

**COMMISSIONERS JOURNAL NO. 81 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 5, 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. 24-700**

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD AUGUST 29, 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 August 29, 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. 24-701**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0904:

It was moved by Mr. Benton, seconded by Mrs. Lewis, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR 0904 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
(P2401265) VAR Adopt Assist	Children’s Services	22511607-5350	\$11,000.00
(P2403871) PNC Bank	Permanent Improvement Administration	40111402-5410	\$8,000.00

PR Number	Vendor Name	Line Description	Account	Amount
R2404428	VASU COMMUNICATIONS INC	RADIOS	21711326 - 5260	\$ 18,906.50
R2404452	GRAINGER INC	2 ARC FLASH SUITS WITH GLOVES	66211900 - 5260	\$ 6,034.93
R2404453	FISCAL OFFICER,ORANGE TOWNSHIP	CREEKSIDE TIF 2ND HALF 2024 DISTRIBUTION	44511441 - 5715	\$ 33,570.80
R2404454	HIGH DEV II LLC	CREEKSIDE TIF 2ND HALF 2024 DISTRIBUTION	44511441 - 5715	\$ 204,075.15
R2404455	PC&R PAINTING INC	PAINTING SERVICES WOLF BUILDING	40111402 - 5403	\$ 29,950.00
R2404457	MIKES ROOFING INC	ROOF REPLACEMENT WOLF BUILDING	40111402 - 5410	\$ 68,475.00
R2404458	HOUSE OF SECURITY	DOOR REPLACEMENTS WOLF BUILDING	40111402 - 5450	\$ 25,630.90
R2404460	AECOM TECH SERVICES INC	PROFESSIONAL DESIGN SERVICES FOR THE TROTTERS	66611900 - 5410	\$ 17,500.00
R2404474	SUPERIOR PETROLEUM EQUIPMENT LLC	MOVE FUELMASTER TO BYXBE & INSTALL	10011106 - 5328	\$ 6,400.00

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

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**4
RESOLUTION NO. 24-702**

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Delaware County Office of Homeland Security and Emergency Management is requesting that Alex McCarthy and Scott Stewart attend the 2024 IAEM Annual Conference on November 8-14, 2024 in Colorado Springs, CO; at the cost of \$4,521.00.

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

**5
RESOLUTION NO. 24-703**

IN THE MATTER OF GRANTING ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MICHAEL R. SHADE, ATTORNEY-AT-LAW, REQUESTING ANNEXATION OF 79.688 OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

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

WHEREAS, on August 5, 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 79.688 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;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 79.688 acres, more or less, from Delaware Township to the City of Delaware.

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

**6
RESOLUTION NO. 24-704**

IN THE MATTER OF A NEW LIQUOR LICENSE FROM LEHNERS COUNTRY GATHERINGS LLC DBA THE HOMESTEAD OF RADNOR, AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

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

WHEREAS, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a request for a new D2 license from Lehnrs Country Gatherings LLC dba The Homestead of Radnor, located at 2866 State Route 203, Radnor Township, Radnor, Ohio 43066; 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 Mrs. Lewis Aye Mr. Merrell Aye

**7
RESOLUTION NO. 24-705**

IN THE MATTER OF APPROVING A SCRAP TIRE REMOVAL CERTIFICATION AND CONSENT FORM:

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

WHEREAS, scrap tires are currently being temporarily stored at the County Engineer’s facility at 1020 US Highway 42 North and are in need of removal for appropriate disposal;

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NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves, and authorizes the President of the Board to execute and submit, the following Scrap Tire Removal Certification and Consent Form:

**Ohio Environmental protection Agency
Instructions for Scrap Tire Removal and Cleanup for Counties and Local Governments
Division of Materials and Waste Management**

During the 1993 creation of the Ohio Scrap Tire Laws, the Ohio General Assembly included Ohio Revised Code (ORC) 3734.85(E) in the statute that allows for state-funded cleanups without subsequent cost recovery of small tire piles (fewer than 2,000 tires) provided that six specific conditions are met (below). In 2021, the Ohio General Assembly increased the maximum number of eligible tires under this statute from 5,000 to 10,000 tires per site.

Scrap Tire Consent and Program Eligibility

This instruction sheet applies to Ohio counties, municipal corporations, townships, villages and solid waste management districts or other governmental authorities for removal of illegally dumped scrap tires on public property or right of ways.

The Scrap Tire Consent Form is to be used for scrap tire sites having no less than 100 tires and no more than 10,000 tires. The scrap tires may be any size and may be un-mounted or on rims. Tires collected during tire amnesty collection events are not eligible for pick-up and disposal under this program.

Submission Instructions/Checklist

Please provide **1) Consent Form, 2) Deed, and 3) Photos and Map** to Ohio EPA. **Incomplete application packages will not be considered.**

<input checked="" type="checkbox"/>	1)	Consent Form	a. Provide parcel information in Section 1, line 1 and a complete address of tire location. b. Provide signature of authorized agent or property owner listed on deed.
<input type="checkbox"/>			
<input checked="" type="checkbox"/>	2)	Recorded Deed (attachment)	Attach a copy of the recorded parcel deed which provides a complete legal description of the parcel in Section 1, line 1. (Documents are available at the county auditor's office.)
<input type="checkbox"/>			
<input checked="" type="checkbox"/>	3)	Photos/Map (attachment)	Attach site photo(s) and a map showing an X where the scrap tires are located and include property boundaries.
<input type="checkbox"/>			

Send the completed consent form with attachments to: Kelly.Jeter@epa.ohio.gov

For questions or assistance, contact Kelly Jeter at (614) 728-5337.

This Scrap Tire Removal Certification and Consent form applies to Ohio counties, municipal corporations, townships, villages and solid waste management districts or other governmental authorities applying for removal of illegally dumped scrap tires on public property or right of ways pursuant to Ohio Revised Code (ORC) 3734.85(E).

Section 1: Scrap Tire Temporary Storage Location					
This section of this form applies to the current, temporary storage location of the scrap tires. The temporary storage location is the location where the state contractors will enter to remove scrap tires. Please attach a copy of the property deed to this form.					
1)	The undersigned represents the owner of a parcel of real estate located in	Delaware	Ohio,		
		County			
	whose legal description is recorded in	454, 181	of the	Delaware	deeds as attached.
		Volume,		County Recorded	
a)	Address :	1020 US Highway 42 N.			
	City:	Delaware	Zip Code:	43015	-
	If applicable, other directions to better describe location of scrap tire location (for example: the site is 500 yards north of 14 Spring Street or at the SE corner of Elm and Oak):				
	The tires are stored in a 40-yd, open top, roll-off that can be opened from the end to remove the tires. The container is located at the Delaware County Engineers storage area and is behind a gate that is locked after hours. The gate is open Monday – Friday from 7:00 am – 3:00 pm.				
b)	Insert the approximate number of scrap tires to be removed:	200			

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NOTE: The items below apply to the signatory of this form. By signing, the signatory verifies that they understand and agree to the following.

- 2) The undersigned hereby authorizes and consents to the entry upon the above-described real estate by officers, employees, authorized representatives, or contractors of the State of Ohio, upon showing proper identification, for such actions as are necessary to remove scrap tires and other associated solid wastes, if any, from the above-described real estate.
- 3) The undersigned hereby certifies that there are 10,000 or less scrap tires located on the above-described real estate. *ORC 3734.85(E)*
- 4) The undersigned hereby agrees to waive any claims which may arise against the State of Ohio or their officers, employees, authorized representatives, or contractors in the course of performing the actions described above. The undersigned hereby also agrees to hold harmless the State of Ohio, or any officers, employees, authorized representatives, or contractors utilized by the Ohio Environmental Protection Agency to affect the removal, for any damage to property incurred during the course of action under this Scrap Tire Removal Certifications and Consent Form, except to gross negligence or intentional misconduct.
- 5) The undersigned agrees to provide any assistance requested by the Ohio Environmental Protection Agency or their officers, employees, authorized representatives, or contractors of the Ohio Environmental Protection Agency in locating scrap tires on the above-described real estate or making arrangements to facilitate their removal.
- 6) This consent is granted so that the State of Ohio can undertake the removal of up to 5,000 scrap tires and other solid wastes at the above-described real estate at no cost to the undersigned and without a lien attached to the property pursuant to ORC 3734.85.
- 7) The undersigned certifies that the information provided in this request is truthful and in compliance with Ohio Revised Code § 2921.13.

Section 2: Scrap Tire Collection Area(s)

This section of this form **applies to property area(s) where scrap tires** (located at above-described real estate), **were picked up** by road crews and/or volunteers, etc., from public property, roadways, rights-of-way or during river clean-up sweeps.

- 1) The undersigned hereby certifies as a representative of the owner of the property that the scrap tires temporarily stored at the above described real estate, were picked up from public property, roadways, rights-of-way, or during river sweeps.
- 2) The undersigned hereby certifies as a representative of the owner of the property that the tires were placed on the property after the owner acquired title to the property.
- 3) The undersigned hereby certifies that as a representative of the owner of the property, the owner did not have knowledge that the tires were being placed on the property, or the owner posted on the property signs prohibiting dumping, or took other action to prevent the placing of tires on the property. *ORC 3734.85(E)(2)*
- 4) The undersigned hereby certifies that as a representative of the owner of the property, the owner did not participate in or consent to the placement of tires on the property. *ORC 3734.85(E)(3)*
- 5) The undersigned hereby certifies that as a representative of the owner of the property, the owner received no financial benefit from placing of the tires on the property or otherwise having the tires on the property. *ORC 3734.85(E)(4)*
- 6) The undersigned hereby certifies that as a representative of the owner of the property, the title to the property was not transferred to the owner for the purpose of evading liability under ORC 3734.85(A). *ORC 3734.85(E)(5)*
- 7) The undersigned hereby certifies that as a representative of the owner of the property, the person responsible for the placing the tires on the property, in doing so, was not acting as an agent for the owner of the property. *ORC 3734.85(E)(6)*
- 8) The undersigned, as a representative of the owner of the property, hereby relinquishes any claim of an ownership interest in any scrap tires or solid waste that are removed or in any proceeds from their sale.
- 9) The undersigned, as a representative of the owner of the property, agrees that this consent shall remain in effect for a period of 2 (two) years. During this two-year period, all scrap tire removal requests will include the 1) date and address of tire site, 2) tire count for each area and Secondary Identification Number assigned by Ohio EPA for subsequent scrap tire removal.

Printed Name(s):	Gary Merrell, Board of Delaware County Commissioners President			
Mailing Address:	91 N. Sandusky Street			
City:	Delaware	State:	OH	Zip: 43015
Phone:	740 368- 1800	Email:	jhicks@dkmm.org	
Project Point of Contact:	Jenna Hicks, DKMM Solid Waste District Director		Phone:	740-393-4600
Date:	/ /			
Signature of Authorized Agent of Property				

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

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RESOLUTION NO. 24-707

**IN THE MATTER OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS
RECOGNIZING SEPTEMBER, AS HUNGER ACTION MONTH IN DELAWARE COUNTY:**

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

WHEREAS, September is Hunger Action Month, a time for us to acknowledge the 24,000 Delaware County residents experiencing food insecurity, but also the conscientious efforts since 1981 of People in Need, Inc. of Delaware County to provide relief to our neighbors during their times of need; and

WHEREAS, People in Need serves, on average, more than 400 families each week through food pantry services; and

WHEREAS, in 2024 more than 700,000 meals will be provided throughout Delaware County at a benefit of \$2,000,000 to taxpayers; and

WHEREAS, we are called to ensure that all Delaware County residents have the resources and support needed to stay fed in their communities — reflecting a commitment to opportunity and connectedness; and

THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners proclaims September 2024 as Hunger Action Month and acknowledges the impact of food on people's lives and how a meal goes beyond solely nourishing our bodies. When people are fed, futures are nourished, and individuals go from just living to truly thriving. We therefore call upon all residents to join us in recognizing the contributions of People in Need and the programs it supports.

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

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RESOLUTION NO. 24-706

**IN THE MATTER OF ACCEPTING A NON-BINDING TERM SHEET BY AND BETWEEN
DELAWARE COUNTY AND HUNTINGTON PUBLIC CAPITAL CORPORATION REGARDING THE
ISSUANCE OF BONDS BY DELAWARE COUNTY FOR PUBLIC IMPROVEMENTS IN
CONNECTION WITH THE LANETTA LANE DRAINAGE IMPROVEMENT PROJECT:**

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") has previously approved the Lanetta Lane drainage improvement project; and

WHEREAS, in order to provide for the most advantageous financing of the public improvements, the Board deems it to be in the best interests of Delaware County to issue bonds for the necessary public improvements and providing for the annual appropriation, if necessary and subject to the terms set forth in the non-binding term sheet with Huntington Public Capital Corporation (the "Term Sheet"), of amounts to be paid with respect to such bonds in the event the revenues and funds pledged to their repayment are insufficient;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby accepts the Term Sheet substantially in the form set forth below, authorizes the County Administrator to execute the Term Sheet on behalf of the Board, and directs the County Administrator, with the assistance of the County Auditor, the Director of Finance and legal counsel, to exercise good faith efforts to close the transaction in accordance with the Term Sheet.

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TERM SHEET
Lanetta Lane

DATE: August 23, 2024

ISSUE: Special Assessment Bonds, Series 2024 (the "Bonds")

ISSUER/BORROWER: Delaware County, Ohio ("Issuer")

PURCHASER/LENDER: Huntington Public Capital Corporation ("Huntington")

SECURITY: Special assessments on properties being improved. Assessments will be placed in September for collection beginning in 2025.

PRINCIPAL AMOUNT: \$104,794.08

USE OF PROCEEDS: To pay costs for three ditch projects.

BOND COUNSEL: Squire Patton Boggs (US) LLP

PURCHASER'S COUNSEL: N/A

CLOSING DATE: October 3, 2024

TAX STATUS: Tax-Exempt (Bank Qualified)

FINAL MATURITY: December 1, 2039

INTEREST RATE: 4.61%

RATE ADJUSTMENT: If the funding of the Bonds has not occurred by October 11, 2024, then the Interest Rate and payment will be adjusted to maintain Huntington's economics as of the date of issuing this Term Sheet.

FEE TO HUNTINGTON FOR COUNSEL: \$0.00

TRANSACTION FEES: All transaction fees, including those of Bond Counsel, shall be the responsibility of the Issuer.

INTEREST PAYMENTS: Due and payable semi-annually on June 1 and December 1 commencing on June 1, 2025.

PRINCIPAL PAYMENTS: Due and payable annually on December 1, commencing December 1, 2025, pursuant to the schedule attached.

OPTIONAL PREPAYMENT: The Bonds are subject to optional redemption in whole, but not in part, at par value plus accrued interest, anytime on or after December 1, 2033.

DIRECT PLACEMENT: Huntington is extending credit as a lender in the usual course of its loan business through the purchase of the Bonds for its own account in its normal and customary business practice, with no current intention on the resale, distribution or transfer thereof.

TERM BOND ELECTION: The Bonds will be a single certificate term bond, with principal payments representing mandatory principal redemptions.

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

Recessed at 9:40 a.m. due to technical issue / Reconvened at 9:50 a.m.

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RESOLUTION NO. 24-708

IN THE MATTER OF ACCEPTING A NON-BINDING TERM SHEET BY AND BETWEEN DELAWARE COUNTY AND HUNTINGTON PUBLIC CAPITAL CORPORATION REGARDING THE ISSUANCE OF BONDS BY DELAWARE COUNTY FOR PUBLIC IMPROVEMENTS IN CONNECTION WITH THE MILLER-WILLIAMS-HOLMES, ENGLISH #346, AND RADNOR #2015-1 DRAINAGE IMPROVEMENT PROJECTS:

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

WHEREAS, the Delaware County Board of Commissioners (the "Board") has previously approved the Miller-Williams-Holmes, English #346, and Radnor #2015-1 drainage improvement projects; and

WHEREAS, in order to provide for the most advantageous financing of the public improvements, the Board deems it to be in the best interests of Delaware County to issue bonds for the necessary public improvements and providing for the annual appropriation, if necessary and subject to the terms set forth in the non-binding term sheet with Huntington Public Capital Corporation (the "Term Sheet"), of amounts to be paid with respect to such bonds in the event the revenues and funds pledged to their repayment are insufficient;

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

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Ohio, hereby accepts the Term Sheet substantially in the form set forth below, authorizes the County Administrator to execute the Term Sheet on behalf of the Board, and directs the County Administrator, with the assistance of the County Auditor, the Director of Finance and legal counsel, to exercise good faith efforts to close the transaction in accordance with the Term Sheet.

TERM SHEET
Radnor. Miller-Williams-Holmes. English

DATE: August 23, 2024

ISSUE: Special Assessment Bonds, Series 2024 (the "Bonds")

ISSUER/BORROWER: Delaware County, Ohio ("Issuer")

PURCHASER/LENDER: Huntington Public Capital Corporation ("Huntington")

SECURITY: Special assessments on properties being improved. Assessments will be placed in September for collection beginning in 2025.

PRINCIPAL AMOUNT: \$160,918.73

USE OF PROCEEDS: To pay costs for three ditch projects.

BOND COUNSEL: Squire Patton Boggs (US) LLP

PURCHASER'S COUNSEL: N/A

CLOSING DATE: October 3, 2024

TAX STATUS: Tax-Exempt (Bank Qualified)

FINAL MATURITY: December 1, 2032

INTEREST RATE: 4.51%

RATE ADJUSTMENT: If the funding of the Bonds has not occurred by October 11, 2024, then the Interest Rate and payment will be adjusted to maintain Huntington's economics as of the date of issuing this Term Sheet.

FEE TO HUNTINGTON FOR COUNSEL: \$0.00

TRANSACTION FEES: All transaction fees, including those of Bond Counsel, shall be the responsibility of the Issuer.

INTEREST PAYMENTS: Due and payable semi-annually on June 1 and December 1 commencing on June 1, 2025.

PRINCIPAL PAYMENTS: Due and payable annually on December 1, commencing December 1, 2025, pursuant to the schedule attached.

OPTIONAL PREPAYMENT: The Bonds are subject to optional redemption in whole, but not in part, at par value plus accrued interest, anytime on or after December 1, 2029.

DIRECT PLACEMENT: Huntington is extending credit as a lender in the usual course of its loan business through the purchase of the Bonds for its own account in its normal and customary business practice, with no current intention on the resale, distribution or transfer thereof.

TERM BOND ELECTION: The Bonds will be a single certificate term bond, with principal payments representing mandatory principal redemptions.

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

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RESOLUTION NO. 24-709

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE LANETTA LANE DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 24-635 the Delaware County Commissioners established a drainage maintenance account (#2407) and approved the permanent drainage maintenance easement for the Lanetta Lane Drainage Improvement Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 4.51%;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the final schedule of construction assessments for the **Lanetta Lane** Drainage Improvement Project. (Copy available in the Commissioners' Office until no longer of administrative value);

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BE IT FURTHER RESOLVED that the Commissioners' Office supply to the Auditor's Office the final schedule of construction assessments with the interest rates for the assessments. Fifteen years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments. (Copy available in the Commissioners' Office until no longer of administrative value).

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

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RESOLUTION NO. 24-710

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE MILLER-WILLIAMS-HOLMES #2 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 24-637 the Delaware County Commissioners established a drainage maintenance account (#2406) and approved the permanent drainage maintenance easement for the Miller-Williams-Holmes #2 Drainage Improvement Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 4.51%;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the final schedule of construction assessments for the **Miller-Williams-Holmes #2** Drainage Improvement Project. (Copy available in the Commissioners' Office until no longer of administrative value);

BE IT FURTHER RESOLVED that the Commissioners' Office supply to the Auditor's Office the final schedule of construction assessments with the interest rates for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments. (Copy available in the Commissioners' Office until no longer of administrative value).

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

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RESOLUTION NO. 24-711

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION ASSESSMENTS FOR THE RADNOR #2015-1 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 24-636 the Delaware County Commissioners established a drainage maintenance account (#2401) and approved the permanent drainage maintenance easement for the Radnor #2015-1 Drainage Improvement Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 4.51%;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the final schedule of construction assessments for the **Radnor #2015-1** Drainage Improvement Project. (Copy available in the Commissioners' Office until no longer of administrative value);

BE IT FURTHER RESOLVED that the Commissioners' Office supply to the Auditor's Office the final schedule of construction assessments with the interest rates for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments. (Copy available in the Commissioners' Office until no longer of administrative value).

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

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RESOLUTION NO. 24-712

IN THE MATTER OF APPROVING THE FINAL SCHEDULE OF CONSTRUCTION

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ASSESSMENTS FOR THE ENGLISH #346 DRAINAGE IMPROVEMENT PROJECT:

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

WHEREAS, with Resolution No. 23-696 the Delaware County Commissioners established a drainage maintenance account (#2306) and approved the permanent drainage maintenance easement for the English #346 Drainage Improvement Project; and

WHEREAS, the final schedule of construction assessments was to be approved after the bond was issued and the interest rates were determined; and

WHEREAS, the interest rate of the bond for the borrowing of the money is approximately 4.51%;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Commissioners approve the final schedule of construction assessments for the **English #346** Drainage Improvement Project. (Copy available in the Commissioners’ Office until no longer of administrative value);

BE IT FURTHER RESOLVED that the Commissioners’ Office supply to the Auditor’s Office the final schedule of construction assessments with the interest rates for the assessments. Eight years shall be the period of time, in semi-annual installments, as taxes are paid, given the owners of land benefited, to pay their assessments with the interest rate on the installments. (Copy available in the Commissioners’ Office until no longer of administrative value).

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

**15
RESOLUTION NO. 24-713**

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS AND A REDUCTION IN APPROPRIATIONS:

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

Supplemental Appropriations		
22211330-5001	American Rescue Plan/Compensation	6,340,616.64
22211330-5101	American Rescue Plan/Health Insurance	1,804,385.30
22211330-5102	American Rescue Plan/Workers Comp	57,064.58
22211330-5120	American Rescue Plan/County Share OPERS	1,015,357.90
22211330-5131	American Rescue Plan/County Share Medicare	91,937.38
Reduction in Appropriations		
10011303-5001	Emergency Medical Services/Compensation	2,350,000
10011303-5101	Emergency Medical Services/Health Insurance	950,000
10011303-5102	Emergency Medical Services/Workers Comp	15,000
10011303-5120	Emergency Medical Services/County Share OPERS	325,000
10011303-5131	Emergency Medical Services/County Share Medicare	30,000
10031301-5001	Sheriff Deputies/Compensation	2,700,000
10031301-5101	Sheriff Deputies/Health Insurance	600,000
	Sheriff Deputies/Workers Comp	
10031301-5102		20,000
10031301-5120	Sheriff Deputies/County Share OPERS	500,000
10031301-5131	Sheriff Deputies/County Share Medicare	40,000

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

**16
RESOLUTION NO. 24-714**

IN THE MATTER OF AUTHORIZING THE SUBMITTING OF AN APPLICATION FOR THE HOME AND COMMUNITY-BASED SERVICES ARPA GRANT THROUGH THE DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES:

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

WHEREAS, the Director of Finance requests authorization to submit an application for the following grant to be used for building related improvements to Delaware County facilities to improve accessibility for people living with disabilities:

Grant CFDA# 21.027

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Source: U.S Department of Treasury, through the Ohio Department of Development and the Delaware County Board of Developmental Disabilities

Grant Period: September 5, 2024 – December 31, 2024

Grant Amount:	\$94,350.00
Local Match:	<u>0.00</u>
Total Grant Amount:	\$94,350.00

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

Section 1. The Board hereby authorizes the submitting of an application for the Home and Community-Based Services ARPA grant.

Section 2. The Board hereby designates the County Administrator as the authorized representative for the Grant with full authority to cause submission of the application, to take all other necessary actions, including approval and execution of the subrecipient agreement, to secure award of the Grant, and to accept the Grant on behalf of the Board. The Director of Finance shall be the grant contact for purposes of the Grant.

Section 3. When agreements, reports, or other documents require execution by the authorized representative, a copy thereof shall be provided to the Clerk of the Board, along with a copy of this Resolution.

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

**17
RESOLUTION NO 24-715**

IN THE MATTER OF ESTABLISHING A NEW FUND AND NEW ORGANIZATION KEY, APPROVING SUPPLEMENTAL APPROPRIATIONS, A REVISED REVENUE ESTIMATE, AND AN ADVANCE OF FUNDS:

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

New Fund		
309	County HCBS ARPA Grant	
New Organization Key		
30911345	County HCBS ARPA Grant	
Supplemental Appropriation		
30911345-5260	County HCBS ARPA Grant /Inv Tool, Equip, Furn 1000-4999	5,500.00
30911345-5450	County HCBS ARPA Grant /Machinery & Equip (>\$5,000)	88,850.00
Revenue Estimate Revision		
30911345-4509	County HCBS ARPA Grant /Federal Grants A	94,350.00
Advance of Funds		
From:	To:	
10011102-8500	30911345-8400	94,350.00
Commissioners General/Advance Out	County HCBS ARPA Grant /Advance In	

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

**18
RESOLUTION NO. 24-716**

IN THE MATTER OF OBJECTING TO THE CITY OF DELAWARE’S PROPOSED TAX INCREMENT FINANCING INCENTIVE DISTRICT EXEMPTION FOR THE DEVELOPMENT KNOWN AS RUTHERFORD ACRES:

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

WHEREAS, on August 9, 2024, the Delaware County Board of Commissioners (the “Board”) received notice from the City of Delaware, pursuant to section 5709.40(E)(1) of the Revised Code, of its intention to adopt an ordinance creating a new tax increment financing incentive district for a development known as Rutherford Acres, providing an exemption for thirty years at one hundred percent (the “Exemption”); and

WHEREAS, pursuant to section 5709.40(E)(2) of the Revised Code, the Board may object to the Exemption

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for the number of years in excess of ten, may object to the Exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both;

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

Section 1. The Board hereby objects to the Exemption for the number of years in excess of ten and for the percentage of the improvement to be exempted in excess of seventy-five percent.

Section 2. The Board hereby authorizes and directs the County Administrator, and her designees, to enter into negotiations with the City of Delaware for a mutually acceptable compensation agreement, in accordance with section 5709.40(E)(2) of the Revised Code.

Section 3. The Board hereby directs the Clerk of the Board to certify this Resolution to the Council of the City of Delaware on or before September 9, 2024.

Section 4. The Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

Section 5. This Resolution shall take effect immediately upon adoption.

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

**19
RESOLUTION NO. 24-717**

IN THE MATTER OF APPROVING THE DELAWARE COUNTY BOARD OF COMMISSIONERS' LETTER OF SUPPORT FOR THE PROPOSED DELAWARE COUNTY RAILROAD CROSSING ELIMINATION (RCE) GRANT APPLICATION:

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

September 5, 2024

U.S. Department of Transportation
Federal Railroad Administration
Attn: Amit Bose, Administrator
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Norfolk-Southern & CSX Railroad Crossing Elimination, Delaware County, Ohio
 US DOT Crossing 481481W & 518256N

Dear Administrator Bose:

We, the Delaware County Board of Commissioners, are writing to express our full support of the proposed Delaware County Railroad Crossing Elimination (RCE) grant application. This project will construct a grade separation on Orange Road in southern Delaware County eliminating a hazardous and heavily congested at-grade crossing of both the Norfolk Southern (NS) and CSX rail lines.

Delaware County remains the fastest growing county in Ohio by percentage, and added 23% to its population between 2010 and 2020. Growth has continued since 2020 and in some areas of the county is accelerating – in particular, the area near the proposed Orange Road crossing. This project has extensive background and has been contemplated for many years as the lynchpin of a major safety and traffic congestion upgrade on Orange Road. This road is a major travel corridor for school transportation and business traffic in southern Delaware County. Orange Road currently carries nearly 10,000 vehicles per day and crosses both the NS and CSX rail lines at-grade, leading to daily backups during peak travel times, as well as a major safety concern for those who must cross the railroad each day.

The Orange Road crossing is one of three railroad grade separation projects that Delaware County is currently developing, all scheduled for construction between 2025 and 2029 along this same NS and CSX railroad corridor. The three projects will provide a major benefit for both safe travel by eliminating or reducing the amount of at-grade vehicular traffic crossings across the NS and CSX railroads. Delaware County is investing a total of nearly \$60 million of local funding in these three projects. Our request is for financial assistance with just one of these 3 crossings. The other two projects will be funded 100% with local dollars.

We greatly appreciate your consideration of this important project and ask you to consider our request for financial assistance with the Delaware County Orange Road Railroad Crossing Elimination project.

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Respectfully,

The Delaware County Board of Commissioners

Jeff Benton

Barb Lewis

Gary Merrell

Vote on Motion

Mr. Benton Aye

Mrs. Lewis Aye

Mr. Merrell Aye

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ADMINISTRATOR REPORTS

CA Davies, DCA Huston and Attorney Hochstettler – Nothing to report

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COMMISSIONERS' COMMITTEES REPORTS

Commissioner Benton – Attended a Regional Planning meeting last week. He will be attending a MORPC Executive meeting today and a CCA meeting today.

Commissioner Lewis and Commissioner Merrell – Nothing to report.

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners