershed Drainage Improvement Petition Project (collectively, the “Improvements”); and

WHEREAS, the County Engineer has prepared plans, specifications and estimates for the Improvements; and

WHEREAS, the County Engineer has estimated the construction cost of the Improvements to be \$131,788.00 for the Main Section 1 and \$129,315.15 for the Main Section 2;

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

Section 1. The plans, specifications and estimate for the project known as the Main Section 1 of the Gorsuch Joint County #588 Watershed Drainage Improvement Petition Project and the Main Section 2 of the Gorsuch Joint County #588 Watershed Drainage Improvement Petition Project are hereby approved.

Section 2. The County Engineer is authorized to advertise for and receive bids on behalf of the Board in accordance with the following Advertisement for Bids:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, November 26, 2019, at which time they will be publicly received and read aloud, for the project known as:

**O.R.C. 6133 Drainage Improvement Project
Gorsuch #588 Joint County Drainage Improvement**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a one (1) year Maintenance/Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

THE ENGINEER’S CONSTRUCTION ESTIMATE FOR THE PROJECT IS \$ 249,907.60 PER O.R.C. 6131.40 NO BIDS SHALL BE ACCEPTED THAT EXCEED THE ENGINEER’S CONSTRUCTION ESTIMATE.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before March 31, 2022. The estimated commencement of work date is December 16, 2021.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates:
November 12, 2021

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 25, 2021**

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

13

ADMINISTRATOR REPORTS

Dawn Huston, Deputy Administrator

-No reports.

14

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Benton

- Attended the Legislative Update on Friday. The main topic was broadband funding.
- Attended the Delaware Chamber's Third Thursday luncheon. Steve Stivers was the guest speaker.
- Attended the Sunbury/Big Walnut Chamber breakfast Saturday morning.
- The Land Bank held a meeting on Friday to discuss how the Board of Revisions can help speed along foreclosures.

Commissioner Lewis

- Attended the Delaware Chamber's Third Thursday luncheon. Steve Stivers was the guest speaker. Steve is also the Ohio Chamber of Commerce President. He spoke on the importance and need for kids to have vocational/ tech training.
- Will participate in a joint meeting for the CCAO Metropolitan and Justice/Public Safety Committees for jail funding.

15

RESOLUTION NO. 21-1038

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES; FOR PENIDNG OR IMMINENT LITIGATION 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:

- (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 employment; compensation of a public employee or public official; to consider the purchase of property for public purposes; for penidng or imminent litigation 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.

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 25, 2021**

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. Merrell Absent Mr. Benton Aye Mrs. Lewis Aye

RESOLUTION NO. 21-1039

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners