

**COMMISSIONERS JOURNAL NO. 79 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 6, 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. 23-940**

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 2, 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 November 2, 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. 23-941**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 1103:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve Then And Now Certificates, payment of warrants in batch numbers CMAPR 1103, and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
(P2300945) Troy Filters	Land and Buildings	10011105-5201	\$9,666.00
(P2300630) Squire Patton Boggs	Commissioners General	10011102-5361	\$6,000.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2305091	SQUIRE PATTON BOGGS (US) LLP	LEGAL SERVICES	21011113 - 5361	\$ 17,000.00
R2305107	TREASURER, STATE OF OHIO	FCFC FINANCIAL AUDIT	70161608 - 5301	\$ 10,045.00

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

**4
RESOLUTION NO 23-942**

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

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

New Fund			
307	Healthy Aging Grant		
New Organization Key			
30711343	Healthy Aging Grant		
Supplemental Appropriation			
30711343-5601	Healthy Aging Grant/Grants in Aid		295,392.00
Revenue Estimate Revision			
30711343-4509	Healthy Aging Grant/Federal Grants A		295,392.00

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

**5
RESOLUTION NO. 23-943**

IN THE MATTER OF ACCEPTING THE ROADS, APPROVING RECOMMENDED SPEED LIMITS, ESTABLISHING STOP CONDITIONS, AND RELEASING THE SURETIES FOR EVANS FARM SECTION 1 PHASE A PART 2; EVANS FARM SECTION 2 PHASE B; EVANS FARM SECTION 2 PHASE C; AND EVANS FARM SECTION 2 PHASE D PART 1:

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

WHEREAS, the Engineer has reviewed the roadway construction of the roads in Evans Farm Section 1 Phase a Part 2; Evans Farm Section 2 Phase B; Evans Farm Section 2 Phase C; and Evans Farm Section 2 Phase D Part 1 (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:

Evans Farm Section 1 Phase A Part 2:

- An addition of 0.301 mile to township road number 99, Piatt Road
- An addition of 0.086 mile to township road number 1823, Hickory Drive
- An addition of 0.333 mile to township road number 1819, Maple Drive

Evans Farm Section 2 Phase B:

- An addition of 0.416 mile to township road number 1819, Maple Drive
- An addition of 0.535 mile to township road number 1818, Evans Farm Drive

Evans Farm Section 2 Phase C:

- An addition of 0.099 mile to township road number 1853, Catalpa Drive
- An addition of 0.229 mile to township road number 1824, Butternut Drive

Evans Farm Section 2 Phase D Part 1:

- An addition of 0.609 mile to township road number 1819, Maple Drive
- An addition of 1.020 mile to township road number 1853, Catalpa Drive; and

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 1823, Hickory Drive, at its intersection with township road 1852, Maple Drive
- On township road number 1819, Maple Drive, at its intersection with township road number 1818, Evans Farm Drive
- On township road number 1819, Maple Drive, at its intersection with township road number 1818, Evans Farm Drive
- On township road number 1824, Butternut Drive at its intersection with township road number 1820, Linden Street
- On township road number 1824, Butternut Drive at its intersection with township road number 1853, Catalpa Drive; and

WHEREAS, the Engineer requests approval to return the cash being held as maintenance surety to Evans Farm Land Development Company, 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 Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

**6
RESOLUTION NO. 23-944**

IN THE MATTER OF APPROVING AN OWNER’S AGREEMENT FOR RAVINES AT MEADOW RIDGE ROADWAY IMPROVEMENTS:

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

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WHEREAS, the Engineer recommends approving the Owner’s Agreement for Ravines at Meadow Ridge Roadway Improvements;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner’s Agreement for Ravines at Meadow Ridge Roadway Improvements:

OWNER'S AGREEMENT

PROJECT NUMBER: 23044

THIS AGREEMENT made and entered into this 6th day of November 2023 by and between the COUNTY OF DELAWARE (acting through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and Metro Development hereinafter called the OWNER, as evidenced by the Engineering and Construction Plan entitled Ravines at Meadow Ridge Roadway Improvements (DEL-CR21-10.02) which was approved by the County Engineer, hereinafter called the Plan, is governed by the following considerations to wit:

- 1) The OWNER is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the PLAN, which is part of this AGREEMENT.
- 2) The OWNER shall pay the entire cost and expense of said improvements.
- 3) The OWNER is to provide an irrevocable letter of credit or other approved financial warranties in the amount of \$673,000.00 payable to the BOARD OF COUNTY COMMISSIONERS to insure the faithful performance of this AGREEMENT and the completion of all of the said improvements in accordance with the current "Delaware County Engineering and Surveying Standards for Subdivision Development" and current "Subdivision Regulations of Delaware County, Ohio". Said financial warranty will be released and returned to the OWNER within thirty (30) days of the acceptance of the improvements by the COUNTY.
- 4) It is further agreed that upon execution of the AGREEMENT, the OWNER shall deposit inspection fees in the amount of \$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 project and acceptance of the improvements by the DELAWARE COUNTY COMMISSIONERS, the remaining amount in the fund shall be returned to the OWNER.
- 5) The OWNER is to complete all construction to the satisfaction of the COUNTY no later than September 30, 2024 and will receive an approval letter from the Delaware County Engineer as evidence of the OWNER'S release from responsibility to said project.
- 6) The OWNER shall indemnify and hold the COUNTY free and harmless from any and all claims for damages of every nature arising or growing out of the construction of said improvements.
- 7) The OWNER will at all times during the construction of said improvements maintain thru traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the Delaware County Engineer. Construction signs, barricades and lights shall be placed as needed on the job site as in accordance with the Ohio Department of Transportation "Uniform Traffic Control Devices" and "Traffic Control for Construction and Maintenance".
- 8) The OWNER further agrees that any violation of or noncompliance with any of the provisions as stipulations of this AGREEMENT shall constitute a breach of contract, and the Delaware County Engineer shall have the right to stop work forthwith and use the surety for the completion of the improvements.
- 9) If the OWNER should 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.
- 10) Upon approval and acceptance of the improvements, the original copy of the PLAN shall become the property of the COUNTY and shall be filed in the office of the Engineer.
- 11) In consideration whereof, the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO hereby grants to the OWNER or his agent the right and privilege to make the said improvements stipulated herein.

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

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IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND AND RELEASING CONSTRUCTION BOND FOR BERKSHIRE CROSSING SECTION 1, BERKSHIRE CROSSING SECTION 2 AND MULBERRY ESTATES:

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

WHEREAS, the roadway construction has been completed for the projects known as Berkshire Crossing Section 1, Berkshire Crossing Section 2 and Mulberry Crossing (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, AMH Development, LLC, and Mulberry Collaborative, LLC (the "Owners") have provided maintenance bonds in the amounts of \$110,400.00, \$81,700.00 and \$31,700.00 as surety to cover the one year maintenance period; and

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

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners accepts the maintenance bonds in the amounts of \$110,400.00, \$81,700.00 and \$31,700.00 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 Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

**8
RESOLUTION NO. 23-946**

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, SETTING THE BID DATE AND TIME FOR THE PROJECT KNOWN AS DEL-CR13-5.02 WORTHINGTON ROAD AND LEWIS CENTER ROAD INTERSECTION IMPROVEMENTS:

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

WHEREAS, the Delaware County Engineer has prepared plans, specifications and estimates for the project known as DEL-CR12-5.02 Worthington Road and Lewis Center Road Intersection Improvements (the "Improvement");

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

Section 1. The Board hereby approves the plans, specifications and estimates for the Improvement.

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

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, January 9, 2023, at which time they will be publicly received and read aloud, for the project known as:

**DEL-CR13-5.02 (PID: 97431)
Worthington Road and Lewis Center Road Intersection Improvements**

All proposals shall be submitted electronically through the web service www.bidexpress.com. The bid shall be accompanied by a Bid Security in the form of a bid bond in the amount of one hundred percent (100%) of the bid or a certified check in the amount of ten percent (10%) of the bid. In addition to the Bid Security, a Performance Bond is required for this project in the amount of one hundred percent (100%) of the total project cost.

The Owner of the project is the Delaware County Board of Commissioners. Copies of the plans and specifications must be obtained from www.bidexpress.com. All bidders must register and be a member of the web service to bid on the project.

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

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The Owner requires that all work associated with the project be completed before April 1, 2025. The estimated commencement of work date is January 22, 2024.

Bidders must be pre-qualified as a Contractor by the Ohio Department of Transportation.

This is a Federal-Aid project and the Federal Equal Employment Opportunity regulations listed in the proposal shall govern. There is a 8% Disadvantaged Business Enterprises (DBE's) participation goal on this contract.

This is a prevailing wage contract in accordance with the U.S. Department of Labor Regulations, Title 29, Subtitle A, Part 5, Sections 5.5, 5.31, and 5.32, most recent revision at contract execution. Bidders shall comply with all applicable provisions.

Disadvantaged Business (DBE) Requirement. DBE participation goals (Subcontracts, materials, supplies) have been set on this project for those certified as DBE's in accordance with the TEA - 21 (1998) and 49 CFR, Part 26, and qualified to bid with ODOT under Chapter 5525 of the Ohio Revised Code (O.R.C.). The DBE goal designation is stated at the beginning of the project proposal, following the project identification.

No bids shall be withdrawn for a period of sixty (60) days after the opening thereof. Awarding of the contract shall be to the Lowest and Best bidder as determined by the Delaware County Board of Commissioners in the best interest of Delaware County. The Board reserves the right to reject any or all bids.

Delaware Gazette Advertisement Dates:
November 25, 2023, December 2, 2023, December 9, 2023

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

**9
RESOLUTION NO. 23-947**

IN THE MATTER OF APPROVING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH TRANS ASSOCIATES ENGINEERING CONSULTANTS, INC.:

It was moved by Mrs. Lewis, seconded by Mr. Merrell to approve the following Amendment No. 2 to the Professional Services Agreement with Trans Associates Engineering Consultants, Inc.:

**AMENDMENT NO. 2
PROFESSIONAL SERVICES AGREEMENT
DEL-CR125-1.46 ~ Steitz Road Improvements, Phase 2**

This Amendment No. 2 to the Prime Agreement dated December 18, 2017, is made and entered into this November 6, 2023, by and between the **Delaware County Board of Commissioners**, Delaware County, Ohio, 91 North Sandusky Street, Delaware, Ohio 43015 ("County"), and **Trans Associates Engineering Consultants, Inc.**, 4955 Steubenville Pike, Suite 400, Pittsburgh, PA 15205 ("Consultant") (hereinafter collectively referred to as the "Parties").

ARTICLE 1 – AMENDMENT

Pursuant to Section 3.1 of the Prime Agreement, the Parties mutually agree to amend the Prime Agreement as follows:

- A. Based on the proposed fee increases dated April 3, 2023 and July 29, 2022, Section 4.3 of the Prime Agreement shall be modified to increase the maximum total compensation to Four Hundred Forty One Thousand Two Hundred Sixty Five Dollars and Zero Cents (\$441,265.00).
- B. Section 7.1 of the Prime Agreement shall be modified to extend the date for the completion of Services to December 31, 2023.

ARTICLE 2 – REMAINING PROVISIONS

All other terms and conditions of the Prime Agreement and Amendment No. 1 not specifically amended herein shall remain in full force and effect.

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

**10
RESOLUTION NO. 23-948**

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;

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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
UT2023-0186	AEP	VANS VALLEY RD	REPLACE POLES
UT2023-0187	FRONTIER	WINGATE DR	ROAD BORE
UT2023-0188	FRONTIER	LAKEVIEW DR	ROAD BORE
UT2023-0189	SPECTRUM	OWENS FIELD & HIDDEN RAVINES DR	ROAD BORE
UT2023-0190	FRONTIER	STEITZ RD	FIBER OPTIC CABLE
UT2023-0191	AT&T	S OLD STATE RD	ROAD BORE

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

**11
RESOLUTION NO. 23-949**

IN THE MATTER OF ACCEPTING PUBLIC RIGHT OF WAY FOR THE IMPROVEMENTS TO U.S. 36/S.R. 37 AND GALENA ROAD (DEL-36-18.95) AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN AFFIDAVIT:

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

WHEREAS, the Ohio Department of Transportation (ODOT) is making improvements to the intersection of U.S. 36/S.R. 37 and Galena Road (DEL-36-18.95), including addition of turn lanes and a new traffic signal (the “Improvements”), which require additional right-of-way; and

WHEREAS, ODOT has acquired Parcel 20-WDV in the name and for the use of the Board of Commissioners of Delaware County, Ohio (the “Board”) for such purpose; and

WHEREAS, the Improvements also require demolition of the existing building at the northeast corner of the intersection, situated partly within Parcel 20-WDV; and

WHEREAS, ODOT and its construction contractor have requested approval of an affidavit from the Board authorizing the issuance of a permit for demolition of the structure upon Parcel 20-WDV;

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

Section 1. The Board hereby accepts Parcel 20-WDV, as recorded in Official Records Volume 1986, Page 664-669 of the Recorder’s Office, as public right of way.

Section 2. The Board hereby authorizes the County Administrator to execute an owner’s affidavit authorizing the issuance of a permit for the demolition of the existing building located within Parcel 20-WDV.

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

**12
RESOLUTION NO. 23-950**

IN THE MATTER OF RE-APPOINTING A MEMBER TO THE DELAWARE COUNTY DISTRICT LIBRARY BOARD OF TRUSTEES:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board of Commissioners”) created the Delaware County District Library pursuant to section 3375.19 of the Revised Code; and

WHEREAS, the Board of Commissioners is responsible for making several appointments to the Delaware County District Library Board of Trustees (the “Library Board”), pursuant to section 3375.22 of the Revised Code; and

WHEREAS, the term of Bradley Allen will expire on December 31, 2023; and

WHEREAS, Mr. Allen has expressed a desire to be re-appointed and meets the requirements stipulated by section 3375.22 of the Revised Code; and

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

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WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to re-appoint a member to the Library Board;

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

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

Section 2. The Board of Commissioners hereby approves the re-appointment of the following member to the Library Board for the term specified herein:

Appointee	Term Ends
Bradley Allen	December 31, 2030

Section 3. The appointment approved in this Resolution shall take effect on January 1, 2024.

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

**13
RESOLUTION NO. 23-951**

IN THE MATTER OF RE-ELECTING MEMBERS OF THE DELAWARE COUNTY VOLUNTEER PEACE OFFICERS’ DEPENDENTS FUND BOARD:

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

WHEREAS, on April 7, 2016, the Delaware County Board of Commissioners adopted Resolution No. 16-324, establishing the Delaware County Volunteer Peace Officers’ Dependents Fund Board, pursuant to section 143.02 of the Revised Code; and

WHEREAS, the Board of Commissioners shall elect two members to the Delaware County Volunteer Peace Officers’ Dependents Fund Board each year not earlier than the first day of November and not later than the second Monday in December for terms that commence on the first day of January and that are for one year; and

WHEREAS, the terms of Sheriff Jeffrey Balzer and Brad Euans will expire on December 31, 2023; and

WHEREAS, Sheriff Jeffrey Balzer and Brad Euans have applied for re-election to the Delaware County Volunteer Peace Officers’ Dependents Fund Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby re-elects Sheriff Jeffrey Balzer and Brad Euans as members of the Delaware County Volunteer Peace Officers’ Dependents Fund Board for terms of one year, commencing on January 1, 2024 and expiring on December 31, 2024.

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

**14
ADMINISTRATOR REPORTS**

- Budget Hearing today beginning at 1:30 p.m.
- Regional Sewer time has moved up to est. 2:30 p.m.

**15
COMMISSIONERS’ COMMITTEES REPORTS**

Commissioner Merrell

- Thanks to Margo, volunteers, supporters and vets for the Vet. Parade on Sunday
- Will be attending the Sunbury Anniversary dinner on Wednesday
- Election Day reminder

Commissioner Lewis

- Attended Justice & Public Safety meeting
- More funds allocated by legislature for jails
- Medicaid funding for jails under the discretion of the Medicaid Director

Commissioner Benton

- Thank you given to Margo for Vet. Parade
- Election Day reminder
- Received congratulations from Senator on Byxbe Building

**16
RESOLUTION NO. 23-952**

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IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL, TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSES, AND FOR PENDING 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; and

WHEREAS, pursuant to section 121.22(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) A unanimous quorum of the public body determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project;

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

Section 1. The Board hereby adjourns into executive session for consideration of employment of a public employee or public official, to consider the purchase of property for public purposes, and for pending imminent litigation.

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

RESOLUTION NO. 23-953

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

There being no further business, the meeting adjourned.

Gary Merrell

Barb Lewis

Jeff Benton