

**COMMISSIONERS JOURNAL NO. 79 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 14, 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

10:00 A.M. Final Hearing For Village At Harvest Wind Condominiums Drainage Improvement

1
RESOLUTION NO. 23-667

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 7, 2023 AND SPECIAL MEETING HELD AUGUST 8, 2023:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on August 7, 2023 and Special Meeting held August 8, 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. 23-668

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0811 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0811:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0811, memo transfers in batch numbers MTAPR0811 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Account	Amount
R2304110	DELAWARE AUTO SALES LLC	REPAIR 13 FORD EXPLORER 8035	60111901 - 5370	\$ 6,500.00
R2304187	FINANCE DIRECTOR, DELAWARE CORP	AIRPORT ASSESSMENT	10011102 - 5301	\$42,000.00
R2304193	TYLER TECHNOLOGIES INC	RMS-CAD MAINTENANCE - 911	21711326 - 5320	\$82,268.45
R2304193	TYLER TECHNOLOGIES INC	RMS-CAD MAINTENANCE - SHERIFF	10031301 - 5320	\$53,483.27
R2304193	TYLER TECHNOLOGIES INC	RMS-CAD MAINTENANCE - OTHER AGENCIES	10011102 - 5320	\$30,617.24

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

4
RESOLUTION NO. 23-669

IN THE MATTER OF CHANGING THE LOCATION OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS' SESSION FOR MONDAY SEPTEMBER 18, 2023, TO THE DELAWARE COUNTY FAIRGROUNDS:

It was moved by Mr. Merrell, seconded by Mrs. Lewis to change the location of the Delaware County Board of Commissioners' Session scheduled for Monday September 18, 2023, to the Delaware County Fairgrounds.

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

5**RESOLUTION NO. 23-670**

IN THE MATTER OF CANCELING THE DELAWARE COUNTY BOARD OF COMMISSIONERS' SESSIONS SCHEDULED FOR THURSDAY SEPTEMBER 7, 2023; THURSDAY SEPTEMBER 21, 2023; AND THURSDAY OCTOBER 5, 2023:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to cancel the Delaware County Board of Commissioners' sessions scheduled for Thursday September 7, 2023; Thursday September 21, 2023; and Thursday October 5, 2023.

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

6**RESOLUTION NO. 23-671**

IN THE MATTER OF DELEGATING TEMPORARY AUTHORITY TO THE COUNTY ADMINISTRATOR:

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

WHEREAS, pursuant to section 305.30 of the Revised Code, the Delaware County Board of Commissioners (the "Board") may delegate specific executive or discretionary authority to the County Administrator for contracting on behalf of the Board, allowing and paying claims, performing personnel functions, performing Board functions in the event of a disaster or emergency, and performing additional duties as the Board may determine by resolution; and

WHEREAS, due to the cancelation of regular sessions of the Board at various times in September 2023, the Board wishes to specifically authorize the County Administrator to perform certain duties of the Board necessary for continued efficient operation of county government;

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

Section 1. The Board hereby authorizes the County Administrator, pursuant to section 305.30 of the Revised Code, from September 1 through September 8, 2023, to review and approve the following: supplemental appropriations; transfers of appropriations; reductions in appropriations; transfers of funds; advances of funds; repayments of advances; reclassifications of advances; continuations of advances; establishing new funds; establishing new organization keys; renaming organization keys; and approval of purchase requests over \$5,000 for the Commissioners' departments.

Section 2. The authority granted herein shall be in addition to the authority delegated in Resolution No. 22-995, which shall remain in full force and effect.

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

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

7**RESOLUTION NO. 23-672**

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

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

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

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

8**RESOLUTION NO. 23-673**

IN THE MATTER OF AUTHORIZING THE USE OF A PROCUREMENT CARD FOR THE EMERGENCY MEDICAL SERVICES DEPARTMENT:

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

WHEREAS, pursuant to section 301.29 of the Revised Code, the Board of Commissioners of Delaware

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County, by Resolution No. 04-1193, dated September 30, 2004, adopted a policy for the use of County Procurement Cards; and

WHEREAS, the Board of Commissioners of Delaware County, by Resolution No. 11-1040, dated October 3, 2011, adopted amendments to the Policies and Procedures for the county procurement card program; and

WHEREAS, the Board of Commissioners has adopted the procurement card policy for the use of the card to pay for specific classes of work related expenses, without submitting a monthly estimate of the expenses, pursuant to section 301.29(F)(2) of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, authorizes the use of the following procurement cards to the limits indicated and for specific work related expenses designated in the Procurement Card Policy without submitting a monthly estimate of expenses:

Appointing Authority:	County Commissioners
Office/Department:	Emergency Medical Services
Daily spending per card:	\$2,500
Monthly spending per card:	\$5,000
Single transaction limit:	\$2,500
Daily number of transactions per card:	10
Monthly number of transactions per card:	50

Name on Card: Jeremy Miller
Department Coordinator: Sarah Dinovo

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

9

RESOLUTION NO. 23-674

IN THE MATTER OF SETTING THE BID DATE AND TIME TO RECEIVE BIDS FOR THE PACKAGE PLANT UPGRADES PROJECT FOR THE DELAWARE COUNTY REGIONAL SEWER DISTRICT:

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

WHEREAS, the Delaware County Regional Sewer District desires to bid the Package Plant Upgrades Project; and

WHEREAS, Sewer District staff has provided the contract documents and technical specifications for the Package Plant Upgrades Project;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the specifications for the project known as Package Plant Upgrades Project and hereby authorizes the Sanitary Engineer to advertise for and receive bids on behalf of the Board in accordance with the following Public Notice:

**PUBLIC NOTICE
ADVERTISEMENT FOR BIDS**

**DELAWARE COUNTY REGIONAL SEWER DISTRICT
PACKAGE PLANT UPGRADES PROJECT**

Sealed Bids for the construction of the Package Plant Upgrades Project shall be submitted electronically through the www.bidexpress.com web service until **10:00 AM** local time on **Wednesday, September 13th 2023**, at which time they will be publicly opened and read aloud.

The Bidder shall furnish all labor, material, equipment necessary to construct improvements at the Tartan Fields WRF, Lower Scioto WRF, O’Shaughnessy PS, and Scioto Reserve WRF as shown in the contract documents.

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.

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All bids shall be submitted electronically through the web service www.bidexpress.com. A Bid must be accompanied by Bid security made payable to Owner, in the form of a certified or bank check or a Bid Bond issued by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions. The amount of a cashier’s check or certified check must be at least TEN percent (10%) of the Bidder’s maximum bid price (in accordance with Ohio Revised Code Chapter 1305). If a Bid Security is issued in the form of a Bid Bond by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions and O.R.C. 153.54, it shall be equal to ONE HUNDRED percent (100%) of the Bidder’s maximum Bid Price. Bid security furnished in bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

The County reserves the right to reject any and all Bids, in whole or in part, to waive any informality in any or all Bids, to accept the Bid it deems lowest and best after the Bids have been examined and checked, and subject to the approval of the County Commissioners.

The Engineer’s Estimate is \$10,081,600.00

A pre-Bid conference will be held on **Tuesday, August 29th 2023** at **11:00 A.M** at the Delaware County Regional Sewer District’s Lower Scioto Water Reclamation Facility, 6579 Moore Road, Delaware, Ohio 43015. From there, the conference will travel to the various sites in the project area. Attendance at this conference is required to bid.

No Bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read. All Bidders must bid on all items listed on the Bid Form. The successful Bidder shall be required to furnish performance and payment bonds in the amount of 100% of the Contract Price. Carriers must be authorized to do business in the State of Ohio.

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

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

10

RESOLUTION NO. 23-675

IN THE MATTER OF SETTING THE BID DATE AND TIME TO RECEIVE BIDS FOR THE PACKAGE PLANT UPGRADES PROJECT – LOWER SCIOTO WRF AND SCIOTO RESERVE - FORCEMAIN CONTRACT FOR THE DELAWARE COUNTY REGIONAL SEWER DISTRICT:

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

WHEREAS, the Delaware County Regional Sewer District desires to bid the Package Plant Upgrades Project – Lower Scioto WRF and Scioto Reserve - Forcemain Contract; and

WHEREAS, Sewer District staff has provided the contract documents and technical specifications for the Package Plant Upgrades Project –Lower Scioto WRF and Scioto Reserve Forcemain Contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the specifications for the project known as Package Plant Upgrades Project –Lower Scioto WRF and Scioto Reserve - Forcemain Contract and authorizes the Sanitary Engineer to advertise for and receive bids on behalf of the Board in accordance with the following Public Notice:

PUBLIC NOTICE
ADVERTISEMENT FOR BIDS

DELAWARE COUNTY REGIONAL SEWER DISTRICT
PACKAGE PLANT UPGRADES PROJECT
LOWER SCIOTO WRF AND SCIOTO RESERVE – FORCEMAIN CONTRACT

Sealed Bids for the construction of the Package Plant Upgrades Project – Forcemain Contract shall be submitted electronically through the www.bidexpress.com web service until **10:00 AM** local time on **Wednesday, September 13th 2023**, at which time they will be publicly opened and read aloud.

The Bidder shall furnish all labor, material, equipment necessary to construct approximately 17,240 linear feet of new sanitary force main as shown in the contract documents.

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.

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All bids shall be submitted electronically through the web service www.bidexpress.com. A Bid must be accompanied by Bid security made payable to Owner, in the form of a certified or bank check or a Bid Bond issued by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions. The amount of a cashier’s check or certified check must be at least TEN percent (10%) of the Bidder’s maximum bid price (in accordance with Ohio Revised Code Chapter 1305). If a Bid Security is issued in the form of a Bid Bond by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions and O.R.C. 153.54, it shall be equal to ONE HUNDRED percent (100%) of the Bidder’s maximum Bid Price. Bid security furnished in bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

The County reserves the right to reject any and all Bids, in whole or in part, to waive any informality in any or all Bids, to accept the Bid it deems lowest and best after the Bids have been examined and checked, and subject to the approval of the County Commissioners.

The Engineer’s Estimate is \$4,980,500.00

A pre-Bid conference will be held on **Wednesday, August 30th 2023** at **11:00 A.M.** by video conference call and at the Delaware County Regional Sewer District Alum Creek Water Reclamation Facility, 7767 Walker Wood Blvd, Lewis Center, Ohio 43035. To request a conference call-in invitation, contact Ben Nowicki at bnowicki@co.delaware.oh.us. Attendance at this conference is not required to bid, but is encouraged.

No Bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read. All Bidders must bid on all items listed on the Bid Form. The successful Bidder shall be required to furnish performance and payment bonds in the amount of 100% of the Contract Price. Carriers must be authorized to do business in the State of Ohio.

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

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

11

RESOLUTION NO. 23-676

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 not specifically made available for use pursuant to the Policy and for use of county facilities for use of county facilities for for-profit commercial or business activities, except upon a determination by the Commissioners that such activity serves a public purpose;

NOW, THEREFORE, PURSUANT TO THE FOREGOING, BE IT HEREBY RESOLVED that the Delaware County Board of Commissioners hereby authorizes the use of the Historic Courthouse from September 22-24, 2023 at the cost of \$125.00, finding and determining that the hallways of the Historic Courthouse may be made available for use for the requested purpose and that the requested activity serves a public purpose.

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

12

RESOLUTION NO. 23-677

IN THE MATTER OF APPOINTING MEMBERS TO TAX INCENTIVE REVIEW COUNCILS:

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

WHEREAS, section 5709.85 of the Ohio Revised Code requires that, when a tax exemption is granted, the legislative authority shall create a tax incentive review council to annually review approved, tax-exempted projects for compliance; and

WHEREAS, for all tax incentive review councils to which the Delaware County Board of Commissioners (the

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“Board”) appoints members, the Board shall appoint three (3) citizen members to represent the interests of present and future residents of Delaware County; and

WHEREAS, tax incentive review councils have been created to review exemptions in Berkshire Township, Berlin Township, Berlin/Liberty Townships, Liberty Township, Orange Township, the Village of Ashley, the Village of Shawnee Hills, the City of Sunbury, and the City of Dublin; and

WHEREAS, the Board or legislative authorities of municipal corporations within Delaware County may create additional tax incentive review councils to which the Board appoints members;

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

Section 1. The Board hereby appoints the following members to the tax incentive review councils to which the Board appoints members, pursuant to section 5709.85 of the Ohio Revised Code: Amy Gosiorowski, Monica Connors, and Justin Nahvi.

Section 2. The appointed members shall serve terms of four (4) years commencing on the date this Resolution is adopted.

Section 3. This Resolution shall be effective immediately upon adoption and shall supersede Resolution No. 22-444.

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

13
RESOLUTION NO. 23-678

IN THE MATTER OF APPROVING A COOPERATIVE AGREEMENT IN FURTHERANCE OF ANNEXATION BETWEEN THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO AND THE TRI-TOWNSHIP BOARD OF FIRE DISTRICT TRUSTEES:

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

WHEREAS, on December 7, 2020, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 20-1111, approving a Contract of Sale and Purchase of Real Property between the Board and the Tri-Township Board of Fire District Trustees (the “Fire District”); and

WHEREAS, the Board conveyed the real property, located at 1725 Bowtown Road, to the Fire District via quitclaim deed, recorded in Official Record Book 1846, Page 357, Delaware County Recorder’s Office; and

WHEREAS, the real property is required to annex to the City of Delaware, along with adjacent real property the Board owns; and

WHEREAS, in order to facilitate the annexations in the most efficient and economical manner, the Board has agreed to include the Fire District’s real property in the Board’s annexation and perform the necessary survey to provide a legal description and map of the property to be annexed; and

WHEREAS, the Board and the Fire District mutually desire to enter into a cooperative agreement in furtherance of the annexation;

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

Section 1. The Board hereby approves the following cooperative agreement with the Fire District:

**COOPERATIVE AGREEMENT IN FURTHERANCE OF ANNEXATION
BETWEEN THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, OHIO AND
THE TRI-TOWNSHIP BOARD OF FIRE DISTRICT TRUSTEES**

This Cooperative Agreement in Furtherance of Annexation (the “Agreement”), is entered into this 14th day of August, 2023, by and between the Board of Commissioners of Delaware County, Ohio (the “County”), and the Tri-Township Board of Fire District Trustees (the “Fire District”).

RECITALS

WHEREAS, the County previously conveyed to the Fire District the ±2.200 acres parcel of real property located at 1725 Bowtown Road, Delaware, Ohio 43015 (PIN 518-300-01-063-001), by that certain Quit Claim Deed (a copy of which is attached hereto for reference) recorded in Official Record Book 1846, Page 357, Delaware County Recorder’s Office (the “Property”), on which the Fire District is constructing a new fire station; and

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WHEREAS, the County is currently redeveloping its real property adjacent to the Property, such adjacent property being referred to as the County's Byxbe Campus (the "Byxbe Campus"); and

WHEREAS, in connection with the construction of the Fire District's new fire station on the Property and the redevelopment of the Byxbe Campus, the City of Delaware is requiring annexation of the Property and the Byxbe Campus; and

WHEREAS, the County has entered into an agreement with the City of Delaware in regard to the required annexation, and the County and the Fire District mutually desire to accomplish the annexation in a coordinated manner by temporarily re-conveying the Property to the County for the purpose of annexation, whereupon the County would re-convey the Property to the Fire District;

NOW, THEREFORE, in consideration of the foregoing and the further consideration of the promises, agreements and covenants hereinafter contained, the County and the Fire District hereby agree as follows:

1. The Fire District shall convey the Property, by quit claim deed, to the County and the Fire District for the sole purpose of the County including the Property in an annexation by the City of Delaware pursuant to R.C. 709.16. The Fire District's conveyance of the Property shall be contingent upon the Fire District first securing consent from The Richwood Banking Company, in accordance with the Open-End Construction Mortgage recorded in Official Record Book 1970, Page 2654, Delaware County Recorder's Office.

2. The County shall be solely responsible for procuring, preparing, and paying for the legal description and map or plat for the annexation of the Property and the Byxbe Campus. Upon final approval of the annexation, pursuant to R.C. 709.16, the County shall promptly re-convey its interest in the Property, by quit claim deed, to the Fire District. The County shall pay any costs due the Delaware County Auditor and/or the Delaware County Recorder for the conveyances contemplated herein.

3. The County and the Fire District mutually acknowledge and agree that time is of the essence and shall, therefore, utilize best efforts to undertake all actions necessary under this Agreement on or before August 15, 2023.

4. The County shall not take possession of the Property as a result of this Agreement, and custody and control of the Property shall, at all times, remain with the Fire District. The Fire District shall maintain any and all insurance on the Property, and the Fire District acknowledges and agrees that the County shall have no obligation to insure the Property or any improvements or other property thereon.

5. Both the County and the Fire District, as governmental entities, lack authority to indemnify. As such, each party agrees to be and shall be responsible for its own actions, and/or the actions of its respective officers, employees, agents, representatives, volunteers, servants, etc., resulting from this Agreement. Each party agrees to be individually and solely responsible for any and all accidents, liability, losses, damage, injury, including death, and/or related expenses that each may incur as a result of its own actions in the performance of this Agreement.

6. Any and all of the terms, conditions and provisions of this Agreement shall be binding upon and shall inure to the benefit of the County and the Fire District and their respective heirs, executors, administrators, successors and assigns.

7. All notices required or permitted to be given hereunder shall be in writing and shall be deemed to have been given if either delivered personally, delivered via nationally recognized overnight courier, or delivered by certified U.S. mail, postage prepaid and return receipt requested to the following address (or to such other address as either party may give notice of in writing):

If to County: Delaware County Commissioners
91 North Sandusky Street
Delaware, OH 43015
Attention: County Administrator

If to Fire District: Board of Fire District Trustees
Tri Township Joint Fire District
660 Coover Road
Delaware, OH 43015
Attention: Fire Chief

Notices shall be deemed received: (a) upon receipt if delivered by personal delivery; (b) the next day if delivered by overnight courier, or (c) upon receipt if sent by certified mail or (d) three (3) days after such notice has been placed in the mail if the receiving party has refused receipt thereof.

8. This Agreement may be executed in two or more counterparts, each of which will be deemed an original, but all of which together shall constitute but one and the same instrument. Signatures on this Agreement may be transmitted electronically (by facsimile or by scan/email) and such signatures will be deemed to constitute original signatures and have the same effect as original signatures.

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9. This instrument contains the entire agreement between the parties with respect to the subject matter contained herein, and it is expressly understood and agreed that no promises, provisions, terms, warranties, conditions or obligations whatsoever, express or implied with respect to the subject matter contained herein, other than herein set forth, shall be binding upon either party.

10. No amendment or modification of this Agreement shall be valid or binding upon the Parties unless it is made in writing, cites this Agreement and is signed by each party.

IN WITNESS WHEREOF, the parties hereto, namely the Board of Commissioners of Delaware County, Ohio and the Tri-Township Board of Fire District Trustees, have executed this Agreement on the date(s) indicated immediately below their respective signatures.

Section 2. The Board hereby authorizes the President of the Board to approve and execute all deeds, instruments, and other documents necessary to perform the Board’s obligations under the agreement approved herein.

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

Other Business:

RESOLUTION NO. 23-679

IN THE MATTER OF AUTHORIZING THE COUNTY ADMINISTRATOR TO PURSUE CDBG URBAN COUNTY ENTITLEMENT:

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”) has received notice that it meets the eligibility criteria under Community Development Block Grant regulations for Urban County Entitlement commencing in federal fiscal year 2024; and

WHEREAS, in order to pursue Urban County Entitlement, the Board must respond by August 14, 2023, to the Columbus Field Office of the U.S. Department of Housing and Urban Development Office of Community Planning and Development;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes the County Administrator to send the necessary response to the Columbus Field Office of the U.S. Department of Housing and Urban Development Office of Community Planning and Development and pursue CDBG Urban County Entitlement participation for Delaware County.

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

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ADMINISTRATOR REPORTS

Tracie Davies, County Administrator

-Attended the TID met last week. The main topic of conversation is the State funding for Intel projects.

Dawn Huston

-No reports.

Aric Hochstettler

-No reports.

15

COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Merrell

-Attended the Hartford Fair last Thursday with Commissioner Benton, Tracie Davies and Dawn Huston.

-Attended the Berlin Middle School ribbon cutting yesterday.

-Attended a CORSA Board meeting last week.

-Participated in more interviews for Ohio Wesleyan’s Entrepreneurial Center.

-Attended a COYC meeting last week.

-Attended the Hope in a Box fundraiser on Friday.

-Attended CCAO on Thursday afternoon.

-This Wednesday will be attending the Regional Planning Commission Executive Session.

Commissioner Lewis

-Had a tour of the mobile refrigerator van for People In Need.

-The transfer station will have its ribbon cutting on Friday.

Commissioner Benton

-Attended CCAO’s meeting.

-There will be a public meeting for the Transit Board’s strategic plan at the YMCA tomorrow evening.

-The ribbon cutting at Berlin Middle School marked the 6th middle school and 27th building for Olentangy

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Local Schools.

16

FINAL PUBLIC HEARING FOR CONSIDERATION OF THE PROPOSED VILLAGE AT HARVEST WIND CONDOMINIUMS DRAINAGE IMPROVEMENT

The Board of Commissioners opened the hearing at 10:12 A.M.

The Board of Commissioners closed the hearing at 10:36 A.M.

RESOLUTION NO. 23-680

IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE MILLER-WILLIAMS-HOLMES #2 PART OF THE VILLAGE AT HARVEST WIND CONDOMINIUMS DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on September 14, 2022, a Drainage Improvement Petition for the Village at Harvest Wind Condominium Watershed Drainage Improvement Project was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, on March 2, 2023, the Board adopted Resolution No. 23-188, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the Village at Harvest Wind Condominium Watershed Drainage Improvement Project; and

WHEREAS, on August 14th, 2023, the Board held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the Village at Harvest Wind Condominium Watershed Drainage Improvement Project; 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 improvements;

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

RESOLUTION NO. 23-681

IN THE MATTER OF COMMISSIONERS CONFIRMING THE ASSESSMENTS; APPROVING THE PAYMENT SCHEDULE AND ORDERING THE LETTING OF THE CONTRACTS FOR THE MILLER-WILLIAMS-HOLMES #2 PART OF THE VILLAGE AT HARVEST WIND CONDOMINIUMS DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on August 14th, 2023, the Delaware County Board of Commissioners (the "Board") held a final public hearing and, in Resolution No. 23-680, affirmed its order for the Miller-Williams-Holmes #2 Part of the Village at Harvest Wind Condominium 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 assessments for the Miller-Williams-Holmes #2 Part of the Village at Harvest Wind Condominium Watershed Drainage Improvement Project as prepared by the Delaware County Engineer.

Section 2. Once the watershed is confirmed, the Delaware County Engineer’s estimated assessments are hereby approved and confirmed, and the Engineer is ordered to receive bids for the construction of the improvement.

Section 3. The County Engineer is hereby directed to prepare the necessary bid documents and legal advertisements.

Section 4. The County Engineer is hereby directed to give at least two weeks public notice as required by law of the time when and the place where bids will be received for furnishing any material for the improvement and for the construction of the improvement.

Section 5. The Board fixes November 8, 2023 as the date for the County Engineer to receive bids for the construction of the improvement, and all bids shall be received at the office of the Delaware County Engineer, 50 Channing Street, Delaware, Ohio.

Section 6. The county shall borrow funds to pay for the improvement. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay the assessments that may be made for the improvement, and interest shall be charged on the installments at the same rate charged to the county for the borrowing of the funds. If, after the deadline for the landowners to pay their assessments upfront passes, the total remaining construction cost to be borrowed is less than \$10,000.00, then the county will front the remaining cost of the construction, and the county will no longer borrow the funds.

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

RESOLUTION NO. 23-682

IN THE MATTER OF FINDING IN FAVOR OF THE IMPROVEMENT AND AFFIRMING THE ORDER FOR THE VILLAGE AT HARVEST WIND CONDOMINIUM PART OF THE VILLAGE AT HARVEST WIND CONDOMINIUMS DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on September 14, 2022, a Drainage Improvement Petition for the Village at Harvest Wind Condominium Watershed Drainage Improvement Project was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, on March 2, 2023, the Board adopted Resolution No. 23-188, finding in favor of the improvement and directing the Delaware County Engineer to proceed with preparation of plans, reports, and schedules for the Village at Harvest Wind Condominium Watershed Drainage Improvement Project; and

WHEREAS, on August 14th, 2023, the Board held a final public hearing to determine if the action is necessary, conducive to the public welfare, and the benefits derived exceed the cost incurred for the Village at Harvest Wind Condominium Watershed Drainage Improvement Project; 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 improvements;

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

RESOLUTION NO. 23-683

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IN THE MATTER OF COMMISSIONERS CONFIRMING THE ASSESSMENTS FOR THE VILLAGE AT HARVEST WIND CONDOMINIUM PART OF THE VILLAGE AT HARVEST WIND CONDOMINIUMS DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, on August 14th, 2023, the Delaware County Board of Commissioners (the "Board") held a final public hearing and, in Resolution No. 23-682, affirmed its order for the Village at Harvest Wind Condominium Part of the Village at Harvest Wind Condominium 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:

Section 1. The Board hereby approves the assessments for the Village at Harvest Wind Condominium Part of the Village at Harvest Wind Condominium Watershed Drainage Improvement Project as prepared by the Delaware County Engineer.

Section 2. The drainage improvements for the Village at Harvest Wind Condominium Part of the Village at Harvest Wind Condominium Watershed Drainage Improvement Project shall be formally established as drainage improvements, and all further proceedings in connection with the maintenance of the improvements shall be in accordance with Chapter 6137. of the Revised Code.

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

RESOLUTION NO. 23-684

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

It was moved by Mr. Merrell, seconded by Mrs. Lewis 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 promotion; compensation of a public employee or public official; for collective bargaining.

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

RESOLUTION NO. 23-685

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners