

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 3, 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

10:00 A.M. Viewing for Consideration of the Drainage Improvement Petition for the Felkner #302 Watershed (2024)

**1
RESOLUTION NO. 24-433**

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MAY 30, 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 May 30, 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. 24-434**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0531:

It was moved by Mr. Benton, seconded by Mrs. Lewis, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR0531, and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>

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

**4
RESOLUTION NO. 24-435**

IN THE MATTER OF GRANTING ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, ATTORNEY-AT-LAW, REQUESTING ANNEXATION OF 87.164 ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

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

WHEREAS, on May 6, 2024, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Michael R. Shade, Attorney-at- Law, agent for the petitioners, requesting annexation of 87.164 acres, more or less, from Delaware Township to the City of Delaware; and

WHEREAS, pursuant to section 709.023 of the Revised Code, if the Municipality or Township does not file an objection within 25 days after filing of the annexation petition, the Board at its next regular session shall enter upon its journal a resolution granting the proposed annexation; and

WHEREAS, 25 days have passed and the Clerk of the Board has not received an objection from the City of Delaware or the Township of Delaware;

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 3, 2024**

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 87.164 acres, more or less, from Delaware Township to the City of Delaware.

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

5

RESOLUTION NO. 24-436

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE PROPOSED HOOVER #61 WATERSHED DRAINAGE IMPROVEMENT:

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

WHEREAS, on October 10, 2019, the Board of Commissioners of Delaware County (the "Board") held a public hearing and determined that the proposed Hoover #61 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, August 19, 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

6

RESOLUTION NO. 24-437

IN THE MATTER OF APPROVING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH TRANSYSTEMS CORPORATION OF OHIO:

It was moved by Mrs. Lewis, seconded by Mr. Benton, to approve the following Amendment No. 2 to the Professional Services Agreement with TranSystems Corporation of Ohio approved under Resolution No. 19-710:

AMENDMENT NO. 2

This Amendment No. 2 to the Prime Agreement dated July 22, 2019, is made and entered into this 3rd day of June, 2024, by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 91 North Sandusky Street, Delaware, Ohio 43015 ("County"), and TranSystems Corporation of Ohio, 400 W Nationwide Boulevard, Suite 225, Columbus, Ohio 43215 ("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 Modification #4 Fee Proposal (Rev 1) dated April 19, 2024, Section 4.3 of the Prime Agreement shall be modified to increase the maximum total compensation to Eight Hundred Forty-Eight Thousand Seven Hundred Dollars and Zero Cents (\$848,700.00).
- B. Section 7.1 of the Prime Agreement shall be modified to extend the date for the completion of Services to December 31, 2025.

ARTICLE 2 – REMAINING PROVISIONS

All other terms and conditions of the Prime Agreement not specifically amended herein shall remain in full force and effect.

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

7

RESOLUTION NO. 24-438

IN THE MATTER OF APPROVING THE OWNER'S AGREEMENT FOR LIBERTY GRAND DISTRICT SECTION 10:

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

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 3, 2024**

WHEREAS, the Engineer recommends approving the Owner's Agreement for Liberty Grand District Section 10;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner's Agreement for Liberty Grand District Section 10:

OWNER'S AGREEMENT

PROJECT NUMBER:

22124

THIS AGREEMENT, executed on this 3rd day of June, 2024, between M/I HOMES OF CENTRAL OHIO, LLC, hereinafter called "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Liberty Grand District Sec 10 further identified as Project Number 22124 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 1 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 Thirty-One Thousand Dollars and No Cents (\$31,000.00) 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.

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 3, 2024**

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.

EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$627,300.00
CONSTRUCTION BOND AMOUNT	\$627,300.00
MAINTENANCE BOND AMOUNT	\$62,800.00
INSPECTION FEE DEPOSIT	\$31,000.00

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

**8
RESOLUTION NO. 24-439**

IN THE MATTER OF APPROVING RIGHT-OF-WAY WORK PERMIT SUMMARY SHEET:

It was moved by Mrs. Lewis, seconded by Mr. Benton, 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:

UT2024-0104	AT&T	N HAMPTON	ROAD BORE
UT2024-0105	AT&T	S OLD STATE RD	ROAD BORE
UT2024-0106	BRIGHTSPEED	VARIOUS	INSTALL FIBER OPTICS
UT2024-0107	CITY OF DELAWARE	HUDSON RD	WATER MAIN
UT2024-0108	MADISON ENERGY	CONCORD RD	INSTALL GAS MAIN
UT2024-0109	AEP	E ORANGE DR	INSTALL POLES
UT2024-0110	DEL-CO	COUNTY LINE RD	WATERLINE
UT2024-0111	AEP	TROY RD	REPLACE POLE
UT2024-0112	COLUMBIA GAS	VARIOUS	GAS MAIN
UT2024-0113	SPECTRUM	CURVE RD	BURY CABLE

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 3, 2024**

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

9

RESOLUTION NO. 24-440

IN THE MATTER OF AWARDING A BID TO, AND APPROVING A CONTRACT WITH, COMPLETE GENERAL CONSTRUCTION FOR DEL-CR 163-4.31 WARRENSBURG ROAD BRIDGE REHABILITATION (PID 109062):

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

DEL-CR 163-4.31 Warrensburg Road Bridge Rehabilitation (PID 109062), Bid Opening May 21, 2024:

WHEREAS, as the result of the above referenced bid opening, the Engineer recommends that a bid award be made to Complete General Construction, the low bidder for the project; and

WHEREAS, the County Engineer recommends approval of a contract with Complete General Construction for the project;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners awards the bid to, and approves the contract with, Complete General Construction for DEL-CR 163-4.31 Warrensburg Road Bridge Rehabilitation (PID 109062) as follows:

CONTRACT

THIS AGREEMENT is made this 3rd day of June, 2024, by and between Complete General Construction, 1221 E. 5th Ave. Columbus, Ohio 43219 hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named "DEL-CR 163-4.31 Warrensburg Road Bridge Rehabilitation (PID109062)" and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed One Million Five Hundred Eighty-Three Thousand Two Hundred Eighty-One Dollars and Twenty-One Cents (\$1,583,281.21) subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

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

10

RESOLUTION NO. 24-441

IN THE MATTER OF AWARDING A BID TO, AND APPROVING A CONTRACT WITH, GEORGE J. IGEL & CO. INC., FOR DEL-2024 DESIGN BUILD BRIDGE PACKAGE:

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

DEL- 2024 Design Build Bridge Package, Bid Opening May 21, 2024:

**COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 3, 2024**

WHEREAS, as the result of the above referenced bid opening, the Engineer recommends that a bid award be made to George J. Igel & Co., Inc. the low bidder for the project; and

WHEREAS, the County Engineer recommends approval of a contract with George J. Igel & Co., Inc., for the project;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners awards the bid to, and approves the contract with, George J. Igel & Co., Inc. for DEL-2024 Design Build Bridge Package as follows:

CONTRACT

THIS AGREEMENT is made this 3rd day of June, 2024, by and between George J. Igel & Co., Inc., 2040 Alum Creek Drive, Columbus, Ohio 43207, hereinafter called the "Contractor" and the Delaware County Commissioners, hereinafter called the "Owner".

The Contractor and the Owner for the considerations stated herein mutually agree as follows:

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named "DEL-2024 Design Build Bridge Package", and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed Five Hundred Sixty-Four Thousand Four Hundred Ninety Dollars and Zero Cents (\$564,490.00) subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

- a. This Agreement
- b. Addenda
- c. Invitation to Bid
- d. Instructions to Bidders
- e. Signed copy of bid
- f. Work Specifications (including all plans, drawings, etc.)
- g. Specifications – General Provisions
- h. Federal and State Requirements

This Agreement, together with other documents enumerated in this ARTICLE 3, which said other documents are as fully a part of the Contract as if hereto attached or herein repeated, forms the Contract between the parties hereto. In the event that any provision in any component part of this Contract conflicts with any provision of any other component part, the provision of the component part first enumerated in this ARTICLE 3 shall govern except as otherwise specifically stated.

Vote on Motion

Mrs. Lewis Aye

Mr. Merrell Aye

Mr. Benton Aye

11

RESOLUTION NO. 24-442

IN THE MATTER OF APPROVING SPEED LIMIT REDUCTION ON LOTT ROAD (CR#64):

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

WHEREAS, a request has been made by the Delaware County Engineer (the "Engineer") that the statutory vehicular speed established by section 4511.21 of the Revised Code is greater than that considered to be safe and reasonable on Lott Road (CR#64) between State Route 656 and Chambers Road (CR#63) in Delaware County, Ohio; and

WHEREAS, the Engineer has caused to be made engineering and traffic investigations upon the sections of roads described above; and

WHEREAS, it is the belief of the Engineer that such investigation confirms that, due to several factors identified within such investigation (minimal shoulder, roadway characteristics and road width and development), the allegation that the statutory speed limit of 55 MPH is unrealistic upon the sections of roads; and

WHEREAS, the Engineer has brought such findings to the Delaware County Board of Commissioners of Delaware County, Ohio to request that the Board, by virtue of section 4511.21 of the Revised Code, request that the Director of the Ohio Department of Transportation review the engineering and traffic investigations

COMMISSIONERS JOURNAL NO. 80 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JUNE 3, 2024

and determine and declare a reasonable and safe prima facie speed limit of 45 miles per hour on Lott Road (CR #64) between State Route 656 and Chambers Road (CR #63), in Delaware County, Ohio;

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

Section 1. The Board hereby requests that the Director of the Ohio Department of Transportation determine and declare a reasonable and safe speed limit on the sections of roads described above.

Section 2. Upon being advised that the Director of Transportation has determined and declared a revision of the speed limits on the sections of roads described above, the Engineer shall promptly erect standard signs properly posted and giving notice thereof.

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

Recess at 9:41 a.m. / Reconvene at 10:00 a.m.

DELAWARE SOIL & WATER CONSERVATION DISTRICT

10:00 A.M. VIEWING FOR CONSIDERATION OF THE DRAINAGE IMPROVEMENT PETITION FOR THE FELKNER #302 WATERSHED (2024)

Viewing Adjourned at 10:08 a.m.

**12
ADMINISTRATOR REPORTS**

CA Davies – Nothing to report

DCA Huston – Nothing to report

**13
COMMISSIONERS' COMMITTEES REPORTS**

Commissioner Benton – attended the Regional Planning meeting on 05/30/24; also attended the Delaware County Trail Committee meeting and the Committee is accepting grant applications for trail projects. Reminder that the Memorial Tournament starts on 06/06/24.

Commissioner Lewis – attended the Alpha Group reception and the General Health District meeting. She met with Rich Hodge the coordinator for Ohio Start program.

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners