

**COMMISSIONERS JOURNAL NO. 75 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 7, 2021**

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**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 Hearings For Consideration Of The Drainage Improvement Petition For Buell #542**

**1**  
**RESOLUTION NO. 21-943**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 4, 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 October 4, 2021; and

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

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

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

**2**  
**PUBLIC COMMENT**  
 -None.

**3**  
**RESOLUTION NO. 21-944**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1006:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1006 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
P2104132 Cornell Abxaxas	Job and Family Care	22511607-5342	\$18,200.00
P2101590 Staples	Supplies	23711630-5201	\$7,500.00
P2102472 Beems BP	Vehicle Maintenance & repair		

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2104438	OFFICE CITY EXPRESS INC	TABLES, CHAIRS	22411605 - 5260	\$12,364.60
R2104511	VASU COMMUNICATIONS INC	35 VP6430 AND 6 VM5930	21411306 - 5260	\$101,672.96
R2104511	VASU COMMUNICATIONS INC	CHARGERS AND MICS	21411306 - 5201	\$5,908.00
R2104524	TYLER TECHNOLOGIES INC	RMS- CAD 9-1-1	21711326 - 5320	\$72,944.00
R2104524	TYLER TECHNOLOGIES INC	RMS- CAD- PREHOSPITAL CARE BOARD	10011102 - 5320	\$210.00
R2104524	TYLER TECHNOLOGIES INC	RMS-CAD- DCSO	10031301 - 5320	\$48,966.00
R2104524	TYLER TECHNOLOGIES INC	RMS-CAD- OTHER AGENCIES	10011102 - 5320	\$27,449.00
R2104545	TRI COUNTY TOWER SERVICE INC	REPEATER	21411306 - 5328	\$5,500.00

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

**4**  
**RESOLUTION NO. 21-945**

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**IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTH OF AUGUST 2021:**

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

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

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

**5  
RESOLUTION NO. 21-946**

**IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD FOR THE FACILITIES DEPARTMENT:**

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

WHEREAS, pursuant to section 301.29 of the Revised Code, the Board of Commissioners of Delaware County, by Resolution No. 04-1193, dated September 30, 2004, adopted a policy for the use of County Procurement Cards; and

WHEREAS, the Board of Commissioners of Delaware County, by Resolution No. 11-1040, dated October 3, 2011, adopted amendments to the Policies and Procedures for the county procurement card program; and

WHEREAS, the Board of Commissioners has adopted the procurement card policy for the use of the card to pay for specific classes of work related expenses, without submitting a monthly estimate of the expenses, pursuant to section 301.29(F)(2) of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, authorizes the use of the following procurement cards to the limits indicated and for specific work related expenses designated in the Procurement Card Policy without submitting a monthly estimate of expenses:

Appointing Authority:	County Commissioners
Office/Department:	<u>Facilities/Maintenance</u>

Daily spending per card:	\$1,000
Monthly spending per card:	\$5,000
Single transaction limit:	\$ 750
Daily number of transactions per card:	5
Monthly number of transactions per card:	50

Name on Card: Shane Friley

Department Coordinator: Janette Adkins

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

**6  
RESOLUTION NO. 21-947**

**IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION FOR JUVENILE COURT:**

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

<b>Supplemental Appropriation</b>		
24026326-5319	Juv Crt Restitution/Reimbursements-Refunds	8,000.00

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

**7  
RESOLUTION NO. 21-948**

**IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION FOR BUILDING SAFETY:**

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

**Supplemental Appropriation**

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10011301-5201	Building Safety/General Supplies & Equipment	12,400.00
10011301-5320	Building Safety/Software Licenses & Computer Services	3,800.00

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

**8**

**RESOLUTION NO. 21-949**

**IN THE MATTER OF APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC. FOR ENGINEERING SERVICES FOR THE PEACHBLOW PUMP STATION AND FORCE MAIN PROJECT:**

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

WHEREAS, the Board of Commissioners previously entered into a contract on June 19, 2017, with HDR Engineering, Inc., for engineering services for the Peachblow Pump Station and Force Main Project; and

WHEREAS, there is an increase to the contract cost in the amount of \$15,000.00 for the review of additional shop drawings; and

WHEREAS, the Sanitary Engineer recommends approval of Amendment No. 1 to the Professional Services Agreement with HDR Engineering, Inc., for engineering services for the Peachblow Pump Station and Force Main Project;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the following Amendment No. 1 to the Professional Services Agreement with HDR Engineering, Inc.:

AMENDMENT TO AGREEMENT  
FOR  
ENGINEERING SERVICES

WHEREAS:

HDR ENGINEERING, INC. ("HDR") entered into an Agreement on June 19th, 2017 to perform engineering services for Delaware County Board of Commissioners ("County");

The County desires to amend this Agreement in order for HDR to perform services beyond those previously contemplated;

HDR is willing to amend the agreement and perform the additional engineering services.

NOW, THEREFORE, HDR and the County do hereby agree:

The Agreement and the terms and conditions therein shall remain unchanged other than those sections and exhibits listed below;

Exhibit A Task 4.A shall be replaced with the following:

An additional lump sum payment of \$15,000 for the review of additional shop drawings. The previous fee assumed 15 submittals and was exceeded.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year written below:

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

**9**

**RESOLUTION NO. 21-950**

**IN THE MATTER OF APPROVING A WORK AGREEMENT WITH BRISKEY CONCRETE, INC. AND THE BOARD OF DELAWARE COUNTY COMMISSIONERS IN CONJUNCTION WITH THE 2021 SEWER REHABILITATION PROJECT:**

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

WHEREAS, the Sanitary Engineer recommends approval of a work agreement in conjunction with the 2021 Sewer Rehabilitation Project;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the following Work Agreement with Briskey Concrete, Inc.:

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WORK AGREEMENT

by and among  
BRISKEY CONCRETE, INC.,  
and  
THE BOARD OF DELAWARE COUNTY COMMISSIONERS

Briskey Concrete, Inc. [the "Owner"], the Owner of parcel number 41814001065000, situated in Delaware County, Ohio [the "Property"], in consideration of there being no costs, assessments, or other expenses to Owner for the work hereinafter described, hereby authorizes the Board of Delaware County Commissioners [the "Board"], and its duly authorized employees, agents, and contractors to enter upon the Property for the purposes of performing the work described in Exhibit A attached hereto and by this reference incorporated herein.

This authority to enter granted to the Board shall commence on 10/1/2021 and will terminate on 5/31/2022.

The work described in Exhibit A shall be performed in accordance with the plans and specifications prepared by the Board for the construction and/or improvement of sanitary service associated with the 2021 Sanitary Sewer Rehabilitation Project.

Owner hereby releases the Board and its employees from any and all damages or claims for damages resulting by reason of the above described work and operations, excepting those arising from said plans and specifications. It is understood that any contractor engaged for the purposes described above is an *Independent Contractor*, and is solely responsible for any and all damages or claims for damages arising from any conduct not within the control of the Board. The Board agrees to comply and require its *Independent Contractor(s)* to comply in all material respects, at its sole cost, with all applicable federal, state and local laws, rules, and regulations, including but not limited to all applicable OSHA and Ohio PERRP standards and requirements, which are applicable to the activities of the Board or its *Independent Contractor(s)* hereunder, including but not limited to, the construction, use, operation, maintenance, repair and service of the improvements, associated equipment and appurtenances thereto. All work shall be performed under the supervision of the specifying Ohio registered engineer and substantially meeting all engineer design requirements.

The Board will require its independent contractor(s) to clean up and remove all construction debris from Owner's lands promptly after completion of installation and construction of the improvements. The Board shall require in any of its contracts with its independent contractor(s) that the independent contractor(s) shall indemnify, defend, and hold harmless the Owner, and Owner's heirs, successors, assigns, employees, beneficiaries, agents, lessees, contractors, and subcontractors (the "Indemnitees"), from any and all liens, claims, demands, costs (including but not limited to attorney fees, accountant fees, engineer fees, consultant fees, and expert fees), expenses, damages, losses, and causes of action for damages because of injury to persons (including death) and injury or damage to or loss of any property (real or personal) arising from or caused by the independent contractor's negligence and/or willful misconduct, to the extent such losses were not caused by the negligence or willful misconduct of the Indemnitees.

Any and all of the terms, conditions and provisions of this Agreement shall be binding upon and shall inure to the benefit of Owner and the Board and their respective heirs, executors, administrators, successors and assigns.

This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which together shall constitute but one and the same instrument.

No amendment or modification of this Agreement shall be valid or binding upon the parties unless it is made in writing, cites this Agreement, and is signed by Owner and the Board.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) indicated immediately below their respective signatures.

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

**10**  
**RESOLUTION NO. 21-951**

**IN THE MATTER OF APPROVING A WORK AGREEMENT WITH RICHARD E AND PHYLLIS K BALE, TRUSTEES AND THE BOARD OF DELAWARE COUNTY COMMISSIONERS IN CONJUNCTION WITH A MANHOLE CONE REPLACEMENT:**

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

WHEREAS, the Sanitary Engineer recommends approval of a work agreement in conjunction with the manhole cone replacement;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the following Work Agreement with Richard E and Phyllis K Bale, Trustees:

WORK AGREEMENT

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by and among  
RICHARD E. AND PHYLLIS K. BALE TRUSTEES,  
and  
THE BOARD OF DELAWARE COUNTY COMMISSIONERS

Richard E. & Phyllis K. Bale, Co-Trustees of the Warren E. Bale and Phyllis K. Bale Family Trust dated July 22, 2010 [the "Owners"], the Owners of the property located at 6210 Bale-Kenyon Road, bearing parcel number 31814301001000 (part), situated in Delaware County, Ohio [the "Property"], in consideration of there being no costs, assessments, or other expenses to Owners for the work hereinafter described, hereby authorizes the Board of Delaware County Commissioners [the "Board"], and its duly authorized employees, agents, and contractors to enter upon the Property for the purposes of accessing the work area for the performance of work on adjacent property, such work being described in Exhibit A attached hereto and by this reference incorporated herein.

This authority to enter granted to the Board shall commence on 9/27/2021 and will terminate on 11/30/2021.

The work described in Exhibit A shall be performed in accordance with the Construction and Materials Specifications of the Delaware County Regional Sewer District, but the work shall be performed solely on the adjacent property, with the Owners' property only being used for accessing the work.

Owners hereby release the Board and its employees from any and all damages or claims for damages resulting by reason of the above described work and operations, excepting those arising from said specifications. It is understood that any contractor engaged for the purposes described above is an *Independent Contractor*, and is solely responsible for any and all damages or claims for damages arising from any conduct not within the control of the Board. The *Independent Contractor(s)* is responsible for complying in all material respects, at its sole cost, with all applicable federal, state and local laws, rules, and regulations, including but not limited to all applicable OSHA and Ohio PERRP standards and requirements, which are applicable to the construction, use, operation, maintenance, repair and service of the improvements, associated equipment and appurtenances thereto. All work shall be performed under the supervision of the specifying Ohio registered engineer and substantially meeting all engineer design requirements. The Board and its representatives shall be responsible for coordinating the work with the *Independent Contractor(s)*, relieving the Owners from any responsible for such coordination.

The Board will require its independent contractor(s) to restore the Owners' property, to the extent reasonably necessary, promptly after completion of installation and construction of the improvements.

Any and all of the terms, conditions and provisions of this Agreement shall be binding upon and shall inure to the benefit of Owners and the Board and their respective heirs, executors, administrators, successors and assigns.

This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which together shall constitute but one and the same instrument.

No amendment or modification of this Agreement shall be valid or binding upon the parties unless it is made in writing, cites this Agreement, and is signed by Owners and the Board.

IN WITNESS WHEREOF, the parties hereto, namely the Board of Delaware County Commissioners and Richard E. & Phyllis K. Bale, Co-Trustees, have executed this Agreement on the date(s) indicated immediately below their respective signatures.

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

**11**

**RESOLUTION NO. 21-952**

**IN THE MATTER OF PURCHASING RADIOS AND RELATED COMPONENTS FOR USE IN THE COUNTYWIDE PUBLIC SAFETY COMMUNICATIONS SYSTEM:**

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

WHEREAS, the Delaware County Director of Emergency Communications recommends the purchase of additional radios, and related components and software, for the countywide public safety communications system; and

WHEREAS, the radios and related components are available for purchase at discounted pricing through the State of Ohio's cooperative purchasing program (the "Program"); and

WHEREAS, the Board of County Commissioners (the "Board") is a member of the Program and wishes to purchase the equipment through the Program; and

WHEREAS, pursuant to section 307.12(G) of the Revised Code, if the Board finds, by resolution, that the county has personal property that is not needed, or is unfit for public use, the Board may offer to sell the property to a firm from which the Board proposes to purchase new property and have the selling price credited to the firm against the purchase price of the new property; and

WHEREAS, EF Johnson Company/Kenwood is currently offering a promotion for trading in obsolete radios for a credit on the purchase of new radios; and

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WHEREAS, the county has radios that are not needed, obsolete, or unfit for public use and qualify for the Motorola trade in promotion;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, STATE OF OHIO:

Section 1. The Board hereby approves the purchase of thirty-five (35) Kenwood VM6430 portable radios, six (6) VM5930 mobile radios, and related components and software, from Vasu Communications, Inc., a state-approved dealer under the Program, in accordance with Quote Numbers 201005860 and 201005861, dated September 13, 2021, and Quote Number 201005913, dated September 23, 2021, at a total price of \$107,580.96

Section 2. The Board hereby finds that the county has forty-one (41) Motorola XTS5000 Model II portable radios that are not needed, obsolete, or unfit for public use and authorizes sale of the radios to Vasu Communications, Inc., for a total credit to the purchase price of \$23,210.00. This credit is reflected in the total price stated in Section 1.

Section 3. The purchase shall be in accordance with the Program, pursuant to the contract and terms and conditions set forth in Index STS073, Schedule # 573004-0, which are, by this reference, fully incorporated herein and of which the purchase order approved herein shall be made a part.

Section 4. The Board hereby approves a purchase order in the amount of \$107,580.96 to Vasu Communications, Inc., from Fund Number 21411306.

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

12

RESOLUTION NO. 21-953

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 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 the Veterans Memorial Plaza, located at 91 N. Sandusky Street, Delaware, OH on November 11, 2021 by the Delaware County Veteran Service Commission at no cost.

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

13

RESOLUTION NO. 21-954

IN THE MATTER OF APPROVING AN APPOINTMENT TO THE DELAWARE COUNTY TRANSIT BOARD:

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

WHEREAS, on October 25, 1999, the Delaware County Board of Commissioners (the "Board of Commissioners") created the Delaware County Transit Board (the "Transit Board") and made the necessary appointments to the Transit Board, pursuant to section 306.01 and 306.02 of the Revised Code; and

WHEREAS, as necessary, the Board of Commissioners has made appointments to the Transit Board to fill vacancies in both unexpired and expired terms; and

WHEREAS, Benjamin Turner has applied for appointment to an unexpired term expiring on October 24, 2023;

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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 Transit Board for the term specified herein:

Position	Appointee	Term Ends
DATA 7	Benjamin Turner	October 24, 2023

Section 2. The appointment approved herein shall take effect immediately upon adoption of this Resolution.

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

**15**

**ADMINISTRATOR REPORTS**

Dawn Huston

-Congratulations to Patrick Brandt for his Distinguished Services Award for the help he provided with the #988 subcommittee (HelpLine).

**16**

**COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Lewis

-Attended an EMA Meeting yesterday. Director applied for and received a grant from the American Recovery Act in the amount of \$148,000.

Commissioner Benton

-Attended the Land Bank meeting on Tuesday. We approved the next steps for the Sunny Vee property. The Historic Jail had it closing sale yesterday.  
-Will attend the MORPC executive meeting this afternoon.

Commissioner Merrell

-Attended the 45<sup>th</sup> annual ceremony for the Senior Hall of Fame awards yesterday.

**17**

**RESOLUTION NO. 21-955**

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

It was moved by Mrs. Lewis, seconded by Mr. Benton 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; compensation of a public employee or public official; for collective bargaining.

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

**RESOLUTION NO. 21-956**

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

**14**

**RESOLUTION NO. 21-957**

**10:00A.M. - PUBLIC HEARING FOR CONSIDERATION THE BUELL #542 DRAINAGE IMPROVEMENT PETITION FILED BY DANA BUELL AND OTHERS:**

It was moved by Mrs. Lewis, seconded by Mr. Benton to open the hearing at 10:03 A.M..

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

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**RESOLUTION NO. 21-958**

**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. Benton 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. 21-959**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING FOR CONSIDERATION OF THE BUELL #542 DRAINAGE IMPROVEMENT PETITION FILED BY DANA BUELL AND OTHERS:**

It was moved by Mr. Benton, seconded by Mrs. Lewis to close the hearing at 10:31A.M..

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

**RESOLUTION NO. 21-960**

**IN THE MATTER OF PROCEEDING WITH THE PETITION FOR THE BUELL #542 DRAINAGE IMPROVEMENT, FILED BY DANA BUELL AND OTHERS, 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 December 15, 2020, a Drainage Improvement Petition to the Buell #542 Drainage Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, on Monday, May 24, 2021, the Board conducted a view of the proposed improvements; and

WHEREAS, on Thursday, October 7, 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 Buell #542 Watershed Drainage Improvement. The Board hereby sets October 7, 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 BUELL #542 DRAINAGE IMPROVEMENT PROJECT 40311489.

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.



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

**RESOLUTION NO. 21-961**

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

It was moved by Mrs. Lewis, seconded by Mr. Benton 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; compensation of a public employee or public official; for collective bargaining.

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

**RESOLUTION NO. 21-962**

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

There being no further business, the meeting adjourned.

\_\_\_\_\_  
Gary Merrell

\_\_\_\_\_  
Barb Lewis

\_\_\_\_\_  
Jeff Benton

\_\_\_\_\_  
Jennifer Walraven, Clerk to the Commissioners