

COMMISSIONERS JOURNAL NO. 77 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD MAY 9, 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

10:00 A.M. Final Hearing For The Proposed Kingston #2017-2 Watershed Drainage Improvement

**1**  
RESOLUTION NO. 22-352

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 5, 2022:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on May 5, 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. 22-353

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0506:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0506 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line Account	Amount
R2202892	STANLEY CONVERGENT SECURITY SOLUTIONS	SECURITY CAMERAS - JAIL	41711436 - 5450	\$83,740.00
R2203038	MIKES ROOFING INC	ROOF REPLACEMENT - EMS 9	40111402 - 5328	\$18,034.00
R2203063	NORTH CENTRAL JOBS FOR OHIO GRADUATES	WIOA CCMEP YOUTH	22311611 - 5348	\$3,000.00
R2203063	NORTH CENTRAL JOBS FOR OHIO GRADUATES	TANF CCMEP YOUTH	22411603 - 5348	\$3,000.00

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

**4**  
RESOLUTION NO. 22-354

IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD FOR ECONOMIC DEVELOPMENT:

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

WHEREAS, on September 30, 2004, the Board of Commissioners of Delaware County (the "Board") adopted Resolution No. 04-1193, adopting a policy for the use of county procurement cards, pursuant to section 301.29 of the Revised Code; and

WHEREAS, on October 3, 2011, the Board adopted Resolution No. 11-1040, approving amendments to the Policies and Procedures for the county procurement card program; and

WHEREAS, the Board has adopted the procurement card policy for the use of the cards 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;

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

**Appointing Authority:** Board of Commissioners  
**Office/Department:** Economic Development:

Daily spending per card: \$5,000  
Monthly spending per card: \$10,000.00  
Single transaction limit: \$5,000.00  
Daily number of transactions per card: 10  
Monthly number of transactions per card: 25

Name on Card: Tyler Lane  
Department Coordinator: Sarah Dinovo

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

**5**  
**RESOLUTION NO. 22-355**

**IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATIONS, A TRANSFER OF FUNDS, AND APPROVING SUPPLEMENTAL APPROPRIATIONS FOR DEBT SERVICE ON THE AFRICA ROAD 2020 SIB LOAN FOR THE ENGINEER’S OFFICE:**

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

**TRANSFER OF APPROPRIATIONS**

<b>From</b>	<b>To</b>	
10040421-5420	10040421-5801	\$72,860.20
Road & Bridge Projects/ Miscellaneous Cash Transfers	A Road & Bridge Projects/ Interfund Transfers	

**TRANSFER OF FUNDS**

<b>From</b>	<b>To</b>	
10040421-5801	48140481-4601	\$72,860.20
A Road & Bridge Projects/ Interfund Transfers	Africa Rd 2020 SIB Loan/ Interfund Revenues	

**SUPPLEMENTAL APPROPRIATIONS**

48140481-5710	Africa Rd 2020 SIB Loan/ Interest Payments-Notes/Loans	\$72,860.20
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Vote on Motion Mrs. Lewis Aye Mr. Benton Aye Mr. Merrell Aye

**6**  
**RESOLUTION NO. 22-356**

**IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION AND CASH ADVANCE FOR THE MEDICAL HOME ROAD TIF TO BE USED TO PAY INFRASTRUCTURE COSTS:**

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

**Supplemental Appropriation**

45611452-5420	Medical Home Road TIF/Road Construction	\$2,200,000.00
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**Advance of Cash**

<b>From:</b>	<b>To:</b>	
10040421-8500 Road & Bridge project/ Advances Out	45611452-8400 Medical Home Road TIF/Advances In	\$2,200,000.00

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

**8**  
**RESOLUTION NO. 22-357**

**IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:**

It was moved by Mr. Merrell, seconded by Mr. Benton to approve the following work permits:

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WHEREAS, the below requests to perform work within the right-of-way have been reviewed and approved by the Delaware County Engineer;

NOW, THEREFORE, BE IT RESOLVED that the following permits are hereby approved by the Board of Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
UT22-0060	AEP-OHIO	Irwin Road	Install poles

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

**9**

**RESOLUTION NO. 22-358**

**IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN DEL-CR91-3.45 (PART 1):**

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

WHEREAS, the County Engineer has prepared specifications and an estimate for the project known as DEL-CR91-3.45 (Part 1) Berlin Station Road and Piatt Road Roundabout;

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

Section 1. The Board hereby approves the plans, specifications, and estimate for the project known as DEL-CR91-3.45 (Part 1).

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](http://www.bidexpress.com) webservice until 10:00 am on Tuesday, June 2, 2022, at which time they will be publicly received and read aloud, for the project known as:

**DEL-CR91-3.45 (Part 1)  
Berlin Station Road and Piatt Road Roundabout**

All proposals shall be submitted electronically through the web service [www.bidexpress.com](http://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](http://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](http://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 June 1, 2023. The estimated commencement of work date is June 13, 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:  
May 13, 2022

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

**10**

**RESOLUTION NO. 22-359**

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**IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND MP DORY CO. FOR DEL-VAR CR GR S. OLD STATE ROAD & RED BANK ROAD GUARDRAIL REPLACEMENT PROJECT:**

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

**DEL-VAR CR GR S. Old State Road & Red Bank Road Guardrail Replacement Project  
Bid Opening: April 12, 2022**

WHEREAS, as the result of the above referenced bid opening, the Engineer recommends that a bid award be made to MP Dory Co., the low bidder for the project; and

WHEREAS, the County Engineer recommends approval of the Contract between the Delaware County Commissioners and MP Dory Co., for the project known as DEL-VAR CR GR S. Old State Road & Red Bank Road Guardrail Replacement Project;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners awards the bid to and approves the contract with MP Dory Co. for the project DEL-VAR CR GR S. Old State Road & Red Bank Road Guardrail Replacement Project as follows:

**CONTRACT**

THIS AGREEMENT is made this 9<sup>th</sup> day of May, 2022 by and between **M P Dory Co., 2001 Integrity Drive S, Columbus, Ohio 43209**, hereinafter called the “Contractor” and the Delaware County Commissioners, hereinafter called the “Owner”.

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

**ARTICLE 1. Statement of Work**

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named **“DEL-VAR CR GR S. Old State Road & Red Bank Road Guardrail Replacement Project”**, and required supplemental work for the project all in strict accordance with the Contract Documents.

**ARTICLE 2. The Contract Price**

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed **Two Hundred Sixty-Two Thousand Four Hundred Thirty-Two Dollars and Ten Cents (\$262,432.10)** subject to additions and deductions as provided in the Contract Documents.

**ARTICLE 3. Contract**

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed in two original copies on the day and year first above written.

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

**11  
RESOLUTION NO. 22-360**

**IN THE MATTER OF ADOPTING PRELIMINARY LEGISLATION AND APPROVING AN LPA FEDERAL LOCAL-LET PROJECT AGREEMENT BETWEEN THE DELAWARE COUNTY**

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**BOARD OF COMMISSIONERS AND STATE OF OHIO, DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PROJECT KNOWN AS DEL-36-19.93, PID NUMBER 111819, AGREEMENT NUMBER 37505:**

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

**PRELIMINARY LEGISLATION  
RC 5521.01**

**Resolution Number 22-360  
PID Number 111819  
DEL- -36-19.93  
ODOT Agreement Number 37505**

The following is a Resolution enacted by the Board of Commissioners of Delaware County, Ohio, hereinafter referred to as the Local Public Agency (the "LPA"), in the matter of the described project.

**SECTION I - Project Description**

WHEREAS, the LPA has identified the need to construct turn lanes on US36/SR37 at the intersection of CR33/TR33 (Carter's Corner/Domigan Road) (the "Project");

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

**SECTION II - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the described Project.

**SECTION III - Authority to Sign**

The LPA hereby approves the agreement with the Director of Transportation necessary to complete the Project and authorizes the Delaware County Engineer to execute the same on behalf of the LPA.

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

**12  
RESOLUTION NO. 22-361**

**IN THE MATTER OF DECLARING A NECESSITY AND THE INTENT OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY:**

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

WHEREAS, the Board of Delaware County Commissioners (the "Board") deems it necessary for the public convenience and welfare to construct highway improvements known as Project ID DEL-CR91-1.85 by construction, reconstruction, installation, replacement, repair, maintenance and improvement of Berlin Station Road and Braumiller Road in Delaware County, Ohio (the "Improvement"); and

WHEREAS, the Board has determined that additional land is necessary for the Improvement and that the Board and property owners were unable to agree on the terms of conveyance through good faith negotiations; and

WHEREAS, the Board has determined the fair market value ("FMV") for the property to be appropriated and any resultant damages; and

WHEREAS, the Board has determined that it is necessary to take immediate possession of the property to be appropriated via the "quick take" procedure under section 163.06(B) of the Revised Code;

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

Section 1. The Board deems it necessary, and it is hereby declared to be the intention of the Board, to appropriate the following property necessary for the Improvement and determines the FMV for the same:

Property Owner(s)	Interest to be Appropriated	FMV
James J. Corbett	32-WD, T, T1	\$18,517.00

The parcel identifiers listed in the table above are taken from the approved right-of-way plans and highway construction plans for the Improvement, which are, by this reference, fully incorporated herein and are on file and available for inspection or copying at the Office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio 43015.

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Section 2. The appropriations deemed necessary herein being for the purpose of making or repairing roads which shall be open to the public without charge, the Board further deems it necessary, and hereby states its intention, to immediately obtain and take possession of and enter upon the property to be appropriated upon filing the Petition and depositing the FMV with the Court, in accordance with section 163.06(B) of the Revised Code.

Section 3. The Board hereby directs the Staff Attorney to commence the appropriation proceedings on behalf of the Board.

Section 4. This Resolution shall take effect and be in force immediately upon passage.

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

**14**

**ADMINISTRATOR REPORTS**

Tracie Davies, County Administrator  
-Will be attending the TID meeting this Wednesday.

Dawn Huston, Deputy Administrator  
-No reports.

**15**

**COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Benton  
-Commissioner Merrell and I attended the Liberty Township fire station groundbreaking last week.  
-Rapid 5, a new non-profit that is looking to coordinate local water and trail corridors, will be at MORPC this week. Their director is Dr. Amy Acton.  
-MORPC also announced that the Virgin hyperloop will be now only products.  
-There was a mysterious note left on the bench concerning sports stats.

Commissioner Merrell  
-SourcePoint organized an electronics drop off on Saturday. The turnout was tremendous.

Commissioner Lewis  
-No reports.

**16**

**RESOLUTION NO. 22-362**

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

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

WHEREAS, pursuant to section 121.22(G) of the Revised Code, a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the matters specified in section 121.22(G)(1)-(7) of the Revised Code; and

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

Section 1. The Board hereby adjourns into executive session for consideration of appointment of a public employee or public official; to consider the purchase of property for public purposes; for pending or imminent litigation.

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

**RESOLUTION NO. 22-363**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

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

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

**13**

**RESOLUTION NO. 22-364**

**10:00A.M. FINAL HEARING FOR THE KINGSTON #2017-2 WATERSHED DRAINAGE IMPROVEMENT PROJECT:**

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It was moved by Mr. Benton, seconded by Mr. Merrell to open the hearing at 10:05 A.M..

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

**13 continued**

**RESOLUTION NO. 22-365**

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

**13 continued**

**RESOLUTION NO. 22-366**

**IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE KINGSTON TOWNSHIP WATERSHED #2017-2 DRAINAGE IMPROVEMENT PROJECT:**

It was moved by Mr. Benton, seconded by Mr. Merrell to close the hearing at 11:22 A.M..

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

**13 continued**

**RESOLUTION NO. 22-367**

**IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE KINGSTON #2017-2 WATERSHED DRAINAGE IMPROVEMENT PROJECT:**

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

WHEREAS, on March 17, 2021, a Drainage Improvement Petition for the Kingston #2017-2 Watershed Drainage Improvement Project was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, on August 26, 2021, the Board adopted Resolution No. 21-791, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the Kingston #2017-2 Watershed Drainage Improvement Project; and

WHEREAS, on May 9, 2022, the Board held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the Kingston #2017-2 Watershed Drainage Improvement Project; and

WHEREAS, after hearing all the evidence offered in the proceedings and after receiving and considering all the schedules, plans, and reports filed by the County Engineer, the cost of location and construction, the compensation for land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and the special benefits to land needing the improvement, the Board is prepared to issue its findings 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 affirms its former order, finding that the proposed improvement is necessary, that it will be conducive to the public welfare, and that the cost of the proposed improvement will be less than the benefits derived from the improvement. Accordingly, the Board hereby grants the prayer of the petition and approves the maps, profiles, plans, schedules and reports prepared by the Delaware County Engineer.

Section 2. 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 in meetings open to the public, in compliance with the laws of the State of Ohio.

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

**13 continued**

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**RESOLUTION NO. 22-368**

**IN THE MATTER OF COMMISSIONERS CONFIRMING THE ASSESSMENTS; APPROVING THE PAYMENT SCHEDULE AND ORDERING THE LETTING OF THE CONTRACTS FOR THE KINGSTON #2017-2 WATERSHED DRAINAGE IMPROVEMENT PETITION PROJECT:**

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

WHEREAS, on May 9, 2022, the Delaware County Board of Commissioners (the “Board”) held a final public hearing and, in Resolution No. 22-367, affirmed its order for the Kingston #2017-2 Watershed Drainage Improvement Project; and

WHEREAS, after hearing testimony from property owners on the assessments for the improvement, the Board is prepared to issue its findings on the assessments;

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

Section 1. The Board hereby approves the Kingston #2017-2 Watershed Drainage Improvement Project assessments prepared by the Delaware County Engineer.

Section 2. Once the watershed is confirmed, the Delaware County Engineer’s estimated assessments are hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement.

Section 3. The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements.

Section 4. The County Engineer is hereby directed to give at least two weeks public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement and for the construction of the improvement.

Section 5. The Board fixes the date and time for the County Engineer to receive bids for the construction of the improvement, and all bids shall be received at the office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio.

Section 6. The county shall borrow funds to pay for the improvement. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay the assessments that may be made for the improvement, and interest shall be charged on the installments at the same rate charged to the county for the borrowing of the funds. If, after the deadline for the landowners to pay their assessments upfront passes, the total remaining construction cost to be borrowed is less than \$10,000.00, then the county will front the remaining cost of the construction, and the county will no longer borrow the funds.

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

**6**

**RESOLUTION NO. 22-369**

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

It was moved by Mr. Merrell, 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 of a public employee or public official; to consider the purchase of property for public purposes; for pending or imminent litigation.

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

**RESOLUTION NO. 22-370**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**



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It was moved by Mr. Benton, seconded by Mr. Merrell 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.

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Gary Merrell

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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners