

**COMMISSIONERS JOURNAL NO. 79 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 18, 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. 23-797

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 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 September 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

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PUBLIC COMMENT
Chip Thomson, Delaware County Fair Board President

Welcome to the Fair and Thank-you.
Continuing The Tradition Of Holding The Monday Board Of Commissioners' Session At The Delaware County Fair Grounds

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RESOLUTION NO. 23-798

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0915, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0915:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR0915, *memo transfers in batch numbers MTAPR0915* and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Account	Amount
R2304600	OUTSIDER ENTERTAINMENT LLC	BUSINESS OUTREACH VIDEO for JFS	22311611 - 5312	\$22,100.00

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

4
RESOLUTION NO. 23-799

IN THE MATTER OF A TRANSFER LIQUOR LICENSE REQUEST FROM KILBOURNE MARKET LLC TO M & J KILBOURNE LLC (BOTH DBA KILBOURNE MARKET) 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 transfer of a D1, D2 and D6 license from Kilbourne Market LLC to M & J Kilbourne LLC (both DBA Kilbourne Market) located at 5620 SR521, Delaware, Ohio 43015; 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 Mr. Merrell Aye Mrs. Lewis Aye

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RESOLUTION NO. 23-800

IN THE MATTER OF APPROVING A RESOLUTION HONORING THE LITTLE BROWN JUG 2023 JOSEPH NEVILLE MEMORIAL AWARD WINNER:

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

WHEREAS, Little Brown Jug Joseph Neville Memorial Award recipients are chosen and inducted each year by a panel of international harness racing enthusiasts; and

WHEREAS, this year’s Joseph Neville Memorial Award is awarded posthumously to Dave Brower, who passed away in October 2022 at the age of 53; and

WHEREAS, Brower, an alumnus of St. John’s University with a degree in journalism, dedicated his life to the passionate pursuit of bringing the excitement and beauty of harness racing to audiences in Delaware County and across the nation; and

WHEREAS, Brower’s expertise as an oddsmaker, handicapper and broadcaster benefitted the entire harness racing industry; and

WHEREAS, these skills enabled Brower to become an integral part of the Delaware County Fair and the Little Brown Jug, where he contributed immeasurably to the growth and promotion of these cherished institutions; and

WHEREAS, in addition to his remarkable career in broadcasting, Brower authored “Harnessing Winners” - an insightful and informative resource for both seasoned enthusiasts and newcomers to the world of harness racing; and

WHEREAS, despite his untimely passing, Brower's contributions to the sport have earned him a place among the distinguished finalists for induction into the Communicators Hall of Fame;

THEREFORE, BE IT RESOLVED that, with this proclamation, the Delaware County Board of Commissioners and the City of Delaware hereby recognize the impact of Dave Brower’s passion, dedication and unwavering love for harness racing.

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

6

RESOLUTION NO. 23-801

IN THE MATTER OF APPROVING A RESOLUTION HONORING THE LITTLE BROWN JUG WALL OF FAME RECIPIENT:

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

WHEREAS, the City of Delaware and Delaware County have the responsibility to recognize occasions of outstanding significance; and

WHEREAS, each year a panel of international and national harness racing enthusiasts selects a Little Brown Jug Wall of Fame honoree; and

WHEREAS, the 2023 honoree is Robert “Bob” Schmitz, whose lifetime contributions to the sport are historic and significant; and

WHEREAS, Bob Schmitz was appointed the Ohio State Racing Commission in 2011 and served two terms as Chairman; and

WHEREAS, during his tenure the state introduced Video Lottery Terminals at the racetracks and opened two new harness tracks – Miami Valley Gaming and Dayton Raceway; and

WHEREAS, he has been an owner and breeder of standardbred horses since 1983 and has bred horses with fellow Wall of Famer, Jim Buchy and Midland Acres as part of their 98 Degree Farm.

NOW THEREFORE, we jointly do hereby issue this proclamation to honor: Robert “Bob” Schmitz in the City of Delaware, and in the County of Delaware, Ohio, and we join with our fellow citizens in recognizing the 38th Little Brown Jug Wall of Fame honoree.

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

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DELAWARE COUNTY JUNIOR FAIR SALE, HOW CAN WE SUPPORT OUR YOUTH?

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ROB LEEDS, LARYSSA HOOK, JACCI SMITH, AND JR FAIRBOARD YOUTH

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RESOLUTION NO. 23-802

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:

Permit #	Applicant	Location	Type of Work
UT2023-0161	SPECTRUM	HOME RD & GUILFORD RD	BURY CABLE
UT2023-0162	SPECTRUM	ROME CORNERS RD	BURY CABLE
UT2023-0163	BRIGHTSPEED	DUNCAN RUN ROAD	ROAD BORE

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

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RESOLUTION NO. 23-803

IN THE MATTER OF APPROVING THE PLATS OF SUBDIVISION FOR RABBIT RUN II AND H/S WARREN ESTATE CAD:

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

WHEREAS, 365 Land, LLC, has submitted the plat of subdivision for Rabbit Run II, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, Ronald D. and Tamara A. Warren have submitted the plat of subdivision for H/S Warren Estate CAD, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the plats of subdivision for Rabbit Run II and H/S Warren Estate CAD:

Rabbit Run II:

Situated in the State of Ohio, County of Delaware, township of Liberty, and being part of farm lot 12, quarter-township 4, township 4, range 19 of The United States Military Lands, being all of the remainder of an original 23.043 acre tract conveyed to 365 Land LLC in official record volume 1917, page 307, being of record in the Recorder’s Office, Delaware County, Ohio. Cost: \$36.00 (\$3.00 per buildable lot)

H/S Warren Estate CAD:

Situated in the State of Ohio, County of Delaware, township of Kingston, and being part of farm lot 30, quarter-township 5, range 17, United States Military Lands, being a subdivision of 8.789 acres, being all of an original 8.789 acre tract conveyed to Ronald D. Tamara A. Warren, in official records volume 85, page 517, being of record in the Recorder’s Office, Delaware County, Ohio. Cost: \$6.00 (\$3.00 per buildable lot)

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

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RESOLUTION NO. 23-804

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

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 Clarkshaw Moors Section 6, Phase A (the “Project”); and

WHEREAS, as the result of the Engineer’s recent field review of the Project, 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

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bond be set at ten percent (10%) of the original construction estimate for the Project and that the Project be placed on the required one year maintenance period; and

WHEREAS, Rockford Homes, Inc. (the "Owner") has provided a maintenance bond in the amount of \$56,400.00 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 bond being held as surety for the Project be returned to the Owner;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners accepts the maintenance bond in the amount of \$56,400.00 for the Project, places the Project on the required one year maintenance period, and returns the construction bond being held for the Project to the Owner.

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

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RESOLUTION NO. 23-805

IN THE MATTER OF AWARDING THE BID AND APPROVING THE CONTRACT FOR THE PROJECT KNOWN AS THE CDBG PY2020 ACTIVITY 2 PARKING, DRAINAGE, & RELATED IMPROVEMENTS FOR KILBOURNE PLANNED COMMERCIAL 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 the Program Year 2020 Community Development Block Grant Agreement B-F-20-1AT-1 with the Ohio Development Services Agency, per Resolution No. 20-932 and amended by Resolution No. 23-564, which includes the project known as the CDBG PY2020 Parking, Drainage, & Related Improvements for Kilbourne Planned Commercial District (the "Project"); and

WHEREAS, on July 24, 2023, the Board adopted Resolution No. 23-617, approving bid documents and setting the bid date for the Project; and

WHEREAS, two bids for the Project were received and opened on August 17, 2023, with the bid submitted by Matheny Excavating, LLC, being the apparent low bidder;

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

Section 1. The Board hereby awards the base bid for the Project to, and approves the contract for the Project with, Matheny Excavating, LLC. (A copy of the contract is attached hereto and shall be retained in accordance with the applicable records retention schedules.)

Section 2. The Board hereby directs the Economic Development Director to execute and deliver the Notice of Award and Notice to Proceed to Matheny Excavating, LLC.

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

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ADMINISTRATOR REPORTS

-No Reports

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell

- Welcome to the Fair**
- Support Of The Hotel Bed Tax Made Funding For Improvements To The Fairgrounds Possible**
- Veterans Dinner Friday**
- Attended Quarterly Township Meeting/ Scott Stewart EMA Presentation/ Rodeo**
- CCAO Board retreat on Thursday**

Commissioner Lewis

- Welcome To The Fair**
- Veteran's Dinner Friday**

Commissioner Benton

- Welcome To The Fair**
- Support Of The Hotel Bed Tax Made Funding For Improvements To The Fairgrounds Possible**
- Grandstand Work In Phases. Phase One Finished For This Year (Updated Restrooms)**
- Next Phase Seating**
- Jr. Auctions Tuesday And Wednesday**
- Honors Events Tuesday Night**

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- Veterans Dinner Friday
- 1 Million Purse For The Jug Race On Thursday

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton

Jennifer Walraven, Clerk to the Commissioners