

COMMISSIONERS JOURNAL NO. 77 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 30, 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. 22-545

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 27, 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 June 27, 2022; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 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. 22-546

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0629 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0629:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0629, memo transfers in batch numbers MTAPR0629 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line Account	Amount
R2203015	YOUTH VILLAGES INC	2022 MSY PLACEMENT CARE YOUTH MW	70161605 - 5342	\$8,280.00
R2203278	YOUTH VILLAGES INC	MSY 22 SPECIALIZED CARE YOUTH O.P	70161605 - 5348	\$8,280.00
R2203570	LIVING IN LIBERTY FOUNDATION	COMMUNITY ENHANCEMENT GRANT	10011102 - 5602	\$8,000.00
R2203571	WOMENS CITY CLUB INC	COMMUNITY ENHANCEMENT GRANT	10011102 - 5602	\$23,000.00
R2203592	SPEER MECHANICAL INC	JAIL- CHILLER REPAIR	40111402 - 5328	\$8,621.00

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

4
RESOLUTION NO. 22-547

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Auditor's Office is requesting that Jason Montgomery attend a Hyland User Conference in Nashville, Tennessee from September 10-16, 2022 at the cost of \$4,769.50 (Data Center 20315101).

The Auditor's Office is requesting that Stephen Bishel attend an Advance Governmental Accounting Seminar in Geneva-on-the-Lake, Ohio from August 17-18, 2022 at the cost of \$980.00 (fund number 10010101).

The Emergency Medical Services Department is requesting that Scott Gano attend a NAEMSE EMS Educators Symposium in Louisville, Kentucky August 2-7, 2022; at the cost of \$2,530.00 (fund number 10011303).

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The Emergency Medical Services Department is requesting that Kyle Goodknight attend a NAEMSE EMS Educators Symposium in Louisville, Kentucky August 2-7, 2022; at the cost of \$2,670.00 (fund number 10011303).

The Emergency Medical Services Department is requesting that Kami Paine attend a NAEMSE EMS Educators Symposium in Louisville, Kentucky August 2-7, 2022; at the cost of \$2,670.00 (fund number 10011303).

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

**5
RESOLUTION NO. 22-548**

IN THE MATTER OF ACCEPTING AND APPROVING THE DELAWARE COUNTY SHERIFF’S OFFICE TRANSPORT REPORT FOR THE MONTH OF MAY 2022:

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

WHEREAS, section 325.07 of the Revised Code requires the County Sheriff to submit monthly expense reports to the Board of County Commissioners; and

WHEREAS, the Delaware County Sheriff has submitted a monthly report for May 2022;

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

Section 1. The Board hereby accepts and approves the Delaware County Sheriff’s Office Transport Report for May 2022.

Section 2. The Board hereby allows the expenses contained in the monthly report.

(Copies 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. 22-549**

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

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

WHEREAS, on September 12, 2019, the Board of Commissioners of Delaware County (the “Board”) held a public hearing and determined that the proposed Lanetta Lane Subdivision 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, August 22, 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. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

**7
RESOLUTION NO. 22-550**

IN THE MATTER OF APPROVING THE 2023 BUDGET FOR THE DELAWARE COUNTY VETERANS SERVICE COMMISSION AND AUTHORIZING THE NECESSARY LEVY TO RAISE THE AMOUNT APPROVED:

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

WHEREAS, pursuant to section 5901.11 of the Revised Code, on or before the last Monday in in May in each year, the Delaware County Veterans Service Commission (the “Commission”) shall meet and determine in an

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itemized manner the probable amount necessary for the aid and financial assistance of persons entitled to such aid and assistance and for the operation of the veterans service office for the ensuing year and prepare and submit a budget to the Delaware County Board of Commissioners (the "Board"); and

WHEREAS, the Commission has prepared and submitted its budget for 2023, in accordance with section 5901.11 of the Revised Code, for the Board's review and approval; and

WHEREAS, the Board, having conducted a review of the proposed budget, shall appropriate funds to the Commission and make the necessary levy, not to exceed five-tenths of a mill per dollar on the assessed value of the property of the county, to raise the amount that the Board approves;

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

Section 1. The Board hereby approves the 2023 budget for the Delaware County Veterans Service Commission, as follows:

5001	Salaries	\$550,000
5004	Overtime	\$5,000
500	Total	\$555,000
5101	Health Insurance	\$130,000
5102	Workers Comp	\$5,550
5120	OPERS	\$77,700
5131	Medicare	\$8,048
510	Total	\$221,298
5201	Gen Supplies & Equip <1000	\$45,000
5217	Books and Periodicals	\$100
5224	Uniforms and Clothing	\$3,000
5228	Maint & Repair Supply	\$1,000
5250	Minor tools, equip <\$1000	\$2,000
5260	Inv Tools 1000-4999	\$6,000
5294	Food Supplies	\$2,000
520	Total	\$59,100
5301	Contracted Prof Services	\$75,000
5305	Training	\$3,000
5308	Membership	\$1,000
5309	Travel Mileage Reimbursement	\$12,000
5310	Travel Nontaxable	\$8,000
5311	Taxable Travel Reimbursement	\$300
5312	Advertising & Legal Notices	\$110,000
5313	Printing	\$3,000
5316	Application/License Fees	\$1,000
5317	Public Relations & Promotions	\$20,000
5320	Software and Computer	\$3,000
5325	Maint Contracts & Agreements	\$1,300
5328	Maint/Repair	\$2,000
5330	Communication Services	\$1,800
5331	Postal/Freight	\$1,000
5332	Cell	\$5,000
5335	Rental	\$30,000
5348	Client Services	\$270,000
5355	Transportation Services	\$50,000
5360	Court Related Services	\$55,000
5380	Other Services	\$100
5381	Catering Services	\$15,000
530	Total	\$667,500

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5400 Capital

Total

\$1,502,898

Section 2. The Board hereby authorizes and directs the Delaware County Auditor to make the necessary levy, pursuant to section 5901.11 of the Revised Code, in the amount of 0.17 mills per dollar on the assessed value of the property of the county, to raise the amount approved in Section 1 hereof.

Section 3. The Board hereby directs the Clerk of the Board to certify this Resolution to the Delaware County Auditor and the Delaware County Veterans Service Commission.

Section 4. It is found and determined that all formal actions of this Board relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of this Board resulting in such formal action were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Revised Code.

Section 5. This Resolution shall be effective immediately upon adoption.

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

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RESOLUTION NO. 22-551

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

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

WHEREAS, the county has radios that are not needed, obsolete, or unfit for public use and qualify for the 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-two (32) CP6430BKF2 portable radios, and related components and software, from Vasu Communications, Inc., a state-approved dealer under the Program, in accordance with Quote Number 201007233, dated June 22, 2022, for a total price of \$84,288.60

Section 2. The Board hereby finds that the county has five (5) Motorola XTL 2500 mobile radios, ten (10) Motorola XTL5000 mobile radios, and seventeen (17) XTS5000 Model II portable radios that are not needed, obsolete, or unfit for public use and authorizes the sale of the radios to Vasu Communications, Inc., for a total credit to the purchase price of \$19,520.00. 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 \$84,288.60 to Vasu Communications, Inc., from Fund Number 21411306.

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

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RESOLUTION NO. 22-552

IN THE MATTER OF APPROVING THE AMENDMENTS TO THE LICENSE AGREEMENT BY AND BETWEEN DELAWARE COUNTY AND TYLER TECHNOLOGIES, INC. FOR EMERGENCY COMMUNICATIONS SOFTWARE:

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

WHEREAS, the Director of Emergency Communications recommends approval of the amendments to the License Agreement with Tyler Technologies for Emergency Communications Software;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the amendments to the License Agreement with Tyler Technologies for Emergency Communications Software, as follows:

AMENDMENT

This amendment (“Amendment”) is effective as of the date of signature of the last party to sign as indicated below (“Amendment Effective Date”), by and between Tyler Technologies, Inc., a Delaware corporation with offices at 840 West Long Lake Road, Troy, MI 48098 (“Tyler”) and Delaware County, Ohio, with offices at 149 North Sandusky Street, Delaware, Ohio 43015 (“Client”).

WHEREAS, Tyler and the Client are parties to a License and Services Agreement with an effective date of December 2, 2019 (the “Agreement”); and

WHEREAS, Tyler and Client now desire to amend the Agreement.

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. The services set forth in Exhibit 1 to this Amendment are hereby added to the Agreement.
2. The following payment terms, as applicable, shall apply:
 - a. Fixed price services are invoiced upon complete delivery of the service.
3. Central Ohio Transit Authority (“COTA”) shall act as the payor for the services added herein and shall be invoiced at:

COTA
Attn: Accounts Payable
33 N. High Street
Columbus, OH 43215
accountspayable@cota.com

Nothing in this Amendment, whether express or implied, is intended to confer any rights or remedies under or by reason of the Agreement to COTA. In the event COTA fails to pay Tyler for the services added herein, Client shall be responsible for the outstanding balance.

4. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
5. All other terms and conditions of the Agreement shall remain in full force and effect.

**Exhibit 1
Amendment Investment Summary**

The following Amendment Investment Summary details the software, products, and services to be delivered by us to you under the Agreement. This Amendment Investment Summary is effective as of the Amendment Effective Date.

INVESTMENT SUMMARY

Tyler Software	\$ 0
Services	\$ 2,320
Third-Party Products	\$ 0
Travel	\$ 0
Total One-Time Cost	\$ 2,320
Annual Recurring Fees/SaaS	\$ 0

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Tyler Software Maintenance \$0

Maintenance Amendment

AMENDMENT

This amendment (“Amendment”) is effective as of the date of signature of the last party to sign as indicated below (“Amendment Effective Date”), by and between Tyler Technologies, Inc., a Delaware corporation with offices at 840 West Long Lake Road, Troy, MI 48098 (“Tyler”) and Delaware County, Ohio, with offices at 149 North Sandusky Street, Delaware, Ohio 43015 (“Client”).

WHEREAS, Tyler and the Client are parties to a License and Services Agreement with an effective date of December 2, 2019 (the “Agreement”); and

WHEREAS, Tyler and Client now desire to amend the Agreement.

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. The software and/or services set forth in Exhibit 1 to this Amendment are hereby added to the Agreement.
2. The following payment terms, as applicable, shall apply:
 - a. Additional software fees will be invoiced 100% on the Amendment Effective Date.
 - b. Associated maintenance and support fees are waived through August 31, 2023. On September 1, 2023, maintenance and support fees, at our then-current rates are due. Subsequent maintenance and support fees, at Tyler’s then-current rates are invoiced annually in advance of each anniversary thereafter.
3. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
4. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, a duly authorized representative of each party has executed this Amendment as of the date of signature of the last party to sign as indicated below.

**Exhibit 1
Amendment Investment Summary**

The following Amendment Investment Summary details the software, products, and services to be delivered by us to you under the Agreement. This Amendment Investment Summary is effective as of the Amendment Effective Date.

INVESTMENT SUMMARY

Tyler Software	\$ 0
Services	\$ 0
Third-Party Products	\$ 0
Travel	\$ 0
Total One-Time Cost	\$ 0
Annual Recurring Fees/SaaS	\$ 0
Tyler Software Maintenance	\$ 1,848

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

**10
RESOLUTION NO. 22-553**

IN THE MATTER OF APPROVING THE PLATS OF SUBDIVISION FOR SR 61 CAD AND LC LEHNER CAD:

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

SR 61 CAD:

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WHEREAS, Cody E. Albright, Arden D. Albright, Charles C. Bleakmore, Breanne H. Bleakmore, Kevin J. Gesacion, Ashlee M. Gesacion, Michael J. Rohrer and Ashley Rohrer have submitted the Plat of Subdivision (“Plat”) for SR 61 CAD including related development plans (“Plans”) and request approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, the Kingston and Porter Township Zoning Officers have reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said plat on February 14, 2022; and

WHEREAS, Del-Co Water Company has reviewed said Plat and Plans for conformance with the Rules, Regulations and approved said Plat on February 14, 2022; and

WHEREAS, the Delaware Public Health Department has reviewed said Plat and Plans for conformance with the Rules, Regulations and approved said Plat on February 16, 2022; and

WHEREAS, the Delaware County Sanitary Engineer has reviewed said Plat and Plans for conformance with the Rules and Regulations, Standards and General Procedures Governing Sewerage in Delaware County and approved said Plat on March 16, 2022; and

WHEREAS, the Delaware County Engineer has reviewed said Plat and Plans for conformance with Delaware County Engineering and Surveying Standards and approved said Plat on March 21, 2022;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of SR 61 CAD:

SR 61 CAD:

Situated in the Townships of Kingston and Porter, County of Delaware, State of Ohio and being part of Farm lot 2, Quarter-Township 3, Township 5, Range 16 and part of Farm lot 17, Quarter Township 4, Township 5, and Range 17 in the United States Military Lands. Being a subdivision of 38.896 acres, being all of an original 4.414 acre tract conveyed to Craig Wermert and Nicole Wermert in Official Records Volume 1938, Page 1526, and all of an original 34.480 acre tract conveyed to Cody E. Albright, Arden D. Albright, Charles C. Bleakmore, Breanne H. Bleakmore, Kevin J. Gesacion, Ashlee M. Gesacion, Michael J. Rohrer and Ashley Rohrer in the Official Records Volume 1791, Page 2807 in the Delaware County Recorder’s Office. Cost: \$15.00 (*\$3.00 per buildable lot*)

RC LEHNER CAD:

WHEREAS, Richard R. Lehner, Grantor and Christina L. Lehner, Grantor have submitted the Plat of Subdivision (“Plat”) for RC LEHNER CAD including related development plans (“Plans”) and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, the Radnor Township Zoning Officer has reviewed said Plat and Plans for conformance with Township Zoning Regulations and approved said plat on March 31, 2022; and

WHEREAS, Del-Co Water Company has reviewed said Plat and Plans for conformance with the Rules, Regulations and approved said Plat on April 4, 2022; and

WHEREAS, the Delaware Public Health Department has reviewed said Plat and Plans for conformance with the Rules, Regulations and approved said Plat on April 4, 2022; and

WHEREAS, the Delaware County Sanitary Engineer has reviewed said Plat and Plans for conformance with the Rules and Regulations, Standards and General Procedures Governing Sewerage in Delaware County and approved said Plat on April 7, 2022; and

WHEREAS, the Delaware County Engineer has reviewed said Plat and Plans for conformance with Delaware County Engineering and Surveying Standards and approved said Plat on April 18, 2022;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the Plat of RC LEHNER CAD:

RC LEHNER CAD:

Situated in the State of Ohio, County of Delaware, Township of Radnor and being part Farm Lot 1 & 9, Section 1, Township 5, Range 20. Being a subdivision of a portion of a 56.27 acre original parcel conveyed to Richard & Christina Lehner, husband and wife, in Official Record 0545, Pages 515-518 and a portion of a 101.75 acre original parcel conveyed to Richard & Christina Lehner, husband and wife, in Official Record 1802, Pages 2119-2120 in the Delaware County Recorder’s Office.

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

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11**RESOLUTION NO. 22-554****IN THE MATTER OF APPROVING OWNER'S AGREEMENT FOR RAVINE RUN:**

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

WHEREAS, the Engineer recommends approving the Owner's Agreement for Ravine Run;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner's Agreement for Ravine Run as follows:

Ravine Run:**OWNER'S AGREEMENT****PROJECT NUMBER: 22069**

THIS AGREEMENT, executed on this 30th day of June, 2022, between Cugini and Capocia Builders Inc, hereinafter called "**OWNER**" and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS)**, for the project described as Ravine Run further identified as Project Number 22069 is governed by the following considerations to wit:

Said **OWNER** is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this **AGREEMENT**.

OWNER cannot record plat until the County Engineer has determined the construction of the project is 100% complete.

The financial warranties are to insure faithful performance of this **AGREEMENT** and the completion of all improvements in accordance with the **Delaware County Design, Construction and Surveying Standards and any supplements thereto**. The **OWNER** shall pay the entire cost and expense of said improvements, unless otherwise specifically noted herein.

The **OWNER** shall indemnify and save harmless **Delaware County and all Townships and/or Villages** within Delaware County and all of their officials, employees or agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date on which this **AGREEMENT** is executed by the **COUNTY COMMISSIONERS**.

The **OWNER** further agrees that any violations of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **COUNTY** shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

It is further agreed that upon execution of the **AGREEMENT**, the **OWNER** shall deposit **Thirty Six Thousand Dollars and No Cents (\$36,000.00)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to ten percent (10%) of the original amount deposited, the **OWNER** shall replenish the account upon notice by the **Engineer**. Upon completion of the maintenance period and acceptance of the improvements by the **Delaware County Commissioners**, the remaining amount in the fund shall be returned to the **OWNER**.

Upon completion of construction, the **OWNER** shall be responsible for the maintenance, repair or construction of any and all defective materials or workmanship **in perpetuity**. All work is to be done in accordance with the **Delaware County Design, Construction and Surveying Standards, and any supplements thereto**.

Any snow or ice removal, erosion and sediment control maintenance, or other safety requirements deemed necessary by the County Engineer during the period of construction and thereafter shall be the responsibility of the **OWNER**.

The **OWNER** shall, within thirty (30) days of completion of construction and prior to final acceptance, to the **COUNTY COMMISSIONERS**, as required, "as-built" drawings of the improvements, which plans shall become the property of the **COUNTY** and remain in the office of the **Delaware County Engineer**.

The **OWNER** shall, within thirty (30) days of completion of construction, furnish to the **COUNTY COMMISSIONERS** an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The **OWNER** shall indemnify and hold harmless Delaware County and all Townships and/or Villages within and all their officials, employees or agents from expenses or claims for labor or material incident to said construction of improvements.

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The **OWNER** shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The **OWNER** shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the **OWNER** and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the County.

Should the OWNER become unable to carry out the provisions of this AGREEMENT, the **OWNER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **OWNER** or his agent, the right and privilege to make the improvements stipulated herein.

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

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ADMINISTRATOR REPORTS

Tracie Davies, County Administrator
-No reports.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Benton
-Wishing Everyone a Happy 4th of July.

Commissioner Merrell
-Wishing Everyone a Happy 4th of July.
-Will be participating in the City of Sunbury's 4th of July parade, along with fellow Commissioners, Auditor Kaitsa, and Judge Hejmanowski.

Commissioner Lewis
- Wishing Everyone a Happy 4th of July.

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RESOLUTION NO. 22-555

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION 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 pending or imminent litigation.

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

RESOLUTION NO. 22-556

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. Merrell Absent Mr. Benton Aye Mrs. Lewis Aye

There being no further business, the meeting adjourned.

Gary Merrell

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Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners