

COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 13, 2024

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

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

1
RESOLUTION NO. 24-471

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD JUNE 10, 2024:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on June 10, 2024; 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 Mr. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

2
PUBLIC COMMENT

3
RESOLUTION NO. 24-472

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0612:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR 0612 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
(P2401013) VAR FCFC Parent	FCF System of Care	70161605	\$7,500.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2403583	CARR SUPPLY INC	HVAC UNIT - HICKORY KNOLL	40111402 - 5450	\$20,800.00

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

4
RESOLUTION NO. 24-473

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE PROPOSED ORANGE VILLAGE CENTRE WATERSHED DRAINAGE IMPROVEMENT:

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

WHEREAS, on October 25, 2018, the Board of Commissioners of Delaware County (the "Board") held a public hearing and determined that the proposed Orange Village Centre Watershed Drainage Improvement is necessary and conducive to the public welfare, and that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs; and

WHEREAS, the Board also ordered the Delaware County Engineer to prepare the reports, plans, and schedules for the proposed improvement; and

WHEREAS, the Delaware County Engineer has filed the reports, plans, and schedules for the proposed improvement with the Clerk of the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of

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Delaware hereby fixes Monday, July 29, 2024, at 10:00A.M., at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, as the time and place of the final hearing on the report of the County Engineer.

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

5

RESOLUTION NO. 24-474

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE PROPOSED HIDDEN SPRINGS CONDOMINIUM WATERSHED DRAINAGE IMPROVEMENT:

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

WHEREAS, on October 25, 2018, the Board of Commissioners of Delaware County (the "Board") held a public hearing and determined that the proposed Hidden Springs Condominium Watershed Drainage Improvement is necessary and conducive to the public welfare, and that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs; and

WHEREAS, the Board also ordered the Delaware County Engineer to prepare the reports, plans, and schedules for the proposed improvement; and

WHEREAS, the Delaware County Engineer has filed the reports, plans, and schedules for the proposed improvement with the Clerk of the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Delaware hereby fixes Monday, July 29, 2024, at 10:15A.M., at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, as the time and place of the final hearing on the report of the County Engineer.

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

6

RESOLUTION NO. 24-475

IN THE MATTER OF RE-APPOINTING A MEMBER AND APPOINTING A MEMBER TO THE DELAWARE-MORROW MENTAL HEALTH & RECOVERY SERVICES BOARD:

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

WHEREAS, the Delaware-Morrow Mental Health and Recovery Services Board is the body established, pursuant to Chapter 340.02 of the Revised Code, to govern the joint alcohol, drug addiction, and mental health service district of Delaware and Morrow Counties; and

WHEREAS, the Delaware County Board of Commissioners (the "Board") appoints members to the Delaware-Morrow Mental Health and Recovery Services Board for both expired and unexpired terms; and

WHEREAS, the term for the seat occupied by David Black will expire on June 30, 2024, and Mr. Black desires to be re-appointed and is eligible and not otherwise term-limited to be re-appointed; and

WHEREAS, the term for the seat occupied by Benjamin Winkler will expire on June 30, 2024, and Mr. Winkler has not applied to be re-appointed; and

WHEREAS, Laura Blumenstiel has applied for appointment and meets all the requirements stipulated in section 340.02(C) of the Revised Code;

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

Section 1. The Board hereby re-appoints David Black as a member of the Delaware-Morrow Mental Health & Recovery Services Board for a term commencing July 1, 2024, and ending June 30, 2028.

Section 2. The Board hereby appoints Laura Blumenstiel as a member of the Delaware-Morrow Mental Health & Recovery Services Board for a term commencing July 1, 2024, and ending June 30, 2028.

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

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RESOLUTION NO. 24-476

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IN THE MATTER OF DECLARING PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE AND THE INTENT OF SELLING SUCH PROPERTY VIA INTERNET AUCTION OR DISPOSAL OF PROPERTY OF NO VALUE:

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

WHEREAS, Delaware County has personal property that is not needed for public use, obsolete, or unfit for the use for which it was acquired; and

WHEREAS, section 307.12(E) of the Revised Code provides for the sale of such property by internet auction, pursuant to a resolution adopted by the board of county commissioners; and

WHEREAS, the Delaware County Board of Commissioners adopted Resolution No. 16-749 on August 1, 2016, declaring its intent to sell such property by internet auction; and

WHEREAS, certain of such property may require a signature to transfer such property from the county to a buyer; and

WHEREAS, certain of such property may receive no bids during the internet auction and can be declared to be of no value;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Delaware County, State of Ohio, that the following property listed below be sold in the manner prescribed in Resolution No. 16-749 and that items receiving no bids be considered of no value and may be discarded or salvaged at the direction of the Director of Facilities. The Director of Facilities is hereby authorized to sign any documents needed to transfer such property on behalf of the Board.

Asset #	Type	Make	Model	VIN/Serial Number	Mileage/Note
185	SUV	FORD	2013 police interceptor suv	1FM5K8ARXDGC40953	184,901
223	SUV	FORD	2013 police interceptor suv	1FM5K8AR8DGC40952	171,598
230	PICKUP TRUCK	FORD	2011 F150 4X4 5.0L	1FTFX1EF2BFD15696	90,124
242	PICKUP TRUCK	FORD	2015 F250 4X4 supercab	1FT7X2B64FEC51140	135,886
249	SUV	FORD	2015 pol interceptor suv	1fm5k8ar8fgb41261	149,727
269	SUV	FORD	2015 POL INT SUV	1fm5k8ar9fgc41191	167,341
274	SUV	FORD	2015 pol int suv awd 3.7L	1fm5k8ar7fgc41190	165,163
423	SUV	FORD	2014 pol interceptor suv	1FM5K8ARXEGC02527	187,882

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

**8
RESOLUTION NO. 24-477**

IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND 2K GENERAL COMPANY, INC. FOR THE PROJECT KNOWN AS RENOVATIONS AT 109 N SANDUSKY STREET:

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

**Renovations at 109 N Sandusky Street
Bid Opening of May 15, 2024**

WHEREAS, as the result of the above referenced bid opening, the Director of Facilities recommends that a bid award be made to 2K General Company, Inc., the lowest and best bidder for the project; and

WHEREAS, the Director of Facilities recommends approval of the Contract between the Delaware County Commissioners and 2K General Company, Inc. for the project known as Renovations at 109 N Sandusky Street;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby awards the bid for the project known as Renovations at 109 N Sandusky Street to 2K General Company, Inc., and approves the following Contract:

CONTRACT

2K General Company, Inc., 19 Gruber St. Building B, Delaware, Ohio 43015, (the "Contractor") and the Delaware County Board of Commissioners (the "Owner"). "Contract Documents," as used herein, shall mean collectively, the Drawings, Specifications, Addenda, Notice to Bidders, Instructions to Bidders, Definitions, Bid Form, Contract and Attachments, Bond, Bulletins, Approved Shop Drawings, Contract Modifications, Contract Modification Procedure and Pricing Guidelines and Standard Conditions of the Contract (General and Special), which are, by this reference, fully incorporated herein.

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In consideration of the mutual promises herein contained, the Owner and the Contractor agree as set forth below:

ARTICLE 1

1.1 The Contractor shall perform the entire work described in the Contract Documents and reasonably inferable by the Contractor as necessary to produce the results intended by the Contract Documents, for:

**RENOVATIONS AT 109 N SANDUSKY STREET
Delaware, Ohio 43015
Bid Package 1 – General Contractor**

ARTICLE 2

2.1 The Owner shall pay the Contractor for the performance of this Contract, subject to additions and deletions as provided in the Contract Documents, the amount of **\$719,200.00** (the “Contract Price”), based upon the Bid Form, dated May 15, 2024, submitted by the Contractor.

Base Bid - \$719,200.00

No Alternates

Total Contract Amount = \$719,200.00

2.2 The Contract Price shall be paid in current funds by the Owner upon payment requests issued by the Contractor and approved by the Owner, or its designated representative, as provided in the Contract Documents.

ARTICLE 3

3.1 The Contractor shall diligently prosecute the Work and shall effect Contract Completion on or before the date set by the approved construction schedule per General Conditions Article 4.3, following the date set forth in the Notice to Proceed, unless the Owner grants an extension of time in accordance with the Contract Documents.

3.2 It is understood and agreed that all Work to be performed under the Contract shall be completed within the established Contract Completion time and that each applicable portion of the Work shall be completed upon the respective Milestone Completion Dates, unless the Owner grants an extension of time in accordance with the Contract Documents.

3.3 Upon failure to have all Work completed within the specified period of time, or to have the applicable portion of the Work completed upon the date of any Milestone Completion Date, the Owner shall be entitled to retain or recover from the Contractor, as liquidated damages, and not as a penalty, the applicable amount as set forth in the following table for each and every calendar day thereafter until Contract Completion, unless an extension of time is granted in accordance with the Contract Documents.

3.4 The amount of Liquidated Damages is agreed upon by and between the Contractor and the Owner because of the impracticality and extreme difficulty of ascertaining the actual amount of damage the Owner would sustain.

3.5

LIQUIDATED DAMAGES

<u>Contract Amount</u>	<u>Dollars Per Day</u>
\$1. To \$50,000	\$ 150.
More than \$50,000 to \$150,000	\$ 250.
More than \$150,000 to \$500,000	\$ 500.
More than \$500,000 to \$2,000,000	\$1,000
More than \$2,000,000 to \$5,000,000	\$2,000
More than \$5,000,000 to \$10,000,000	\$2,500
More than \$10,000,000	\$3,000

ARTICLE 4

4.1 Entire Agreement: The Bid Documents shall embody the entire understanding of the parties and form the basis of the Contract between the Owner and the Contractor. The Contract Documents shall be considered to be incorporated by reference into this Contract as if fully rewritten herein.

4.2 Governing Law: The Contract and any modification, amendments or alterations thereto shall be governed, construed and enforced by and under the laws of the State of Ohio. Any legal action arising pursuant to this Contract shall be brought in the courts of Delaware County, Ohio.

4.3 Severability: If any term or provision of the Contract, or the application thereof to any person or circumstance, is finally determined, to be invalid or unenforceable by a court of competent jurisdiction, the remainder of the Contract or the application of such term or provision to other persons or circumstances, shall not be affected thereby, and each term and provision of the Contract shall be valid and enforced to the fullest extent permitted by law.

4.4 Indemnification: To the fullest extent permitted by law, the Contractor shall indemnify, save and hold the Delaware County Board of Commissioners, its officers, agents, servants, and employees free and harmless of all actions, claims, demands, judgments, damages, losses and expenses, including but not limited to attorney’s fees, arising from any accident or occurrence related in any manner to the Contractor’s performance of this Contract. The Contractor shall undertake to defend, at its own expense,

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any and all actions, claims, or demands brought against the Delaware County Board of Commissioners by reason of the things above specified, and to pay, settle, compromise and procure the discharge of any and all judgments, damages, losses and expenses, including but not limited to attorney’s fees. No employee of the Contractor shall at any time be considered an agent or employee of the Delaware County Board of Commissioners.

- 4.5 Independent Contractor: Contractor agrees that no agency, employment, joint venture, or partnership has been or will be created between the parties hereto pursuant to the terms and conditions of this Contract. Contractor also agrees that, as an independent contractor, Contractor assumes all responsibility for any federal, state, municipal, or other tax liabilities along with workers compensation, unemployment compensation, and insurance premiums which may accrue as a result of compensation received for services or deliverables rendered hereunder.
- 4.6 Assignability: The Contract shall be binding on the Contractor and the Owner, their successors and assigns, in respect to all covenants and obligations contained in the Contract Documents, but the Contract may not be assigned by the Contractor without the Owner’s prior written consent.
- 4.7 Findings for Recovery: The Contractor certifies that it has no unresolved findings for recovery pending or issued against it by the State of Ohio.

ARTICLE 5

- 5.1 It is expressly understood by the Contractor that none of the rights, duties and obligations described in the Contract Documents shall be valid and enforceable unless the Delaware County Auditor first certifies funds are available.
- 5.2 The Contract shall become binding and effective upon the completion of 5.1 and execution by the Owner.

ARTICLE 6

- 6.1 This Contract has been executed in several counterparts, each of which shall constitute a complete original Contract, which may be introduced in evidence or used for any other purpose without production of any other counterparts.

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

**9
RESOLUTION NO. 24-478**

IN THE MATTER OF APPROVING A PROPOSAL FROM AMCS GROUP, INC. FOR PREMIUM SUPPORT SERVICES:

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

WHEREAS, on March 27, 2023, the Delaware County Board of Commissioners adopted Resolution No. 23-248, approving an agreement for Utility Cloud Asset Management software services; and

WHEREAS, Premium Support Services are additional subscription services designed to assist, maintain, and enhance the standard Utility Cloud Asset Management software services product; and

WHEREAS, the Sanitary Engineer recommends approval of a proposal from AMCS Group, Inc. for Premium Support Services;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio, hereby approves the proposal from AMCS Group, Inc.

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

**10
ADMINISTRATOR REPORTS
-None**

**11
COMMISSIONERS’ COMMITTEES REPORTS
Commissioner Lewis**

Attended the DKMM Board meeting on Tuesday NACO Justice Public Safety Committed; In an effort to find additional funding for victims of crime funding; moving forward with asking Jordan to co-sponsor a bill on the proceeds from fraud helping with previous cuts to the program.

Commissioner Benton

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Attended the DKMM Board meeting on Tuesday;
Special collections program is expanding/appointment drop offs
Attended the TID Board meeting on Wednesday:
Growing list of projects they may help with; one is the 2nd 36-37-71 interchange
Township quarterly meeting later today
On Friday plans to attend the Farm Bureau Breakfast meeting

Commissioner Merrell
On Friday plans to attend the Farm Bureau Breakfast meeting and then the CORSA meeting

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RESOLUTION NO. 24-479

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF PENDING OR IMMINENT LITIGATION:

It was moved by Mrs. Lewis, seconded by Mr. Benton 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 pending or imminent.

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

RESOLUTION NO. 24-480

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners