

**COMMISSIONERS JOURNAL NO. 81 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD NOVEMBER 18, 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. 24-932

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD NOVEMBER 14, 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 November 14, 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. 24-933

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1115 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR1115:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR1115, memo transfers in batch numbers MTAPR1115 and Purchase Orders as listed below:

PR Number	Vendor Name	Line Description	Account	Amount
R2404304	RESCARE OHIO INC	PLACEMENT CARE 12 24-06 25	22511607 - 5350	\$ 8,000.00
R2405068	MAXIMUS CONSULTING SVCS INC	COST ALLOCATION PLAN FY24	10011102 - 5301	\$ 12,500.00
R2405231	DELAWARE AUTO SALES LLC	Auto repair 11 8 24 Deer vs van	60111901 - 5370	\$ 5,883.42

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

4
RESOLUTION NO. 24-934

IN THE MATTER OF A NEW LIQUOR LICENSE FROM SEXTONS PIZZA, LLC DBA SEXTONS PIZZA, 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 D5 license from Sextons Pizza, LLC DBA Sextons Pizza, located at 5880 Evans Farm Drive, Ste H, Orange Township, Lewis Center, Ohio 43035; 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 Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

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RESOLUTION NO. 24-935

IN THE MATTER OF A NEW LIQUOR LICENSE FROM LIBERTY PREMIUM WINE LLC, AND FORWARDING TO THE OHIO DIVISION OF LIQUOR CONTROL WITH NO OBJECTIONS AND NO REQUEST FOR A HEARING:

It was moved by Mr. Benton, seconded by Mrs. Lewis 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 C1 and C2 license from Liberty Premium Wine, LLC, located at 4290 Home Road, Ste f & G, Liberty Township, Powell, Ohio 43065; 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. Merrell Aye Mr. Benton Aye Mrs. Lewis Aye

6

RESOLUTION NO. 24-936

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Sanitary Engineer is requesting that Tiffany Maag and Erik McPeek attend the 2025 WaterReuse Conference in Tampa, FL, March 15-19, 2025; at the cost of \$6,600.00.

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

7

RESOLUTION NO. 24-937

IN THE MATTER OF APPROVING A PROCLAMATION DEDICATING THE HOME ROAD BRIDGE OVER THE O'SHAUGHNESSY RESERVOIR IN DELAWARE COUNTY:

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

WHEREAS, Fred Stults was born in Union County, Ohio, in 1936. He graduated from Scioto Valley High School in 1954 and earned his undergraduate Civil Engineering degree from Tri-State University in 1964; and

WHEREAS, Fred began serving the citizens of Delaware County, Ohio, as County Engineer in January 1969. He served 27 years in this capacity until his retirement in February 1996; His career also included seven years of public service with the Ohio Department of Transportation; and

WHEREAS, Fred's passion for Delaware County and for public service distinguishes him as an essential member of our community. Many of the policies and standards that he adopted during his tenure as County Engineer still serve as the foundation for ongoing responsible development of transportation infrastructure in our growing county; and

WHEREAS, Fred Stults and his wife Nancy are longtime residents of Concord Township, where they raised their two sons. They still reside less than two miles from the Home Road Bridge over the Scioto River; and

WHEREAS, Fred's vision and diligence led to an intergovernmental agreement between Delaware County and the City of Columbus that secured the necessary funding for the 2003 Home Road Bridge replacement; and

WHEREAS, in honor of Fred Stults and his compassion and dedicated leadership in public service, the Commissioners desire to rename the Home Road Bridge over the Scioto River as "The Fred L. Stults Bridge"; and

WHEREAS, the Commissioners desire to purchase and display a bronze plaque recognizing former Delaware County Engineer Fred Stults for his public service and to officially dedicate the bridge to be "The Fred L. Stults Bridge."

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves naming the Home Road Bridge over the Scioto River in honor of Fred L. Stults and, to celebrate his public service to the citizens of Delaware County and the State of Ohio, approves the placement of a bronze plaque to be purchased at a total cost not to

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exceed Four Thousand Dollars and Zero Cents (\$4000).

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

**8
RESOLUTION NO. 24-938**

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION FOR THE PUBLIC DEFENDER COMMISSION:

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

Transfer of Appropriation		
From:	To:	
10083801-5301	10083801-5001	8,000.00
Public Defender Commission/Contracted Prof Services	Public Defender Commission/Compensation	
10083801-5319	10083801-5001	15,000.00
Public Defender Commission/Reimburse/Refunds	Public Defender Commission/Compensation	
10083801-5342	10083801-5001	15,000.00
Public Defender Commission/Medical & Health Related Serv	Public Defender Commission/Compensation	
From:	To:	
10083801-5301	10083801-5120	2,000.00
Public Defender Commission/Contracted Prof Services	Public Defender Commission/County Shares/OPERS	

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

**9
RESOLUTION NO. 24-939**

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION:

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

Transfer of Appropriation		
From:	To:	
10011302-5301	10011302-5201	2,000.00
Employee Safety/Contracted Prof. Services	Employee Safety/General Supplies and Equipment	

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

**10
RESOLUTION NO. 24-940**

IN THE MATTER OF ACCEPTING THE ROADS, APPROVING RECOMMENDED SPEED LIMITS, ESTABLISHING STOP CONDITIONS, AND RELEASING THE MAINTENANCE BONDS FOR MULBERRY ESTATES AND OAKS AT BIG WALNUT:

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

WHEREAS, the Engineer has reviewed the roadway construction of the roads in Mulberry Estates and Oaks at Big Walnut (the "Subdivisions"), finds it to be constructed in accordance with the approved plans, and recommends that the following roadways within the Subdivisions be accepted into the public system:

Mulberry Estates:

- An addition of 0.124 miles to Township Road Number 1897, Bespoke Court

Oaks at Big Walnut:

- An addition of 0.334 miles to Township Road Number 1898, Piper Place
- An addition of 0.066 miles to Township Road Number 1899, Olive Court; and

WHEREAS, the Engineer recommends that the following stop conditions be established within the Subdivisions:

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- On Township Road Number 1897, Bespoke Court, at its intersection with Township Road Number 109, Big Walnut Road
- On Township Road Number 1898, Piper Place, at its intersection with Township Road Number 29, Piper Road
- On Township Road Number 1899 Olive Court at its intersection with Township Road Number 1898, Piper Place; and

WHEREAS, the Engineer recommends that 25-mile-per-hour speed limits be established throughout the Subdivisions; and

WHEREAS, the Engineer also requests approval to return the maintenance bonds to Mulberry Collaborative, LLC and DBR Ross Road, 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 the maintenance bonds in accordance with the Engineer’s recommendations stated herein.

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

RESOLUTION NO. 24-941; NOT UTILIZED

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RESOLUTION NO. 24-942

IN THE MATTER OF APPROVING THE PLATS OF SUBDIVISION FOR THE DISTRICT AT BERKSHIRE, HYATTS PLAZA SUBDIVISION REVISED, BETFISH CAD SUBDIVISION, DREAM WEAVER ALIVE CAD AND NORTHSTAR IVY WOOD SECTION 1:

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

WHEREAS, Berkshire Holdings 1, LLC has submitted the plat of subdivision for the District at Berkshire, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, ATT Properties, Ltd. has submitted the plat of subdivision for Hyatts Plaza Subdivision Revised, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, Lawrence H. Bettler and Linda S. Bettler, have submitted the plat of subdivision for Betfish CAD Subdivision, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, Robert Clark has submitted the plat of subdivision for Dream Weaver Alive CAD, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, Northstar Residential Development, LLC has submitted the plat of subdivision for Northstar Ivy Wood, Section 1, including related development plans, and requests approval thereof by the Board of Commissions of Delaware County; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the plats of subdivision for The District at Berkshire, Hyatts Plaza Subdivision Revised, Betfish CAD Subdivision, Dream Weaver Alive CAD and Northstar Ivy Wood Section 1:

The District at Berkshire:

Situated in the State of Ohio, County of Delaware, Township of Berkshire, lying in Farm Lot 6, Quarter Township 2, Township 4, Range 17, United States Military Lands containing 25.000 acres, said 25,000 acres being all of a 25.000 acre tract as conveyed to Berkshire Holdings 1, LLC in Official Record 2001, Page 950, Delaware County Recorder’s Office.

Hyatts Plaza Subdivision Revised:

Situated in the township of Berlin, County of Delaware, State of Ohio, and being a part of farm lot 33, section 3, township 4, range 18, U. S. Military lands and being all of tract as conveyed at ATT Properties, LTD. As described in Official Record Vol. 616, PG. 347, as well as being all to the tract as conveyed to ATT Properties, LTD. As described in Official Record Vol. 286, PG. 353, County Recorder’s Office, Delaware, Ohio.

Betfish CAD Subdivision:

Situated in the Township of Brown, County of Delaware, State of Ohio, being part of Farm Lot 12, Quarter

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Township 4, Township 5, Range 18 West, United States Military Lands and being 8.393 acre tract conveyed to Lawrence H. Bettler and Linda S. Bettler in O.R. 2107, Page 121 and a 5.259 acre tract conveyed to Keith A. Fisher and Marth G. Fisher in O.R. 2107, Page 127.

Dream Weaver Alive CAD:

Situated in Farm Lot 13, Quarter Township 3, Township 4, Range 19 of the United States Military Lands, in Liberty Township, Delaware County, Ohio, and being 7.226 acre tract conveyed to Dream Weaver Alive, LLC in O.R. 2091, Page 589.

Northstar Ivy Wood, Section 1:

Situated in the State of Ohio, County of Delaware, Township of Berkshire, Quarter Township 2, Township 4, Range 17, Farm Lot 2, United States Military Lands, being 32.436 acres of land out of a portion of Lot 1822, of record in Northstar Section 1, Phase A, Lot 644, Division No.2, of record in plat cabinet 5, slide 737, and being 0.069 acres of land out of that original 39.591 acre tract and 0.212 acres out of that original 47.814 acre tract of land, as conveyed to Northstar Residential Development, LLC, of record in Official Record 1571, Page 2359, being of record in the Recorder’s Office, Delaware County, Ohio.

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

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RESOLUTION NO. 24-943

IN THE MATTER OF APPROVING THE DRAINAGE MAINTENANCE PETITION AND DITCH MAINTENANCE ASSESSMENT FOR SUMMER CREST DRIVE SUBDIVISION:

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

WHEREAS, on November 18, 2024, a Ditch Maintenance Petition for Independent Living (the “Petition”) was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within Summer Crest Drive Subdivision, 17.854 acres in Berlin Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$66,882.55 and a detailed cost estimate is attached in Exhibit “D”. The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. Ten (10) lots are created in these plats and each lot received an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$6,688.26 per lot. An annual maintenance fee equal to 2% of this basis (\$133.77) will be collected for each lot. We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year’s assessment for all of the lots in the amount of \$1,337.70 has been paid to Delaware County.

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

13

RESOLUTION NO. 24-944

IN THE MATTER OF APPROVING THE AMENDED DITCH MAINTENANCE PETITION AND DITCH MAINTENANCE ASSESSMENTS FOR BERLIN FARM WEST:

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

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WHEREAS, on August 28, 2023, the Delaware County Board of Commissioners (the "Board") adopted Resolution No. 23-729, approving a ditch maintenance petition for Berlin Farm West Sections 1 through 8 (the "Original Petition") and approving the ditch maintenance assessments for Berlin Farm West; and

WHEREAS, the Original Petition set forth the drainage improvements that have been or will be constructed within Berlin Farm West Sections 1 through 8; and

WHEREAS, the petitioners subsequently changed the distribution of the number of sections within Berlin Farm West, reallocated the lots to subsequent sections, and filed an amended petition for Berlin Farm West Sections 1 through 12 (the "First Amended Petition"), which the Board approved with adoption of Resolution No. 23-972 on November 13, 2023; and

WHEREAS, the petitioners subsequently changed the number of lots in certain sections and filed an amended petition for Berlin Farm West Sections 1 through 12 (the "Second Amended Petition"); and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lots to cover the cost of current and future maintenance of the improvements; and

WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Second Amended Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Second Amended Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Second Amended Petition, as follows:

The cost of the drainage improvements is \$3,899,601.11 (for Section 1 and Future Sections) and a detailed cost estimate is attached in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. 434 lots (total all sections) are being created in this plat and future plats and each lot received an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore \$8,985.26 per lot. An annual maintenance fee equal to 2% of this basis (\$179.71) will be collected for each lot. It is understood that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in Section 1 (52 lots) in the amount of \$9,344.92 has been paid to Delaware County, receipt of which is hereby acknowledged.

Section 3. The Board's order granting the Second Amended Petition herein supersedes the First Amended Petition as approved in Resolution No. 23-972.

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

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RESOLUTION NO. 24-945

IN THE MATTER OF APPROVING THE DRAINAGE MAINTENANCE PETITION AND DITCH MAINTENANCE ASSESSMENT FOR NORTHSTAR IVY WOOD:

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

WHEREAS, on November 18, 2024, a Ditch Maintenance Petition for Northstar Ivy Wood (the "Petition") was filed with the Board of Commissioners of Delaware County (the "Board"); and

WHEREAS, the Petition sets forth the drainage improvements that have been or will be constructed within Northstar Ivy Wood, 63.87 acres in Berkshire Township; and

WHEREAS, the petitioners have requested that the drainage improvements be accepted into the Delaware County Drainage Maintenance Program and that an annual maintenance assessment be collected with the real estate taxes for the improvements in the subject lot to cover the cost of current and future maintenance of the improvements; and

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WHEREAS, the petitioners represent 100% of the property owners to be assessed for maintenance related to this drainage improvement and have waived their rights to a public viewing and hearing; and

WHEREAS, based on a review of the Petition and all accompanying documents, the Board has determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program;

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

Section 1. The Board hereby grants the Petition, the Board having found and determined that the improvements satisfy all statutory criteria pursuant to Chapters 6131 and 6137 of the Revised Code and all criteria for acceptance into the Delaware County Drainage Maintenance Program.

Section 2. The Board hereby approves the maintenance assessments, in accordance with the Petition, as follows:

The cost of the drainage improvements is \$ 1,367,375.11 and a detailed cost estimate is attached in Exhibit "D". The drainage improvements are being constructed for the benefit of the lots being created in this subdivision. 160 lots are created in these plats and each lot received an equal share of the benefit (cost) of the project. The basis for calculating the assessment for each lot is therefore, \$ 8,546.09 per lot. An annual maintenance fee equal to 2% of this basis (\$ 170.92) will be collected for each lot. We (I) understand that the basis for calculating the maintenance assessment will be reviewed and possibly revised every 6 years. The first year's assessment for all of the lots in the amount of \$ 27,347.20 has been paid to Delaware County.

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

15

RESOLUTION NO. 24-

IN THE MATTER OF APPROVING OWNER'S AGREEMENTS FOR NORTHSTAR IVY WOOD SECTION 1 AND NORTHSTAR IVY WOOD SECTION 2:

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

WHEREAS, the Engineer recommends approving the Owner's Agreements for Northstar Ivy Wood Section 1 and Northstar Ivy Wood Section 2; and

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner's Agreements for Northstar Ivy Wood Section 1 and Northstar Ivy Wood Section 2 as follows:

Northstar Ivy Wood Section 1:

OWNER'S AGREEMENT
PROJECT NUMBER: 24049

THIS AGREEMENT, executed on this 18th day of November, 2024, between Northstar Residential Development LLC, hereinafter called "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Ivy Wood Sec 1 (Northstar) further identified as Project Number 24049 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 2 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

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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 Forty Four Thousand Dollars and No Cents (\$44,000.00) 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.

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	\$1,522,600.00
CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	\$152,300.00
INSPECTION FEE DEPOSIT	\$44,000.00

Northstar Ivy Wood Section 2:

**OWNER'S AGREEMENT
PROJECT NUMBER: 24083**

THIS AGREEMENT, executed on this 18th day of November, 2024, between Northstar Residential Development LLC, hereinafter called "OWNER" and the BOARD OF COUNTY COMMISSIONERS OF

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DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Ivy Wood Sec 2 (Northstar) further identified as Project Number 24083 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 2 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 Fifteen Thousand Dollars and No Cents (\$15,000.00) 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.

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

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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	\$2,932,400.00
CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	\$293,300.00
INSPECTION FEE DEPOSIT	\$15,000.00

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

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RESOLUTION NO. 24-947

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:

PERMIT #	APPLICANT	LOCATION	TYPE OF WORK
UT2024-0221	CINCINNATI BELL	SAWMILL PKWY	FIBER OPTIC
UT2024-0222	AEP	S WILSON RD	ROAD BORE
UT2024-0223	SPECTRUM	E ORANGE RD & S OLD STATE	AERIAL CABLE
UT2024-0224	CINCINNATI BELL	BRINSWORTH DR	FIBER OPTICS
UT2024-0225	COLUMBIA GAS	MILLWATER DR	EMERGENCY VALVE
UT2024-0226	CINCINNATI BELL	SELDOM SEEN	FIBER OPTICS
UT2024-0027	AEP	S OLD STATE	NEW POLES
UT2024-0028	AT&T	VICTORIA CT	ROAD BORE
UT2024-0029	PEARCE SERVICES	PENRY RD	SERVICE DROP
UT2024-0030	CINCINNATI BELL	VARIOUS	FIBER OPTICS
UT2024-0031	COLUMBIA GAS	N GALENA RD	GAS MAIN

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

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RESOLUTION NO. 24-948

IN THE MATTER OF APPROVING AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH DLZ OHIO, INC.:

It was moved by Mr. Benton, seconded by Mrs. Lewis to approve the following Amendment No. 3 to the Professional Services Agreement with DLZ Ohio, Inc. approved under Resolution No.:

**AMENDMENT NO. 3
PROFESSIONAL SERVICES AGREEMENT
Construction Monitoring, Material Testing and Engineering Services**

This Amendment No. 3 to the Prime Agreement dated December 13, 2018, is made and entered into this 18th day of November, 2024, by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 91 North Sandusky Street, Delaware, Ohio 43015 (“County”), and DLZ Ohio, Inc., 6121 Huntley Road, Columbus, Ohio 43229 (“Consultant”) (hereinafter collectively referred to as the “Parties”).

ARTICLE 1 – AMENDMENT

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Pursuant to Sections 10 and 13.3 of the Prime Agreement, the Parties mutually agree to amend the Prime Agreement as follows:

- A. Section 3 of the Prime Agreement shall be modified to incorporate the Construction Inspection Contract Unit Prices 2025 & 2026 (EXHIBIT A) becoming effective January 1, 2025.
- B. Section 4 of the Prime Agreement shall be modified to increase the maximum total compensation to Eight Million Dollars and Zero Cents (\$8,000,000.00).
- C. Section 6 of the Prime Agreement shall be modified to extend the date for the completion of Services to December 31, 2026.

ARTICLE 2 – REMAINING PROVISIONS

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

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment No. 3.

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

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RESOLUTION NO. 24-949

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN AS DEL-CR125-1.46, STEITZ ROAD IMPROVEMENTS:

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

WHEREAS, the County Engineer has prepared, and recommends approval of, the Plans, Estimate, Bid Specifications and Bid Opening Date and Time for DEL-CR125-1. 46;

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 estimate for the project known as DEL-CR125-1.46.

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

Public Notice
Advertisement for Bids

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, December 10, 2024, at which time they will be publicly received and read aloud, for the project known as:

DEL-CR125-1.46
Steitz Road Improvemen

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."

The Owner requires that all work associated with the project be completed before June 1, 2026. The estimated commencement of work date is January 6, 2025.

This is a prevailing wage contract in accordance with Ohio Revised Code Chapter 4115 and the requirements of the Ohio Department of Commerce, Division of Labor and Worker Safety, Wage and Hour Bureau. Bidders shall comply with all applicable provisions.

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 23, 2024

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

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RESOLUTION NO. 24-950

IN THE MATTER OF ADOPTING A RESOLUTION DECLARING A NECESSITY AND THE INTENT OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO APPROPRIATE PROPERTY:

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

WHEREAS, the Board of Delaware County Commissioners (the “Board”) deems it necessary for the public convenience and welfare to construct highway improvements to the intersection of Big Walnut Road and Tussic Street Road, known as Project ID: DEL-TR109-2.87, by construction, reconstruction, installation, replacement, repair, maintenance and improvement of the identified roads in Delaware County, Ohio (the “Improvement”); and

WHEREAS, the Board has determined that additional land is necessary for the Improvement and that the Board and property owners were unable to agree on the terms of conveyance through good faith negotiations; and

WHEREAS, the Board has determined the fair market value (“FMV”) for the property to be appropriated and any resultant damages; and

WHEREAS, the Board has determined that it is necessary to take immediate possession of the property to be appropriated via the “quick take” procedure under section 163.06(B) 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 deems it necessary, and it is hereby declared to be the intention of the Board, to appropriate the following property necessary for the Improvement and determines the FMV for the same:

Property Owner(s)	Interest to be Appropriated	FMV
Stephanie Young & Jessica Lane	23-SH, T1, T2	\$45,001.00

The parcel identifiers listed in the table above are taken from the approved right-of-way plans and highway construction plans for the Improvement, which are, by this reference, fully incorporated herein and are on file and available for inspection or copying at the Office of the Delaware County Engineer.

Section 2. The appropriations deemed necessary herein being for the purpose of making or repairing roads which shall be open to the public without charge, the Board further deems it necessary, and hereby states its intention, to immediately obtain and take possession of and enter upon the property to be appropriated upon filing the Petition and depositing the FMV with the Court, in accordance with section 163.06(B) of the Revised Code.

Section 3. The Board hereby directs legal counsel to commence the appropriation proceedings on behalf of the Board.

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

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

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RESOLUTION NO. 24-951

IN THE MATTER OF APPROVING AN ONLINE SUBSCRIPTION AND SERVICES AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND PROCORE TECHNOLOGIES, INC.:

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

WHEREAS, Procore Technologies, Inc. offers cloud-based construction management and progress documentation software; and

WHEREAS, Sewer District staff desires to utilize Procore Technologies, Inc. construction management and progress documentation software for Sewer District construction projects; and

WHEREAS, the Sanitary Engineer recommends approval of an agreement with Procore Technologies, Inc.;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the following Agreement with Procore Technologies, Inc.

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PROCORE TECHNOLOGIES, INC. SUBSCRIPTION AND SERVICES AGREEMENT
(A copy of this agreement is available in the Sanitary Engineer’s Office and 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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ADMINISTRATOR REPORTS

None

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COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Benton

-attended COYC (Central Ohio Youth Center) meeting last Thursday

-attended the EMS Winter Conference that the County hosted/ high level offerings

Commissioner Lewis

-attended the EMS Winter Conference that the County hosted / speakers

Commissioner Merrell

-will participate in a tour of Preservation Parks this week

p-speaking at Board of Buildings program later this week

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RESOLUTION NO. 24-952

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT AND COMPENSATION OF A PUBLIC EMPLOYEE OR PUBLIC OFFICIAL:

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 employment and compensation of a public employee or public official.

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

RESOLUTION NO. 24-953

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

Jeff Benton

Barb Lewis

Gary Merrell