

**COMMISSIONERS JOURNAL NO. 77 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD OCTOBER 10, 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. 22-849**

**IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 6, 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 October 6, 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. 22-850**

**IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1007:**

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1007 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
<b>PO' Increase</b>			
P2201032 (ms Consultants)	RSD PKG Plant Upgrade	66611900-5410	\$40,000.00
P2201052 (Enterprise)	Rental Services	10062601-5335	\$4,350.00
P2201052 (Enterprise)	Rental Services	22411605-5335	\$1,050.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Line Account</u>	<u>Amount</u>
R2204562	ALADTEC INC	API ANNUAL FEE	10011303 - 5320	\$1,306.00
R2204562	ALADTEC INC	TIME CLOCK ANNUAL FEE	10011303 - 5320	\$1,945.00
R2204562	ALADTEC INC	ALADTEC ANNUAL FEE	10011303 - 5320	\$8,516.00
R2204563	TRIHEDRAL INC	SCADA SOFTWARE PURCHASE & RENEWALS	66211900 - 5320	\$5,429.65
R2204564	IMAGE TREND INC	ELITE EMS SOFTWARE SUPPORT	10011303 - 5320	\$9,938.35

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

**4**  
**RESOLUTION NO. 22-851**

**IN THE MATTER OF A NEW LIQUOR LICENSE REQUEST FROM JDFSJW LLC AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:**

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

WHEREAS, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a request for a new D5 liquor license request from JDFSJW LLC (located at 4028 Presidential Parkway, Powell, OH 43065); and

WHEREAS, the Delaware County Board of Commissioners has found no reason to file an objection;

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NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

**5**  
**RESOLUTION NO. 22-852**

**IN THE MATTER OF ACCEPTING AND APPROVING THE DELAWARE COUNTY SHERIFF’S OFFICE TRANSPORT REPORT FOR THE MONTH OF AUGUST 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 August 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 August 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. 22-853**

**IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, ATTORNEY-AT-LAW, REQUESTING ANNEXATION OF 107.55 ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:**

It was moved by Mr. Merrell, seconded by Mr. Benton to acknowledge that on October 4, 2022, the Clerk to the Board of Commissioners received a petition requesting annexation of 107.55 acres from Delaware Township to the City of Delaware.

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

**7**  
**RESOLUTION NO 22-854**

**IN THE MATTER OF ACCEPTING THE AWARD FOR THE VICTIMS OF CRIME AND STATE VICTIMS ASSISTANCE GRANT (VOCA/SVAA FOR VICTIM SERVICES):**

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

Grant # 2023 VOCA  
Source: VOCA- Ohio Attorney General  
Grant Period: October 1, 2022 – September 30, 2023

Federal Grant Requested Amount: \$ 63,781.21  
Local Match: \$ 15,945.29  
Total VOCA Grant Amount: \$ 79,726.50

Grant # 2023 SVAA  
Source: SVAA- Ohio Attorney General  
Grant Period: October 1, 2022 – September 30, 2023

Federal Grant Requested Amount: \$ 2,106.00  
Local Match: 0.00  
Total SVAA Grant Amount: \$ 2,106.00

Total Grant Amount: \$ 81,832.50

The acceptance of this grant allows us to continue to employ our victim services director, victim services assistant and civil order protection specialist. Without these positions our Victim Services Unit would be

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unable to sustain the amount of victims and would in turn be a disservice to the community of Delaware County.

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

**8  
RESOLUTION NO. 22-855**

**IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATIONS FROM THE VICTIM SERVICES UNIT FUNDS:**

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

**Transfer of Appropriations:**

<b>From-</b>	<b>To-</b>	
10012301-5101	10012301-5001	\$11,000.00
Victims Assistance/Health Insurance	Victims Assistance/Compensation	
10012301-5120	10012301-5001	\$ 2,000.00
Victims Assistance/OPERS	Victims Assistance/Compensation	

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

**9  
RESOLUTION NO. 22-856**

**IN THE MATTER OF THE BOARD OF COUNTY COMMISSIONERS RECOGNIZING OCTOBER 2022 AS DOMESTIC VIOLENCE AWARENESS MONTH IN DELAWARE COUNTY:**

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

WHEREAS, the Board of Delaware County Commissioners of Delaware County, Ohio, recognizes that domestic violence happens in every county in our great nation; and

WHEREAS Domestic violence is blind to gender, race, age, and socioeconomic status. It can affect anyone at any time; and

WHEREAS, the Delaware County community is dedicated to supporting those affected by domestic violence and abuse of any kind. We want victims to know they are not alone; and

WHEREAS, the Board of Delaware County Commissioners of Delaware County, is proud to have many programs and organizations in Delaware County dedicated to helping victims heal from abusive situations. Love should not hurt;

NOW, THEREFORE, WE the Board of Delaware County Commissioners of Delaware County, Ohio, do hereby recognize

OCTOBER 2022  
AS  
DOMESTIC VIOLENCE AWARENESS MONTH  
IN DELAWARE COUNTY

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

**10  
RESOLUTION NO. 22-857**

**IN THE MATTER OF APPROVING THE PUBLIC NOTICE INVITATION TO BID FOR COURT STREET DEMOLITION & PARKING LOT:**

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

WHEREAS, the Director of Facilities recommends approval of the Public Notice Invitation to Bid for Court Street Demolition & Parking Lot;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Public Notice Invitation to Bid for Court Street Demolition & Parking Lot:

**Delaware County Board of Commissioners**

**PUBLIC NOTICE  
INVITATION TO BID**

Bids shall be submitted electronically through the [www.bidexpress.com](http://www.bidexpress.com) web service until 2:00 PM on Thursday

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November 10, 2022, at which time they will be publicly received and read aloud for the following project:

**COURT STREET DEMOLITION  
& PARKING LOT**  
22 Court St., Delaware, Ohio 43015

A Bid Guaranty must be submitted with each bid, pursuant to the requirements of O.R.C. 153.54.

To access this Project through the electronic bidding service, you must first register at [www.bidexpress.com](http://www.bidexpress.com) by clicking on the “REGISTER FOR FREE” button and following the instructions. In order to bid, you must create and enable a digital ID within the service. This process requires the submission of notarized paperwork and may take up to five business days to complete. There are no fees to register, create and enable a digital ID, or to download bid documents. There is a small expense on a monthly or per bid basis to submit a bid. The electronic bidding service offers customer support that may be reached at 888.352.2439 or via email at support@bidexpress.com.

Bids are to be submitted in accordance with the specifications and drawings prepared by: Sands Decker CPS, LLC, 1495 Old Henderson Rd., Columbus, Ohio 43220. Bids will be received for the following package:

General Contractor, estimated at \$157,980.00

A pre-bid meeting will be held on Wednesday October 26, 2022 at 2:00 PM at the site, 22 Court Street, Delaware, Ohio 43015.

Bid award shall be to the lowest and best bidder as determined by Delaware County. Delaware County reserves the right to reject any and all bids, in whole or in part, to waive any defect in any or all bids. Each bid shall contain the full name and address of the bidder and all interested parties. No bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read.

This Notice is posted on the Internet and may be viewed on Delaware County’s web site at [www.co.delaware.oh.us](http://www.co.delaware.oh.us) under the heading “Public Notices and Bids.”

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

**11**  
**RESOLUTION NO. 22-858**

**IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATIONS FOR LAND & BUILDINGS AND A SUPPLEMENTAL APPROPRIATION FOR THE COUNTY SERVICE CENTER:**

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

**Transfer of Appropriations**

<b>From:</b>	<b>To:</b>	
10011105-5001	10011105-5201	\$ 30,000.00
Land & Buildings/Compensation	Lands & Buildings/Gen Supplies & Equipment	
10011105-5101	10011105-5328	\$ 20,000.00
Land & Buildings/Health Insurance	Gen Supplies & Equipment	
10011105-5101	10011105-5338	\$ 20,000.00
Land & Buildings/Health Insurance	Land & Buildings/Utilities	

**Supplemental Appropriation**

10011106-5228	County Garage/Maint & Repair Services	\$200,000.00
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Vote on Motion            Mr. Benton            Aye            Mr. Merrell            Aye            Mrs. Lewis            Aye

**12**  
**RESOLUTION NO. 22-859**

**IN THE MATTER OF REAPPOINTING A MEMBER AND APPOINTING A MEMBER TO THE MILLSTONE COMMUNITY AUTHORITY BOARD OF TRUSTEES:**

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

WHEREAS, on December 8, 2005, the Delaware County Board of Commissioners (the “Board of

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Commissioners”) adopted Resolution No. 05-1627, establishing the Millstone Community Authority, pursuant to Chapter 349 of the Revised Code; and

WHEREAS, as the organizational board of commissioners, the Board of Commissioners shall make appointments to the Community Authority Board of Trustees, pursuant to Resolution No. 05-1627 and section 349.04 of the Revised Code; and

WHEREAS, the terms for two citizen member seats will expire December 7, 2022, and one member, Sarah Dinovo, wishes to be re-appointed, and a new member, Julie Datko, wishes to be appointed;

WHEREAS, on June 20, 2013, the Board of Commissioners adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board of Commissioners to conduct interviews of any applicants; and

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to make the necessary reappointment and appointment of members of the board of trustees of the Millstone Community Authority;

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

Section 1. The Board hereby approves an exception to the Policy for the reappointment and appointment made herein by choosing to waive the requirement for posting the positions and to proceed directly to reappointment and appointment.

Section 2. The Board of Commissioners hereby approves the reappointment and appointment of the following members to the Millstone Community Authority Board of Trustees for the terms specified herein:

Position	Appointee	Term Ends
Citizen Member	Sarah Dinovo	December 7, 2024
Citizen Member	Julie Datko	December 7, 2024

Section 3. The appointments approved herein shall take effect on December 8, 2022.

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

**13**

**RESOLUTION NO. 22-860**

**IN THE MATTER OF REAPPOINTING MEMBERS TO THE BERLIN MEADOWS NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES AND THE LIBERTY GRAND NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES:**

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

WHEREAS, on December 28, 2020, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 20-1187, establishing the Berlin Meadows New Community Authority, and Resolution No. 20-1188, establishing the Liberty Grand New Community Authority; and

WHEREAS, on June 20, 2013, the Board adopted Resolution No. 13-645, adopting a policy for the appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board to conduct interviews of any applicants; and

WHEREAS, the Board desires to approve an exception to the Policy in order to make the necessary reappointments of members of the board of trustees of the Berlin Meadows New Community Authority and to the Liberty Grand New Community Authority; and

WHEREAS, the terms of one citizen member and one local government representative will expire December 27, 2022, and both members wish to be re-appointed;

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

Section 1. The Board hereby approves the reappointment of the following members to the Berlin Meadows New Community Authority Board of Trustees for the terms specified herein:

Position	Appointee	Term Ends
Citizen Member	Tiffany Maag	12/27/2024
Local Government Representative	Tracie Davies	12/27/2024

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Section 2. The Board hereby approves the reappointment of the following members to the Liberty Grand New Community Authority Board of Trustees for the terms specified herein:

<b>Position</b>	<b>Appointee</b>	<b>Term Ends</b>
Citizen Member	Tiffany Maag	12/27/2024
Local Government Representative	Tracie Davies	12/27/2024

Section 3. The reappointments approved herein shall take effect on December 28, 2022.

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

**14**

**RESOLUTION NO. 22-861**

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

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

WHEREAS, the Delaware County Commissioners passed Resolution No. 22-449 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 Veteran’s Plaza, located at 91 N Sandusky Street, Delaware, OH on November 11, 2022 at no cost.

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

**15**

**RESOLUTION NO. 22-862**

**IN THE MATTER OF APPROVING OWNER’S AGREEMENTS FOR BERKSHIRE CROSSING WILSON ROAD TURN LANE AND RABBIT RUN:**

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

WHEREAS, the Engineer recommends approving the Owner’s Agreements for Berkshire Crossing Wilson Road turn lane and Rabbit Run;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner’s Agreement for Berkshire Crossing Wilson Road turn lane and Rabbit Run, as follows:

**Berkshire Crossing Wilson Road turn lane:**

OWNER’S AGREEMENT

**PROJECT NUMBER: 22101**

THIS AGREEMENT made and entered into this 10<sup>th</sup> day of October, 2022 by and between the **COUNTY OF DELAWARE** (acting through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and AMH Development LLC hereinafter called the **OWNER**, as evidenced by the Engineering and Construction Plan entitled Berkshire Crossing Wilson Rd Turn Lane which was approved by the County Engineer, hereinafter called the Plan, is governed by the following considerations to wit:

- 1) The **OWNER** is to construct, install or otherwise make at1 of the improvements as shown and set forth to be performed and completed on the PLAN, which is part of this AGREEMENT.
- 2) The **OWNER** shall pay the entire cost and expense of said improvements.
- 3) The **OWNER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of \$ 126, 900. 00 payable to the **BOARD OF COUNTY COMMISSIONERS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current “Delaware County Engineering end Surveying

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Standards for Subdivision Development" and current "Subdivision Regulations of Delaware County, Ohio". Said financial warranty will be released and returned to the OWNER within thirty (30) days of the acceptance of the improvements by the COUNTY.

- 4) It is further agreed that upon execution of the AGREEMENT, the OWNER shall deposit inspection fees in the amount of \$ 10,200.00 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 project and acceptance of the improvements by the DELAWARE COUNTY COMMISSIONERS, the remaining amount in the fund shall be returned to the OWNER.
- 5) The OWNER is to complete all construction to the satisfaction of the COUNTY no later than December 1, 2023 and will receive an approval letter from the Delaware County Engineer as evidence of the OWNER'S release from responsibility to said project.
- 6) The OWNER shall indemnify and hold the COUNTY free and harmless from any and all claims for damages of every nature arising or growing out of the construction of said improvements.
- 7) The OWNER will at all times during the construction of said improvements maintain thru traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the Delaware County Engineer. Construction signs, barricades and lights shall be placed as needed on the job site as in accordance with the Ohio Department of Transportation "Uniform Traffic Control Devices" and "Traffic Control for Construction and Maintenance".
- 8) The OWNER further agrees that any violation of or noncompliance with any of the provisions as stipulations of this AGREEMENT shall constitute a breach of contract, and the Delaware County Engineer shall have the right to stop work forthwith and use the surety for the completion of the improvements.
- 9) If the OWNER should 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.
- 10) Upon approval and acceptance of the improvements, the original copy of the PLAN shall become the property of the COUNTY and shall be filed in the office of the Engineer.
- 11) In consideration whereof, the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO hereby grants to the OWNER or his agent the right and privilege to make the said improvements stipulated herein.

**Rabbit Run:**

**OWNER'S  
AGREEMENT**

**PROJECT NUMBER: 22106**

**THIS AGREEMENT**, executed on this 10<sup>th</sup> day of October, 2022, between 365Land LLC, hereinafter called "OWNER" and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS)**, for the project described as Rabbit Run further identified as Project Number 22106 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**.

**OPTIONS:**

1. Should **OWNER** elect to record the plat prior to beginning construction, **OWNER** shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction as shown in **Exhibit "A"** attached hereto.
2. Should **OWNER** elect to proceed to construction prior to recording the plat, no approved financial warranties are necessary until such time as **OWNER** elects to record the plat. Such plat cannot be recorded until the County Engineer has determined the construction of the project is at least 80% complete.

**OWNER** hereby elects to use Option 2 for this project.

The financial warranties are to insure faithful performance of this **AGREEMENT** and the completion of all improvements in accordance with the **Delaware County Design**,

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**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 **Twenty Seven Thousand Dollars and No Cents (\$27,000.00)** 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 for a period of **one year**. Said **OWNER'S** bond, certified check, irrevocable letter of credit or other approved financial warranties may be reduced to 10% of the originally approved construction estimate as shown in **Exhibit "A"** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer's** satisfaction. All work is to be done in accordance with the **Delaware County Design, Construction and Surveying Standards, and any supplements thereto**.

**Acceptance of the project** into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **OWNER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

**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 or maintenance shall be the responsibility of the **OWNER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

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.

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.

**EXHIBIT "A"**

CONSTRUCTION COST ESTIMATE	\$345,200.00
CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	\$34,600.00



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INSPECTION FEE DEPOSIT \$27,000.00

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

**16**

**RESOLUTION NO. 22-863**

**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:

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
UT22-0164	TEAM FISHEL	OWENFIELD DR	FIBER-OPTIC CABLE
UT22-0165	COLUMBIA GAS	TUSSIC ST	GAS
UT22-0166	COLUMBIA GAS	CARRIAGE RD	GAS MAIN
UT22-0167	HORIZON	CARTERS CORNERS RD	FIBER-OPTIC CABLE
UT22-0168	CITY OF DELAWARE	POLLOCK ROAD	WATER MAIN

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

**17**

**RESOLUTION NO. 22-864**

**IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND AND RELEASING CONSTRUCTION BOND FOR PIATT PRESERVE SECTION 2:**

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

WHEREAS, the roadway construction has been completed for the project known as Piatt Preserve Section 2 (the "Project"); and

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

WHEREAS, the Engineer recommends that, in accordance with the Owner's Agreement, the maintenance bond be set at \$107,500.00 (10% of the original construction estimate) and the Project be placed on the required one year maintenance period; and

WHEREAS, Rockford Homes, Inc. (the "Principal") has provided a maintenance bond in the amount of \$107,500.00 as surety to cover the one year maintenance period; and

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

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners accepts the maintenance bond in the amount of \$107,500.00 for the Project, places the Project on the required one year maintenance period, and returns the construction bond being held for the Project to the Principal.

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

**18**

**RESOLUTION NO. 22-865**

**IN THE MATTER OF APPROVING A DRAINAGE MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR OAKS AT BIG WALNUT:**

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

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WHEREAS, on September 28, 2022, a Ditch Maintenance Petition for Oaks at Big Walnut and (the "Petition") was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within Oaks at Big Walnut, 58.213 acres in Trenton Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lots to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$120,005.78 and a detailed cost estimate is attached in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. 14 lots are created in these plats and each lot received an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$8,571.84 per lot. An annual maintenance fee equal to 2% of this basis (\$177.44) will be collected for each lot. We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$2,400.16 has been paid to Delaware County, receipt of which is hereby acknowledged.

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

**19**

**RESOLUTION NO. 22-866**

**IN THE MATTER OF ACCEPTING THE ROADS, APPROVING RECOMMENDED SPEED LIMITS, ESTABLISHING STOP CONDITIONS AND RELEASING THE SURETIES FOR EVANS FARM SECTION 2, PHASE A, PART 1 AND BERLIN MANOR SECTION 1:**

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

**Evans Farm Section 2, Phase A, Part 1:**

WHEREAS, the Engineer has reviewed the roadway construction of the roads within Evans Farms Section 2, Phase A, Part 1 (the "Subdivision"), finds them to be constructed in accordance with the approved plans, and recommends that the following roadways within the Subdivision be accepted into the public system:

- An addition of 0.29 mile to Township Road Number 99, Piatt Road
- An addition of 0.20 mile to Township Road Number 1823, Hickory Drive
- An addition of 0.09 mile to Township Road Number 1829, Mulberry Lane; and

WHEREAS, the Engineer also recommends that 25 mile per hour speed limits be established throughout the Subdivision; and

WHEREAS, the Engineer recommends that the following stop conditions be established within the Subdivision:

- On Township Road Number 1823, Hickory Drive, at its intersection with Township Road 1820, Linden Street
- On Township Road Number 1829, Mulberry Lane, at its intersection with Township Road 1823, Hickory Drive; and

WHEREAS, the Engineer requests approval to return the maintenance surety to John Eramo & Sons, Inc.;

**Berlin Manor Section 1:**

WHEREAS, the Engineer has reviewed the roadway construction of the roads within Berlin Manor Section 1,

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(the "Subdivision"), finds them to be constructed in accordance with the approved plans, and recommends that the following roadways within the Subdivision be accepted into the public system:

- An addition of 0.21 mile to Township Road Number 1827, Berlin Manor Drive
- An addition of 0.19 mile to Township Road Number 1828, Voss Drive
- An addition of 0.36 mile to Township Road Number 1765, Russel Wood Drive; and

WHEREAS, the Engineer also recommends that 25 mile per hour speed limits be established throughout the Subdivision; and

WHEREAS, the Engineer recommends that the following stop conditions be established within the Subdivision:

- On Township Road Number 1827, Berlin Manor Drive at its intersection with County Road 72, Cheshire Road
- On Township Road 1828, Voss Drive at its intersection with Township Road 1827, Berlin Manor Drive
- On Township Road 1828, Voss Drive at its intersection with Township Road 1765, Russell Woods Drive; and

WHEREAS, the Engineer requests approval to return the maintenance surety to the owners, Berlin Manor One, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Engineer's recommendations stated herein and accepts the roads, approves speed limits and stop conditions, and releases sureties in accordance with the Engineer's recommendations stated herein.

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

**20**

**RESOLUTION NO. 22-867**

**IN THE MATTER OF APPROVING THE DELAWARE COUNTY BOARD OF COMMISSIONERS' LETTER OF SUPPORT IN ESTABLISHING A COST-BASED MEDICAID AMBULANCE SUPPLEMENTAL PAYMENT PROGRAM (ASPP) FOR THE STATE OF OHIO:**

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

October 10, 2022

The Honorable Representative Kris Jordan  
77 S. High St., 11<sup>th</sup> Floor  
Columbus, OH 43215

RE: Letter of support for the Medicaid Ambulance Supplemental Payment Program

Dear Representative Jordan:

We, the Delaware County Commissioners, write to ask for your support and collaboration in establishing a cost-based Medicaid Ambulance Supplemental Payment Program (ASPP) for the State of Ohio.

Currently, the Delaware County Emergency Medical Service Department and all other EMS providers across the state transport thousands of Medicaid patients each year to hospitals. Unfortunately, Medicaid covers only around 10% of the true cost of an ambulance ride. When the cost of providing the services exceeds the reimbursement, the local taxpayers have to subsidize the shortfall and bear a portion of the cost. Our taxpayers have to pay the additional cost through local sales or property taxes in order to supplement a federal program that is already funded through local residents' payroll taxes, thereby creating a double-taxation scenario.

In Delaware County in 2021, we received \$7,180 in Medicaid reimbursement, but the true cost of providing treatment and transport to these patients was \$51,987.00, resulting in a paltry 13.8% reimbursement rate.

An ASPP, federally funded and administrated by the Department of Medicaid (ODM), would allow public EMS agencies to recover a substantial portion of the otherwise uncovered costs of serving Ohio's Medicaid beneficiaries. To be clear, the intention of an ambulance supplemental payment program is to keep local taxes from being used to pay Medicaid costs. An ASPP would make up the majority of the difference, not only for us, but for every public EMS agency in Ohio.

This effort to establish an ASPP for our state was previously presented at the Ohio Third Party Resources Day in February 2022.

We appreciate your attention to our request to bring a Medicaid Ambulance Supplemental Payment Program to Ohio.

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Signed,  
The Delaware County Board of Commissioners

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Jeff Benton

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

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

October 10, 2022

The Honorable Representative Shawn Stevens  
77 S. High St., 13<sup>th</sup> Floor  
Columbus, OH 43215

RE: Letter of support for the Medicaid Ambulance Supplemental Payment Program

Dear Representative Stevens:

We, the Delaware County Commissioners, write to ask for your support and collaboration in establishing a cost-based Medicaid Ambulance Supplemental Payment Program (ASPP) for the State of Ohio.

Currently, the Delaware County Emergency Medical Service Department and all other EMS providers across the state transport thousands of Medicaid patients each year to hospitals. Unfortunately, Medicaid covers only around 10% of the true cost of an ambulance ride. When the cost of providing the services exceeds the reimbursement, the local taxpayers have to subsidize the shortfall and bear a portion of the cost. Our taxpayers have to pay the additional cost through local sales or property taxes in order to supplement a federal program that is already funded through local residents’ payroll taxes, thereby creating a double-taxation scenario.

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This effort to establish an ASPP for our state was previously presented at the Ohio Third Party Resources Day in February 2022.

We appreciate your attention to our request to bring a Medicaid Ambulance Supplemental Payment Program to Ohio.

Signed,  
The Delaware County Board of Commissioners

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Jeff Benton

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Barb Lewis

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

October 10, 2022

Maureen Corcoran  
Ohio Department of Medicaid  
50 West Town St. Suite 400  
Columbus, OH 43215

RE: Letter of support for the Medicaid Ambulance Supplemental Payment Program

Dear Ms. Corcoran:

We, the Delaware County Commissioners, write to ask for your support and collaboration in establishing a cost-based Medicaid Ambulance Supplemental Payment Program (ASPP) for the State of Ohio.

Currently, the Delaware County Emergency Medical Service Department and all other EMS providers across the state transport thousands of Medicaid patients each year to hospitals. Unfortunately, Medicaid covers only around 10% of the true cost of an ambulance ride. When the cost of providing the services exceeds the reimbursement, the local taxpayers have to subsidize the shortfall and bear a portion of the cost. Our taxpayers have to pay the additional cost through local sales or property taxes in order to supplement a federal program that is already funded through local residents’ payroll taxes, thereby creating a double-taxation scenario.

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This effort to establish an ASPP for our state was previously presented at the Ohio Third Party Resources Day in February 2022.

We appreciate your attention to our request to bring a Medicaid Ambulance Supplemental Payment Program to Ohio.

Signed,  
The Delaware County Board of Commissioners

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

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Barb Lewis

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

October 10, 2022

The Honorable Senator Andy Brenner  
One Capital Square, Ground Floor  
Columbus, OH 43215

RE: Letter of support for the Medicaid Ambulance Supplemental Payment Program

Dear Senator Brenner:

We, the Delaware County Commissioners, write to ask for your support and collaboration in establishing a cost-based Medicaid Ambulance Supplemental Payment Program (ASPP) for the State of Ohio.

Currently, the Delaware County Emergency Medical Service Department and all other EMS providers across the state transport thousands of Medicaid patients each year to hospitals. Unfortunately, Medicaid covers only around 10% of the true cost of an ambulance ride. When the cost of providing the services exceeds the reimbursement, the local taxpayers have to subsidize the shortfall and bear a portion of the cost. Our taxpayers have to pay the additional cost through local sales or property taxes in order to supplement a federal program that is already funded through local residents' payroll taxes, thereby creating a double-taxation scenario.

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This effort to establish an ASPP for our state was previously presented at the Ohio Third Party Resources Day in February 2022.

We appreciate your attention to our request to bring a Medicaid Ambulance Supplemental Payment Program to Ohio.

Signed,  
The Delaware County Board of Commissioners

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Jeff Benton

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Barb Lewis

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Gary Merrell

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

**21**

**RESOLUTION NO. 22-868**

**IN THE MATTER OF ESTABLISHING THE 2023 HEALTH, DENTAL AND VISION INSURANCE  
EMPLOYEE COST SHARE AND ESTABLISHING A SURCHARGE FOR SPOUSAL HEALTH  
INSURANCE COVERAGE:**

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") has, pursuant to sections 9.833 and 305.171 of the Revised Code, provided certain group insurance coverage for county officers and employees; and

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WHEREAS, in order to provide the most comprehensive and cost effective health insurance, prescription drug coverage, and vision and dental insurance coverage benefits within the available budget to the employees of Delaware County, the Board authorized continued participation in the County Employee Benefits Consortium of Ohio (CEBCO) for 2023 on September 19, 2022, per Resolution No. 22-819; and

WHEREAS, the County Administrator and Deputy County Administrator recommended accepting the PPO Plan 1D the prescription drug coverage with Anthem Rx, Delta Dental Plan 1 and VSP Plan 8 renewal rates for 2023 from CEBCO; and

WHEREAS, Delaware County will provide the Anthem Medical PPO Plan 1D, Anthem Rx design, Delta Dental Plan 1 and VSP Vision Plan 8 for 2023 for eligible employees as described in Resolution No. 22-819; and

WHEREAS, the Board and CEBCO, in cooperation with Health Works, have initiated a member participant wellness program that promotes overall health and well-being in order to reduce healthcare costs (the “Wellness Program”); and

WHEREAS, the Board wishes to establish rates that, through premium differentials, incentivize participation in, and successful completion of, the Wellness Program in order to achieve the stated goals thereof; and

WHEREAS, the Board wishes to institute a spousal surcharge of \$75.00 per month for employees’ spouses who have access to health insurance coverage through another employer and choose to remain on the Delaware County health insurance plan, this surcharge being in addition to the identified coverage rate tier established for the 2023 plan year effective January 1, 2023, unless a surcharge waiver is met as identified in Section 4 of this Resolution;

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

Section 1. The Board hereby approves the following renewal rates for 2023 (Anthem PPO Plan 1D and Anthem Rx) from CEBCO for those Delaware County employees and elected officials who, together with any covered spouse, successfully completed the 2022 Wellness Program and are eligible to receive the 2023 Wellness Program incentive (collectively, “Wellness Program Group A – Incentive Earned”):

<b>WELLNESS PROGRAM GROUP A INCENTIVE EARNED Employee Share of the 2023 Anthem PPO Plan 1D Anthem RX Insurance Rates</b>	
<b>Tier</b>	<b>Employee Rate Per Pay Period Based on 24 Pays</b>
Employee	\$38.83
Employee + Spouse	\$89.50
Employee + Child(ren)	\$83.33
Employee + Family	\$134.00

Section 2. The Board hereby approves the following renewal rates for 2023 (Anthem Plan PPO Plan 1D and Anthem Rx) from CEBCO for those Delaware County employees and elected officials that are ineligible to receive the 2022 Wellness Program incentive for one or more of the following reasons: (a) the employee or official was hired or commenced service on or after May 31, 2022; (b) the employee or official successfully completed the 2022 Wellness Program, while the employee’s or official’s covered spouse did not successfully complete the 2022 Wellness Program; (c) the employee or official did not successfully complete the 2022 Wellness Program, while the employee’s or official’s covered spouse did successfully complete the 2022 Wellness Program; or (d) the official is prohibited from receiving a midterm change in compensation (collectively, “Wellness Program Group B – Exempt or Incentive Ineligible”):

<b>WELLNESS PROGRAM GROUP B EXEMPT OR INCENTIVE INELIGIBLE 12.5% Employee Share of the 2023 Anthem PPO Plan 1D Anthem RX Insurance Rates</b>	
<b>Tier</b>	<b>Employee rate Per Pay Period Based on 24 Pays</b>
Employee	\$55.83
Employee + Spouse	\$123.00
Employee + Child(ren)	\$100.33
Employee + Family	\$167.50

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Section 3. The Board hereby approves the following renewal rates for 2023 (Anthem PPO 1D Plan and Anthem Rx) from CEBCO for those Delaware County employees and elected officials who, together with any covered spouse, did not successfully complete the 2022 Wellness Program, are not subject to one of the exemptions set forth in Section 2 of this Resolution, and are, therefore, ineligible to receive the 2022 Wellness Program incentive (collectively, “Wellness Program Group C – Incentive Not Earned”):

<b>WELLNESS PROGRAM GROUP C INCENTIVE NOT EARNED Employee Share of the 2023 Anthem PPO Plan 1D Anthem RX Insurance Rates</b>	
<b>Tier</b>	<b>Employee Rate Per Pay Period Based on 24 Pays</b>
Employee	\$68.33
Employee + Spouse	\$148.00
Employee + Child(ren)	\$112.83
Employee + Family	\$192.50

Section 4. The Board hereby approves a \$37.50 per pay period (\$75.00 per month) surcharge in addition to the above “Employee + Spouse” and “Employee + Family” rates for employees that choose to cover a spouse on the health insurance and prescription drug plan, unless the employee applies for and is granted a waiver of the surcharge as provided for herein. The surcharge may be waived for one of the following reasons: (a) the covered spouse is unemployed or officially retired through an established retirement system; (b) the spouse’s employer does not offer health insurance or the spouse does not qualify for health insurance coverage through their employer; or (c) the spouse is employed by Delaware County.

Section 5. Delaware County will provide the Delta Dental PPO Plan 1 design through CEBCO for 2023 for eligible employees and establishes the 2023 CEBCO Dental PPO Plan 1 employee rate per pay period as follows:

<b>2023 Per Pay Dental PPO Plan 1 Renewal Rates</b>	<b>Employee Rate Per Pay Period Based on 24 Pays</b>
Employee	\$5.68
Employee + Spouse	\$11.02
Employee + Child(ren)	\$12.10
Employee + Family	\$19.78

Section 6. Delaware County will provide the VSP Vision Plan 8 design through CEBCO for 2023 for eligible employees and establishes the 2023 CEBCO VSP Vision Plan 8 employee rate per pay period as follows:

<b>2023 Per Pay Vision VSP Plan 8 Renewal Rates</b>	<b>Employee Rate Per Pay Period Based on 24 Pays</b>
Employee	\$1.73
Employee + Spouse	\$2.75
Employee + Child(ren)	\$2.82
Employee + Family	\$4.53

Section 7. The Delaware County employee insurance benefits and rates established and approved herein shall take effect January 1, 2023, whereupon all prior vision insurance benefits and rates inconsistent with those established and approved herein shall terminate.

(Documents available in the Administrative Services Department until no longer of administrative value.)

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

**22**

**ADMINISTRATOR REPORTS**

Tracie Davies, County Administrator  
-No reports.

Dawn Huston, Deputy Administrator

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-No reports.

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**COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Merrell

-Attended the CORSA retreat at the end last week.

Commissioner Benton

-The MORPC Executive meeting will take place on Thursday.

-Megan O'Callaghan's reception is this evening.

24

**RESOLUTION NO. 22-869**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT; COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL; FOR PENDING OR IMMINENT LITIGATION; FOR SECURITY ARRANGEMENTS AND EMERGENCY RESPONSE PROTOCOLS AND CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:**

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

WHEREAS, pursuant to section 121.22(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and

(2) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

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

Section 1. The Board hereby adjourns into executive session for consideration of employment; compensation of a public employee or public official; for pending or imminent litigation; for security arrangements and emergency response protocols and confidential information related to economic development.

Section 2. The Board hereby adjourns into executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance.

Section 3. The Board hereby finds and determines that the information listed in Section 2 is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project.

Section 4. The Board hereby finds and determines that the executive session held pursuant to Section 2 is necessary to protect the interests of an applicant for economic development assistance or the possible investment or expenditure of public funds to be made in connection with the economic development project.

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

**RESOLUTION NO. 22-870**

**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.



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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