

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

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

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

**1**  
 RESOLUTION NO. 23-902

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD OCTOBER 23, 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 October 23, 2023; and

WHEREAS, the Clerk of the Board has certified, pursuant to section 305.12 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. 23-903

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1025:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR1025 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Account	Amount
R2304951	SOIL & WATER CONSERVATION	DITCH PETITION CHARGES	10011102-5328	\$56315.67
R2304952	COMMISSIONERS	BUELL #542 DITCH PETITION CHARGES	40311489-5328	\$1243.13
R2304952	COMMISSIONERS	CHANCEL GATE DITCH PETITION CHARGES	40311488-5328	\$2740.58
R2304952	COMMISSIONERS	DAVIS #240 DITCH PETITION CHARGES	40311480-5328	\$3306.19
R2304952	COMMISSIONERS	DUSTIN ROAD DITCH PETITION CHARGES	40311476-5328	\$668.51
R2304952	COMMISSIONERS	ENGLISH #346 DITCH PETITION CHARGES	40311470-5328	\$9762.17
R2304952	COMMISSIONERS	EVANS #354 DITCH PETITION CHARGES	40311490-5328	\$621.57
R2304952	COMMISSIONERS	FRANKLIN DITCH PETITION CHARGES	40311478-5328	\$8798.59
R2304952	COMMISSIONERS	GRIFFITH #391 DITCH PETITION CHARGES	40311484-5328	\$687.69
R2304952	COMMISSIONERS	HARSH #480 DITCH PETITION CHARGES	40311491-5328	\$1190.23
R2304952	COMMISSIONERS	HOOVER #61 DITCH PETITION CHARGES	40311475-5328	\$3057.36
R2304952	COMMISSIONERS	JONES #60 DITCH PETITION CHARGES	40311496-5328	\$632.41
R2304952	COMMISSIONERS	KINGSTON #2017-2 DITCH PETITION CHARGES	40311467-5328	\$4794.51
R2304952	COMMISSIONERS	LANETTA LANE DITCH PETITION CHARGES	40311474-5328	\$2292.43
R2304952	COMMISSIONERS	LAWRENCE #22 DITCH PETITION CHARGES	40311492-5328	\$883.67

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R2304952	COMMISSIONERS	NORRIS RUN DITCH PETITION CHARGES	40311460-5328	\$3189.87		
R2304952	COMMISSIONERS	RADNOR TWP #2015-1 DITCH PETITION CHARGES	40311458-5328	\$449.46		
R2304952	COMMISSIONERS	SLATE LICK LATERAL #1 DITCH PETITION CHARGES	40311487-5328	\$300.6		
R2304952	COMMISSIONERS	VIENOT #23 DITCH PETITION CHARGES	40311493-5328	\$883.92		
R2304952	COMMISSIONERS	VILLAGE AT HARVEST WIND DITCH PETITION CHARGES	40311495-5328	\$1998.38		
R2304952	COMMISSIONERS	WATSON-FORD #25 DITCH PETITION CHARGES	40311477-5328	\$2459.39		
R2304952	COMMISSIONERS	ZERBE-O'KEEFE #265 DITCH PETITION CHARGES	40311482-5328	\$6355.01		
R2304960	DELAWARE AUTO SALES LLC	REPAIR 2020 MALIBU 03605	6011190 -5370	\$7000		
Vote on Motion	Mr. Merrell	Aye	Mrs. Lewis	Aye	Mr. Benton	Aye

**4  
RESOLUTION NO. 23-904**

**IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:**

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

The EMS Department is requesting that Lt. Daniel Jividen attend the Ohio Tactical Officers Association Tactical Team Leader Course in Huron, Ohio November 5-8, 2023; at the cost of \$1,024.00 (fund number 10011303)

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

**5  
RESOLUTION NO. 23-905**

**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 498.167 ACRES OF LAND IN TRENTON TOWNSHIP TO THE CITY OF SUNBURY:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to acknowledge that on October 18, 2023, the Clerk to the Board of Commissioners received a petition requesting annexation of 498.167 acres of land from Trenton Township to the City of Sunbury.

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

**6  
RESOLUTION NO. 23-906**

**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 378.595 ACRES OF LAND IN TRENTON TOWNSHIP AND BERKSHIRE TOWNSHIP TO THE CITY OF SUNBURY:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis to acknowledge that on October 18, 2023, the Clerk to the Board of Commissioners received a petition requesting annexation of 378.595 acres of land from Trenton Township and Berkshire Township to the City of Sunbury.

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

**7  
RESOLUTION NO. 23-907**

**IN THE MATTER OF SCHEDULING THE SPECIAL COMMISSIONERS' SESSIONS FOR THE 2024 BUDGET HEARINGS STARTING AT 1:30 P.M. MONDAY, NOVEMBER 6, 2023, AND CONTINUING THRU THURSDAY, NOVEMBER 9, 2023:**

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve scheduling the Special Commissioners'

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Sessions for the 2024 budget hearings starting at 1:30 P.M. Monday, November 6, 2023, and continuing thru Thursday, November 9, 2023;

Starting times for each day are as follows:  
Monday, November 6, 2023 at 1:30 P.M.  
Thursday, November 9, 2023 at 3:00 P.M.

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

**8**  
**TONI TUROWSKI, ODOT DISTRICT 6**  
**UPDATE/BRIEFING**

**9**  
**RESOLUTION NO. 23-908**

**IN THE MATTER OF ACCEPTING THE RECOMMENDATIONS OF THE DELAWARE COUNTY TAX INCENTIVE REVIEW COUNCILS (TIRC) FOR TAX YEAR 2022:**

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

WHEREAS, the various Delaware County tax incentive review councils (“TIRC”) met and reviewed projects for compliance in accordance with section 5709.85 of the Revised Code on Thursday, August 31, 2023; and

WHEREAS, the Liberty Township TIRC reviewed the exemptions and agreements within its jurisdiction, determined that all active exemptions are in compliance with requirements, and recommends continuing the exemptions; and

WHEREAS, the Orange Township TIRC reviewed the exemptions and agreements within its jurisdiction, determined that all active exemptions are in compliance with requirements, and recommends continuing the exemptions; and

WHEREAS, the Board of Commissioners is required by the Ohio Revised Code to submit an annual report on the status of each exemption and agreement and the recommendations of the TIRC to the Director of the Ohio Department of Development;

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

Section 1. The Board hereby accepts the recommendations of each TIRC as set forth above.

Section 2. The Board directs the Economic Development Department to file all information required by the State of Ohio with the Director of the Ohio Department of Development.

Section 3. The Board hereby thanks the members of each TIRC for their service.

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

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

**10**  
**RESOLUTION NO. 23-909**

**IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION:**

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

<b>Supplemental Appropriations</b>		
78011118-5319	Estate Trust/Reimbursements-Refunds	10,041.38

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

**11**  
**RESOLUTION NO. 23-910**

**IN THE MATTER OF APPROVING A SUPPLEMENTAL APPROPRIATION:**

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

<b>Supplemental Appropriations</b>		
40311458-5301	Radnor Twp #2015-1/Contracted Professional Services	44,603.75

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

**12**

**RESOLUTION NO. 23-911**

**IN THE MATTER OF APPROVING RE-APPOINTMENTS TO THE DELAWARE COUNTY TRANSIT BOARD:**

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

WHEREAS, on October 25, 1999, the Delaware County Board of Commissioners (the “Board of Commissioners”) created the Delaware County Transit Board (the “Transit Board”) and made the necessary appointments to the Transit Board, pursuant to section 306.01 and 306.02 of the Revised Code; and

WHEREAS, as necessary, the Board of Commissioners has made appointments to the Transit Board to fill vacancies in both unexpired and expired terms; and

WHEREAS, the terms for Transit Board members Beth Easterday-Futryk and Benjamin Turner expired on October 24, 2023, and both members have applied for re-appointment to terms that will commence immediately upon adoption of this Resolution, and will expire October 24, 2026.

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

Section 1. The Board of Commissioners hereby approves the re-appointments of the following members to the Transit Board for the terms specified herein:

<b>Position</b>	<b>Appointee</b>	<b>Term Ends</b>
DATA 6	Beth Easterday-Futryk	October 24, 2026
DATA 7	Benjamin Turner	October 24, 2026

Section 2. The re-appointments approved herein shall take effect immediately upon adoption of this Resolution.

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

**13**

**ADMINISTRATOR REPORTS**

**-T. Davies; Attended A Delaware County Transit Steering Committee Meeting**

**14**

**COMMISSIONERS’ COMMITTEES REPORTS**

**Commissioner Merrell**

**-Attended The Area 18 Opioid Funding Meeting Last Night**

**-Regional Planning Meeting Tonight; First Meeting In The New Building (Byxbe Campus)**

**Commissioner Lewis**

**-Attended A Ribbon Cutting For Vertiv; A Worldwide Company Technology Company, Which Has Local Facilities In The Delaware County, Celebrating Expansions.**

**Commissioner Benton**

**-Attended A Ribbon Cutting For Vertiv; A Worldwide Company Technology Company, Which Has Local Facilities In The Delaware County, Celebrating Expansions.**

**-Attended The Record Commission Meeting On Wednesday**

**-On Friday Will Participate In The CEBCO Meeting**

**15**

**RESOLUTION NO. 23-912**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT; EMPLOYMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL AND FOR PENDING OR IMMINENT LITIGATION:**

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

WHEREAS, pursuant to section 121.22(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 121.22(G)(1)–(7) of the Revised Code;

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

Section 1. The Board hereby adjourns into executive session for consideration of appointment; employment of a public employee or public official and for pending or imminent litigation.

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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. 23-913**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

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

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

There being no further business, the meeting adjourned.

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Gary Merrell

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Barb Lewis

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Jeff Benton

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Jennifer Walraven, Clerk to the Commissioners