

COMMISSIONERS JOURNAL NO. 79 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD JUNE 26, 2023

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

Present:  
Jeff Benton, President  
Gary Merrell, Vice President  
Barb Lewis, Commissioner

1:30 P.M. Public Hearing For Consideration Of The Drainage Improvement Petition For The Jones #60 Watershed

**1**  
RESOLUTION NO. 23-543

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 22, 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 June 22, 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 Aye

**2**  
PUBLIC COMMENT  
-None.

**3**  
RESOLUTION NO. 23-544

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0623:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0623 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Line Account	Amount
R2303574	DEL CO WATER CO INC	HOLLENBACK BOOSTER PUMP STATION PROJECT UNDERGROUND STORAGE	22211330 - 5470	\$2,000,000.00
R2303595	TERRACON CONSULTANTS INC	TANK CLOSURE - 1405 US HWY 23	42011438 - 5403	\$43,625.00
R2303725	DANITE HOLDINGS LTD	WAYFINDING PROJECT	40111402 - 5284	\$15,500.00
R2303740	VASU COMMUNICATIONS INC	70 PORTABLE RADIOS AND ACCESSORIES	21411306 - 5260	\$226,856.00
R2303741	ATLAS TECHNICAL CONSULTANTS LLC	COURT STREET DEMO TESTING	42011438 - 5410	\$15000.00

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

**4**  
RESOLUTION NO. 23-545

IN THE MATTER OF CANCELING THE COMMISSIONERS' SESSION SCHEDULED FOR THURSDAY AUGUST 3, 2023:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to cancel the Commissioners' session scheduled for Thursday August 3, 2023.

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

**5**  
GARRETT GUILLOZET, MPA, REHS/RS, AEMT  
HEALTH COMMISSIONER

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**RESOLUTION NO. 23-546**

**IN THE MATTER OF ADOPTING A RESOLUTION OF NECESSITY TO LEVY A RENEWAL OF AN EXISTING TAX IN EXCESS OF THE TEN-MILL LIMITATION TO PROVIDE FOR THE BENEFIT OF THE DELAWARE GENERAL HEALTH DISTRICT:**

**(R.C. §§ 3709.29, 5705.03, 5705.191, and 5705.25)**

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

WHEREAS, on May 30, 2023, the Board of Health of the Delaware General Health District adopted Resolution No. 2023-02, certifying to the Delaware County Board of Commissioners that the estimated amount of money necessary to meet the expenses of the Delaware General Health District program will not be forthcoming to the Board of Health out of the District health fund because the taxes within the ten-mill limitation will be insufficient; and

WHEREAS, based on the certification, the Delaware County Board of Commissioners shall declare by resolution that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary health programs and requirements of the Delaware General Health District, Delaware County, Ohio; and

WHEREAS, based on the certification, the Delaware County Board of Commissioners shall declare by resolution that it is necessary to levy a tax in excess of that ten-mill limitation for the purpose of providing sufficient funds to continue services and programs including the control of communicable diseases, protecting the health of infants, children, and adults, environmental safety, nursing services, and health education, said purposes being authorized by Chapter 3709 of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, Ohio ("Board"), at least two-thirds of all the members elected thereto concurring as follows:

1. The amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the Delaware General Health District, and it is necessary to levy a tax in excess of the ten-mill limitation for the benefit of the Delaware General Health District.
2. Pursuant to section 5705.03(B)(1) of the Revised Code:
  - a. The proposed rate of the tax is seven tenths (0.7) mills for each one dollar of taxable value, which is the same rate as the existing tax levy to be renewed;
  - b. The purposes of the tax are to provide sufficient funds to continue services, including the control of communicable diseases, protecting the health of infants, children, and adults, environmental safety, nursing services, and health education;
  - c. The tax is a renewal of an existing tax;
  - d. The sections of the Revised Code authorizing submission of the question of the tax are sections 3709.29, 5705.03, 5705.191, and 5705.25 of the Revised Code;
  - e. The term of years of the tax is ten (10) years;
  - f. The tax is to be levied upon the entire territory of the Delaware General Health District;
  - g. The date of the election at which the question of the tax shall appear on the ballot is November 7, 2023;
  - h. The ballot measure shall be submitted to the entire territory of the Delaware General Health District;
  - i. The tax will first be levied in tax year 2024 and first be collected in calendar year 2025;
  - j. The Delaware General Health District has territory only in Delaware County.
3. Pursuant to section 5705.03(B)(1) of the Revised Code, the Clerk of the Board is hereby directed to certify a copy of this Resolution to the Delaware County Auditor, and the Board hereby requests that the Delaware County Auditor certify to the Board the amounts described in section 5705.03(B)(2) of the Revised Code.
4. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including section 121.22 of the Revised Code.

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5. This Resolution shall be in full force and effect immediately upon adoption.

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

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**RESOLUTION NO. 23-547**

**IN THE MATTER OF APPROVING A TRANSFER OF FUNDS, DECREASE APPROPRIATIONS AND SUPPLEMENTAL APPROPRIATIONS FOR THE SHERIFF’S OFFICE:**

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

**Transfer of Funds**

<b>From:</b>	<b>To:</b>	
10011102-5801	28631353-4601	\$35,038.19
Commissioners General/Cash Transfer	LEAP Forward 2022/Interfund Revenues	

**Decrease Appropriation**

28631353-5004	LEAP Forward 2022/Overtime	\$4,284.00
28631353-5201	LEAP Forward 2022/General Supplies	\$5,000.00
28631353-5301	LEAP Forward 2022/Contracted Prof Services	\$11,000.00
28631353-5315	LEAP Forward 2022/Satellite, Cable, Internet	\$3,000.00
28631353-5320	LEAP Forward 2022/Software & Computer Services	\$299.41
28631353-5450	LEAP Forward 2022/Machinery & Equipment	\$45,000.00

**Supplemental Appropriation**

28631353-5260	LEAP Forward 2022/Inventoried Tools & Equipment	\$12,153.98
28631353-5365	LEAP Forward 2022/Grant Related Services	\$16,582.00

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

**7**

**RESOLUTION NO. 23-548**

**IN THE MATTER OF AUTHORIZING THE SUBMITTING OF AN APPLICATION FOR ARPA OHIO AMBULANCE TRANSPORTATION PROGRAM FOR THE EMERGENCY MEDICAL SERVICES DEPARTMENT:**

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

WHEREAS, the Director of EMS requests authorization to submit an application for the following grant to be used to distribute premium pay to eligible workers that performed essential work during the COVID-19 pandemic:

Grant #	OH-ARPA-HB45-OATP	
Source:	U.S Department of Treasury, through Ohio Office of Budget & Management	
Grant Period:	May 24, 2023 – June 30, 2024	
Grant Amount:	\$20,447.32	
Local Match:	<u>0.00</u>	
Total Grant Amount:	\$20,447.32	

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

Section 1. The Board hereby authorizes the submitting of an application for the ARPA Ohio Ambulance Transportation Program.

Section 2. The Board hereby designates the County Administrator as the authorized representative for the Grant with full authority to cause submission of the application, to take all other necessary actions, including approval and execution of the subrecipient agreement, to secure award of the Grant, and to accept the Grant on behalf of the Board. The Director of EMS shall be the grant contact for purposes of the Grant.

Section 3. When agreements, reports, or other documents require execution by the authorized representative, a copy thereof shall be provided to the Clerk of the Board, along with a copy of this Resolution.

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

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RESOLUTION NO. 23-549

**IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND STRAWSER PAVING COMPANY FOR THE PROJECT KNOWN AS DEL-CR124-9.02 LEWIS CENTER ROAD AND HOME ROAD IMPROVEMENTS:**

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

**DEL-CR124-9.02 LEWIS CENTER ROAD AND HOME ROAD IMPROVEMENTS:  
Bid opening June 8, 2023**

WHEREAS, as the result of the above referenced bid opening, the County Engineer recommends that a bid award be made to Strawser Paving Company, the low bidder for the project; and

WHEREAS, the County Engineer recommends approval of the contract between the Delaware County Commissioners and Strawser Paving Company for the project;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners awards the bid to and approves the following contract with Strawser Paving Company for the project known as DEL-CR124-9.02 Lewis Center and Home Road Improvements Project:

**CONTRACT**

THIS AGREEMENT is made this 26<sup>th</sup> day of June, 2023 by and between **Strawser Paving Company, 1595 Frank Road, Columbus, Ohio 43223**, hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

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

**ARTICLE 1. Statement of Work**

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named "**DEL-CR124-9.02 Lewis Center Road and Home Road Improvements Project**", and required supplemental work for the project all in strict accordance with the Contract Documents.

**ARTICLE 2. The Contract Price**

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed **Four Million Eight Hundred Fifteen Thousand Eight Hundred Ninety-Seven Dollars and Forty-Five Cents (\$4,815,897.45)** subject to additions and deductions as provided in the Contract Documents.

**ARTICLE 3. Contract**

The executed Contract Documents shall consist of the following:

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

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

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

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

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**ADMINISTRATOR REPORTS**

Tracie Davies, County Administrator  
-No reports.

Dawn Huston, Deputy Administrator  
-No reports.

Aric Hochstettler, Deputy Administrator  
-No reports.

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**COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Merrell  
-Attended the Farm Bureau Breakfast Friday morning hosted by the Skinner Family.  
-Will be touring the new Tri-Township Fire Station this week.

Commissioner Lewis  
-Attended a Stepping Up Initiative meeting last week.  
-Welcome Pay Blayney to the Commissioners' session.

Commissioner Benton  
-Attended the Farm Bureau Breakfast Friday morning. One of the topics was property rights.  
-Puttshack will be coming to the Polaris area soon.

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**RESOLUTION NO. 23-550**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PURCHASE OF PROPERTY FOR PUBLIC PURPOSES:**

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

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 purchase of property for public purposes.

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

**RESOLUTION NO. 23-551**

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

**RECESS at 10:27 AM/RECONVENE 1:30 PM**

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**1:30 P.M. PUBLIC HEARING FOR CONSIDERATION OF THE DRAINAGE IMPROVEMENT PETITION FOR THE JONES #60 WATERSHED**

The Board of Commissioners opened the hearing at 1:30 P.M.

The Board of Commissioners closed the hearing at 2:10 P.M.

**RESOLUTION NO. 23-552**

**IN THE MATTER OF PROCEEDING WITH THE PROJECT SURVEY AND DESIGN FOR THE JONES #60 WATERSHED DRAINAGE IMPROVEMENT, PETITIONED BY GLENN HARSH AND OTHERS:**

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

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WHEREAS, on January 4, 2023, a petition for the Jones #60 Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, on Monday April 24, 2023, the Board conducted a view of the proposed improvement; and

WHEREAS, on Monday June 26, 2023, the Board held the first hearing on the petition; and

WHEREAS, after hearing the preliminary report of the Delaware County Engineer and any evidence offered by any owner for or against the granting of the proposed improvement or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, the Board is prepared to vote to determine whether to proceed with the project survey and design or to dismiss the petition, taking into consideration the petition, the preliminary report, and comments 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 finds that the proposed improvement is necessary, that it will be conducive to the public welfare, and that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs. Accordingly, the Board hereby decides to proceed with the project survey and design.

Section 2. The Board hereby determines that the route and termini of the proposed improvement, and the manner of construction thereof, shall be as set forth in the Delaware County Engineer's preliminary report.

Section 3. The Board hereby orders the Delaware County Engineer to prepare reports, plans, and schedules for the proposed JONES #60 Watershed Drainage Improvement. The Board hereby sets June 26, 2025, as the date by which the Delaware County Engineer shall file the reports, plans, and schedules, whereupon a public hearing date will be set and proper notification given to property owners in the affected watershed.

Section 4. THE BOARD HEREBY APPROVES ESTABLISHING A NEW ORGANIZATION KEY FOR THE JONES #60 WATERSHED DRAINAGE IMPROVEMENT PROJECT 40311496.

Section 5. 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 conducted in compliance with the laws of the State of Ohio.

Section 6. This Resolution shall be effective immediately upon adoption.

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

There being no further business, the meeting adjourned.

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Gary Merrell

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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners