

COMMISSIONERS JOURNAL NO. 76 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 21, 2022

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

Present:
Barb Lewis, President
Jeff Benton, Vice President
Gary Merrell, Commissioner

1
RESOLUTION NO. 22-197

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 17, 2022:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on March 17, 2022; 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. 22-198

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0318, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0318 AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER PCAPR0318:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0318, memo transfers in batch numbers MTAPR0318, Procurement Card Payments in batch number PCAPR0318 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line	Amount
R2202326	ATLAS LIMITED	BYXBE CAMPUS PHOTOGRAPHIC DOCUMENTATION	42011440 - 5410	\$44,980.00
R2202356	EPS	SECURITY CAMERA REPLACEMENT - HAYES BUILDING	40111402 - 5450	\$30,000.00
R2202486	TRIHEDRAL INC	VT SCADA RENEWAL LICENSING FEES FOR ACWRF	66211900 - 5320	\$11,877.75
R2202525	CITY OF COLUMBUS	FEES ON INVOICES FROM 8 6 18-11 5 21	66211900 - 5319	\$392,062.49
R2202533	COMMISSION ON ACCREDITATION OF AMBULANCE SERVICES	EMS ACCREDITATION FEE	10011303-5316	\$3,500.000
R2202533	COMMISSION ON ACCREDITATION OF AMBULANCE SERVICES	ACCREDITATION ON SITE REVIEW	10011303-5316	\$6,000.000

FURTHER BE IT RESOLVED that the Board of Commissioners of Delaware County approve the voucher for the Commission on Accreditation of Ambulance Services, for the following amount:

10011303-5316	\$3,500.00	(EMS ACCREDITATION FEE)
10011303-5316	\$6,000.00	(ACCREDITATION ON SITE REVIEW)

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

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RESOLUTION NO. 22-199

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Commissioners’ Communication Department is requesting that Jane Hawes attend the 2022 3CMA Annual Conference (City-County Communications and Marketing Association) in Portland, Oregon, September 6-10, 2022, at the cost of \$2,152.27 (fund number 10011139).

The Emergency Communications Department is requesting that Jeanette Adair attend a National Emergency Number Association Conference in Louisville, Kentucky from June 11-16, 2022 at the cost of \$2,627.50 (funds 2143306/21711326).

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

**5
RESOLUTION NO. 22-200**

IN THE MATTER OF ACCEPTING THE TREASURER’S REPORT FOR THE MONTH OF FEBRUARY 2022:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to accept the Treasurer’s Report for the month of February 2022.

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

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

**6
RESOLUTION NO. 22-201**

RESOLUTION TO SELECT AN ALTERNATE TO SERVE IN PLACE OF THE PRESIDENT OF THE BOARD ON THE DELAWARE GENERAL HEALTH DISTRICT ADVISORY COUNCIL:

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

WHEREAS, pursuant to section 3709.03 of the Revised Code, the president of the board of county commissioners shall serve on a district advisory council for a general health district, and a board of county commissioners may select an alternate from among themselves to serve if the president is unable to attend any meeting of the district advisory council; and

WHEREAS, the Delaware General Health District Advisory Council is scheduled to meet this Thursday, March 24, 2022, and the President of the Delaware County Board of Commissioners (the “Board”) is unable to attend the meeting; and

WHEREAS, the Board desires to select an alternate to serve in place of the President of the Board on the Delaware General Health District Advisory Council;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby selects Gary Merrell, Commissioner Member of the Board, as an alternate to serve in place of the President of the Board on the Delaware General Health District Advisory Council;

BE IT FURTHER RESOLVED that the alternate selected herein may vote on any matter on which the member is authorized to vote, pursuant to section 3709.03(A) of the Revised Code.

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

**7
RESOLUTION NO. 22-202**

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE PROPOSED ENGLISH 346 WATERSHED DRAINAGE IMPROVEMENT:

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

WHEREAS, on November 1, 2018, the Board of Commissioners of Delaware County (the “Board”) held a public hearing and determined that the proposed English 346 Watershed Drainage Improvement is necessary and conducive to the public welfare, and that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs; and

WHEREAS, the Board also ordered the Delaware County Engineer to prepare the reports, plans, and schedules for the proposed improvement; and

WHEREAS, the Delaware County Engineer has filed the reports, plans, and schedules for the proposed improvement with the Clerk of the Board;

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NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Delaware hereby fixes **Monday, June 6, 2022, at 10:00A.M.**, at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, as the time and place of the final hearing on the report of the County Engineer.

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

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RESOLUTION NO. 22-203

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE PROPOSED WEBSTER ARNOLD # 355 WATERSHED DRAINAGE IMPROVEMENT:

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

WHEREAS, on December 15, 2016, the Board of Commissioners of Delaware County (the "Board") held a public hearing and determined that the proposed Webster Arnold # 355 Watershed Drainage Improvement is necessary and conducive to the public welfare, and that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs; and

WHEREAS, the Board also ordered the Delaware County Engineer to prepare the reports, plans, and schedules for the proposed improvement; and

WHEREAS, the Delaware County Engineer has filed the reports, plans, and schedules for the proposed improvement with the Clerk of the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Delaware hereby fixes **Monday, June 27, 2022, at 10:00A.M.**, at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, as the time and place of the final hearing on the report of the County Engineer.

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

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RESOLUTION NO. 22-204

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE PROPOSED KINGSTON #2017-2 WATERSHED DRAINAGE IMPROVEMENT:

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

WHEREAS, on August 26, 2021, the Board of Commissioners of Delaware County (the "Board") held a public hearing and determined that the proposed Kingston #2017-2 Watershed Drainage Improvement is necessary and conducive to the public welfare, and that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs; and

WHEREAS, the Board also ordered the Delaware County Engineer to prepare the reports, plans, and schedules for the proposed improvement; and

WHEREAS, the Delaware County Engineer has filed the reports, plans, and schedules for the proposed improvement with the Clerk of the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Delaware hereby fixes **Monday, May 9, 2022, at 10:00A.M.**, at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, as the time and place of the final hearing on the report of the County Engineer.

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

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RESOLUTION NO. 22-205

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

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

Supplemental Appropriation

29752505-5001	DODD Severance Reserve/Compensation	82,000.00
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Vote on Motion Mr. Benton Aye Mr. Merrell Aye Mrs. Lewis Aye

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RESOLUTION NO. 22-206

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

It was moved by Mr. Merrell, seconded by Mrs. Lewis 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 Union Street Parking lot on June 25, 2022, August 6, 2022, September 17, 2022, and October 1, 2022, by the Boardman Arts Park Inc., at no cost.

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

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RESOLUTION NO. 22-207

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN 2022 DELAWARE COUNTY ROAD IMPROVEMENT PROGRAM:

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

WHEREAS, the County Engineer has prepared specifications and an estimate for the project known as 2022 Delaware County Road Improvement Program, which includes the resurfacing of various county and township roads;

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

Section 1. The specifications and estimate for the project known as 2022 Delaware County Road Improvement Program 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:

Public Notice
Advertisement for Bids

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, April 12, 2022, at which time they will be publicly received and read aloud, for the project known as:

2022 Delaware County Road Improvement Program

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 Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

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 October 1, 2022. The

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estimated commencement of work date is April 25, 2022.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4115 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

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:
March 25, 2022

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

OTHER BUSINESS:

RESOLUTION NO. 22-208

IN THE MATTER OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS APPROVING THE TERMINATION OF THE OHIO EPA TRUST DATED JUNE 19, 2009 AND AUTHORIZING COMMISSIONER LEWIS TO EXECUTE THE TERMINATION ACKNOWLEDGMENT LETTER ON BEHALF OF THE BOARD:

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

WHEREAS, on August 24, 2009, the Delaware County Board of Commissioners (the "Board") adopted Resolution No. 09-1040, executing a trust agreement for final closure, post closure care, and/or corrective measures at the Delaware County Solid Waste Transfer Station, which is a form of financial assurance for the facility required under applicable provisions of the Ohio Administrative Code; and

WHEREAS, the operator of the Delaware County Solid Waste Transfer Station has provided alternative financial assurance in accordance with the Ohio Administrative Code, which allows for the termination of the existing Ohio EPA Trust dated June 19, 2009;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the Termination of the Ohio EPA Trust Dated June 19, 2009 and authorizes Commissioner Barb Lewis to execute the following termination acknowledgment letter on behalf of the Board:

**First
Commonwealth
Advisors**

March 16, 2022

County of Delaware
Board of Delaware Co Commissioners 91 N. Sandusky Street
Delaware, OH 43015

Re: Termination of the Ohio EPA Trust dated 6.19.09 Account 43xxxx017

In accordance with Section 17 of the above referenced trust agreement and the letter dated March 15, 2022 from the Ohio Environmental Protection Agency attached hereto as Exhibit A, the Trustee and the Grantor hereby agree to the termination of the above referenced trust agreement. In addition, all parties acknowledge the full and complete distribution to the Delaware County Commissioners of the trust assets in the amount of Nineteen Thousand Seven Hundred Thirty- Seven Dollars and Ninety-Eight Cents (\$19,737.98).

Witness

Zach O'Dell, Trust Officer, First Commonwealth Advisors, Trustee

Witness

Commissioner, Delaware County Board of Commissioners

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Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

Certified Mail

March 15, 2022

Susan M. Wolf
First Commonwealth Advisors
P.O. Box 698
Indiana, PA 15701

Re: Delaware County Transfer Facility
Financial Assurance
Instruments and Support
Municipal Solid Waste Transfer Facilities
Delaware County
SWTF018390

Subject: Financial Assurance – Delaware County Transfer Facility
Termination of Trust Agreement – Delaware County Commissioners

Dear Ms. Wolf:

A trust agreement was entered on June 19, 2009, by and between Delaware County Commissioners and The Delaware County Bank and Trust Company, now known as First Commonwealth Bank. The trust was established in accordance with the financial assurance requirements for closure of a municipal solid waste transfer facility operating in Ohio. Delaware County has established alternative financial assurance; therefore the trust is no longer is required and the trust agreement may be terminated.

In accordance with Ohio Administrative Code Rule 3745-27-15(F)(10)(a) and Section 17 of the trust agreement, I hereby authorize you to terminate this trust agreement. All remaining trust property, less final trust administration expenses, shall be delivered to the grantor, Delaware County Commissioners. The original trust agreement is enclosed for your records.

If you have any questions regarding this matter, please contact Kelly Smith of the Division of Materials and Waste Management at (614) 728-5351 or kelly.smith@epa.ohio.gov.

Sincerely,

Laurie A. Stevenson
Director

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

Taking from the table resolution NO. 22-198

It was moved by Mrs. Lewis to take from the table Resolution No. 22-195 (A Joint Application by the Prosecuting Attorney and the Board of County Commissioners to the Common Pleas Court to authorize the appointment of Kip Wahlers, Esq., as Legal Counsel, to provide the Treasurer’s Office with a legal opinion regarding R.C. 321.09).

Proposed Resolution Dies for a lack of a second.

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COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Merrell

- Last week the Treasurer’s item was tabled with the understanding that we would hear back from the State Auditor’s office and it hasn’t been a week.
- CORSA board met this past Friday. There will be an increase in rates.

Commissioner Benton

-No reports.

Commissioner Lewis

-Attended a Strengthening Families showcase from United Way.

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ADMINISTRATOR REPORTS

Tracie Davies, County Administrator
-No reports.

Dawn Huston, Deputy Administrator
-No reports.

Resolution NO. 22-209 was not utilized.

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RESOLUTION NO. 22-210

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Merrell, 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

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 pending or imminent litigation.

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

RESOLUTION NO. 22-211

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners