

**COMMISSIONERS JOURNAL NO. 79 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD AUGUST 21, 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
RESOLUTION NO. 23-686

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 14, 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 14, 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. 23-687

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0818 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR0818:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0818 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
(P2300997) Various WIOA	WIOA/OJT Client Services	22311611-5348	\$15,000.00
(P2301061) TIDEWATER	RSD	66211900-5290	\$25,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2304293	PARALLEL TECHNOLOGIES INC	PHONES & SWITCHES – BYXBE CAMPUS	42011440-5410	\$21,418.53
R2304247	COUNTY RISK SHARING AUTHORITY	DEDUCTIBLE DOL 11 27 2022 DEPUTY STRUCK POLE	60111901 - 5370	\$ 15,275.00
R2304262	PRECISION WINDOW CLEANING LLC	WINDOW CLEANING	10011105 - 5328	\$ 6,521.00
R2304282	MENARD INC	BYXBE CAMPUS FF&E	42011440 - 5410	\$ 23,189.00
R2304283	RESTAURANT EQUIPPERS INC	BYXBE CAMPUS FF&E	42011440 - 5410	\$ 23,000.00

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

4
RESOLUTION NO. 23-688

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Emergency Communications Department is requesting Director Lauren Yankanin, Matthew Fletcher, and 911 Board President Thomas Homan attend the CALEA Conference in Bellevue, Washington from

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November 7-12, 2023; at the cost of \$12,000.00 (fund number 21411306). This is an update to the travel previously approved on 7/17/2023 to reflect personal changes.

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

5

RESOLUTION NO. 23-689

IN THE MATTER OF HONORING THE WORNSTAFF MEMORIAL LIBRARY ON THE OCCASION OF ITS 95TH ANNIVERSARY:

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

WHEREAS, the Wornstaff Memorial Public Library was dedicated in August 1928 after Chesley and Ella Wornstaff made provisions in their will for the establishment of a library in Ashley, Ohio; and

WHEREAS, over the past 95 years, the library has provided high-quality services to the residents of Oxford Township and surrounding areas in Delaware County; and

WHEREAS, the library has amassed more than 28,000 materials for circulation while demonstrating prudent use of public resources; and

WHEREAS, the library represents a trusted institution where members of the community can connect and participate in meaningful programs; and

WHEREAS, through its collection and programming, the library has provided free access to information that has enabled the residents of Delaware County to make informed decisions and engage with their community;

THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners hereby honors the Wornstaff Memorial Public Library on the occasion of its 95th anniversary and commends the organization for the role it plays in strengthening the community and preserving the history of Delaware County.

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

6

RESOLUTION NO. 23-690

IN THE MATTER OF A NEW LIQUOR LICENSE FROM MORMAX BEVERAGE CORP (DBA BJS WHOLESALE CLUB) AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

WHEREAS, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a request for a new C1, C2 license from Mormax Beverage Corp (DBA BJs Wholesale Club), located at 8425 Orange Centre Drive, Lewis Center, Ohio 43035; and

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

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

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

7

RESOLUTION NO. 23-691

IN THE MATTER OF SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF THE FELKNER #302 DRAINAGE IMPROVEMENT PETITION FILED BY CALVIN FINKS:

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

WHEREAS, on July 25, 2023, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by Calvin Finks to:

1. In Delaware County, Scioto Township, within the Felkner #302 watershed and generally following, but not limited to, the course and termini of the existing improvements.
2. To generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by replacing or repairing, or altering the existing improvement as required and/or creating new surface and subsurface drainage mains or laterals as requested by this petition.

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WHEREAS, the proper bond has been filed with the clerk, conditioned to pay all costs associated in preparing for the view and first hearing if the petition is not granted or if the petition is for any cause dismissed;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby fixes **Monday, November 13, 2023 at 1:30 P.M.** at the Office of the Board of County Commissioners, 91 North Sandusky Street, Second Floor, Delaware, Ohio 43015, as the time and place for the view thereon; and

BE IT FURTHER RESOLVED that this Board hereby fixes **Thursday, February 8, 2024 at 10:00 A.M.** at the Office of the Board of County Commissioners, 91 North Sandusky Street, Second Floor, Delaware, Ohio 43015, as the time and place for the first hearing on the petition; and

BE IT FURTHER RESOLVED that notice of said view and hearing be given, as required by law.

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

**8
RESOLUTION NO. 23-692**

IN THE MATTER OF SETTING DATE AND TIME FOR VIEWING AND PUBLIC HEARING FOR CONSIDERATION OF THE DRAINAGE IMPROVEMENT PETITION FOR THE MOORE NO. 1 #361 WATERSHED, FILED BY JOSE RANERO, ANESA STEVENOR-RANERO, AND OTHERS:

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

WHEREAS, on July 24, 2023, the Clerk of this Board gave notice to the Board of County Commissioners and the County Engineer of Delaware County, Ohio, on the filing with her of a petition signed by Jose Ranero, Anesa Stevenor-Ranero, and Others, to:

1. Generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by replacing, repairing, or altering the existing improvement as required and/or creating new surface and subsurface drainage mains or laterals as requested by this petition.
2. In Delaware County, Concord Township, within the Moore No. 1 #361, watershed and generally following, but not limited to, the course and termini of existing improvements.

WHEREAS, the proper bond has been filed with the clerk, conditioned to pay all costs associated in preparing for the view and first hearing if the petition is not granted or if the petition is for any cause dismissed;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that **Monday November 13, 2023 at 2:00P.M.**, with the use of video technology at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio 43015, is hereby fixed as the time and place for the view thereon; and

BE IT FURTHER RESOLVED that **Monday January 29, 2024, at 10:00A.M.**, at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, is hereby fixed as the time and place for the first hearing on the petition; and

BE IT FURTHER RESOLVED that notice of said view and hearing be given, as required by law.

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

**9
RESOLUTION NO. 23-693**

IN THE MATTER OF GRANTING ANNEXATION PETITION FROM THE CITY OF DELAWARE, REQUESTING ANNEXATION OF 66.501 ACRES OF LAND IN BROWN TOWNSHIP TO THE CITY OF DELAWARE:

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

WHEREAS, on July 26, 2023, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by the City of Delaware requesting annexation of 66.051 acres of land in Brown Township to the City of Delaware; and

WHEREAS, pursuant to section 709.16(C) of the Revised Code, if the only territory to be annexed is contiguous territory owned by a county, the board of county commissioners, by resolution, may grant the annexation; and

WHEREAS, the only territory to be annexed is contiguous territory owned by Delaware County; and

WHEREAS, pursuant to section 709.16(E) of the Revised Code, the board of county commissioners shall act upon a petition for annexation filed under this section within thirty days after receipt of the petition;

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

Section 1. The Board hereby grants the annexation of 66.501 acres, more or less, in Brown Township to the City of Delaware, as petitioned by the City of Delaware.

Section 2. The Board hereby directs the Clerk of the Board to cause delivery of a certified copy of this Resolution to Natalia Harris, City Attorney and Agent for the Petitioner, City of Delaware.

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

10

RESOLUTION NO. 23-694

IN THE MATTER OF APPROVING THE SCHEDULE OF ASSESSMENTS FOR THE COSTS FOR THE PROCEEDINGS FOR THE DISMISSED LANETTA LANE SUBDIVISION WATERSHED DRAINAGE IMPROVEMENT PROJECT SECTION 3S AND SECTION 3N:

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

WHEREAS, with Resolutions No. 23-361 and 23-363, the Delaware County Board of Commissioners (the "Board") ordered that the costs for the proceedings of the dismissed Lanetta Lane Subdivision Watershed Drainage Improvement Project Section 3S and Section 3N be distributed to the landowners in the same ratio as determined in the final estimated assessments presented at the hearing; and

WHEREAS, the date for the landowners to pay for the costs for the proceedings upfront, rather than having it placed on their real estate tax bill, has passed;

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

Section 1. The Board hereby approves the schedule of assessments for the costs for the proceedings for the dismissed Lanetta Lane Subdivision Watershed Drainage Improvement Project Section 3S and Section 3N. (Copy available in the Commissioners' Office until no longer of administrative value).

Section 2. The Board hereby directs the Clerk to transmit the schedule of assessments to the Auditor's Office. Two years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay their assessments with no interest rate on the installments.

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

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CORY PAUL, AMERICAN RED CROSS EXECUTIVE DIRECTOR
Armaan Chaudhary, Community Volunteer Leader American Red Cross
Presentation
American Red Cross - New Blood Donation Center
Delaware Fixedsite

12

RESOLUTION NO. 23-695

IN THE MATTER OF AMENDING RESOLUTION NO. 19-687 TO MODIFY THE PERMANENT COMMITTEES OF THE DELAWARE COUNTY PRE-HOSPITAL CARE SYSTEM ADVISORY BOARD:

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

WHEREAS, on July 18, 2019, the Delaware County Board of Commissioners adopted Resolution No. 19-687, establishing the Delaware County Pre-Hospital Care System Advisory Board; and

WHEREAS, on October 13, 2022, the Delaware County Board of Commissioners adopted Resolution No. 22-876, amending Section 2 of Resolution No. 19-687 to add a voting representative to the Delaware County Pre-Hospital Care System Advisory Board; and

WHEREAS, pursuant to Section 3 of Resolution No. 19-687, the Delaware County Pre-Hospital Care System Advisory Board shall create certain permanent committees to support the purposes for which the Delaware County Pre-Hospital Care System Advisory Board was established; and

WHEREAS, the Delaware County Pre-Hospital Care System Advisory Board requests that the Delaware County Board of Commissioners further amend Resolution No. 19-687 to modify the permanent

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committees for more efficient operations;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby amends Resolution No. 19-687 by deleting the existing text in Section 3 thereof and replacing it with the following text:

Section 3. The Delaware County Pre-Hospital Care System Advisory Board shall create and maintain a Unified Protocol Committee and may, in its discretion, create other permanent or temporary committees to support the purposes set forth herein.

BE IT FURTHER RESOLVED that all other sections of Resolution No. 19-687, as amended in Resolution No. 22-876, shall remain in full force and effect.

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

13

RESOLUTION NO. 23-696

IN THE MATTER OF ESTABLISHING THE MAINTENANCE ACCOUNT, APPROVING THE MAINTENANCE EASEMENTS, AND CERTIFYING THE DRAINAGE MAINTENANCE ASSESSMENT COLLECTION PERCENTAGE FOR 2024 FOR THE ENGLISH #346 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the Delaware County Engineering Staff and the Soil and Water Conservation District Staff recommend finalizing the construction assessments, establishing the Drainage Maintenance Account, and approving the Drainage Maintenance Easements for the English #346 Drainage Improvement Project; and

WHEREAS, for the request to finalize the construction assessments (final schedule of assessments available in the Commissioners’ Office until no longer of administrative value), establish the Drainage Maintenance account for the referenced project, approve the Drainage Maintenance easements per Chapters 6131 and 6137 of the Revised Code, and certify the Drainage Maintenance assessment collection percentage for 2024, the following information may be used to initiate the account:

Name: English #346
Account: 2306
Organization: 21911401
Amount: \$7,500.00
2024 Collection: 5.0%

Maintenance Easement Description: (Map available at Engineer’s Office)

Beginning at Point A at the junction of the English #346 open channel and O’Brien #440 (ID #1102) open channel and extending upstream to Point D at the junction with the New Beginnings UMC Drainage Maintenance project (ID #1515); continuing at Point E and extending upstream to Point G at the east right-of-way for CSX railroad; continuing at Point K at the catch basin on the south side of U.S. Route 36/State Route 37 and extending upstream to a terminus at a breather at Point L.

A to B:
25 feet right of top of bank
25 feet left of top of bank

C to D:
25 feet right of top of bank
25 feet left of top of bank

E to F:
25 feet right of top of bank
25 feet left of top of bank

F to G:
15 feet right of subsurface drain
15 feet left of subsurface drain

H to J:
15 feet right of subsurface drain
15 feet left of subsurface drain

K to L:
15 feet right of subsurface drain
15 feet left of subsurface drain

A1 to A2 Access Easement:

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30 feet centered on the driveway

A3 to A4 Access Easement:
30 feet centered on the driveway

A5 to A6 Access Easement:
15 feet north of right-of-way

A6 to A7 Access Easement:
15 feet east of property line

A8 to A9 Access Easement:
15 feet north of property line

A9 to A10 Access Easement:
15 feet east of property line

A11 to A12 Access Easement:
30 feet centered on the driveway

A12 to A13 Access Easement:
15 feet north of property line

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners establishes the Maintenance Account and approves the Maintenance Easements for the English #346 Drainage Improvement Project and certifies the drainage maintenance assessment collection percentage for 2024;

BE IT FURTHER RESOLVED that the Board of Commissioners will approve the final schedule of construction assessments (copy available in the Commissioners’ Office until no longer of administrative value) when the interest rate of the bond for the borrowing of money is determined;

BE IT FURTHER RESOLVED that the Commissioners’ Office will supply to the Auditor’s Office the final schedule of construction assessments after the bond is issued and the interest rates are determined for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited to pay their assessments with the interest rate of the installment. As the project’s final cost is less than the estimate, those property owners who paid in advance are due a refund as shown on the proposed final schedule of assessments.

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

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RESOLUTION NO. 23-697

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN AS THE RADNOR 2015-1 WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the County Engineer has prepared, and recommends approval of, the Plans, Estimate, Bid Specifications and Bid Opening Date and Time for the Radnor 2015-1 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 approves the plans, specifications and estimate for the project known as the Radnor 2015-1 Watershed Drainage Improvement Project.

Section 2. The Board hereby authorizes the County Engineer to advertise for and receive bids on behalf of the Board in accordance with the following Advertisement for Bids:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, September 19, 2023 at which time they will be publicly received and read aloud, for the project known as:

**O.R.C. 6131 Drainage Improvement Project
Radnor 2015-1 Drainage Improvement Project**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be

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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 ENGINEER'S CONSTRUCTION ESTIMATE FOR THE PROJECT IS \$44,612.50 PER O.R.C. 6131.40 NO BIDS SHALL BE ACCEPTED THAT EXCEED THE ENGINEER'S CONSTRUCTION ESTIMATE.

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 December 11, 2023. The estimated commencement of work date is October 2, 2023.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. A warding 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.

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

**15
RESOLUTION NO. 23-698**

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN AS THE WEBSTER ARNOLD WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, the County Engineer has prepared, and recommends approval of, the Plans, Estimate, Bid Specifications and Bid Opening Date and Time for the Webster Arnold 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 approves the plans, specifications and estimate for the project known as the Webster Arnold Watershed Drainage Improvement Project.

Section 2. The Board hereby authorizes the County Engineer to advertise for and receive bids on behalf of the Board in accordance with the following Advertisement for Bids:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, September 19, 2023 at which time they will be publicly received and read aloud, for the project known as:

**O.R.C. 6131 Drainage Improvement Project
Webster Arnold Drainage Improvement Project**

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 ENGINEER'S CONSTRUCTION ESTIMATE FOR THE PROJECT IS \$114,888.45 PER O.R.C. 6131.40 NO BIDS SHALL BE ACCEPTED THAT EXCEED THE ENGINEER'S CONSTRUCTION ESTIMATE.

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

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selecting “Public Notices and Bids.”

The Owner requires that all work associated with the project be completed before December 11, 2023. The estimated commencement of work date is October 2, 2023.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. A warding 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.

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

16

RESOLUTION NO. 23-699

IN THE MATTER OF ACCEPTING IMPROVEMENTS WITHIN THE PROJECT KNOWN AS ROAD IMPROVEMENTS TO HYATTS ROAD AT COURTYARDS AT HYATTS:

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

WHEREAS, on December 2, 2019, the Board of Commissioner (the “Board”) entered into a Developer’s Agreement with Epcon Hyatts, LLC (the “Owner”) for the project known as Road Improvements to Hyatts Road at Courtyards at Hyatts (the “Improvements”); and

WHEREAS, the County Engineer has inspected the improvements and finds them to be constructed in accordance with approved plans; and

WHEREAS, the County Engineer recommends the Board accept the Improvements in accordance with the Developer’s Agreement and release the bond being held as construction surety to the Owner;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio hereby accepts the Road Improvements made to Hyatts Road for Courtyards at Hyatts in accordance with the Developer's Agreement and releases the bond being held as construction surety to the Owner.

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

17

RESOLUTION NO. 23-700

IN THE MATTER OF APPROVING A GRANT OF FUNDS TO THE DELAWARE COUNTY TRANSPORTATION IMPROVEMENT DISTRICT:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) approved a Master Intergovernmental Cooperation Agreement (“the Agreement”) with the County Engineer and Delaware County Transportation Improvement District (“TID”) by Resolution No. 18-1374, including authorizing the contribution of funds to the TID in aid of the planning, development, design, construction, maintenance or repair of any transportation project undertaken by the TID; and

WHEREAS, pursuant to section 5540.02(F) of the Revised Code, a board of county commissioners may make appropriations from moneys available to it and not otherwise appropriated, to pay costs incurred by a transportation improvement district in the exercise of its functions under Chapter 5540 of the Revised Code; and

WHEREAS, the Board has appropriated \$1,750,000.00 in the general fund (10040421) for Grants in Aid to other local political subdivisions for the making of transportation improvements within Delaware County, with the intention of reserving \$1,000,000.00 of said appropriation for support of the TID;

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

Section 1. In accordance with the terms of the Agreement, a grant in aid in the amount of One Million Dollars (\$1,000,000.00) is hereby made to the Delaware County Transportation Improvement District for the purpose of providing for planning, development, design, construction, maintenance or repair of any transportation project undertaken by the TID.

Section 2. The County Auditor is authorized to issue a warrant for payment from Org Key-Object 10040421-5601 at the earliest date possible.

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

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RESOLUTION NO. 23-701

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IN THE MATTER OF ACCEPTING THE ROADS, APPROVING RECOMMENDED SPEED LIMITS, ESTABLISHING STOP CONDITIONS AND RELEASING THE SURETY FOR THE RESERVE AT SCIOTO BLUFF:

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

WHEREAS, the Engineer has reviewed the roadway construction of the roads within The Reserve at Scioto Bluff (the “Subdivision”), finds them to be constructed in accordance with the approved plans, and recommends that the following roadways within the Subdivision be accepted into the public system:

- An addition of 0.16 mile to Township Road Number 1843, Scioto Bluff Court

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

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

- On Township Road Number 1843, Scioto Bluff Court, at its intersection with County Road 137, Butts Road; and

WHEREAS, the Engineer requests approval to return the cash surety being held as maintenance surety to Principle Real Estate Development, LLC;

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

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

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RESOLUTION NO. 23-702

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

It was moved by Mr. Merrell, seconded by Mrs. Lewis 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:

<u>Permit #</u>	<u>Applicant</u>	<u>Location</u>	<u>Type of Work</u>
UT2023-0142	PRECISION PIPELINE	LEWIS CENTER RD	ROAD BORE
UT2023-0143	COLUMBIA GAS	BOWTOWN RD	GAS MAIN
UT2023-0144	SPECTRUM	N GALENA RD	SET POWER SUPPLY CABINET
UT2023-0145	BREEZELINE	S OLD STATE RD & MAIN SAIL DR	ROAD BORE
UT2023-0146	SPECTRUM	S COUNTY LINE RD	BURY CABLE
UT2023-0147	TEAM FISHEL	W ORANGE RD	FIBER OPTIC

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

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RESOLUTION NO. 23-703

IN THE MATTER OF APPOINTING REPRESENTATIVES TO THE MID-OHIO REGIONAL PLANNING COMMISSION:

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

WHEREAS, Delaware County is a full member of the Mid-Ohio Regional Planning Commission (“MORPC”); and

WHEREAS, in accordance with the MORPC Articles of Agreement and Bylaws, the Delaware County Board of Commissioners (the “Board”) is entitled to appoint four community representatives to MORPC; and

WHEREAS, the terms for four seats will expire September 30, 2023; and

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

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to make the necessary appointment of members of MORPC;

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

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

Section 2. The Board of Commissioners hereby approves the appointment of the following members to the Mid-Ohio Regional Planning Commission for the terms specified herein:

Position	Appointee	Term Commences	Term Ends
MORPC 1	Andy Volenik	October 1, 2023	September 30, 2026
MORPC 2	Glenn Marzluf	October 1, 2023	September 30, 2026
MORPC 3	Ron Bullard	October 1, 2023	September 30, 2026
MORPC 4	Brad Ebersole	October 1, 2023	September 30, 2026

Section 3. The Clerk of the Board is hereby directed to certify a copy of this Resolution to MORPC.

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

21
RESOLUTION NO 23-704

IN THE MATTER OF ESTABLISHING A NEW FUND AND NEW ORGANIZATION KEY, APPROVING SUPPLEMENTAL APPROPRIATIONS AND A REVISED REVENUE ESTIMATE:

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

New Fund			
302	Ambulance Transport Grant		
New Organization Key			
30211338	Ambulance Transport Grant		
Supplemental Appropriation			
30211338-5001	Ambulance Transport Grant/Compensation		\$19,966.80
30211338-5102	Ambulance Transport Grant/Workers Comp		\$184.03
30211338-5131	Ambulance Transport Grant/Medicare		\$296.49
Revenue Estimate Revision			
30211338-4509	Ambulance Transport Grant/Federal Grants A		\$20,447.32

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

22
RESOLUTION NO. 23-705

IN THE MATTER OF A TRANSFER OF FUNDS:

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

Transfer of Funds			
From:	To:		
10011102-5801	42011438-4601		\$811,128.98
Commissioners General/Cash Transfer	Capital Improvements Reserve/Interfund Revenues		

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

23
RESOLUTION NO. 23-706

IN THE MATTER OF ESTABLISHING A NEW FUND AND NEW ORGANIZATION KEY, APPROVING SUPPLEMENTAL APPROPRIATIONS AND A REVISED REVENUE ESTIMATE FOR FIRST RESPONDER RETENTION GRANTS:

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

New Fund

303 First Responder Retention ARPA

New Organization Key

30311341 911 Retention ARPA
 30311342 EMS Retention ARPA
 30331354 Sheriff Retention ARPA

Supplemental Appropriation

30311341-5001	911 Retention ARPA/Compensation	\$83,428.13
30311342-5001	EMS Retention ARPA/Compensation	\$399,338.24
30331354-5001	Sheriff Retention ARPA/Compensation	\$250,000

Revenue Estimate Revision

30311341-4509	911 Retention ARPA/Federal Grants A	\$83,428.13
30311342-4509	EMS Retention ARPA/Federal Grants A	\$399,338.24
30331354-4509	Sheriff Retention ARPA/Federal Grants A	\$250,000

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

24

RESOLUTION NO. 23-707

IN THE MATTER OF ACCEPTING A NON-BINDING TERM SHEET BY AND AMONG DELAWARE COUNTY AND HUNTINGTON PUBLIC CAPITAL CORPORATION REGARDING THE ISSUANCE OF BONDS BY DELAWARE COUNTY FOR PUBLIC IMPROVEMENTS IN CONNECTION WITH THE KINGSTON 1, KINGSTON 2 AND GORSUCH DITCH PROJECTS:

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") has previously approved drainage improvements for the Kingston 1, Kingston 2 and Gorsuch ditch projects; and

WHEREAS, in order to provide for the most advantageous financing of the public improvements, the Board deems it to be in the best interests of Delaware County to issue bonds for the necessary public improvements and providing for the annual appropriation, if necessary and subject to the terms set forth in the non-binding term sheet with Huntington Public Capital Corporation (the "Term Sheet"), of amounts to be paid with respect to such bonds in the event the revenues and funds pledged to their repayment are insufficient;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Term Sheet substantially in the form set forth below, authorizes the County Administrator to execute the Term Sheet on behalf of the Board, and directs the County Administrator, with the assistance of the County Auditor, the Director of Finance and legal counsel, to exercise good faith efforts to negotiate a binding agreement in accordance with the Term Sheet.

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TERM SHEET

DATE:	August 11, 2023
ISSUE:	Ditch Improvement Bonds, Series 2023 (the "Bonds")
ISSUER/BORROWER:	Delaware County, Ohio ("Issuer")
PURCHASER/LENDER:	Huntington Public Capital Corporation ("Huntington")
SECURITY:	Special assessments on properties being improved. Assessments will be placed in September for collection beginning in 2024.
PRINCIPAL AMOUNT:	\$383,087
USE OF PROCEEDS:	To pay costs for three ditch projects.
BOND COUNSEL:	Squire Patton Boggs (US) LLP
PURCHASER'S COUNSEL:	N/A
CLOSING DATE:	September 8, 2023
TAX STATUS:	Tax-Exempt (Bank Qualified)
FINAL MATURITY:	December 1, 2031
INTEREST RATE:	4.80%
RATE ADJUSTMENT:	If the funding of the Bonds has not occurred by September 8, 2023, then the Interest Rate and payment will be adjusted to maintain Huntington's economics as of the date of issuing this Term Sheet.
FEE TO HUNTINGTON FOR COUNSEL:	\$0.00
TRANSACTION FEES:	All transaction fees, including those of Bond Counsel, shall be the responsibility of the Issuer.
INTEREST PAYMENTS:	Due and payable semi-annually on June 1 and December 1 commencing on June 1, 2024.
PRINCIPAL PAYMENTS:	Due and payable annually on December 1, commencing December 1, 2024, pursuant to the schedule attached.
OPTIONAL PREPAYMENT:	The Bonds are subject to optional redemption in whole, but not in part, at par value plus accrued interest, anytime on or after December 1, 2028.
DIRECT PLACEMENT:	Huntington is extending credit as a lender in the usual course of its loan business through the purchase of the Bonds for its own account in its normal and customary business practice, with no current intention on the resale, distribution or transfer thereof.
TERM BOND ELECTION:	The Bonds will be a single certificate term bond, with principal payments representing mandatory principal redemptions.

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Term Sheet – Ditch Improvement Bonds, Series 2023

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DOCUMENTATION: Transaction documents shall be prepared by Bond Counsel, subject to review and approval by Huntington and its Purchaser's Counsel.

PAYING AGENT: Delaware County

RATING: Not required by Huntington

POS/OFFICIAL STATEMENT: Not required by Huntington

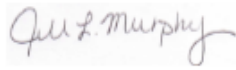
CUSIP: Not required by Huntington

DTC CLOSING: Not required by Huntington

PROPOSAL EXPIRATION: This proposal shall expire at Huntington's option if (a) Huntington has not received the Issuer's written acceptance by August 30, 2023, and (b) if the closing date of the Bonds has not occurred by September 8, 2023.

HUNTINGTON CONTACT: Jill L. Murphy
Senior Vice President
Huntington Public Capital
Phone: (330)841-0179
Email: Jill.Murphy@huntington.com

Respectfully Submitted,



ACCEPTED BY:
Delaware County

By _____
Name _____
Title _____
Date _____

Huntington Public Capital® ("HPC"), a division of The Huntington National Bank (the "Bank"), is providing the information contained in this document for discussion purposes only in connection with an arm's-length transaction under discussion between you and HPC. If you are a "municipal entity" or "obligated person" within the meaning of the municipal advisor rules (the "Rules") of the Securities and Exchange Commission, Rule 15Ba1-1 et seq. this information is provided to you pursuant to and in reliance upon the "bank exemption," and/or other exemptions and/or the "general information" exclusion provided under the Rules. HPC is acting for its own interest and has financial and other interests that differ from yours. HPC is not acting as a municipal advisor or financial advisor, and has no fiduciary duty, to you or any other person pursuant to the Rules. The information provided in this document is not intended to be and should not be construed as "advice" within the meaning of the Rules. HPC is not recommending that you take or refrain from taking any action with respect to the information contained in this document. Before acting on this information, you should discuss it with your own financial and/or municipal, legal, accounting, tax and other advisors as you deem appropriate. As used in this notice, the "Rules" means Section 15B of the Securities Exchange Act of 1934, the Securities and Exchange Commission's Rule 15Ba1-1, et seq., and any related municipal advisor rules of the Municipal Securities Rulemaking Board, all as they may be amended from time to time.

Term Sheet – Ditch Improvement Bonds, Series 2023

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ESTIMATED DEBT SERVICE

	Date	Days	Interest Rate	Total Payment	Interest Portion	Principal Portion	Outstanding Balance	FY	Debt Service
Dated Date	9/8/2023						383,087.00		
1	6/1/2024	263	4.80%	13,433.58	13,433.58	0.00	383,087.00		
2	12/1/2024	180	4.80%	45,194.09	9,194.09	36,000.00	347,087.00	2024	\$ 58,627.67
3	6/1/2025	180	4.80%	8,330.09	8,330.09	0.00	347,087.00		
4	12/1/2025	180	4.80%	51,330.09	8,330.09	43,000.00	304,087.00	2025	\$ 59,660.18
5	6/1/2026	180	4.80%	7,298.09	7,298.09	0.00	304,087.00		
6	12/1/2026	180	4.80%	52,298.09	7,298.09	45,000.00	259,087.00	2026	\$ 59,596.18
7	6/1/2027	180	4.80%	6,218.09	6,218.09	0.00	259,087.00		
8	12/1/2027	180	4.80%	53,218.09	6,218.09	47,000.00	212,087.00	2027	\$ 59,436.18
9	6/1/2028	180	4.80%	5,090.09	5,090.09	0.00	212,087.00		
10	12/1/2028	180	4.80%	54,090.09	5,090.09	49,000.00	163,087.00	2028	\$ 59,180.18
11	6/1/2029	180	4.80%	3,914.09	3,914.09	0.00	163,087.00		
12	12/1/2029	180	4.80%	55,914.09	3,914.09	52,000.00	111,087.00	2029	\$ 59,828.18
13	6/1/2030	180	4.80%	2,666.09	2,666.09	0.00	111,087.00		
14	12/1/2030	180	4.80%	56,666.09	2,666.09	54,000.00	57,087.00	2030	\$ 59,332.18
15	6/1/2031	180	4.80%	1,370.09	1,370.09	0.00	57,087.00		
16	12/1/2031	180	4.80%	58,457.09	1,370.09	57,087.00	0.00	2031	\$ 59,827.18
Grand Totals				475,487.90	92,400.90	383,087.00			\$ 475,487.90

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

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ADMINISTRATOR REPORTS

Tracie Davies, County Administrator
-No reports.

Dawn Huston, Deputy Administrator
-No reports.

Aric Hochstettler, Deputy Administrator

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-No reports.

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

-Attended the ribbon cutting for the newly improved Transfer Station off of US 42 on Friday with Commissioner Benton. Erik McPeck and Tiffany Maag did a great job with that project.

Commissioner Merrell

-Attended the CCAO Symposium at the end of last week in Newark.
-Attended the Delaware Transit meeting for public input for their strategic plan.

Commissioner Benton

-Attended the CCAO Symposium last week in Newark.
-Attended the Delaware-Morrow Mental Health & Recovery Services Board annual dinner. Sheriff Martin received a lifetime award.

27

RESOLUTION NO. 23-708

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PURCHASE OF PROPERTY; FOR PENDING OR IMMINENT LITIGATION AND CONFIDENTIAL INFORMATION RELATED TO ECONOMIC DEVELOPMENT:

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

WHEREAS, pursuant to section 121.23(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

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

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

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

Section 1. The Board hereby adjourns into executive session for consideration of purchase of property; for pending or imminent litigation and confidential information related to economic development.

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

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

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

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

RESOLUTION NO. 23-709

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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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

Jennifer Walraven, Clerk to the Commissioners