

**COMMISSIONERS JOURNAL NO. 77 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD OCTOBER 24, 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 AM Final Hearing On The Proposed Villas At Maple Creek Watershed Drainage Improvement

1
RESOLUTION NO. 22-904

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 20, 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 20, 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. 22-905

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1021 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1021:

It was moved by Mr. Merrell, seconded by Mr. Benton to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR1021, memo transfers in batch numbers MTAPR1021 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase (P2200489) PNC	SUPPLIES	10011105-5201	\$10,000.00

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

4
RESOLUTION NO. 22-906

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Building Safety Department is requesting that Duane Matlack, Joe Amato, Sudhir Singhal, Ric Irvine, Pat Corbin, Shane Cain and Jason Matthew attend an Ohio Building Official Annual Conference in Dublin, Ohio from November 6-8, 2022 at the cost of \$1,650.00 (fund number 10011301).

The County Administrator is requesting the Monica Connors attend an ECONOMIX Columbus 2022 conference in Columbus, Ohio from December 6-8, 2022 at the cost of \$1,695.00 (fund number 21011113).

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

5
RESOLUTION NO. 22-907

IN THE MATTER OF SETTING THE BID DATE AND TIME TO RECEIVE BIDS FOR THE

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LEASE OF DELAWARE COUNTY FARM LAND LOCATED AT 6579 MOORE RD, DELAWARE, OHIO 43015:

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

WHEREAS, the Delaware County Regional Sewer District desires to bid the leasing of farm land located at the Lower Scioto Water Reclamation Facility, 6579 Moore Road, Delaware, Ohio 43015; and

WHEREAS, Sewer District staff has developed the cash lease document;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the cash lease document for the Lease of Delaware County Farm Land located at 6579 Moore Road and authorizes the Sanitary Engineer to advertise for and receive bids on behalf of the Board in accordance with the following Legal Notice:

**LEGAL NOTICE
LEASE OF DELAWARE COUNTY FARM LAND
6579 Moore Road**

Parties interested in leasing farmland from Delaware County may submit a sealed bid to the Board of Commissioners, Delaware County, Ohio, at 50 Channing Street Delaware, Ohio 43015 until **2:00 pm on Friday, November 18, 2022** for the cash lease of the County’s farmland. The land being offered for lease is located at the Lower Scioto Water Reclamation Facility (LSWRF), 6579 Moore Road Delaware, Ohio 43015.

There will be 44 acres, more or less, of cropland at the LSWRF as denoted by the Delaware County GIS Maps, to be offered for rent for one (1) crop season from April 1, 2023, with options to renew for three (3) additional one (1) year terms. Payment of one half of the annual rent shall be made on or before April 1st and the remaining one half of the annual rent shall be made by November 1st of each crop season. The notice of intent to exercise the options to extend the lease for one year period is to be submitted to the County Commissioners in writing by November 1st preceding the crop year for the extension. The lease shall be exclusively for use of land for crop purposes and does not provide for use of buildings, utilities or pasturing livestock.

This Notice is published and bid blanks may be obtained online at <http://www.co.delaware.oh.us> under the heading “Public Notices and Bids” or from the Delaware County Regional Sewer District 50 Channing Street Delaware, Ohio during the hours of 8:00 am to 4:30 pm.

Bids will be opened and a cash lease will be entered into according to the discretion of the Board of Commissioners. The Commissioners reserve the right to reject any and all bids, to waive any irregularities or informalities in each. Bids shall be submitted in a sealed envelope marked "Sealed Bid for Farmland Cash Lease." No bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read.

Delaware County Commissioners
Regional Sewer District
<End of Advertisement>

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

**6
RESOLUTION NO. 22-908**

**IN THE MATTER OF SETTING THE BID DATE AND TIME TO RECEIVE BIDS FOR 2023
SLUDGE THICKENING POLYMERS CHEMICAL SUPPLY CONTRACT FOR THE DELAWARE
COUNTY REGIONAL SEWER DISTRICT, DCRSD CONTRACT #23-01:**

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

WHEREAS, the Delaware County Regional Sewer District desires to purchase various emulsion polymers to be used at the treatment facilities of the Delaware County Regional Sewer District; and

WHEREAS, Sewer District staff has developed the contract documents and technical specifications for the needed various emulsion polymers;

NOW, THEREFORE, BE IT RESOLVED that the specifications for the project known as 2023 Sludge Thickening Polymers Chemical Supply Contract DCRSD Contract #23-01 are hereby approved and the Sanitary Engineer is authorized to advertise for and receive bids on behalf of the Board in accordance with the following Invitation to Bid:

**Legal Notice
Invitation to Bid**

Sealed bids will be received at the Office of the Delaware County Sanitary Engineer, 50 Channing Street, Delaware, Ohio 43015, until **11:00 a.m. Friday, November 18, 2022**, at which time they will be opened and

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read aloud, for the project known as 2023 Sludge Thickening Polymers Chemical Supply Contract - DCRSD Contract #23-01.

The proposals must be made on the forms provided in the Contract Documents or a copy thereof and shall contain the full name and address of the bidder. All bids shall be sealed and plainly marked "SEALED BID FOR 2023 SLUDGE THICKENING POLYMERS CHEMICAL SUPPLY CONTRACT - DCRSD CONTRACT #23-01."

This notice and the complete Invitation to Bid are posted on the internet and may be viewed on Delaware County's web page at <http://www.co.delaware.oh.us> under the heading Public Notices and Bids and on the Delaware County Regional Sewer District web page at <https://regionalsewer.co.delaware.oh.us/bids/>.

The Board of Commissioners reserves the right to make a non-exclusive award and to issue purchase orders on an as needed basis.

All bids shall be accompanied by a bond or certified check, cashier's check, or money order on a solvent bank or savings and loan association in the amount of \$1,000.00, conditioned that the bidder, if the bidder's bid is accepted, shall execute a contract in conformity to the invitation and the bid.

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 the County. The Board reserves the right to waive irregularities and to reject any or all bids.

Questions about the project shall be directed in writing to Julie McGill via email at jmcgill@co.delaware.oh.us

Delaware Gazette Advertisement Date:
Friday, October 28, 2022

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

**7
RESOLUTION NO. 22-909**

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION AND A SUPPLEMENTAL APPROPRIATION FOR THE SLATE RIDGE II TIF:

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

Transfer of Appropriation

From:	To:	
45111446-5319	45111446-5715	\$355,304.97
Slate Ridge II TIF/Reimbursements-Refunds	Slate Ridge II TIF/Principal Payments-Notes	

Supplemental Appropriation

45111446-5715	Slate Ridge II TIF/ Principal Payments-Notes	\$291,505.15
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Vote on Motion Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

**8
RESOLUTION NO. 22-910**

IN THE MATTER OF AUTHORIZING COMMISSIONER LEWIS TO SUBMIT AN APPLICATION FOR FUNDING ASSISTANCE TO THE OHIO PUBLIC WORKS COMMISSION:

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

WHEREAS, the County Engineer has developed surveys, plans, profiles, cross sections and estimates for the Cheshire Road Widening project, pursuant to Resolution No. 20-705; and

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and

WHEREAS, the Cheshire Road Widening project is a qualified project under the OPWC programs;

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

Section 1. The Board hereby authorizes Commissioner Lewis to apply to the OPWC for funds as described above.

Section 2. The Board hereby authorizes Commissioner Lewis to execute any documents necessary and

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appropriate for obtaining the funds as authorized herein, but any contracts or agreements shall be submitted to the Board for consideration.

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

9

RESOLUTION NO. 22-911

IN THE MATTER OF APPROVING COOPERATIVE PROJECT AGREEMENTS BETWEEN DELAWARE COUNTY AND VARIOUS POLITICAL SUBDIVISIONS WITHIN DELAWARE COUNTY TO SUBMIT APPLICATIONS TO THE OHIO PUBLIC WORKS COMMISSION:

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

WHEREAS, the County Engineer recommends approval of the Cooperative Project Agreements with Brown, Harlem, Kingston, Liberty, Orange, Porter, Radnor and Troy, Trenton, and Troy Townships, and the City of Delaware and the Village of Ostrander and Scioto Township;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Cooperative Project Agreements with Brown, Harlem, Kingston, Liberty, Orange, Porter, Radnor and Troy, Trenton, and Troy Townships, and the City of Delaware and the Village of Ostrander and Scioto Township:

Brown Township:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
BROWN TOWNSHIP
AND DELAWARE COUNTY**

BROWN TOWNSHIP, the Project Sponsor, and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as HARRIS ROAD IMPROVEMENTS PROJECT for Round 37 of the OPWC programs.

BROWN TOWNSHIP will provide the Local Share as described in the OPWC Application for Funding Assistance from the Road & Bridge fund not to exceed \$28,000, and will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by BROWN TOWNSHIP not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

Harlem Township:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
HARLEM TOWNSHIP
AND DELAWARE COUNTY**

HARLEM TOWNSHIP, the Project Sponsor, and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as MONTGOMERY ROAD IMPROVEMENTS PROJECT, for Round 37 of the OPWC programs.

HARLEM TOWNSHIP will provide the Local Share as described in the OPWC Application for Funding Assistance from the Permissive Motor Vehicle License Tax fund not to exceed \$25,000, and will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by HARLEM TOWNSHIP, not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

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Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

Kingston Township:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
KINGSTON TOWNSHIP
AND DELAWARE COUNTY**

KINGSTON TOWNSHIP, the Project Sponsor, and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as TWIGG HUPP ROAD IMPROVEMENTS PROJECT, for Round 37 of the OPWC programs.

KINGSTON TOWNSHIP will provide the Local Share as described in the OPWC Application for Funding Assistance from the Motor Vehicle License Tax fund not to exceed **\$35,000**, and will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by KINGSTON TOWNSHIP, not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

Liberty Township:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
LIBERTY TOWNSHIP
AND DELAWARE COUNTY**

LIBERTY TOWNSHIP, the Project Sponsor, and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as BEAN OLLER ROAD IMPROVEMENTS PROJECT, for Round 37 of the OPWC programs.

LIBERTY TOWNSHIP will provide the Local Share as described in the OPWC Application for Funding Assistance from the Roads fund not to exceed \$60,000, and will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by LIBERTY TOWNSHIP, not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

Orange Township:

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**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
ORANGE TOWNSHIP
AND DELAWARE COUNTY**

ORANGE TOWNSHIP, the Project Sponsor, and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known GOODING BOULEVARD IMPROVEMENTS PROJECT for Round 37 of the OPWC programs.

ORANGE TOWNSHIP will provide the Local Share as described in the OPWC Application for Funding Assistance from the Road Levy fund not to exceed \$33,000, and will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by ORANGE TOWNSHIP not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

Porter Township:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
PORTER TOWNSHIP
AND DELAWARE COUNTY**

PORTER TOWNSHIP, the Project Sponsor, and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as PORTER TOWNSHIP ROAD IMPROVEMENTS PROJECT, for Round 37 of the OPWC programs.

PORTER TOWNSHIP will provide the Local Share as described in the OPWC Application for Funding Assistance from the General fund not to exceed \$45,000, and will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by PORTER TOWNSHIP, not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

Radnor and Troy Township:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
RADNOR TOWNSHIP, TROY TOWNSHIP
AND DELAWARE COUNTY**

RADNOR TOWNSHIP, the Project Sponsor, TROY TOWNSHIP and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as N. SECTION LINE ROAD IMPROVEMENTS PROJECT, for Round 37 of the OPWC programs.

RADNOR TOWNSHIP will provide the Local Share as described in the OPWC Application for Funding Assistance from the Road fund not to exceed \$15,000, and will pay its Local Share as invoices are due.

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TROY TOWNSHIP will provide its portion of the Local Share as described in the OPWC Application for Funding Assistance from the Gas Tax fund not to exceed \$15,000, and will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by RADNOR TOWNSHIP, not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

Trenton Township:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
TRENTON TOWNSHIP
AND DELAWARE COUNTY**

TRENTON TOWNSHIP, the Project Sponsor, and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as ROSS ROAD IMPROVEMENTS PROJECT, for Round 37 of the OPWC programs.

TRENTON TOWNSHIP will provide the Local Share as described in the OPWC Application for Funding Assistance from the Gasoline Tax fund not to exceed \$25,000, and will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by TRENTON TOWNSHIP, not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

City of Delaware:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
CITY OF DELAWARE
AND DELAWARE COUNTY**

The CITY OF DELAWARE, the Project Sponsor, and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as PENNSYLVANIA AVENUE AND PITTSBURGH DRIVE IMPROVEMENTS, for Round 37 of the OPWC programs.

The CITY OF DELAWARE will provide the Local Share as described in the OPWC Application for Funding Assistance from the General Fund not to exceed approximately \$600,000, and will pay its Local Share as invoices are due.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by the CITY OF DELAWARE, not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

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Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County authorizes the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs and this Project.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

Village of Ostrander & Scioto Township:

**COOPERATIVE PROJECT AGREEMENT
BY AND BETWEEN
VILLAGE OF OSTRANDER,
SCIOTO TOWNSHIP,
AND DELAWARE COUNTY**

VILLAGE OF OSTRANDER, the Project Sponsor, SCIOTO TOWNSHIP, and the Delaware County Board of Commissioners hereby enter into a cooperative agreement to submit an application to the Ohio Public Works Commission (OPWC) for the Project known as FIELD STREET/MITCHELL LANE ROAD IMPROVEMENTS PROJECT, for Round 37 of the OPWC programs.

VILLAGE OF OSTRANDER will provide the Local Share as described in the OPWC Application for Funding Assistance from the Street Maintenance fund not to exceed \$56,000, and will pay its Local Share as invoices are due.

SCIOTO TOWNSHIP will provide its portion of the Local Share from the Gasoline Tax fund in an amount equal to 3.5 percent (3.5 %) of the Total Project Cost, not to exceed \$15,000, as reimbursement to the Sponsoring Agency within 30 days of receipt of invoice, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County, through the *Roadway Grant Assistance Program (RGAP)*, will provide matching funds equal to three (\$3) Dollars for every (\$1) Dollar Local Share provided by VILLAGE OF OSTRANDER AND SCIOTO TOWNSHIP, not to exceed the amount of grant funds provided by OPWC or One Hundred Fifty Thousand Dollars (\$150,000), whichever is less, from the Road and Bridge Projects fund, subject to the approved RGAP Grant Guidelines.

Delaware County agrees to pay its share of costs as construction invoices are due, or, if requested by the Project Sponsor, shall pay directly to the awarded contractor.

Delaware County and Scioto Township authorize the Project Sponsor to be the lead applicant and to sign all necessary applications, agreements and certifications relating to the OPWC programs.

This Agreement shall become effective the date last signed by the parties below. This Agreement shall become null and void if the Project does not receive a grant award by the OPWC in the funding round stated above, or if the required OPWC Grant Agreement is not properly executed by the Project Sponsor or if funding is revoked for any reason by the OPWC.

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

**10
RESOLUTION NO. 22-912**

IN THE MATTER OF DECLARING THE NECESSITY FOR IMPROVEMENTS TO SMOTHERS ROAD AND AUTHORIZING THE COUNTY ENGINEER TO PURSUE GRANT FUNDING:

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

WHEREAS, section 5555.022 of the Revised Code provides that a board of county commissioners may find by a majority vote that the public convenience and welfare require the improving of any part of any public road, may fix the route and termini of the improvement and may authorize such improvement; and

WHEREAS, the County Engineer has determined that Smothers Road needs systemic safety improvements to reduce roadway departure crashes in response to the anticipated increase in traffic due to the nearby Intel development (the "Improvement"); and

WHEREAS, Smothers Road is located on the county line between Delaware and Franklin Counties, and the Franklin County Engineer has committed to collaborating with Delaware County on these improvements; and

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WHEREAS, the Ohio Department of Transportation and the Mid-Ohio Regional Planning Commission have programs that provide grant funding for this type of improvement;

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

Section 1. The Board hereby determines that the Improvement is required for the safety, welfare and convenience of the traveling public.

Section 2. The Board hereby authorizes the Delaware County Engineer’s Office to submit applications on behalf of the Board for grant funding from the Ohio Department of Transportation and Mid-Ohio Regional Planning Commission for the Improvement.

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

11

RESOLUTION NO. 22-913

IN THE MATTER OF DECLARING THE NECESSITY FOR IMPROVEMENTS TO SUNBURY PARKWAY AND AUTHORIZING THE COUNTY ENGINEER TO PURSUE GRANT FUNDING:

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

WHEREAS, section 5555.022 of the Revised Code provides that a board of county commissioners may find by a majority vote that the public convenience and welfare require the improving of any part of any public road, may fix the route and termini of the improvement and may authorize such improvement; and

WHEREAS, the County Engineer, in collaboration with the Ohio Department of Transportation and City of Sunbury, has determined that a new roadway called Sunbury Parkway, including a new interchange with I-71 just south of the existing interchange with US36/SR37, is necessary for the safety and welfare of the traveling public in response to existing congestion and anticipated development in the vicinity of the interchange and at Berlin Business Park (the “Improvement”); and

WHEREAS, the Ohio Department of Transportation and the Mid-Ohio Regional Planning Commission have programs that provide grant funding for this type of improvement;

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

Section 1. The Board hereby determines that the Improvement is required for the safety, welfare and convenience of the traveling public.

Section 2. The Board hereby authorizes the Delaware County Engineer’s Office to submit applications on behalf of the Board for grant funding from the Ohio Department of Transportation and Mid-Ohio Regional Planning Commission for the Improvement.

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

12

RESOLUTION NO. 22-914

IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND AND RETURNING CONSTRUCTION SURETIES FOR COURTYARDS AT CLEAR CREEK SECTION 3:

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 Courtyards at Clear Creek Section 3 (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 \$64,800.00 (10% of the original construction estimate) and the Project be placed on the required on year maintenance period; and

WHEREAS, Epcon Clear Creek, LLC (the “Principal”) has provided a maintenance bond in the amount of \$64,800.00 as surety to cover the one year maintenance period; and

WHEREAS, the Engineer also recommends approval to return the construction performance bond to the Principal;

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NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves establishing a maintenance bond for the Project and returning the construction bond for the Project to the Principal as outlined herein.

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

13

RESOLUTION NO. 22-915

IN THE MATTER OF RELEASING THE MAINTENANCE BOND FOR EVANS FARM SECTION 2, PHASE A, PART 1- PIATT ROAD:

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

WHEREAS, the Engineer requests approval to release the maintenance bond to the Principal, John Eramo & Sons, Inc., for the project known as Evans Farm Section 2, Phase A, Part 1-Piatt Road;

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 releases the bond in accordance with the Engineer’s recommendations stated herein.

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

14

RESOLUTION NO. 22-916

IN THE MATTER OF APPROVING A DRAINAGE MAINTENANCE PETITION AND THE DITCH MAINTENANCE ASSESSMENTS FOR BERLIN FARM:

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

WHEREAS, on June 1, 2022, a Ditch Maintenance Petition for Berlin Farm (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 Berlin Farm, 62.66 acres in Berlin 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 lot 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 \$1,016,368.31 (for Section 1 and future section) for the benefit of the lots being created in this subdivision. The drainage improvements are being constructed for the benefit of the lot(s) being created in the subject site. The developed 56.831 acres will receive benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each lot is therefore, \$16,658.68 per acre. An annual maintenance fee equal to 2% of this basis (\$333.17) will be collected for each developed acre. 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 \$18,934.38 has been paid to Delaware County, receipt of which is hereby acknowledged. Future Assessments to be paid at time of platting of each section: Section 2 (42 Lots) \$9,381.96.

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

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RESOLUTION NO. 22-917

IN THE MATTER OF AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE ENGINEER’S OFFICE:

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

WHEREAS, pursuant to section 5549.01 of the Revised Code, the Board of Commissioners (the “Board”) may purchase machinery and equipment for the construction, improvement, maintenance or repair of the highways, bridges, and culverts under its jurisdiction as it deems necessary, including the purchase of automobiles, motorcycles, or other conveyances and maintenance thereof for the use of the County Engineer and the Engineer’s assistants when on official business; and

WHEREAS, the County Engineer’s Office has a need for a 2022 Ram 550 Chassis, 4WD for use in performing the office’s official duties; and

WHEREAS, the Board participates in the Sourcewell (formally NJPA) cooperative purchasing program (the “Program”), and the 2022 Ram 5500 Chassis, 4 WD package is available for purchase via the Program;

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

Section 1. The Board hereby authorizes the purchase of one (1) 2022 Ram Chassis, 4 WD from Custom Truck One Source for the price of \$136,107.00.

Section 2. The purchase authorized in Section 1 shall be subject to the Program’s Contract #012418-TER, which is fully incorporated herein and of which the purchase order shall be made a part.

Section 3. The Clerk shall provide a copy of this Resolution to the County Engineer.

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

16

RESOLUTION NO. 22-918

IN THE MATTER OF APPROVING APPOINTMENTS TO THE DELAWARE COUNTY TRANSIT BOARD:

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

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

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

WHEREAS, two terms will expire on October 24, 2022;

WHEREAS, Bruce Luecke and Sarah Huffman have applied for terms commencing October 25, 2022, and expiring on October 24, 2025;

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

Section 1. The Board of Commissioners hereby approves the appointment of the following members to the Transit Board for the terms specified herein:

Position	Appointee	Term Ends
DCT-3	Bruce Luecke	October 24, 2025
DCT-4	Sarah Huffman	October 24, 2025

Section 2. The appointments approved herein shall take effect on October 25, 2022.

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

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ADMINISTRATOR REPORTS

Tracie Davies, County Administrator

-There will be a reception to welcome Monica Connors, our new Economic Development Director tomorrow night from 5-7 PM at the Barn at Stratford.

Dawn Huston, Deputy Administrator

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-Enrollment meetings start today. Open enrollment also started this morning which will close on November 4, 2022.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Benton

- Attended the Third Thursday luncheon to welcome the new-ish Mayors of Powell and Sunbury.
- Attended the Delaware Foundation dinner Thursday evening.
- Attended Judge Shaw's funeral on Saturday.
- The Records Commission will meet this week.

Commissioner Merrell

- Judge Shaw will be fondly remembered.
- Attended the CCAO board meeting on Friday.

Commissioner Lewis

- No reports.

20

RESOLUTION NO. 22-919

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

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; compensation of a public employee or public official.

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

RESOLUTION NO. 22-920

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

17

RESOLUTION NO. 22-921

10:00A.M. FINAL HEARING FOR THE VILLAS AT MAPLE CREEK WATERSHED DRAINAGE IMPROVEMENT PROJECT:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to open the hearing at 10:00 A.M..

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

17 continued

RESOLUTION NO. 22-922

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. Benton, seconded by Mr. Merrell 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 Mrs. Lewis Aye Mr. Merrell Aye

17 continued

RESOLUTION NO. 22-923

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IN THE MATTER OF CLOSING THE PUBLIC HEARING TO ADDRESS THE VILLAS AT MAPLE CREEK DRAINAGE IMPROVEMENT PROJECT:

It was moved by Mr. Merrell, seconded by Mr. Benton to close the hearing at 10:20 A.M..

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

17 continued

RESOLUTION NO. 22-924

IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE VILLAS AT MAPLE CREEK WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on December 6, 2019, a Drainage Improvement Petition for the Villas at Maple Creek Watershed Drainage Improvement Project (the "Improvement") was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, on April 23, 2020, the Board opened, and immediately continued, the first public hearing, which was reconvened on August 27, 2020, to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred; and

WHEREAS, on August 27, 2020, the Board adopted Resolution No. 20-752, finding in favor of the Improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the Improvement; and

WHEREAS, on October 24, 2022, the Board held a final public hearing to determine if the Improvement is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred; 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 Improvement;

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

17 continued

RESOLUTION NO. 22-925

IN THE MATTER OF COMMISSIONERS CONFIRMING THE ASSESSMENTS; APPROVING THE PAYMENT SCHEDULE AND ORDERING THE LETTING OF THE CONTRACTS FOR THE VILLAS AT MAPLE CREEK WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on October 24, 2022, the Delaware County Board of Commissioners (the "Board") held a final public hearing and, in Resolution No. 22-924, affirmed its order for the Villas at Maple Creek 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:

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Section 1. The Board hereby approves the Villas at Maple Creek Watershed Drainage Improvement Project assessments prepared by the Delaware County Engineer. Once the watershed is confirmed, the Delaware County Engineer’s estimated assessments are hereby approved and confirmed.

Section 2. The Board hereby determines that the improvement requires no additional construction and that the improvement shall be accepted as constructed and shall be subject to maintenance in accordance with Ohio Revised Code Chapter 6137. As a result, no orders are necessary for the preparation of bid documents, the receipt of bids for construction, or the financing of construction costs.

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners