

COMMISSIONERS JOURNAL NO. 81 - DELAWARE COUNTY  
MINUTES FROM REGULAR MEETING HELD DECEMBER 19, 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. 24-1041

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD DECEMBER 16, 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 December 16, 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

Randy Ormeroid, Delaware Township Trustee – speaking on withdraw of Annexation

Doug Price, Troy Township Trustee – speaking on withdraw of Annexation

3  
RESOLUTION NO. 24-1042

IN THE MATTER OF APPROVING THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR1218, MEMO TRANSFERS IN BATCH NUMBERS MTAPR1218, AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER PCAPR1218:

It was moved by Mr. Benton, seconded by Mrs. Lewis, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR1218, memo transfers in batch numbers MTAPR1218, Procurement Card Payments in batch number PCAPR1218:

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

4  
RESOLUTION NO. 24-1043

IN THE MATTER OF APPOINTING A MEMBER TO THE JOB AND FAMILY SERVICES COMMUNITY PLANNING COMMITTEE:

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

WHEREAS, section 329.06 of the Ohio Revised Code requires the establishment of a Job and Family Services Community Planning Committee (the "Community Planning Committee") whose membership is a broad representation of the groups of individuals and public and private entities that have an interest in social services and workforce development services provided in the county; and

WHEREAS, the Community Planning Committee may consult with the Delaware County Board of Commissioners (the "Board of Commissioners") and make recommendations regarding social services and workforce development services provided in the county with regard to state and local funds, establishment of goals to be achieved, evaluation of the outcomes of programs, and any other matter the Board of Commissioners considers relevant to the provision of social services and workforce development programs; and

WHEREAS, Tina Overturf, the representative of the Delaware County Board of Developmental Disabilities on the Community Planning Committee, has resigned her position; and

WHEREAS, on June 20, 2013, the Board of Commissioners adopted Resolution No. 13-645, adopting a policy

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for the appointment of members to boards and commissions (the “Policy”), which requires posting of all available positions for at least fourteen (14) days and permits the Board of Commissioners to conduct interviews of any applicants; and

WHEREAS, the Board of Commissioners desires to approve an exception to the Policy in order to appoint a representative selected by the Delaware County Board of Developmental Disabilities to the Community Planning Committee;

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

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

Section 2. The Board of Commissioners hereby approves the appointment of Mike Dancho as the representative of the Delaware County Board of Developmental Disabilities on the Delaware County Community Planning Committee, filling an unexpired term as specified herein:

<b>Appointee</b>	<b>Term Ends</b>
Mike Dancho	October 4, 2025

Section 3. The appointment approved herein shall take effect immediately upon adoption of this Resolution

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

**5  
RESOLUTION NO. 24-1044**

**IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS:**

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

<b>Supplemental Appropriations</b>		
48140481-5715	Africa Rd 2020 SIB Loan/Principal Payments-Note/Loan	1,691,200.05

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

**6  
RESOLUTION NO. 24-1045**

**IN THE MATTER OF SETTING THE BID DATE AND TIME TO RECEIVE BIDS FOR JEWETT ROAD TRUNK SEWER IMPROVEMENTS:**

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

WHEREAS, the Delaware County Regional Sewer District desires to solicit bids for the Jewett Road Trunk Sewer Improvements; and

WHEREAS, Sewer District staff has provided the contract documents and technical specifications for the Jewett Road Trunk Sewer Improvements;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the bid documents, plans, and specifications for the project known as the Jewett Road Trunk Sewer Improvements and authorizes the Sanitary Engineer to advertise for and receive bids on behalf of the Board in accordance with the following Legal Notices:

**PUBLIC NOTICE  
ADVERTISEMENT FOR BIDS**

**DELAWARE COUNTY REGIONAL SEWER DISTRICT  
JEWETT ROAD TRUNK SEWER IMPROVEMENTS**

Sealed Bids for the JEWETT ROAD TRUNK SEWER IMPROVEMENTS shall be submitted electronically through the [www.bidexpress.com](http://www.bidexpress.com) web service until **10:00 AM** local time on **Friday, January 31, 2025**, at which time they will be publicly opened and read aloud.

The Bidder shall furnish all labor and material to remove and replace approximately 243 linear feet of existing 18-inch diameter sanitary sewer with proposed 24-inch sanitary sewer, and replace two manholes, as shown in the contract documents.

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Copies of the plans and specifications must be obtained from [www.bidexpress.com](http://www.bidexpress.com). All bidders must register and be a member of the web service to bid on the project.

All proposals shall be submitted electronically through the web service [www.bidexpress.com](http://www.bidexpress.com). A Bid must be accompanied by Bid security made payable to Owner, in the form of a certified or bank check or a Bid Bond issued by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions. The amount of a cashier’s check or certified check must be at least TEN percent (10%) of the Bidder’s maximum bid price (in accordance with Ohio Revised Code Chapter 1305). If a Bid Security is issued in the form of a Bid Bond by a surety meeting the requirements of Paragraphs 6.01 and 6.02 of the General Conditions and as may be modified by the Supplementary Conditions and O.R.C. 153.54, it shall be equal to ONE HUNDRED percent (100%) of the Bidder’s maximum Bid Price. Bid security furnished in bond form shall be issued by a Surety Company or Corporation licensed in the State of Ohio to provide said surety.

The County reserves the right to reject any and all Bids, in whole or in part, to waive any informality in any or all Bids, to accept the Bid it deems lowest and best after the Bids have been examined and checked, and subject to the approval of the County Commissioners.

The Engineer’s Estimate is \$ 399,000.

A pre-Bid conference will be held on **Tuesday, January 14, 2025** at **10:00 A.M.** by video conference call. Contact Julie McGill at [jmcgill@co.delaware.oh.us](mailto:jmcgill@co.delaware.oh.us) to request a video conference call invitation. Attendance at this conference is not required to bid.

No Bid shall be withdrawn for a period of sixty (60) days after being publicly opened and read. All Bidders must bid on all items listed on the Bid Form. The successful Bidder shall be required to furnish performance and payment bonds in the amount of 100% of the Contract Price. Carriers must be authorized to do business in the State of Ohio.

The Bid will be advertised on **January 4, 2025** in the Delaware Gazette. The Bid will also be posted on the Delaware County website at [www.co.delaware.oh.us](http://www.co.delaware.oh.us) and may be accessed by selecting “Public Notices and Bids”.

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

**7  
RESOLUTION NO. 24-1046**

**IN THE MATTER OF AUTHORIZING THE DELAWARE COUNTY REGIONAL SEWER DISTRICT’S PARTICIPATION IN AN OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES CONTRACT FOR UNIFORM RENTAL:**

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

WHEREAS, the Board of County Commissioners of Delaware County, Ohio (the “Board”) has before it a request from the Delaware County Regional Sewer District to expend county monies for uniform rental; and

WHEREAS, the Board participates in the State of Ohio’s cooperative purchasing program (the “Program”); and

WHEREAS, a contract for the uniform rental is available via the Program;

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

Section 1. The Board hereby declares that a necessity exists to have uniform rental services for use by the Delaware County Regional Sewer District, it being required to provide personal protective equipment such as clothing for employees within the sewer district.

Section 2. The Board authorizes participating in a Program contract with Cintas for uniform rental.

Section 3. The Board hereby declares that the uniform rental will be from Cintas, an approved vendor under the Program, in accordance with the Program, pursuant to the contract and terms and conditions set forth in Index GDC020, Contract #RS900118, which is, by this reference, fully incorporated herein and of which the purchase orders approved herein shall be made a part.

Section 4. This Resolution shall take effect December 19, 2024.

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

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**8  
RESOLUTION NO. 24-1047**

**IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATION FOR DELAWARE COUNTY BOARD OF DEVELOPMENTAL DISABILITIES:**

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

<b>Transfer of Appropriation</b>	
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**From:**  
30652507-5601  
HCBS ARPA Grant/Grants In Aid 132,860.00

**To:**  
30652507-5335  
HCBS ARPA Grant/Leases & Rental Services 132,860.00

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

**9  
RESOLUTION NO. 24-1048**

**IN THE MATTER OF ACCEPTING THE DONATION OF A TRAILER FROM THE DELAWARE GENERAL HEALTH DISTRICT:**

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

WHEREAS, pursuant to section 9.20 of the Revised Code, the Delaware County Board of Commissioners (the "Board") may receive by gift, devise, or bequest moneys, lands, or other properties, for their benefit or the benefit of those under their charge; and

WHEREAS, the Delaware General Health District has offered to transfer ownership of an Intrepid trailer to Delaware County for use by the Delaware County Department of Emergency Medical Services; and

WHEREAS, the Board recognizes the trailer's potential value and utility to the Department of Emergency Medical Services in fulfilling its mission to serve the community; and

WHEREAS, the Delaware General Health District has confirmed that the 2021 Intrepid trailer is being transferred at no cost to the County, and the Department of Emergency Medical Services has assessed the trailer and determined it to be in acceptable condition for use;

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

Section 1. The Board hereby accepts the donation of a 2021 Intrepid trailer from the Delaware General Health District for use by the Delaware County Department of Emergency Medical Services.

Section 2. The Department of Emergency Medical Services is authorized to take all necessary steps to finalize the transfer and integrate the 2021 Intrepid trailer into its operational resources.

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

**10  
RESOLUTION NO. 24-1049**

**IN THE MATTER OF WITHDRAWING THE ANNEXATION PETITION FILED ON NOVEMBER 5, 2024, BY AGENT FOR THE PETITIONER, MICHAEL R. SHADE, ATTORNEY-AT-LAW, REQUESTING ANNEXATION OF 175.80 ACRES OF LAND IN DELAWARE TOWNSHIP AND 175.0 ACRES OF LAND IN TROY TOWNSHIP, FOR A TOTAL OF 350.80 ACRES OF LAND TO THE CITY OF DELAWARE:**

It was moved by Mrs. Lewis, seconded by Mr. Benton, to withdraw the annexation petition filed on November 5, 2024 by agent for the petitioner, Michael R. Shade, Attorney-at-Law, requesting annexation of 175.80 acres of land in Delaware Township and 175.0 acres of land in Troy Township, for a total of 350.80 acres of land to the City of Delaware,

Whereas, on December 16, 2024, petitioner, Michael R. Shade, Attorney-at-Law, filed a letter withdrawing the petition filed on November 5, 2024, for annexation of 175.80 acres of land in Delaware Township and 175.0 acres of land in Troy Township, for a total of 350.80 acres of land to the City of Delaware;

Therefore, Be It Resolved that the Board hereby acknowledges the withdrawing of the annexation petition filed

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on November 5, 2024, by agent for the petitioner, Michael R. Shade, Attorney-at-Law, requesting annexation of 175.80 acres of land in Delaware Township and 175.0 acres of land in Troy Township, for a total of 350.80 acres of land to the City of Delaware.

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

**OTHER BUSINESS ITEM  
RESOLUTION NO. 24-1050**

**IN THE MATTER OF APPROVING AN EXTINGUISHMENT OF EASEMENTS FROM SUNBURY HOLDING CO., LLC, RELATED TO THE SUNBURY PARKWAY INTERCHANGE PROJECT (DEL-71-8.9 PH A):**

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

WHEREAS, on January 29, 2024, the Board of Commissioners of Delaware County, Ohio (the “Board”) adopted Resolution No. 24-70, approving a real estate agreement with the Ohio Department of Transportation (ODOT) for the Sunbury Parkway Interchange Project (DEL-71-8.9 PH A); and

WHEREAS, pursuant to the real estate agreement, ODOT procured a standard highway easement from Sunbury Holding Co., LLC, in the name of and for the use of the Board; and

WHEREAS, due to various recording errors, ODOT has requested the Board extinguish the erroneous easements to allow for the recording of a corrected replacement easement;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio hereby approves and authorizes the President of the Board to execute the following Extinguishment of Easements:

**EXTINGUISHMENT OF EASEMENTS**

KNOW ALL MEN BY THESE PRESENTS, THAT: the of the Board of Commissioners of Delaware County, Ohio, does hereby forever extinguish, release, relinquish, discharge, and quit claim to Sunbury Holding Co., LLC, an Ohio Limited Liability Company, and Sunbury Holding Co. West. LLC, an Ohio Limited Liability Company, the following described easements:

PARCEL(S): 55-SHV  
DEL-71-8.9 (PHASE A)

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF

The easements being extinguished are of record at Volume 2128, Pages 51 through 56, and at Volume 2128, Pages 2049 through 2054 of the Delaware County, Ohio, Recorder.

Pursuant to R.C. 5501.45(H), notwithstanding the foregoing extinguishment, no public utility shall be required to move or relocate any of its facilities that may be located in or on the above-described easement and any such public utility shall have the right to continue its use or occupation of said easement.

Note to Recorder: cross-reference with Delaware County Recorder, Ohio Official Records Volume 2128, Page 51 and Volume 2128, Page 2049 as the easements extinguished hereby.

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

**ADMINISTRATOR REPORTS**

**CA Davies** – Nothing to report.

**DCA Huston** – Nothing to report.

**Attorney Hochstettler** – Nothing to report.

**COMMISSIONERS’ COMMITTEES REPORTS**

**Commissioner Lewis** – attended the Swearing-In Ceremony of Prosecutor Schiffel and offered congratulation to all elected officials that were sworn into office.

**Commissioner Benton** – will be attending the Regional Planning meeting on 12/19/24 and the CEBCO Board meeting on 12/20/24.

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Commissioner Merrell – Nothing to report.

**RESOLUTION NO. 24-1051**

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF EMPLOYMENT AND COMPENSATION OF A PUBLIC EMPLOYEE OR A PUBLIC OFFICIAL, PENDING OR IMMINENT LITIGATION AND FOR COLLECTIVE BARGAINING:**

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; and

WHEREAS, pursuant to section 121.22(G)(8) of the Revised Code, a public body may hold an executive session to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:

(1) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project; and

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

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

Section 1. The Board hereby adjourns into executive session for consideration of Employment and Compensation of a Public Employee or a Public Official, for Pending or Imminent Litigation and for Collective Bargaining.

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

**RESOLUTION NO. 24-1052**

**IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:**

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

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

There being no further business, the meeting adjourned.

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Jeff Benton

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Barb Lewis

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Gary Merrell