

**COMMISSIONERS JOURNAL NO. 79 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 11, 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. Viewing For Consideration Of The Drainage Improvement Petition For The Liberty Lakes Sections 1 & 2 Subdivision Watershed

ACKNOWLEDGE PATRIOT DAY

1
RESOLUTION NO. 23-757

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 31, 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 31, 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

3
RESOLUTION NO. 23-758

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0908:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0908 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
P2301061 (Tidewater)	Chemical- Sludge Thickening Polymer	6621190-5290	\$14,000.00
P2300631(Smith Feike)	Admin. Insurance	61311923-5370	\$26,257.00
P2300792 (KE WA PA Sales)	Janitorial Supplies	10011105-5201	\$10,000.00
P2300031 (PNC)	Materials & Supplies	10011105-5201	\$20,000.00
P2300997 (Var WIOA)	WIOA/OJT Client Svs	22311611-5348	\$100,000.00
P2300707 (Consolidated Electric)	Utilities	10011105-5338	\$20,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2304424	DITCH MAINTENANCE	ENGLISH #346 START UP FEES	40311470 - 5328	\$ 7,500.00
R2304455	POWERDMS INC	POWERDMS 10 05 23- 10 04 24	21411306 - 5320	\$ 5,182.71
R2304458	SINGER,ROBERT A	COPIER PRINTER CONSULTING SERVICES	10011101 - 5301	\$ 6,000.00

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

4
RESOLUTION NO. 23-759

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Emergency Medical Services Department is requesting that Captain Joe Farmer attend an ITLS International Conference in Houston, Texas from November 2-6, 2023 at the cost of \$1,319.00 (fund number 10011303).

The Emergency Medical Services Department is requesting that Lieutenant Jennifer Ransom attend an ITLS International Conference in Houston, Texas from November 2-6, 2023 at the cost of \$1,319.00 (fund number 10011303).

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

5
RESOLUTION NO. 23-760

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENTS FOR THE PETITIONER, AARON UNDERHILL, ESQ., DAVID HODGE, ESQ. AND ERIC ZARTMAN, ESQ., REQUESTING ANNEXATION OF 230.7 ACRES OF LAND IN BROWN TOWNSHIP AND DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to acknowledge that on August 31, 2023, the Clerk to the Board of Commissioners received a petition requesting annexation of 230.7 acres of land from Brown Township and Delaware Township to the City of Delaware.

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

6
TRACIE DAVIES, COUNTY ADMINISTRATOR
INTRODUCTION AND WELCOME
LAUREN YANKANIN,
NEW DIRECTOR OF THE DELAWARE COUNTY EMERGENCY COMMUNICATIONS

7
RESOLUTION NO. 23-761

IN THE MATTER OF APPROVING GRANT AWARDS FOR THE DELAWARE COUNTY TRAIL ASSISTANCE PROGRAM:

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

WHEREAS, Delaware County Board of Commissioners (the "Board"), through its Trail Committee, administers the Delaware County Trail Assistance Program to help further multi-use trail development throughout Delaware County; and

WHEREAS, the Trail Committee has received applications for grant funding assistance for the 2023 funding cycle as follows:

LIBERTY TOWNSHIP	\$ 14,671.25
ORANGE TOWNSHIP	\$ 40,000.00

WHEREAS, the Trail Committee reviewed the applications for compliance with the program's defined Eligibility Requirements and Factors for Consideration; and

WHEREAS, the Trail Committee recommends the Board award grants to both applicants;

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

Section 1. The Board hereby approves the grant awards through the Delaware County Trail Assistance Program funds as follows:

LIBERTY TOWNSHIP	\$ 14,671.25
ORANGE TOWNSHIP	\$ 40,000.00

Section 2. The Board hereby authorizes the County Administrator to prepare, approve, and execute Recreational Trail Grant Agreements with the Liberty Township Board of Trustees and the Orange Township Board of Trustees consistent with the awards approved herein.

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

8
RESOLUTION NO. 23-762

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IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATIONS FOR THE SHERIFF'S OFFICE:

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

Transfer of Appropriation

From:	To:	
10031301-5319	10031301-5450	\$200.00
Reimbursements/Refunds	Machinery & Equip > \$5,000	

Vote on Motion	Mr. Merrell	Aye	Mr. Benton	Aye	Mrs. Lewis	Aye
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**9
RESOLUTION NO. 23-763**

RESOLUTION OF NECESSITY FOR THE PURCHASE OR LEASE OF MOTOR VEHICLES FOR THE USE OF THE COUNTY SHERIFF OR HIS EMPLOYEES:

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

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

WHEREAS, the Board has before it a request from the Sheriff's Office to expend county monies for the purchase of new cruisers; and

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

WHEREAS, pursuant to section 125.04(C) of the Revised Code, the Board may purchase supplies from another party instead of through participation in Program contracts if the Board can purchase those supplies or services from the other party upon equivalent terms, conditions, and specification but at a lower price than it can through the Program contract; and

WHEREAS, the necessary vehicles are available from another party, Statewide Ford-Lincoln-Mercury, Inc., upon equivalent terms, conditions, and specifications but at a lower price than through the Program contract;

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

Section 1. The Board hereby declares that it is necessary to expend county monies for the purchase of new motor vehicles to be used by the County Sheriff or his employees for the following reasons: (1) existing cruisers have reached the end of their useful service lives; (2) new cruisers are necessary to provide safe and reliable transportation for the County Sheriff and his employees; and (3) new cruisers will ensure optimal service, safety, and security for the citizens of Delaware County.

Section 2. The Board hereby authorizes the purchase of eleven (11) 2023 Ford Police SUV at a cost of \$62,906.00 each, from Statewide Ford-Lincoln-Mercury, Inc., and declares that the purchase of said vehicles shall be upon equivalent terms, conditions, and specifications to the Program contract and terms and conditions set forth in State of Ohio Index No. GDC050, Contract #RSI010770.

Section 3. The Board hereby authorizes the Sheriff's Office to initiate the necessary purchase order(s) to Statewide Ford-Lincoln-Mercury, Inc., and hereby approves the purchase order(s) from fund 42311453-5450.

Section 4. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the County Sheriff and the County Auditor.

Vote on Motion	Mr. Merrell	Aye	Mrs. Lewis	Aye	Mr. Benton	Aye
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**10
RESOLUTION NO. 23-764**

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS, A REVENUE ESTIMATE REVISION AND A TRANSFER OF CASH:

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

Supplemental Appropriation

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42311453-5450	Capital Acquisition/Machinery & Equipment	\$691,966.00
10011102-5801	Commissioners General/Cash Transfer	\$691,966.00

Revenue Estimate Revision

42311453-4601	Capital Acquisition/Interfund Revenues	\$691,966.00
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Transfer of Funds

From:	To:	
10011102-5801	42311453-4601	\$691,966.00
Commissioners General/ Cash Transfer	Capital Acquisition/Interfund Revenues	

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

11

RESOLUTION NO. 23-765

IN THE MATTER OF RECEIVING AND FILING THE ANNUAL REPORT OF THE SHERIFF OF ALL FINES AND COSTS COLLECTED BY THE SHERIFF’S OFFICE FOR THE YEAR NEXT PRECEDING SEPTEMBER 1, 2023:

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

BE IT RESOLVED, by the Delaware County Board of Commissioners that we hereby receive and file the annual report submitted by the Delaware County Sheriff of all fines and costs collected by the Sheriff’s Office for the year preceding September 1, 2023.

Said report is being filed pursuant to Ohio Revised Code Section 311.16 and the total amount of fines and costs collected are in the amount of \$53,109.60

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

12

RESOLUTION NO. 23-766

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION FOR JUVENILE COURT:

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

Transfer of Appropriation		Amount
From:	To:	
27526315-5201	27526315-5313	\$1,618.00
State Victim Asst Grant/General Supplies	State Victim Asst Grant/Printing	

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

13

RESOLUTION NO. 23-767

IN THE MATTER OF APPROVING CHANGE ORDER OCO-14 TO THE CONSTRUCTION MANAGER AT RISK CONTRACT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND GILBANE BUILDING COMPANY FOR THE BYXBE CAMPUS DACC REDEVELOPMENT PROJECT:

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

WHEREAS, the Director of Facilities recommends approval of change order OCO-14 to the contract between the Delaware County Board of Commissioners and Gilbane Building Company for the Byxbe Campus DACC Redevelopment Project;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves change order OCO-14 to the contract between the Delaware County Board of Commissioners and Gilbane Building Company for the Byxbe Campus DACC Redevelopment Project, as follows:

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September 1, 2023

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

Reference: Delaware County Byxbe Campus DACC Redevelopment

Subject: Request for Change
OCO 14 - Assorted Changes (Bulletin 12, 22 & 23; OS - 64, 71, 79, 100, 104, 105, 112, 113, 114, 115, 116, 117, 121, 122, 123, 125, 126, 132, 135, 136, 138, 139, 144, 147, 148, 149, 152, 153)

Dear Mr. Melvin:

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

Scope Description:	Cost
Bulletin 12 - Door Hardware	\$ 44,956
RFI #192 - Kitchen Fire Rating Work	\$ 15,424
Coordination Study Changes (Material Only)	\$ 10,102
RFI #227 & 229: Design discrepancy between architectural drawings and structural drawings building C	\$ 21,891
County Inspector required Fire Stopping	\$ 46,175
Bldg B - Area D - Auto Lift Steel MEP Relocation	\$ 2,951
Bldg C - Backflow Preventer	\$ 1,847
RFI 241 - VAV Power Supply	\$ 3,940
RFI 285 - Building B Area A Motorized Grille/Gate Power Requirements	\$ 1,486
Building B - In Wall Copper Repair (T&M)	\$ 4,754
RFI 96 - Flagpole Discrepancy	\$ 2,701
Bldg A - Area - Remove & Rebuild Pier	\$ 2,479
Bldg C - RFI 292 Sheriffs Building Panel C Conflict	\$ 630
Bulletin 22 - Entry Gate Coordination	\$ 9,068
Bulletin 23 - DACC Pre-Action Fire Alarm System Interface	\$ 21,202
Owner Requested Landscape Demolition	\$ 7,238
RFI 286 - Bldg. C Lighting Discrepancy	\$ 906
RFI 40 - Water Heater Circuitry	\$ 3,344
RFI 304 Motorized Window Shade Power	\$ 5,128
Re-Insulating of Leaking Existing Pipes	\$ 3,159
RFI 321 - Mechanical Room Damper	\$ 2,383
South Parking Lot Lighting	\$ 1,655
Material Escalation for Glass	\$ 46,393
Landscape maintenance.	\$ 14,216
RFI 329 - South Parking Lot Grade Bust	\$ 5,530
Additional concrete walks and steps	\$ 22,095
RFI 322 VEF-1 Circuitry	\$ 2,039
Install Bollards - Gate Entrances (Bull. 22) & Building D Generator	\$ 9,655
Additional Fencing Around Building B Awning	\$ 1,180
Cost of Construction	\$ 314,527

Schedule Impact ?	N
Days	0

Funding Source?	
Owner Change	X
Allowance	QA #

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

14
RESOLUTION NO. 23-768

IN THE MATTER OF APPROVING THE SANITARY SEWER SUBDIVIDER’S AGREEMENT FOR EAGLE CREEK SECTION 1 PHASE 1A:

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

WHEREAS, the Sanitary Engineer recommends approval of the Sanitary Subdivider’s Agreement for Eagle Creek Section 1 Phase 1A;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approve the following Sanitary Sewer Subdivider’s Agreement for Eagle Creek Section 1 Phase 1A:

SUBDIVIDER’S AGREEMENT

DELAWARE COUNTY SANITARY ENGINEER

SECTION I: INTRODUCTION

This Agreement is entered into on September 11, 2023, by and between **Pulte Group**, hereinafter called “Subdivider”, and the Delaware County Board of Commissioners (hereinafter called “County Commissioners” or “County”) as evidenced by the **Eagle Creek Section 1 Phase 1A** Subdivision Plats or condominium amendments on said development parcel filed or to be filed with the Delaware County Recorder, Delaware County, Ohio, and is governed by the following considerations and conditions, to wit:

The Subdivider is to construct, install or otherwise make all public improvements (the

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“Improvements”) shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications for Phase 1A of **Eagle Creek Sanitary Sewer Improvement Plan Section 1 Phases 1A and 1B**, dated **May 17, 2023**, and approved by the County on **May 17, 2023**, all of which are a part of this Agreement.

The Subdivider shall pay the entire cost and expense of the Improvements. The County shall reimburse Pulte Group a portion of the construction cost through tap credits under the following terms:

- Upsizing 2,050 linear feet of 12” sanitary sewer = \$346,980.00

Except as otherwise set forth herein, the maximum total reimbursement amount is **\$346,980.00**, which may only be used by the Subdivider within the Eagle Creek development. The Subdivider and the County mutually acknowledge that this grant of tap credits is intended to establish the reasonable charge for the Subdivider to connect to the County’s sanitary facilities, pursuant to R.C. 6117.02, in consideration of the Subdivider’s private investment in the sanitary facilities, such charge being a special exception to the established charge.

SECTION II: CAPACITY

There are **47** single family residential equivalent connections approved with this Agreement. Capacity shall be reserved for one year from the date of this Agreement, unless the County Commissioners grant an extension in writing. If the final Subdivision Plat is not recorded prior to expiration of the reservation deadline as set forth herein, the Subdivider agrees and acknowledges that capacity shall not be guaranteed.

SECTION III: FINANCIAL WARRANTY

For on-site improvements the following options for financial warranty apply:

OPTIONS:

- (1) Should the Subdivider elect to record the plat prior to beginning construction, the Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction (**\$482,487.00**) which is acceptable to the County Commissioners to insure faithful performance of this Agreement and the completion of all Improvements in accordance with the Subdivision Regulations of Delaware County, Ohio.
- (2) Should the Subdivider elect to proceed with construction prior to recording the plat, no approved financial warranties are necessary until such time as Subdivider elects to record the plat. At that time, the Subdivider shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction remaining to be completed as determined by the Delaware County Sanitary Engineer.

The Subdivider hereby elects to use Option 1 for this project.

Initials _____ Date _____

The Subdivider shall within thirty (30) days following completion of construction, and prior to final acceptance, furnish to the Delaware County Sanitary Engineer a five (5) year maintenance bond, or other approved financial warranties, equal to ten percent (10%) of the construction cost.

The Subdivider further agrees that any violations of or noncompliance with any of the provisions and stipulations of this Agreement shall constitute a breach of contract, and the County shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the Improvements for **Eagle Creek Sanitary Sewer Improvement Plan Section 1 Phase 1A**.

SECTION IV: FEES

It is further agreed that upon execution of this Agreement, the Subdivider shall pay the Delaware County Sanitary Engineer three and one-half percent (3½%) of the estimated construction cost of the Improvements for plan review of **Eagle Creek Sanitary Sewer Improvement Plan Section 1, Phase 1A (\$16,887.05)**. The Subdivider shall also pay the Delaware County Sanitary Engineer eight and one-half percent (8½ %) of the estimated construction cost of the Improvements for inspection during construction and cleaning and televising of the sewers and appurtenances of **Eagle Creek Sanitary Sewer Improvement Plan Section 1, Phase 1A (\$41,011.40)**. The Delaware County Sanitary Engineer shall in his or her sole discretion inspect, as necessary, the Improvements being installed or constructed by the Subdivider and shall keep records of the time spent by his or her employees and agents in such inspections and in the event the hours worked for inspection at a rate of \$75.00 per hour and for the camera truck at \$150.00 per hour exceeds the eight and one-half percent (8½%), the County may require, and the Subdivider shall pay, additional funds based on the estimated effort for completion as determined by the Sanitary Engineer in his or her sole discretion.

In addition to the charges above, the Subdivider shall pay the cost of any third party inspection services for **Eagle Creek Sanitary Sewer Improvement Plan Section 1, Phase 1A** as required by the County.

SECTION V: CONSTRUCTION

All public improvement construction shall be performed within one (1) year from the date of the

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approval of this Agreement by the County Commissioners, but extension of time may be granted if approved by the County Commissioners.

The Subdivider shall indemnify and save harmless the County, Townships, Cities, and/or Villages and all of their officials, employees, and agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any action, or omissions of the Subdivider, and any of its contractors or sub-contractors, or from any material, method, or explosive used in the Work, or by or on account of any accident caused by negligence, or any other act or omission of the Subdivider, and any of its contractors or the contractors' agents or employees in connection with the Work.

The Subdivider shall have a competent representative who is familiar with the project on site during construction. The representative shall be capable of reading the plans and specifications and shall have authority to execute the plans and specifications and alterations required by the County. The representative shall be replaced by the Subdivider when, in the opinion of the County, the representative's performance is deemed inadequate.

If, due to unforeseen circumstances during construction activities, the Subdivider must install any of the Improvements to a different location than shown on the approved and signed construction plans, the Subdivider shall request a revision to the construction plans and the Delaware County Sanitary Engineer shall evaluate this request. If the request for a revision is approved in writing by the Delaware County Sanitary Engineer, then the Subdivider shall provide and record a revised, permanent, exclusive sanitary easement prior to the County's acceptance of the sewer. The language and dimensions of the revised, permanent, exclusive sanitary easements shall be subject to the approval of the Delaware County Sanitary Engineer.

The Subdivider shall, during the construction and maintenance periods, comply with all rules and regulations and conform to all procedures established by the County regarding submission of shop drawings, construction schedules, operation of facilities, and other matters incident to the construction and operation of the Improvements.

The Subdivider shall obtain all other necessary utility services incident to the construction of the Improvements and for their continued operation. The Subdivider shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the Subdivider and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the County.

SECTION VI: EASEMENTS

The Subdivider shall provide to the County all necessary easements or rights-of-way required to complete the Improvements, all of which shall be obtained at the expense of the Subdivider. All Improvements, including, but not limited to, public sanitary sewers, force mains, manholes, and private laterals to offsite properties shall be located within a recorded, permanent, exclusive sanitary easement on file at the Delaware County Recorder's Office, the language of which shall be subject to approval by the Delaware County Sanitary Engineer. The dimensions of all easements shall be as shown on the approved engineering drawings. If any onsite easement or necessary right of way is not to be recorded as part of a subdivision plat, such easements and rights-of-way shall be recorded and provided to the Delaware County Sanitary Engineer before a preconstruction meeting will be permitted and before construction may begin on the Improvements. All offsite easements must be recorded prior to signing the plans unless otherwise permitted, in writing, by the Delaware County Sanitary Engineer.

SECTION VII: COMPLETION OF CONSTRUCTION

The County shall, upon certification in writing from the Delaware County Sanitary Engineer that all construction is complete according to the plans and specifications, by Resolution, accept the Improvements described herein and accept and assume operations and maintenance of the Improvements.

The Subdivider shall within thirty (30) days following completion of construction of the Improvements, and prior to final acceptance, furnish to the County as required:

- (1) "As built" drawings of the Improvements which plans shall become the property of the County and shall remain in the office of the Delaware County Sanitary Engineer and Delaware County Engineer and/or the City of Sunbury. The drawings shall be on reproducible Mylar (full size) and a digital copy in .PDF format.
- (2) An Excel spreadsheet, from a template as provided by the Delaware County Sanitary Engineer, shall accompany the plan submittal showing the locations of the manholes in Ohio State Plane North Coordinates NAD 1983 (NAVD 1988 datum) and other miscellaneous project data.
- (3) An itemized statement showing the cost of the Improvements.
- (4) An Affidavit or waiver of lien from all contractors associated with the project that all material and labor costs have been paid. The Subdivider shall indemnify and hold harmless the County from expenses or claims for labor or materials incident to the construction of the Improvements.
- (5) Documentation showing the required sanitary easements.

Should the Subdivider become unable to carry out the provisions of this Agreement, the Subdivider's

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heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions, and requirements of this Agreement. Notwithstanding any other provision of this Agreement, the County shall have no obligation to construct any improvements contemplated herein, and any construction thereof on the part of the County shall be strictly permissive and within the County’s sole discretion.

The Subdivider, for a period of five (5) years after acceptance of the Improvements by the County, shall be responsible for defective materials and/or workmanship. All warranties for equipment installed as a part of the Improvements shall be the same as new equipment warranties and shall be assigned to the County upon acceptance of the Improvements. A list of corrective items shall be provided to the Subdivider prior to expiration of the five (5) year period.

After the acceptance of the Improvements, the capacity charge **and any surcharges** shall be paid by the applicant upon request to the Delaware County Sanitary Engineer for a tap permit to connect to the sanitary sewer. User fee charges will commence the day the sanitary tap is made, regardless of completeness of construction.

SECTION VIII: SIGNATURES

IN CONSIDERATION WHEREOF, the County Commissioners hereby grant the Subdivider or its agent the right and privilege to make the Improvements stipulated herein and as shown on the approved plans.

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

**15
MONTHLY SANITARY APPROVAL UPDATE**

**16
RESOLUTION NO. 23-769**

IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND AND RELEASING CONSTRUCTION BOND FOR HOWARD FARMS SECTION 2 AND CLARKSHAW MOORS SECTION 6 PHASE B:

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

WHEREAS, the roadway construction has been completed for the projects known as Howard Farms Section 2 and Clarkshaw Moors Section 6, Phase B (the “Projects”); and

WHEREAS, as the result of the Engineer’s recent field review of the Projects, the Engineer has determined that only minor remedial work remains which can be accomplished during the subsequent one year maintenance period; and

WHEREAS, the Engineer recommends that, in accordance with the Owner’s Agreement, the maintenance bond be set at ten percent (10%) of the original construction estimate for each of the Projects and that the Projects be placed on the required one year maintenance period; and

WHEREAS, Homewood Corporation (the “Owner”) has provided maintenance bonds in the amounts of \$151,900.00 and \$23,700.00 as surety to cover the one year maintenance period; and

WHEREAS, the Engineer also recommends that, in accordance with the Owner’s Agreement, the construction bonds being held as surety for the Projects be returned to the Owner;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners accepts the maintenance bonds in the amounts of \$151,900.00 and \$23,700.00 for the Projects, places the Projects on the required one year maintenance period, and returns the construction bonds being held for the Projects to the Owner.

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

**17
RESOLUTION NO. 23-770**

IN THE MATTER OF ACCEPTING THE ROADS, APPROVING RECOMMENDED SPEED LIMITS, ESTABLISHING STOP CONDITIONS, AND RELEASING THE SURETIES FOR NORTHLAKE PRESERVE SECTION 5, NORTHLAKE PRESERVE SECTION 6, THE COURTYARDS AT CLEAR CREEK SECTION 2 PHASE A, THE COURTYARDS AT CLEAR CREEK SECTION 2 PHASE B, AND THE COURTYARDS AT CLEAR CREEK SECTION 3:

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

WHEREAS, the Engineer has reviewed the roadway construction of the roads within Northlake Preserve Section 5, Northlake Preserve Section 6, The Courtyards at Clear Creek Section 2 Phase A, The Courtyards at

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Clear Creek Section 2 Phase B, and The Courtyards at Clear Creek Section 3 (the “Subdivisions”), finds them to be constructed in accordance with the approved plans, and recommends that the following roadways within the Subdivisions be accepted into the public system:

Northlake Preserve Section 5:

- An addition of 0.392 mile to township road number 1792, Habitat Way
- An addition of 0.202 mile to township road number 1811, Otter Tail Drive

Northlake Preserve Section 6:

- An addition of 0.221 mile to township road number 1811, Otter Tail Drive
- An addition of 0.173 mile to township road number 1845, Holstad Court

The Courtyards at Clear Creek Section 2, Phase A:

- An addition of 0.120 mile to township road number 1797, Star Hollow Lane
- An addition of 0.111 mile to township road number 1846, Morning Mist Court
- An addition of 0.029 mile to township road number 1847, Courtyard Place

The Courtyards at Clear Creek Section 2 Phase B:

- An addition of 0.119 mile on township road number 1797, Star Hollow Lane
- An addition of 0.109 mile on township road number 1847, Courtyard Place
- An addition of 0.086 mile on township road number 1848, Restoration Drive

The Courtyards at Clear Creek Section 3:

- An addition of 0.174 mile to township road number 1846, Morning Mist Court
- An addition of 0.171 mile to township road number 1848, Restoration Drive
- An addition of 0.094 mile to township road number 1849, Clear Bend Lane

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

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

- On township road number 1792, Habitat Way, at its intersection with township road 1811, Otter Tail Drive
- On township road number 1845, Holstad Court, at its intersection with township road number 1811, Otter Tail Drive
- On township road number 1846, Morning Mist Court at its intersection with township road number 1897, Star Hollow Lane
- On township road number 1847, Courtyard Place at its intersection with township road number 1846, Morning Mist Court
- On township road number 1797, Star Hollow Lane, at its intersection with township road number 1847, Courtyard Place
- On township road number 1847, Courtyard Place, at its intersection with township road number 1849, Restoration Drive
- On township road number 1848, Restoration Blvd., at its intersection with township road number 1347, Gooding Blvd
- On township road number 1849, Clear Bend Land at its intersection with township road number 1846, Morning Mist Court and at its intersection with township road number 1848, Restoration Drive

WHEREAS, the Engineer requests approval to return the cash being held as maintenance surety to Epcon Clear Creek, LLC, and M/I Homes of Central Ohio, 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 sureties in accordance with the Engineer’s recommendations stated herein.

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

18

RESOLUTION NO. 23-771

IN THE MATTER OF APPROVING AN OWNER’S AGREEMENTS FOR RAVINES AT HOOVER AND THE DISTRICT AT BERKSHIRE ROAD EXTENSION SECTION 1:

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

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WHEREAS, the Engineer recommends approving the Owner's Agreements for Ravines at Hoover and the District at Berkshire Road Extension Section 1;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner's Agreements for Ravines at Hoover and The District at Berkshire Road Extension Section 1:

Ravines at Hoover:

**OWNER'S AGREEMENT
PROJECT NUMBER: 23035**

THIS AGREEMENT, executed on this 11th day of September, 2023, between Romanelli and Hughes Building Company, hereinafter called "**OWNER**" and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS)**, for the project described as Ravines at Hoover further identified as **Project Number 23035** is governed by the following considerations to wit:

Said OWNER is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this AGREEMENT.

OPTIONS:

1. Should **OWNER** elect to record the plat prior to beginning construction, **OWNER** shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction as shown in **Exhibit "A"** attached hereto.
2. Should **OWNER** elect to proceed to construction prior to recording the plat, no approved financial warranties are necessary until such time as **OWNER** elects to record the plat. Such plat cannot be recorded until the County Engineer has determined the construction of the project is at least 80% complete.

OWNER hereby elects to use Option 2 for this project.

The financial warranties are to insure faithful performance of this **AGREEMENT** and the completion of all improvements in accordance with the **Delaware County Design, Construction and Surveying Standards and any supplements thereto**. The **OWNER** shall pay the entire cost and expense of said improvements, unless otherwise specifically noted herein.

The **OWNER** shall indemnify and save harmless Delaware County and all Townships and/or Villages within Delaware County and all of their officials, employees or agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date on which this **AGREEMENT** is executed by the **COUNTY COMMISSIONERS**.

The **OWNER** further agrees that any violations of or noncompliance with any of the provisions and stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **COUNTY** shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

It is further agreed that upon execution of the **AGREEMENT**, the **OWNER** shall deposit **Forty Three Thousand Dollars and No Cents (\$43,000.00)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to ten percent (10%) of the original amount deposited, the **OWNER** shall replenish the account upon notice by the **Engineer**. Upon completion of the maintenance period and acceptance of the improvements by the **Delaware County Commissioners**, the remaining amount in the fund shall be returned to the **OWNER**.

Upon completion of construction, the **OWNER** shall be responsible for the maintenance, repair or construction of any and all defective materials or workmanship for a period of **one year**. Said **OWNER'S** bond, certified check, irrevocable letter of credit or other approved financial warranties may be reduced to 10% of the originally approved construction estimate as shown in **Exhibit "A"** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer's** satisfaction. All work is to be done in accordance with the **Delaware County Design, Construction and Surveying Standards, and any supplements thereto**.

Acceptance of the project into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **OWNER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

Any snow or ice removal, erosion and sediment control maintenance, or other safety requirements deemed necessary by the County Engineer during the period of construction or maintenance shall be the responsibility of the **OWNER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

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The **OWNER** shall, within thirty (30) days of completion of construction and prior to final acceptance, to the **COUNTY COMMISSIONERS**, as required, “as-built” drawings of the improvements, which plans shall become the property of the **COUNTY** and remain in the office of the **Delaware County Engineer**.

The **OWNER** shall, within thirty (30) days of completion of construction, furnish to the **COUNTY COMMISSIONERS** an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The **OWNER** shall indemnify and hold harmless Delaware County and all Townships and/or Villages within and all their officials, employees or agents from expenses or claims for labor or material incident to said construction of improvements.

The **OWNER** shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The **OWNER** shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the **OWNER** and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the County.

Should the OWNER become unable to carry out the provisions of this AGREEMENT, the **OWNER’S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **OWNER** or his agent, the right and privilege to make the improvements stipulated herein.

EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$2,150,900.00
CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	\$215,100.00
INSPECTION FEE DEPOSIT	\$43,000.00

The District at Berkshire Road Extension Section 1:

OWNER’S AGREEMENT
PROJECT NUMBER 23050

THIS AGREEMENT, executed on this 11th day of September, 2023, between Berkshire Holding I, LLC, hereinafter called “**OWNER**” and the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS)**, for the project described as The District at Berkshire Road Extension Sec 1 further identified as Project Number 23050 is governed by the following considerations to wit:

Said **OWNER** is to construct, install or otherwise make all public improvements shown and set forth to be done and performed in compliance with the approved engineering drawings and specifications, all of which are a part of this **AGREEMENT**.

OPTIONS:

1. Should **OWNER** elect to record the plat prior to beginning construction, **OWNER** shall execute bond, certified check, irrevocable letter of credit, or other approved financial warranties equal to the cost of construction as shown in **Exhibit “A”** attached hereto.
2. Should **OWNER** elect to proceed to construction prior to recording the plat, no approved financial warranties are necessary until such time as **OWNER** elects to record the plat. Such plat cannot be recorded until the County Engineer has determined the construction of the project is at least 80% complete.

OWNER hereby elects to use Option 2 for this project.

The financial warranties are to insure faithful performance of this **AGREEMENT** and the completion of all improvements in accordance with the **Delaware County Design, Construction and Surveying Standards and any supplements thereto**. The **OWNER** shall pay the entire cost and expense of said improvements, unless otherwise specifically noted herein.

The **OWNER** shall indemnify and save harmless **Delaware County and all Townships and/or Villages** within Delaware County and all of their officials, employees or agents from all claims, suits, actions and proceedings which may originate from or on account of any death, injuries or damages to persons or property received or sustained as a consequence of any actions or omissions of any contractor or subcontractor or from any material, including explosives, or any method used in said work or by or on account of any accident caused by negligence or any other act or omission of any contractor or his agents or employees.

All public improvement construction shall be performed within one (1) year from the date on which this **AGREEMENT** is executed by the **COUNTY COMMISSIONERS**.

The **OWNER** further agrees that any violations of or noncompliance with any of the provisions and

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stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **COUNTY** shall have the right to stop work forthwith and act against the performance surety for the purpose of proper completion of the public improvements within this subdivision.

It is further agreed that upon execution of the **AGREEMENT**, the **OWNER** shall deposit **Sixteen Thousand Four Hundred Dollars and No Cents (\$16,400.00)** estimated to be necessary to pay the cost of inspection by the **Delaware County Engineer**. When the fund has been depleted to ten percent (10%) of the original amount deposited, the **OWNER** shall replenish the account upon notice by the **Engineer**. Upon completion of the maintenance period and acceptance of the improvements by the **Delaware County Commissioners**, the remaining amount in the fund shall be returned to the **OWNER**.

Upon completion of construction, the **OWNER** shall be responsible for the maintenance, repair or construction of any and all defective materials or workmanship for a period of **one year**. Said **OWNER'S** bond, certified check, irrevocable letter of credit or other approved financial warranties may be reduced to 10% of the originally approved construction estimate as shown in **Exhibit "A"** for said maintenance. The reduction may be approved only after the **County Engineer** has been provided evidence that all work has been accomplished according to the approved plan and/or to the **County Engineer's** satisfaction. All work is to be done in accordance with the **Delaware County Design, Construction and Surveying Standards, and any supplements thereto**.

Acceptance of the project into the public system shall be completed only after written notice to the **COUNTY COMMISSIONERS** from the **County Engineer** of his approval. The **OWNER'S** maintenance responsibility as described above shall be completed upon formal acceptance by the **COUNTY COMMISSIONERS**.

Any snow or ice removal, erosion and sediment control maintenance, or other safety requirements deemed necessary by the County Engineer during the period of construction or maintenance shall be the responsibility of the **OWNER**. All of the funds set forth in the **AGREEMENT** shall be made available to the **County Engineer** to ensure proper safety compliance.

The **OWNER** shall, within thirty (30) days of completion of construction and prior to final acceptance, to the **COUNTY COMMISSIONERS**, as required, "as-built" drawings of the improvements, which plans shall become the property of the **COUNTY** and remain in the office of the **Delaware County Engineer**.

The **OWNER** shall, within thirty (30) days of completion of construction, furnish to the **COUNTY COMMISSIONERS** an itemized statement showing the cost of improvements and an affidavit that all material and labor costs have been paid. The **OWNER** shall indemnify and hold harmless **Delaware County and all Townships and/or Villages** within and all their officials, employees or agents from expenses or claims for labor or material incident to said construction of improvements.

The **OWNER** shall obtain all other necessary utility services incident to the construction of the improvements and for their continued operation. The **OWNER** shall be responsible for all utility charges and installation costs. The utility user charges shall be paid by the **OWNER** and maintained in continuous use throughout the construction and testing phases until accepted for operation and maintenance by the **County**.

Should the OWNER become unable to carry out the provisions of this AGREEMENT, the **OWNER'S** heirs, successors or assigns shall complete and comply with all applicable terms, conditions, provisions and requirements of this **AGREEMENT**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **OWNER** or his agent, the right and privilege to make the improvements stipulated herein.

EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$409,700.00
CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	\$41,000.00
INSPECTION FEE DEPOSIT	\$16,400.00

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

19
RESOLUTION NO. 23-772

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

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Delaware County Commissioners:

Permit #	Applicant	Location	Type of Work
UT2023-0153	SPECTRUM	OLENTANGY FALLS/RUTH CROSSING	ROAD BORE
UT2023-0154	FRONTIER	MERCHANT RD	SERVICE DROP
UT2023-0155	SPECTRUM	SUNBURY RD	ROAD BORE
UT2023-0156	AEP	JACKTOWN RD	INSTALL POLES
UT2023-0157	AEP	LACKEY OLD STATE RD	REPLACE POLES
UT2023-0158	AEP	S SECTION LINE RD	INSTALL POLES
UT2023-0159	AEP	HYATTS RD	INSTALL POLES
UT2023-0160	SPECTRUM	MERCHANT RD	BURY CABLE

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

20

RESOLUTION NO. 23-773

IN THE MATTER OF APPROVING DRAINAGE MAINTENANCE PETITION AND DITCH MAINTENANCE ASSESSMENTS FOR SLATE RIDGE RESIDENTIAL:

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

WHEREAS, on August 7, 2023, a Ditch Maintenance Petition for Slate Ridge Residential (the "Petition") was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within Slate Ridge Residential, 105.76 acres in Orange Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$ 788,519.55 and a detailed cost estimate is attached. The drainage improvements are being constructed for the benefit of the condominium units being created in this development. The developed condominium area of 219 units will receive benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each condominium unit is therefore, \$ 3,600.55 per unit. An annual maintenance fee equal to 2% of this basis (\$ 72.01) will be collected for each developed condominium unit.

We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$15,770.19 has been paid to Delaware County.

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

20a

RESOLUTION NO. 23-774

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IN THE MATTER OF APPROVING DRAINAGE MAINTENANCE PETITION AND DITCH MAINTENANCE ASSESSMENTS FOR THE DISTRICT AT BERKSHIRE:

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

WHEREAS, on August 30, 2023, a Ditch Maintenance Petition for The District at Berkshire (the "Petition") was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within The District at Berkshire, 21.93 acres in Berkshire Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$240,711.76 and a detailed cost estimate is attached. The drainage improvements are being constructed for the benefit of the lot(s) being created in the subject site. The developed area of 21.93 acres will receive benefits (cost) of the project on a per acre basis. The basis for calculating the assessment for each lot is therefore, \$10,976.37 per acre. An annual maintenance fee equal to 2% of this basis (\$219.53) will be collected for each developed acre.

We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$4,814.29 has been paid to Delaware County.

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

21

RESOLUTION NO. 23-775

IN THE MATTER OF ADOPTING A RESOLUTION DECLARING A NECESSITY AND THE INTENT OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY:

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

WHEREAS, the Board of Delaware County Commissioners (the "Board") deems it necessary for the public convenience and welfare to construct highway improvements to Cheshire Road, known as Project ID: DEL-CR72-2.50, by construction, reconstruction, installation, replacement, repair, maintenance and improvement of Cheshire Road in Delaware County, Ohio (the "Improvement"); and

WHEREAS, the Board has determined that additional land is necessary for the Improvement and that the Board and property owners were unable to agree on the terms of conveyance through good faith negotiations; and

WHEREAS, the Board has determined the fair market value ("FMV") for the property to be appropriated and any resultant damages; and

WHEREAS, the Board has determined that it is necessary to take immediate possession of the property to be appropriated via the "quick take" procedure under section 163.06(B) of the Revised Code;

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

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Section 1. The Board deems it necessary, and it is hereby declared to be the intention of the Board, to appropriate the following property necessary for the Improvement and determines the FMV for the same:

Property Owner(s)	Interest to be Appropriated	FMV
Evelyn R. Whitcraft & Matthew J. Whitcraft	40-WD	\$5,364.00

The parcel identifiers listed in the table above are taken from the approved right-of-way plans and highway construction plans for the Improvement, which are, by this reference, fully incorporated herein and are on file and available for inspection or copying at the Office of the Delaware County Engineer.

Section 2. The appropriations deemed necessary herein being for the purpose of making or repairing roads which shall be open to the public without charge, the Board further deems it necessary, and hereby states its intention, to immediately obtain and take possession of and enter upon the property to be appropriated upon filing the Petition and depositing the FMV with the Court, in accordance with section 163.06(B) of the Revised Code.

Section 3. The Board hereby directs legal counsel to commence the appropriation proceedings on behalf of the Board.

Section 4. This Resolution shall take effect and be in force immediately upon passage.

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

**22
RESOLUTION NO 23-776**

IN THE MATTER OF DECLARING COUNTY PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE:

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

WHEREAS, section 307.12(E) of the Revised Code authorizes the Delaware County Board of Commissioners (the "Board") to sell, by internet auction, county personal property that is not needed for public use, is obsolete, or is unfit for use for which is was acquired; and

WHEREAS, on August 1, 2016, the Board adopted Resolution No. 16-749, declaring its intent to sell unneeded, obsolete, or unfit personal property by internet auction and establishing general guidelines for such sale; and

WHEREAS, pursuant to Section 307.12(I) of the Revised Code, if the Board determines that county personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the Board may discard of salvage that property; and

WHEREAS, pursuant to Section 307.12(B) of the Revised Code, when the Board finds, by resolution, that the county has personal property, including motor vehicles acquired for the use of the county officers and departments, and road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, and when the fair market value of the property to be sold or donated under this division is, in the opinion of the Board, two thousand five hundred dollars or less, the Board may sell the property by private sale, without advertisement or public notifications; and

WHEREAS, the Delaware County Engineer has determined that the following equipment is no longer needed for public use, is obsolete, or is unfit for the use for which it was acquired:

<u>Asset Tag Number</u>	<u>Item Description</u>	<u>Serial Number</u>
E0211210217	2002 International 7300	1HTWAAAR42J048014

(hereinafter referred to as the "Property");

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

Section 1. The Board hereby declares that the Property is not needed for public use, is obsolete, or is unfit for the use for which it was acquired and authorizes the sale of the Property by internet auction, in accordance with the guidelines set forth in Resolution No. 16-749.

Section 2. The Board hereby determines that if Property is not sold by internet auction within a reasonable period of time, then it has no value and may be discarded, salvaged, or sold or donated without further advertisement.

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

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RESOLUTION NO. 23-777

IN THE MATTER OF DECLARING A PUBLIC PURPOSE AND AUTHORIZING THE USE OF DELAWARE COUNTY FUNDS FOR THE PURCHASE OF COFFEE, MEALS, REFRESHMENTS, AND OTHER AMENITIES AND APPROVING A TRANSFER OF APPROPRIATION:

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

WHEREAS, in accordance with Ohio Attorney General Opinion No. 82-006 and Ohio Auditor of State Bulletin 2003-005, the Delaware County Board of Commissioners (the “Board”) may expend public funds to purchase coffee, meals, refreshments, and other amenities for its officers or employees or other persons if it determines that such expenditures are a “public purpose” and are necessary to perform a statutory function or power, provided the determination is not manifestly arbitrary or unreasonable; and

WHEREAS, the Board’s determination must be memorialized by a duly enacted resolution and may have prospective effect only; and

WHEREAS, from time to time, it becomes necessary for the Board or county agencies to hold meetings during lunch, requiring meals to be provided for the participants; and

WHEREAS, the Board and county agencies routinely host community events or seminars that are attended by members of the public, visiting officials from other jurisdictions or organizations, and program participants; and

WHEREAS, the meetings and events described herein provide for timely and efficient completion of the public business, promote plans and programs, and foster cooperation with public and private partners both within Delaware County and throughout the State of Ohio; and

WHEREAS, the County Administrator and Deputy County Administrator recommend authorization to use Delaware County funds to pay for the coffee, meals, refreshments, and other amenities for these meetings and events;

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

Section 1. The Board hereby declares that the provision of coffee, meals, refreshments, and other amenities for the following purposes and amounts constitute a public purpose:

60211924-5294	Employee Wellness Program	\$638.91	Refreshments for events
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Section 2. The Board hereby authorizes the purchase of coffee, meals, refreshments, and other amenities in accordance with Section 1 of this Resolution for the current fiscal year, subject to the ordinary approval of a purchase order, submission of complete and accurate receipts, invoices, and any other supporting documentation required by the County Auditor, and approval of the voucher by the Board.

Section 3. The Board hereby approves the following transfer of appropriation:

Transfer of Appropriation

From:	To:	
60211924-5201	60211924-5294	\$638.91
Employee Wellness Program/General Supplies	Employee Wellness Program/Food	

Section 4. This Resolution shall take effect immediately upon adoption.

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

24

RESOLUTION NO. 23-778

IN THE MATTER OF ADOPTING UPDATES TO THE DELAWARE COUNTY PERSONNEL POLICY MANUAL:

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

WHEREAS, Delaware County has incorporated and/or revised management practices, procedures, and policies to appropriately manage federal, state, and civil service laws and regulations and to administer and set employment standards, and provide for the general management of employees, based upon best practices recommended by the County Risk Sharing Authority; and

WHEREAS, the Delaware County Personnel Policy Manual encompasses general employment practices, procedures, and guidelines for employees, directors and supervisors in the day-to-day direction and performance of their duties; and

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WHEREAS, the Deputy County Administrator recommends adopting updates to Section VI of the Delaware County Personnel Policy Manual;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby adopts the following updates to Section VI of the Delaware County Personnel Policy Manual, effective immediately upon adoption of this Resolution:

VI. AMERICANS WITH DISABILITIES ACT

The County prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a disability. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position held or desired and must be able to perform the essential functions of their position, with or without a reasonable accommodation.

The County will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or direct threat to the facility. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to the department supervisor, office Director or Appointing Authority, each of whom shall have the authority and responsibility to work directly with Human Resources to investigate and take appropriate action concerning the request. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The employer and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

Any employee who feels that their rights have been violated under this policy should submit a written complaint as set forth in the Unlawful Discrimination and Harassment Policy.

Service Animals

Individuals may have the right to bring service animals into a public building. Service animals are those animals that are individually trained to do work or perform tasks for people with disabilities. Questions concerning a service animal should be presented to the department’s appointing authority who will contact Delaware County Human Resources.

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

25

RESOLUTION NO. 23-779

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE GORSUCH JOINT COUNTY #588 WATERSHED DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 22-1069 the Delaware County Commissioners established a drainage maintenance account (#2201) and approved the permanent drainage maintenance easement for the Gorsuch Joint County #588 Watershed Drainage Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 4.80%;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the final schedule of construction assessments for the **Gorsuch Joint County #588 Watershed** Drainage Improvement Project. (Copy available in the Commissioners’ Office until no longer of administrative value);

BE IT FURTHER RESOLVED that the Commissioners’ Office supply to the Auditor’s Office the final schedule of construction assessments with the interest rates 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 on the installments. (Copy available in the Commissioners’ Office until no longer of administrative value).

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

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RESOLUTION NO. 23-780

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION

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ASSESSMENTS FOR THE KINGSTON #2017-1 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 23-408 the Delaware County Commissioners established a drainage maintenance account (#2201) and approved the permanent drainage maintenance easement for the Kingston #2017-1 Drainage Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 4.80%;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the final schedule of construction assessments for the **Kingston #2017-1** Drainage Improvement Project. (Copy available in the Commissioners’ Office until no longer of administrative value);

BE IT FURTHER RESOLVED that the Commissioners’ Office supply to the Auditor’s Office the final schedule of construction assessments with the interest rates 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 on the installments. (Copy available in the Commissioners’ Office until no longer of administrative value).

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

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RESOLUTION NO. 23-781

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE KINGSTON #2017-2 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 23-409 the Delaware County Commissioners established a drainage maintenance account (#2301) and approved the permanent drainage maintenance easement for the Kingston #2017-2 Drainage Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 4.80%;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the final schedule of construction assessments for the **Kingston #2017-2** Drainage Improvement Project. (Copy available in the Commissioners’ Office until no longer of administrative value);

BE IT FURTHER RESOLVED that the Commissioners’ Office supply to the Auditor’s Office the final schedule of construction assessments with the interest rates 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 on the installments. (Copy available in the Commissioners’ Office until no longer of administrative value).

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

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RESOLUTION NO. 23-782

IN THE MATTER OF AUTHORIZING THE SUBMITTING OF AN APPLICATION FOR ARPA LEAD SAFE OHIO PROGRAM FOR THE COMMISSIONER’S OFFICE:

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

WHEREAS, the Director of Finance requests authorization to submit an application for the following grant to be used for lead-safe building certification, screening, testing and abatement:

Grant CFDA#	21.027
Source:	U.S Department of Treasury, through Ohio Department of Development
Grant Period:	December 1, 2023 – April 30, 2026
Grant Amount:	\$511,000.00
Local Match:	<u>0.00</u>
Total Grant Amount:	\$511,000.00

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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 Lead Safe Ohio 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 Finance 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. 23-783

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS:

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

Supplemental Appropriation		
10012301-5001	Victims Assistance/Compensation	47,500.00
10012301-5101	Victims Assistance/Health Insurance	8,000.00

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

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RESOLUTION NO. 23-784

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION:

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

Transfer of Appropriation		Amount
From:	To:	
10011102-5319	10011102-5601	\$11,125.00
Commissioners General/Reimb-Refunds	Commissioners General/Grants In Aid	

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

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ADMINISTRATOR REPORTS

CA Davies-none

DCA Huston;

CORSA meeting last week.

Commissioner Merrell elected to CORSA Board

Insurance cost of claims high; County's policies and best practices help keep cost down

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis

-Stockhands For Healing Regarding A Request

-Additional Patriot Day Comments

Commissioner Merrell

-Additional Patriot Day Comments

-CORSA meeting last week; Merrell elected to CORSA Board; Delaware County Positive Comments

Commissioner Benton

-Additional Patriot Day Comments

-DKMM on Tuesday

-Dr. EMS Medical Consultant received a national award

Other Business

RESOLUTION NO. 23-785

IN THE MATTER OF APPROVING THE DELAWARE COUNTY BOARD OF COMMISSIONERS' LETTER OF SUPPORT FOR STOCKHANDS FOR HEALING REGARDING A REQUEST TO PARTNER WITH THE COUNTRY CLUB AT MUIRFIELD VILLAGE FOUNDATION:

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

September 11, 2023

The Country Club at Muirfield Village Foundation
Grant Review Board
8715 Muirfield Dr.
Dublin, OH 43017

To the Grant Review Board:

We are writing to express our heartfelt support for Stockhands Horses for Healing, an invaluable resource in our community that has had a profound impact on the lives of so many individuals and families in Delaware County and beyond.

As Delaware County Commissioners, we have had the privilege of witnessing the incredible work that Stockhands Horses for Healing does, providing equine-assisted therapeutic riding programs to individuals with various physical, emotional, and developmental challenges. Stockhands has truly become a beacon of hope and healing for our community.

Stockhands Horses for Healing's commitment to improving the quality of life for those they serve is evident in the dedication and compassion of their staff, volunteers, and remarkable therapy horses. The positive transformations and outcomes that occur through equine-assisted therapy are a testament to the importance of their mission.

Stockhands Horses for Healing not only offers therapeutic services, but also fosters a sense of belonging and community. Stockhands has become a unique place where individuals find solace, encouragement, and the opportunity to achieve personal milestones that many thought were unattainable.

Please accept this letter of support for their request to partner with the Country Club at Muirfield Village Foundation. We understand Stockhands is requesting funding for mounting lift support for their wheelchair bound participants, which will provide a dynamic and lasting asset for their organization that will advance your foundation's worthy mission of "Helping children with special needs in central Ohio" for years to come.

Sincerely,

The Delaware County Board of Commissioners

_____ Jeff Benton	_____ Barb Lewis	_____ Gary Merrell
Vote on Motion	Mrs. Lewis Aye	Mr. Merrell Aye Mr. Benton Aye

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RESOLUTION NO. 23-786

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

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Section 1. The Board hereby adjourns into executive session for consideration of Compensation, Pending or Imminent Litigation, Collective Bargaining.

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

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

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

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

RESOLUTION NO. 23-787

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

10:00A.M. COMMUNITY ENHANCEMENT GRANT PRESENTATIONS

- People In Need
- MainStreet Delaware

RECESS 11:30A.M./RECONVENE 1:30P.M.

1:30P.M. Viewing For Consideration Of The Drainage Improvement Petition For The Liberty Lakes Sections 1 & 2 Subdivision Watershed

Viewing Of The Proposed Improvement Area Is Taking Place At The Office Of The Board Of County Commissioners, With The Use Of Video Technology. A Video Will Be Available To Gain An Overview Of The Project Limits And Specific Areas.

On May 19, 2023, the Liberty Lakes HOA and Others, filed a petition with the Clerk of the Delaware County Board of Commissioners requesting construction of a drainage improvement known as the Liberty Lakes Sections 1 & 2 Subdivision Drainage Improvement, generally described and located as follows: Generally improve the drainage, both surface and subsurface, to a good and sufficient outlet, by replacing, repairing, or altering the existing improvements as required and/or creating new surface and subsurface drainage mains or laterals as requested, by this petition, and to maintain these improvements per the associated engineering plans. In Delaware County, Liberty Township, within the Liberty Lakes Sections 1 & 2 Subdivision, and generally following, but not limited to, the course and termini of existing improvements.

Board will conduct the first hearing on the proposed improvement on Monday December 4, 2023, at 10:00A.M., at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio.

RECESS 1:45P.M./RECONVENE 3:20P.M.

**Update only/no action:
Sanitary Sewer Improvements for the Riverby Estates Subdivision and Condos at Riverby**

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton