

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
 MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023

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

Present:
 Gary Merrell, Vice President
 Barb Lewis, Commissioner

Absent:
 Jeff Benton, President

1
 RESOLUTION NO. 23-215

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 9, 2023:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on March 9, 2023; 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 Absent

2
 PUBLIC COMMENT
 -None.

3
 RESOLUTION NO. 23-216

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0318:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0318 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
ms Consulting (P2301565)	Building & Improvements	66711900-5410	\$28,660.23
PR Number	Vendor Name	Description	Account
R2302018	HOME REMEDY LLC	MSY PLACEMENT CARE T.N.	70161605 - 5342
R2302615	ENDICOTT MICROFILM INC	SERIAL NUMBERS 46385546 & 46387073.	10011103 - 5325
R2302615	ENDICOTT MICROFILM INC	PRO STAR PROCESSOR RENEWAL. SERIAL NUMBER	10011103 - 5325
R2302616	B & B FORK LIFT SERVICE INC	FORKLIFT	40111402 - 5450

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

4
 RESOLUTION NO. 23-217

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The 911 Communications Department is requesting that Director Patrick Brandt, Karla Jacobs, and Bailey Cavinee attend the APCO International 9-1-1 Conference in Nashville, Tennessee August 5-10, 2023; at the cost of \$7,979.50 (fund number 21411306/21711326)

The Commissioners Office is requesting that Justin Nahvi attend an Ohio Public Finance Officer's Annual Conference in Sandusky, Ohio from June 5-9, 2023 at the cost of \$1,325.00 (fund number 10011101).

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

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

**5
RESOLUTION NO. 23-218**

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

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

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

WHEREAS, the Delaware General Health District Advisory Council is scheduled to meet March 23, 2023, and the President of the Delaware County Board of Commissioners (the "Board") is unable to attend the meeting; and

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

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

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

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

**6
RESOLUTION NO. 23-219**

IN THE MATTER OF APPROVING A CONGESTED AREA FLIGHT PLAN LETTER IN SUPPORT OF PROPOSED OHIO DEPARTMENT OF AGRICULTURE AIRCRAFT OPERATIONS:

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

WHEREAS, on or about January 30, 2023, the Delaware County Board of Commissioners (the "Board") received notice from the Ohio Department of Agriculture ("ODA") that it is planning a spongy moth suppression treatment project in portions of Delaware County in June 2023; and

WHEREAS, on or about March 9, 2023, ODA notified the Board that the proposed project is being conducted in a congested flight area as designated by the Federal Aviation Administration, requiring the filing of a congested area flight plan, including approval from the Board, pursuant to 14 CFR 137.51;

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

Section 1. The Board hereby authorizes the County Administrator to execute the following congested flight plan letter in support of proposed ODA aircraft operations:

Federal Aviation Administration
Flight Standards District Office

To Whom It May Concern:

The Delaware County Board of Commissioners (the "Board"), for and on behalf of Delaware County, Ohio, hereby acknowledges that it has been informed of the Ohio Department of Agriculture's ("ODA") proposed aerial application of insect control materials, related to the Spongy Moth (*Lymantria dispar*) in portions of Delaware County, during the month of June. The Board has further been informed that ODA, in cooperation with various federal agencies, has contracted with Al's Aerial Spraying of Ovid, Michigan to perform the proposed aircraft operation and that ODA must file a congested area flight plan.

To the extent that ODA's proposed aircraft operation over a congested area requires this Board's approval, as contemplated in 14 CFR 137.51(b)(1), this Board hereby approves the aircraft operation.

Sincerely,

Tracie Davies
County Administrator

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023

Delaware County, Ohio

Section 2. The Clerk of the Board is hereby directed to cause delivery of this Resolution and the letter approved herein to the Ohio Department of Agriculture, Attention: Pest Control Section, 8995 East Main Street, Reynoldsburg, OH 43068.

Section 3. This Resolution shall take effect immediately upon adoption.

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

7

RESOLUTION NO. 23-220

IN THE MATTER OF EXTENDING THE FILING DATES FOR THE FILING OF PLANS, REPORTS, AND SCHEDULES FOR THE DAVIS #240 WATERSHED DRAINAGE IMPROVEMENT PROJECT AND THE DUSTIN ROAD WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on September 3, 2020, the Delaware County Board of Commissioners (the "Board") adopted Resolution No. 20-785, granting the prayer of the petition for the Davis #240 Watershed Drainage Improvement Project, directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the Davis #240 Watershed Drainage Improvement Project, and fixing September 3, 2022, as the date by which the Delaware County Engineer shall file the plans, reports, and schedules; and

WHEREAS, on November 7, 2019, the Board adopted Resolution No. 19-1112, granting the prayer of the petition for the Dustin Road Watershed Drainage Improvement Project, directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the Dustin Road Watershed Drainage Improvement Project, and fixing May 15, 2022, as the date by which the Delaware County Engineer shall file the plans, reports, and schedules; and

WHEREAS, on July 7, 2022, the Board adopted Resolution No. 22-560, extending the filing deadline for the plans, reports, and schedules for the Dustin Road Watershed Drainage Improvement Project to February 1, 2023; and

WHEREAS, additional time is required to allow for field survey, design, and engineer review for the Davis #240 Watershed Drainage Improvement Project and the Dustin Road Watershed Drainage Improvement Project;

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

Section 1. The Board hereby extends the date by which the Delaware County Engineer shall file the plans, reports, and schedules for the Davis #240 Watershed Drainage Improvement Project to September 3, 2025.

Section 2. The Board hereby extends the date by which the Delaware County Engineer shall file the plans, reports, and schedules for the Dustin Road Watershed Drainage Improvement Project to August 1, 2023.

Section 3. Upon filing the plans, reports, and schedules in accordance with this Resolution, the Clerk of the Board will prepare a resolution to fix a date not fewer than twenty-five nor more than ninety days thereafter when a final hearing on the report shall be held and will give proper notification to property owners in the affected watershed of the date and time of the hearing.

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

8

RESOLUTION NO. 23-221

IN THE MATTER OF ACCEPTING THE TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 2023:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to accept the Treasurer's Report for the month of February 2023.

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

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

9

RESOLUTION NO. 23-222

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023

IN THE MATTER OF PROCLAIMING MARCH 21-27, 2023 AS NATIONAL AGRICULTURE WEEK IN DELAWARE COUNTY:

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

WHEREAS, when Americans sit down to a meal each day, we sometimes take for granted the quality, abundance and value of the food we eat. Our supermarkets, grocery stores and restaurants offer a tremendous selection of fruits, vegetables, meats, dairy products and other food items, but we often forget the hardworking men and women whose skill and effort put that food on our tables; and

WHEREAS, we should also recognize that agriculture in the United States plays a crucial role in strengthening our economy and in providing food for people around the world; and

WHEREAS, American farmers, while producing an abundance of safe and affordable food and fiber, also are an essential source of jobs in our communities, whether in production, distribution or marketing. U.S. agriculture remains our nation’s largest employer with more than 22 million people employed in this essential industry; and

WHEREAS, the world’s population is expected to reach 8 billion in 2023 and U.S. agriculture is poised to reach the demands of feeding this growing population.

THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners proclaims March 21-27, 2023, as National Agriculture Week in Delaware County. We call upon our citizens to acknowledge and celebrate the achievements of all those who, working together, produce an abundance of agricultural products that strengthen and enrich our community and our nation.

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

11

RESOLUTION NO. 23-223

IN THE MATTER OF APPROVING CHANGE ORDER OCO-10 R1 TO THE CONSTRUCTION MANAGER AT RISK CONTRACT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND GILBANE BUILDING COMPANY FOR THE BYXBE CAMPUS DACC REDEVELOPMENT PROJECT:

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

WHEREAS, the Director of Facilities recommends approval of change order OCO-10 R1;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves change order OCO-10 R1 to the contract between the Delaware County Board of Commissioners and Gilbane Building Company for the Byxbe Campus DACC Redevelopment Project, as follows:

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023



March 10, 2023

Mr. Jon Melvin
Delaware County
Director of Facilities, Facility Management
1405 US Highway 23 North
Delaware, OH 43015

Reference: Delaware County Bxbye Campus DACC Redevelopment

Subject: Request for Change
OCO 10 R1

Dear Mr. Melvin:

Gilbane Building Company requests authorization to proceed with the following ADDITIONAL/REDUCED scopes of work:

Scope Description:	Cost
OS-06 - Lighting Fixture Changes	\$ 14,092
OS-51 - Bulletin 3 - Sheriff's Office Screen Wall Modifications/Crossover Stair	\$ 17,083
OS-66 - Bulletin 10	\$ 54,154
OS-73 - Bulletin 15 - Thermostat Controls	\$ 2,740
OS-74 - RFI #192 - Added Fire Dampers	\$ 4,067
OS-76 - Bulletin 18 - Building B New Room 124	\$ 13,112
OS-77 - Building C - High Roof Plywood	\$ 14,122
OS-80 - RFI #186 - Pipe Boot Replacement	\$ 9,789
OS-83 - Bulletin 16 - Furniture and TR Electric	\$ 12,496
OS-85 - Additional Course of Block at Buildin D (REMOVED)	\$ -
OS-87 - Building B, Area B - Corridor Piping Replacement	\$ 20,842
OS-89 - RFI #181 - Building B, Corridor area A rework	\$ 14,250
OS-90 - Fin Tube Style Change	\$ 1,082
	Cost of Construction \$ 177,829
	Bonds 0.600% \$ 1,067
	Insurance 1.00% \$ 1,778
	SDI 1.30% \$ 2,312
	Fee 1.50% \$ 2,745
	Grand Total \$ 185,732

Schedule Impact ?	N
Days	0

Funding Source?	
Owner Change	X
Allowance	OA #

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

12

RESOLUTION NO. 23-224

RESOLUTION OF NECESSITY FOR PURCHASE OR LEASE OF A MOTOR VEHICLE FOR THE USE OF THE DELAWARE COUNTY SHERIFF'S OFFICE:

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

WHEREAS, pursuant to section 307.41 of the Revised Code, the Board of Commissioners of Delaware County, Ohio (the "Board") may find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of motor vehicles to be used by the County Commissioners, by any county department, board, commission, office or agency, or by any elected county official or his or her employees; and

WHEREAS, the Board has before it a request from the Director of Facilities to expend county monies for the lease of a new motor vehicle; and

WHEREAS, the motor vehicle is available for lease through the Enterprise Government Vehicle Leasing Program (the "Program");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

Section 1. The Board hereby declares that it is necessary to expend county monies for the lease of a motor vehicle to be used by the Delaware County Sheriff's Office for the following reasons: (1) existing motor vehicles have reached the end of their useful service lives; and (2) a new motor vehicle is necessary to provide safe and reliable transportation for County employees.

Section 2. The Board hereby approves the lease of the following motor vehicle from the Program and declares that the lease of said motor vehicle shall be in accordance with the Program's Lease Agreement, pursuant to the contract and terms and conditions set forth in Resolution No. 18-824 approving the Fleet Management Master Equity Lease Agreement, Amendment To Master Equity Lease Agreement, and Credit Application With Enterprise FM Trust:

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

Vehicle Type	Vehicle Make and Model	Estimated Annual Lease Payment	Number to be Leased	Estimated Total Annual Lease Payment Per Type
Cargo Van	2022 Ram Pro Master City	\$9,075.00	1	\$9,075.00
		TOTAL	1	\$9,075.00

Section 3. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the Director of Facilities and the County Auditor.

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

13

RESOLUTION NO. 23-225

IN THE MATTER OF AWARDING BIDS FOR ENGINEERING MATERIALS FOR 2023:

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

**Tree Clearing
Bids Opened January 10, 2023**

As a result of the bids opened January 10, 2023, for tree clearing for 2023, the Engineer recommends that a non-exclusive bid award be made to Oberlander’s Tree & Landscape, Ltd.; Adam’s Tree Care; Timberland Tree; and Aster Hardwood, LLC.

**Curb and Sidewalk Replacement Program
Bids Opened January 10, 2023**

As a result of the bids opened January 10, 2023, for the curb and sidewalk replacement program for 2023, the Engineer recommends that a non-exclusive bid award be made to Strawser Paving Company and Decker Construction Company.

**Pavement Marking
Bids Opened January 10, 2023**

As a result of the bids opened January 10, 2023, for pavement marking for 2023, the Engineer recommends that a non-exclusive bid award be made to Griffin Pavement Striping and A & A Safety, Inc.

**Guardrail Installation
Bids Opened January 10, 2023**

As a result of the bids January 10, 2023, for the guardrail installation for 2023, the Engineer recommends that a non-exclusive bid award be made to Lake Eric Construction Company, MP Dory Co., and Paul Peterson Co.

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 approves the following:

Section 1. A non-exclusive bid award is made to Oberlander’s Tree & Landscape, Ltd.; Adam’s Tree Care; Timberland Tree; and Aster Hardwood, LLC, for tree clearing in 2023.

Section 2. A non-exclusive bid award is made to Strawser Paving Company and Decker Construction Company for curb and sidewalk replacement program in 2023.

Section 3. A non-exclusive bid award is made to Griffin Pavement Striping and A & A Safety, Inc., for pavement marking in 2023.

Section 4. A non-exclusive bid award is made to Lake Erie Construction Company, MP Dory Co., and Paul Peterson Co. for guardrail installation in 2023.

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

14

RESOLUTION NO. 23-226

IN THE MATTER OF APPROVING A COOPERATION AGREEMENT BETWEEN DELAWARE COUNTY BOARD OF COMMISSIONERS AND THE CITY OF POWELL FOR RESURFACING OF SELDOM SEEN ROAD:

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

WHEREAS, the County Engineer recommends approval of a Cooperation Agreement between the Delaware County Board of Commissioners and the City of Powell for Resurfacing of Seldom Seen Road;

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the Agreement as follows:

**COOPERATION AGREEMENT
BY AND BETWEEN
THE CITY OF POWELL
AND
DELAWARE COUNTY
FOR RESURFACING OF SELDOM SEEN ROAD**

This Agreement is made and entered into this 20th day of March, 2023 by and between the Delaware County Board of Commissioners, 91 North Sandusky Street, Delaware, Ohio 43015 (the "County"), and the City of Powell, 47 Hall Street., Powell, Ohio 43065 (the "City"), hereinafter referred to individually as "Party" or collectively as the "Parties".

1 AUTHORITY

- 1.1 Pursuant to section 9.482 of the Revised Code, a political subdivision may enter into an agreement with another political subdivision whereby a contracting political subdivision agrees to exercise any power, perform any function, or render any service for another contracting recipient political subdivision that the contracting recipient political subdivision is otherwise legally authorized to exercise, perform, or render.

2 PURPOSE

- 2.1 The City and County desire to make improvements to Seldom Seen Road, including resurfacing of the pavement from CR 609 (Sawmill Parkway) to the Railroad Tracks (the "Project").
- 2.2 This Agreement shall establish the terms and conditions whereby the Parties will cooperate to undertake the Project.

3 NOTICES

- 3.1 Notices served under this Agreement shall be made in writing to the representatives of each party listed below:

3.1.1 County:

Robert Riley, PE, PS
Chief Deputy Engineer
50 Channing Street
Delaware, OH 43015
email: riley@co.delaware.oh.us

3.1.2 City:

Grant Crawford
Director of Public Service
47 Hall Street.
Powell, Ohio 43065
email: gcrawford@cityofpowell.us

4 MANAGEMENT OF PROJECT

- 4.1 The County, acting through the County Engineer will design, administer bidding and award of the construction contract and manage the construction of the Project, and shall coordinate the same with the City's Engineer, allowing reasonable opportunity for the City's Engineer to provide comments and approvals of plans, specifications, and estimates for the Project.

5 ESTIMATED COSTS

- 5.1 The estimated costs of the project are as follows:

5.1.1	Total Cost of Project:	\$134,700
5.1.2	County Share:	\$111,100
5.1.3	City Share:	\$ 23,600

- 5.2 The City and County acknowledge that the estimated costs are based on the County Engineer's opinion of probable construction costs, and that the cost sharing as specified above shall apply to the actual work performed in accordance with the plans and specifications for the Project at the awarded

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

contract unit price, and that the share for any lump sum contract items shall be apportioned pro rata based upon the amount of work performed within the City and County jurisdictions as determined by County Engineer.

6 COST PARTICIPATION

- 6.1 The County shall pay all construction estimates due to the Contractor upon completion of the work, including partial estimates.
- 6.2 The City shall reimburse the County for all project costs relating to the construction of the Project situated within the City municipal corporation limits.
- 6.3 The County Engineer shall keep an accurate record of the project costs and submit an invoice to the City for the City's share of the Project cost at the completion of the work, including any necessary supporting documentation to substantiate the costs.
- 6.4 The City shall pay the invoice within 30 days of receipt of the invoice.

7 PERSONNEL

- 7.1 The Parties each agree to maintain control over their respective personnel, and this Agreement shall not be construed to alter the employment relationship each Party has with its respective personnel. Each Party shall be responsible for the compensation, benefits, and liabilities of its respective personnel and hereby agrees to release the other Party from any responsibility therefor.

8 EQUIPMENT AND FACILITIES

- 8.1 Each Party to this Agreement shall be responsible for providing its own equipment and facilities. In no way shall this Agreement be construed to require the sale or donation of equipment under the ownership and control of either Party of this Agreement.

9 RECORDS

- 9.1 The Parties agree that each shall maintain public records concerning the services provided under this Agreement, pursuant to the laws of the State of Ohio pertaining to public records.

10 TERM

- 10.1 This Agreement shall take immediate effect upon approval by all Parties hereto and shall continue in full force and effect until final completion of the Project, unless and until modified, superseded, or terminated in accordance with this Section, or unless one or both of the Parties at any time determines not to proceed with the Project.
- 10.2 This Agreement may only be amended in writing with the mutual consent and agreement of the Parties.

11 LEGAL CONTINGENCIES

- 11.1 In the event a change in law, whether by statute, judicial determination, or administrative action, affects this Agreement or the ability of the Parties to enter into, or continue to operate pursuant to, this Agreement, the Parties mutually agree to immediately institute a review of this Agreement. The Parties agree to negotiate in good faith to address any necessary modifications to this Agreement, to the extent permitted by applicable law.

12 INSURANCE AND LIABILITY

- 12.1 The Parties are both political subdivisions and lack authority to indemnify.
- 12.2 Each Party shall, for the life of this Agreement, maintain comprehensive general liability insurance coverage, with minimum limits in the amount of \$1,000,000.00 each occurrence or equivalent and \$2,000,000.00 in the aggregate, and shall cause the other Party to be named as an additional insured on any applicable insurance policies.

13 MISCELLANEOUS TERMS & CONDITIONS

- 13.1 Entire Agreement: This Agreement shall constitute the entire understanding and agreement between the Parties and shall supersede all prior understandings and agreements relating to the subject matter hereof. This Agreement shall not be assigned.
- 13.2 Governing Law and Disputes: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. The Parties shall make good faith efforts to directly negotiate any disputes arising from this Agreement. If direct negotiations shall fail, the Parties agree to mediate the dispute with a mediator chosen by agreement between the Parties. If mediation shall fail, any and all legal

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

disputes arising from this Agreement may only be filed in and heard before the courts of Delaware County, Ohio.

- 13.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both Parties and no purposes of interpretation shall be made to the contrary.
- 13.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 13.5 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, conditions, provisions, or sections hereof shall, in all other respects, continue in full force and effect.

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

**15
RESOLUTION NO. 23-227**

IN THE MATTER OF AUTHORIZING THE PURCHASE OF EQUIPMENT FOR THE DELAWARE SOIL AND WATER CONSERVATION DISTRICT:

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

WHEREAS, pursuant to section 307.41 of the Revised Code, the Board of Commissioners of Delaware County, Ohio (the "Board") may find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of a new automobile to be used by the County Commissioners, by any county department, board, commission, office or agency, or by any elected county official or his or her employees; and

WHEREAS, the Board has before it a request from the Drainage Maintenance Program administered by the Delaware Soil and Water Conservation District Board of Supervisors to expend county monies for the purchase of a new automobile; and

WHEREAS, the automobile is available for purchase through the State of Ohio's cooperative purchasing program (the "Program");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO:

Section 1. The Board hereby declares that it is necessary to expend county monies for the purchase of a new automobile to be used by the Delaware Soil and Water Conservation District employees for the following reasons: (1) existing automobiles have reached the end of their useful service lives; (2) a new automobile is necessary to provide safe and reliable transportation for the Delaware Soil and Water Conservation District employees; and (3) a new automobile will ensure optimal service to the citizens of Delaware County.

Section 2. The Board hereby approves the purchase of one (1) 2022 Ram 3500 Chassis Cab 4 WD Crew Cab Model#DD8L93 vehicle at a cost of \$66,398.00 per vehicle from Valley Truck Centers and declares that the purchase of said vehicle shall be in accordance with the State of Ohio's cooperative purchasing program, pursuant to the contract and terms and conditions set forth in Contract # RSI010870 which is, by this reference, fully incorporated herein and of which the purchase orders approved herein shall be made a part.

Section 3. The Board hereby authorizes the Delaware Soil and Water Conservation District to initiate the necessary purchase order(s) to one or more approved vendors and hereby approves the purchase order(s) from fund number 21911401-5450.

Section 4. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the Delaware Soil and Water Conservation District and the County Auditor.

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

**16
RESOLUTION NO. 23-228**

COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023

IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR BERKSHIRE CROSSING SECTION 2 (BERKSHIRE CROSSING LOT 1817 DIVISION 2) AND THE PLAT OF SUBDIVISION FOR HYATTS MEADOWS SECTION 2:

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

WHEREAS, AMH Development, LLC, has submitted the plat of subdivision for Berkshire Crossing Section 2 (Berkshire Crossing Lot 1817 Division 2), including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, Olentangy Falls II, Ltd., has submitted the plat of subdivision for Hyatts Meadows Section 2, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the plat of subdivision for Berkshire Crossing Section 2 (Berkshire Crossing Lot 1817 Division 2) and the plat of subdivision for Hyatts Meadows Section 2:

Berkshire Crossing Section 2 (Berkshire Crossing Lot 1817 Division 2):

Situated in the State of Ohio, County of Delaware, township of Berkshire, quarter township 2, township 4, range 17, farm lots 2 and 3 (middle tier), United States Military Lands, being 15.794 acres of land (a portion of lot 1817), of record in Berkshire Crossing (Northstar Section 1, Phase A, Lot 645, Division 1) plat cabinet 5, slide 734 as conveyed to AMH Development, LLC, of record in official record 1967, page 2749, being of record in the Recorder’s Office , Delaware County, Ohio. Cost: \$156.00 (*\$3.00 per buildable lot*)

Hyatts Meadows Section 2:

Situated in State of Ohio, County of Delaware, township of Liberty, in farm lot 16, quarter township 4, township 4, range 19, United States Military Lands, containing 6.127 acres of land, more or less, said 6.127 acres being comprised of a part of each of those tracts of land conveyed to Olentangy Fall II, Ltd, by deeds of record in official record 1784, page 242, and official record 1784, page 245, Recorder’s Office, Delaware County, Ohio. Cost: \$54.00 (*\$3.00 per buildable lot*)

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

17

RESOLUTION NO. 23-229

IN THE MATTER OF APPROVING A DRAINAGE MAINTENANCE PETITION AND DITCH MAINTENANCE ASSESSMENTS FOR SELF STORAGE 42:

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

WHEREAS, on March 20, 2023, a Drainage Maintenance Petition for Self Storage 42 (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 Self Storage 42, 4.98 acres in Concord 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 \$91,002.94 and a detailed cost estimate is attached. The drainage improvements are being constructed for the benefit of the lots being created in the subject site. The developed

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

area of 4.98 acres will receive benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each lot is therefore, \$18,273.68 per acre. An annual maintenance fee equal to 2% of this basis (\$365.47) 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 \$1,820.14 has been paid to Delaware County.

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

18

RESOLUTION NO. 23-230

IN THE MATTER OF APPROVING A DRAINAGE MAINTENANCE PETITION AND DITCH MAINTENANCE ASSESSMENTS FOR CHINMAYA MISSION:

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

WHEREAS, on March 20, 2023, a Drainage Maintenance Petition for Chinmaya Mission (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 Chinmaya Mission, 8.98 acres in Liberty 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 \$124,075.34 and a detailed cost estimate is attached. The drainage improvements are being constructed for the benefit of the lots being created in the subject site. The developed area of 8.98 acres will receive benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each lot is therefore, \$13,816.85 per acre. An annual maintenance fee equal to 2% of this basis (\$276034) 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 \$2,481.53 has been paid to Delaware County.

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

19

RESOLUTION NO. 23-231

IN THE MATTER OF RELEASING THE SURETIES FOR LIBERTY GRAND COMMUNITIES-HOME ROAD; LIBERTY GRAND COMMUNITIES-SECTION 1; LIBERTY GRAND COMMUNITIES-SECTION 1 SAWMILL PARKWAY/ STEITZ ROAD IMPROVEMENTS; ADVENTURE CHURCH-GREIF PARKWAY; AND VERONA-SELDOM SEEN ROAD:

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

WHEREAS, the Engineer has reviewed the roadway construction of the following improvements and finds them to be constructed in accordance with the approved plans: Liberty Grand Communities-Home Road; Liberty Grand Communities-Section 1; Liberty Grand Communities-Section 1 Sawmill Parkway/Steitz Road Improvements; Adventure Church-Greif Parkway; and Verona-Seldom Seen Road (collectively, the "Improvements"); and

WHEREAS, the Engineer requests approval to return the sureties being held to secure the completion of the Improvements to the principals providing the sureties;

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

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

Ohio, hereby releases and returns the sureties being held to secure the completion of the Improvements to the respective principals.

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

20

RESOLUTION NO. 23-232

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

It was moved by Mrs. Lewis, seconded by Mr. Merrell 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
UT2023-0047	COLUMBIA GAS	S COUNTY LINE ROAD	PIPELINE
UT2023-0048	FRONTIER	COLUMBUS PIKE	FIBER OPTIC CABLE
UT2023-0049	COLUMBIA GAS	SEDONA DRIVE	GAS MAIN
UT2023-0050	SPECTRUM	ROSECRANS ROAD	CABLE
UT2023-0051	SPECTRUM	LIBERTY ROAD	CABLE
UT2023-0052	SPECTRUM	W ORANGE ROAD	CABLE
UT2023-0053	AT & T	ENTERPRISE DRIVE	FIBER CABLE
UT2023-0054	COLUMBIA GAS	SUNBURY ROAD	GAS SERVICE LINE
UT2023-0055	SPECTRUM	BRAUMILLER ROAD	CABLE

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

21

RESOLUTION NO. 23-233

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS AND ESTIMATES AND SETTING THE BID DATES FOR THE PROJECTS KNOWN AS DEL-BYXBE CAMPUS ASPHALT PARKING LOT PAVING; DEL-CR31-0.10 RED BANK ROAD RESURFACING AND SHOULDER PAVING; DEL-TR222-0.60 WHIPPLE ROAD OVER HORSESHOE RUN BRIDGE REHABILITATION; AND DEL-CR124-9.02 LEWIS CENTER ROAD AND HOME ROAD IMPROVEMENTS:

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

WHEREAS, the County Engineer has prepared plans, specifications and estimates for the projects known as DEL-Byxbe Campus Asphalt Parking Lot Paving; DEL-CR31-0.10 Red Bank Road Resurfacing and Shoulder Paving; DEL-TR222-0.60 Whipple Road over Horseshoe Run Bridge Rehabilitation; and DEL-CR124-9.02 Lewis Center Road and Home Road Improvements (collectively, the "Projects");

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

Section 1. The Board hereby approves the plans, specifications and estimates for the Projects.

Section. The Board hereby authorizes the County Engineer to advertise for and receive bids for the Projects on behalf of the Board, in accordance with the following advertisements for bids:

DEL-Byxbe Campus Asphalt Parking Lot Paving:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, April 1, 2023, at which time they will be publicly received and read aloud, for the project known as:

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

**DEL-Byxbe Campus
Asphalt Parking Lot Paving**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before July 31, 2023. The estimated commencement of work date is April 24, 2023.

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

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Date: March 24, 2023

DEL-CR31-0.10 Red Bank Road Resurfacing and Shoulder Paving:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, May 2, 2023, at which time they will be publicly received and read aloud, for the project known as:

**DEL-CR31-0.10
Red Bank Road Resurfacing and Shoulder Paving**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

The Owner of the project is the Delaware County Board of commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before November 1, 2023. The estimated commencement of work date is May 15, 2023.

Bidders must be pre-qualified as a Contractor by the Ohio Department of Transportation.

This is a Federal-Aid project and the Federal Equal Employment Opportunity regulations listed in the proposal shall govern. There is 7% Disadvantaged Business Enterprises (DBE's) participation goal on this contract.

This is a prevailing wage contract in accordance with the U.S. Department of Labor Regulations, Title 29, Subtitle A, Part 5, Sections 5.5, 5.31, and 5.32, most recent revision at contract execution. Bidders shall comply with all applicable provisions.

Disadvantaged Business (DBE) Requirement. DBE participation goals (Subcontracts, materials, supplies) have been set on this project for those certified as DBE's in accordance with the TEA - 21 (1998) and 49 CFR, Part 26, and qualified to bid with ODOT under Chapter 5525 of the Ohio Revised Code (O.R.C.). The DBE goal designation is stated at the beginning of the project proposal, following the project identification.

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: April 7, 2023; April 14, 2023 and April 21, 2023

DEL-TR222-0.60 Whipple Road over Horseshoe Run Bridge Rehabilitation:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, April 18, 2023, at which time they will be publicly received and read aloud, for the project known as:

DEL-TR222-0.60

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting "Public Notices and Bids."

The Owner requires that all work associated with the project be completed before November 1, 2023. The estimated commencement of work date is May 1, 2023.

Bidders must be pre-qualified as a Contractor by the Ohio Department of Transportation.

This is a Federal-Aid project and the Federal Equal Employment Opportunity regulations listed in the proposal shall govern. There is a 9% Disadvantaged Business Enterprises (DBE's) participation goal on this contract.

This is a prevailing wage contract in accordance with the U.S. Department of Labor Regulations, Title 29, Subtitle A, Part 5, Sections 5.5, 5.31, and 5.32, most recent revision at contract execution. Bidders shall comply with all applicable provisions.

Disadvantaged Business (DBE) Requirement. DBE participation goals (Subcontracts, materials, supplies) have been set on this project for those certified as DBE's in accordance with the TEA - 21 (1998) and 49 CFR, Part 26, and qualified to bid with ODOT under Chapter 5525 of the Ohio Revised Code (O.R.C.). The DBE goal designation is stated at the beginning of the project proposal, following the project identification.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates: March 24, 2023; March 31, 2023 and April 7, 2023

DEL-CR124-9.02 Lewis Center Road and Home Road Improvements:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, May 23, 2023, at which time they will be publicly received and read aloud, for the project known as:

**DEL-CR124-9.02
Lewis Center Road and Home Road Improvements**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

This notice is posted on the Delaware County website at www.co.delaware.oh.us and may be accessed by selecting “Public Notices and Bids.”

The Owner requires that all work associated with the project be completed before August 1, 2024. The estimated commencement of work date is June 5, 2023.

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

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Date: May 5, 2023

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

21

RESOLUTION NO. 23-234

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

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

WHEREAS, the Delaware County Commissioners passed Resolution No. 21-449 on May 24, 2021, adopting a Delaware County Facilities Permit Policy (the “Policy”); and

WHEREAS, it is the intent of the Policy to allow persons and organizations access to appropriate Delaware County facilities, grounds and meeting places; and

WHEREAS, each request will only be considered after the receipt of a completed Delaware County Facilities Permit Form; and

WHEREAS, the Policy mandates approval from the Commissioners for use of county facilities by groups of 30 participants or more that have agreed in writing to full compliance with the Policy;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED that the Delaware County Board of Commissioners hereby authorizes the use of the Meeting Room in the Frank B. Willis Building, located at 2079 U.S. Route 23 North Delaware, OH on May 5, 2023; at no cost.

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

22

ADMINISTRATOR REPORTS

Aric Hochstettler, Deputy Administrator
-No reports.

Dawn Huston, Deputy Administrator
-The third session on Maximizing Your Benefits will be held on April 18th in the Hayes building at 11:00 AM and 1:00 PM
-Met with our consultant about CEBCO renewal rates.

23

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Lewis
-Today is the first day of spring!

Commissioner Merrell
-Attended the DKMM Meeting in Mt. Vernon last week.
-Will be attending the Regional Planning Executive Meeting on Wednesday morning.
-CORSAs is hoping to hold their rates to a 10% increase next year.

24

RESOLUTION NO. 23-235

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

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

**COMMISSIONERS JOURNAL NO. 78 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 20, 2023**

WHEREAS, pursuant to section 121.23(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 121.23(G)(1)–(7) of the Revised Code; and

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

Section 1. The Board hereby adjourns into executive session for consideration of pending or imminent litigation and for collective bargaining.

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. Merrell Aye Mr. Benton Absent Mrs. Lewis Aye

RESOLUTION NO. 23-236

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners