

**COMMISSIONERS JOURNAL NO. 81 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD FEBRUARY 24, 2025**

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

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

**1
RESOLUTION NO. 25-122**

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD FEBRUARY 20, 2025:

It was moved by Mr. Merrell, seconded by Ms. Lewis, to approve the following:

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the "Board") met in regular session on February 20, 2025; 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 Absent Mrs. Lewis Aye

**2
PUBLIC COMMENT**

**3
RESOLUTION NO. 25-123**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR0221, MEMO TRANSFERS IN BATCH NUMBERS MTAPR0221, AND PROCUREMENT CARD PAYMENTS IN BATCH NUMBER PCAPR0221:

It was moved by Mr. Merrell, seconded by Mrs. Lewis, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR0221, memo transfers in batch numbers MTAPR0221, and Procurement Card Payments in batch number PCAPR0221, and Purchase Orders as listed below:

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

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

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

**4
RESOLUTION NO. 25-124**

IN THE MATTER OF GRANTING ANNEXATION PETITION FROM AGENTS FOR THE PETITIONER, DAVID HODGE, ESQ. AND ERIC ZARTMAN, ESQ., REQUESTING ANNEXATION OF 14.9 ACRES OF LAND IN ORANGE TOWNSHIP TO THE CITY OF COLUMBUS:

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

WHEREAS, on January 24, 2025, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by David Hodge Esq. and Eric Zartman, Esq., agents for the petitioners, requesting annexation of 14.9 acres, more or less, from Orange Township to the City of Columbus; 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 Columbus or the Township of Orange;

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NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 14.9 acres, more or less, from Orange Township to the City of Columbus.

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

**5
RESOLUTION NO. 25-125**

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

It was moved by Mr. Merrell, 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 license from Lehnrs Pumpkin Farm, LLC, located at 2920 State Route 203, Rador 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. Merrell Aye Mr. Benton Absent Mrs. Lewis Aye

**6
NICK DAVIS, CENTRAL OHIO REGIONAL DIRECTOR FOR SENATOR BERNIE MORENO
Presentation/Update to the Delaware County Board of Commissioners**

**7
RESOLUTION NO. 25-126**

IN THE MATTER OF REVIEWING AND MAINTAINING THE FINAL PLAN FOR IMPLEMENTING AND OPERATING A COUNTYWIDE 9-1-1 SYSTEM:

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

WHEREAS, pursuant to section 128.06(C)(2) of the Revised Code, the Delaware County Board of Commissioners (the "Board") shall serve as the 9-1-1 program review committee, due to the fact that the Board operates the public safety answering point within Delaware County; and

WHEREAS, pursuant to section 128.06 (D) of the Revised Code, the Board, sitting as the 9-1-1 program review committee, shall convene annually to review the final plan for the purposes of maintaining or amending the final plan; and

WHEREAS, the Director of Emergency Communications has informed the Board that the final plan remains accurate and recommends maintaining the final plan without the need for any amendments;

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

Section 1. The Board hereby approves the annual review of the Delaware County Final Plan, finding and determining that the Delaware County Final Plan should be maintained without any amendments.

Section 2. This Resolution shall be effective immediately upon adoption.

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

**8
RESOLUTION NO. 25-127**

IN THE MATTER OF APPROVING THE PURCHASE OF RADIO LICENSES AND COMPONENTS FOR USE IN THE COUNTYWIDE PUBLIC SAFETY COMMUNICATIONS SYSTEM:

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

WHEREAS, the Delaware County Director of Emergency Communications recommends the purchase of additional radio licenses and related components for the countywide public safety communications system; and

WHEREAS, the radio licenses and related components are available for purchase at discounted pricing through the State of Ohio's cooperative purchasing program (the "Program"); and

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WHEREAS, the Board of County Commissioners (the “Board”) is a member of the Program and wishes to purchase the equipment through the Program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, STATE OF OHIO:

Section 1. The Board hereby approves the purchase of radio licenses and related components from Vasu Communications, Inc., a state-approved supplier under the Program, in accordance with Quote Number 201012418, dated January 31, 2025, for a total price of \$179,135.00.

Section 2. The purchase approved in Section 1 shall be in accordance with the Program, pursuant to the contract and terms and conditions set forth in Index STS073, Contract # 573004-0-1, which are, by this reference, fully incorporated herein and of which the purchase order approved herein shall be made a part.

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

9

RESOLUTION NO. 25-128

IN THE MATTER OF DONATING COUNTY PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE TO THE KNOX TECHNICAL CENTER:

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

WHEREAS, the Delaware County Department of Emergency Medical Services has certain personal property, specifically twenty (20) ballistic vests (the “Property”), no longer needed for use by Delaware County; and

WHEREAS, pursuant to section 307.12(D) of the Revised Code, the Board of County Commissioners (the “Board”) may sell or donate county personal property to any political subdivision of the state without advertisement or public notification, regardless of the property’s value; and

WHEREAS, the Knox Technical Center, part of the Knox County Career Center, has expressed a need for and can utilize the Property as part of its public safety training courses;

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

Section 1. The Board hereby approves the donation of the Property to the Knox Technical Center.

Section 2. Pursuant to section 307.12(D) of the Revised Code, the Board makes no determination of the value of the Property, and the Property shall be donated upon the condition that the Property is accepted “as is” and without any obligation to Delaware County in regard to the Property or its suitability for use.

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

10

RESOLUTION NO. 25-129

IN THE MATTER OF AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT FROM THE OHIO CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS FOR THE 2025 PUT A LID ON IT BIKE HELMET PROGRAM:

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

WHEREAS, the Ohio Chapter of the American Academy of Pediatrics has opened the 2025 grant period for eligible organizations to apply for its 2025 Put a Lid on It Bike Helmet program; and

WHEREAS, Delaware County is an eligible organization through its Department of Emergency Medical Services; and

WHEREAS, the Director of Emergency Medical Services requests authorization to submit an application for the donation of between 72 and 108 bike helmets to be used for public education and injury prevention; and

WHEREAS, a local match is not required;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby authorizes the Director of Emergency Medical Services to submit a grant application to the Ohio Chapter of the American Academy of Pediatrics for the 2025 Put a Lid on It Bike Helmet program and agree to the terms of the grant.

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

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11

RESOLUTION NO. 25-130**IN THE MATTER OF OPPOSING THE OHIO EPA'S PROPOSED FACILITY PLANNING AREA MAPS FOR DELAWARE COUNTY:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis, to adopt the following:

WHEREAS, the Ohio EPA has provided public notice that the Director of Environmental Protection is proposing to update the State Water Quality Management Plan (208 Plan), as required by Sections 303 and 208 of the Clean Water Act, which includes establishing facility planning areas (FPA) in Delaware County; and

WHEREAS, the Delaware County Board of Commissioners (the "Board") has, pursuant to Chapter 6117 of the Revised Code, established the Delaware County Regional Sewer District ("DCRSD") within the unincorporated areas of Delaware County; and

WHEREAS, pursuant to section 6117.05 of the Revised Code, the Board's jurisdiction through DCRSD continues even upon incorporation or annexation, when certain conditions are met; and

WHEREAS, DCRSD has a proven track record of excellence in wastewater treatment and collection, while also managing rapid growth, and responsibly planning for regionalized sewer infrastructure by maintaining financial and capacity models to ensure that sanitary sewer infrastructure is operated, upgraded and expanded as necessary; and

WHEREAS, the Board has entered into sanitary sewer service agreements with other governmental entities, including the Cities of Columbus, Delaware, Dublin, Sunbury, and Westerville, to establish appropriate boundaries for sanitary sewer service and avoid unnecessary duplication of public resources; and

WHEREAS, upon review of the proposed FPA maps, the Board is concerned that the FPA maps fail to recognize the Board's statutory authority under Chapter 6117 of the Revised Code, ignore completed and pending DCRSD facility planning, inhibit further mutual agreement regarding sanitary sewer service, and infringe on private property rights;

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

Section 1. The Board hereby opposes the proposed updates to the Section 208 Plan and FPA maps for Delaware County, finding and determining that the proposed updates:

- A. Unlawfully restrict the Board's authority under Chapter 6117 of the Revised Code;
- B. Fail to acknowledge and give appropriate weight to completed and pending DCRSD facility planning, which is indicative of an unreasonable, capricious, and arbitrary decision-making process by the Ohio EPA;
- C. Inhibit further mutual agreement between the Board and other governmental entities within Delaware County regarding sanitary sewer service, to which the Board has been committed since the existing 208 Plan encouraged cooperation amongst local management agencies; and
- D. Infringe on private property rights by effectively forcing private property owners to bargain for essential sanitary sewer service through annexation or increased rates, under the threat of indefinite delays in development.

Section 2. The Board hereby requests that the Ohio EPA amend the FPA maps to reflect DCRSD as the primary designated management agency (DMA) and its boundaries as the primary FPA, except as the Board may have already agreed in writing. The DCRSD FPA should follow the current municipal corporation boundaries in the absence of a formal sewer service agreement between the Board and a municipal corporation. Any modifications of the DCRSD FPA would then be subject to the proposed modification process, as opposed to the initial 208 Plan amendment. In the alternative, the Board hereby requests that the Ohio EPA permit overlapping FPAs in Delaware County, with DCRSD being the primary DMA in any unincorporated area and the other DMA being secondary.

Section 3. The Board hereby commits to continue working cooperatively with other DMAs within Delaware County to negotiate sanitary sewer service agreements that establish appropriate boundaries for sanitary sewer service and avoid unnecessary duplication of public resources. This commitment includes providing timely letters of support or other documentation necessary to support FPA modification, when warranted, in accordance with the proposed modification process.

Section 4. The Board hereby authorizes the DCRSD Director/Sanitary Engineer to submit formal comments consistent with this Resolution and other information she determines pertinent.

Section 5. The Board hereby authorizes the County Administrator and General Counsel to take all necessary actions to oppose the proposed FPA maps, including appearing before the Ohio EPA in any administrative

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proceedings, commencing and prosecuting any available appeals, and commencing and prosecuting any other legal action.

Section 6. The Board hereby directs the Clerk of the Board to submit a certified copy of this Resolution via email to epa.dswcomments@epa.ohio.gov, pursuant to the Ohio EPA’s public notice.

Section 7. This Resolution shall be effective immediately upon adoption.

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

**12
TIFFANY MAAG, DIRECTOR OF ENVIRONMENTAL SERVICES AND REGIONAL SEWER DISTRICT**

MONTHLY SANITARY APPROVAL UPDATE TO BOARD OF COMMISSIONERS

**13
RESOLUTION NO. 25-131**

IN THE MATTER OF APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH E.L. ROBINSON ENGINEERING OF OHIO FOR DEL-SR3-04.60, STATE ROUTE 3 AT LEWIS CENTER ROAD:

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

WHEREAS, pursuant to Resolution No. 21-685, adopted on August 2, 2021, this Board declared the necessity for DEL-SR3-04.60, State Route 3 at Lewis Center Road and entered into an agreement with E.L. Robinson Engineering of Ohio, for required engineering services associated with the improvements (the “Agreement”); and

WHEREAS, E.L. Robinson Engineering of Ohio has completed preliminary engineering for the proposed improvements under the direction of the County Engineer pursuant to the Agreement; and

WHEREAS, the County Engineer has negotiated a scope of work and fee to perform detailed design of the improvements and recommends modifying the Agreement for such purpose;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the following Amendment No. 1:

**AMENDMENT NO. 1
PROFESSIONAL SERVICES AGREEMENT
DEL-SR3-04.60**

This Amendment No. 1 to the Agreement dated August 2, 2021, is made and entered into this 24th day of February, 2025, by and between the Delaware County Board of Commissioners, Delaware County, Ohio, 91 North Sandusky Street, Delaware, Ohio 43015 (“County”), and E.L. Robinson Engineering of Ohio, 950 Goodale Boulevard, Suite 180, Grandview Heights, OH 43212 (“Consultant”) (hereinafter collectively referred to as the “Parties”).

ARTICLE 1 – AMENDMENT

Pursuant to Section 3.1 of the Agreement, the Parties mutually agree to amend the Agreement as follows:

- A. Section 4.2 of the Agreement shall be modified to increase the maximum total compensation to Four Hundred Four Thousand Five Hundred Eighty-Eight Dollars and Zero Cents (\$404,588.00).
- B. Section 7.1 of the Agreement shall be modified to add December 31, 2025, as the date on or before which the Services shall be completed.

ARTICLE 2 – REMAINING PROVISIONS

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

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

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14
RESOLUTION NO. 25-132

IN THE MATTER OF APPROVING THE PLAT OF SUBDIVISION FOR BERKSHIRE LOFTS:

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

WHEREAS, Rebecca S. Hazelbaker, *et al.*, has submitted the plat of subdivision for Berkshire Lofts, including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the plat of subdivision for Berkshire Lofts:

Berkshire Lofts:

Situated in the Township of Berkshire, County of Delaware, State of Ohio, and being a part of Farm Lot 5, Quarter-Township 2, Township 4 North, Range 17 West, U.S. Military Survey Lands, and being the same tract as conveyed to Rebecca S. Hazelbaker (1/6 interest) in Deed Book 445, Page 586 and Official Record 1436, Page 2566, also as conveyed to James S. Igo (1/6 interest) in Deed Book 445, Page 586, also as conveyed to Aimee Carney (1/18 interest) Official Record 1712. Page 520, also conveyed to Robin Igo Crawford (1/18 interest) in Volume 1712, Page 520 and Official Record 1468, Page 1576, as conveyed to Richard B. Igo (1/4 interest) in Deed Book 644, Page 486, also conveyed to Amber Nelson (1/4 interest) in Volume 1646, Page 156, as conveyed to Richard B. Igo (1/36 interest) in Volume 1927, Page 29, and as conveyed to Amber Nelson (1/36 interest) in Volume 1927, Page 29, and all being of Record in the Delaware County Recorder’s Office, Delaware, Ohio.

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

15
RESOLUTION NO. 25-133

IN THE MATTER OF APPROVING AN OWNER’S AGREEMENTS FOR PARKSIDE AT EVANS FARM SECTION 1 AND PARKSIDE AT EVANS FARM HOLLENBACK ROADWAY IMPROVEMENTS:

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

WHEREAS, the Engineer recommends approving the Owner’s Agreements for Parkside at Evans Farm Section 1 and Parkside at Evans Farm Hollenback Roadway Improvements;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner’s Agreements for Parkside at Evans Farm Section 1 and Parkside at Evans Farm Hollenback Roadway Improvements:

Parkside at Evans Farm Section 1:

OWNER’S AGREEMENT
PROJECT NUMBER: 25007

THIS AGREEMENT, executed on this 24th day of February, 2025, between, hereinafter called “OWNER” and the BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY OHIO (COUNTY COMMISSIONERS), for the project described as Parkside at Evans Farm Section 1 further identified as Project Number 25007 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**

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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 **Forty Five Thousand Dollars and No Cents (\$45,000.00)** 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**.

In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants the **OWNER** or his agent, the right and privilege to make the improvements stipulated herein.

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EXHIBIT "A"

CONSTRUCTION COST ESTIMATE	\$2,283,900.00
CONSTRUCTION BOND AMOUNT	N/A
MAINTENANCE BOND AMOUNT	\$228,400.00
INSPECTION FEE DEPOSIT	\$45,000.00

Parkside at Evans Farm Section 1 Hollenback Roadway Improvements:

**OWNER'S AGREEMENT
PROJECT NUMBER: 24057**

THIS AGREEMENT made and entered into this 24th day of February, 2025, by and between the COUNTY OF DELAWARE (acting through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and ROCKFORD HOMES INC hereinafter called the OWNER, as evidenced by the Engineering and Construction Plan entitled Parkside at Evans Farm Sec 1 Hollenback Roadway Improvements which was approved by the County Engineer, hereinafter called the Plan, is governed by the following considerations to wit:

- 1) The **OWNER** is to construct, install or otherwise make all of the improvements as shown and set forth to be performed and completed on the **PLAN**, which is part of this **AGREEMENT**.
- 2) The **OWNER** shall pay the entire cost and expense of said improvements.
- 3) The **OWNER** is to provide an irrevocable letter of credit or other approved financial warranties in the amount of \$450,000.00 payable to the **BOARD OF COUNTY COMMISSIONERS** to insure the faithful performance of this **AGREEMENT** and the completion of all of the said improvements in accordance with the current "**Delaware County Engineering and Surveying Standards for Subdivision Development**" and current "**Subdivision Regulations of Delaware County, Ohio**". Said financial warranty will be released and returned to the **OWNER** within thirty (30) days of the acceptance of the improvements by the **COUNTY**.
- 4) It is further agreed that upon execution of the **AGREEMENT**, the **OWNER** shall deposit inspection fees in the amount of \$27,000.00 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**. These inspection fees shall be paid to the **Engineer** prior to the start of construction. Upon completion of the project and acceptance of the improvements by the **DELAWARE COUNTY COMMISSIONERS**, the remaining amount in the fund shall be returned to the **OWNER**.
- 5) The **OWNER** is to complete all construction to the satisfaction of the **COUNTY no later than June 1, 2027**, and will receive an approval letter from the **Delaware County Engineer** as evidence of the **OWNER'S** release from responsibility to said project.
- 6) The **OWNER** shall indemnify and hold the **COUNTY** free and harmless from any and all claims for damages of every nature arising or growing out of the construction of said improvements.
- 7) The **OWNER** will at all times during the construction of said improvements maintain thru traffic on the public roadway and keep the same free of unreasonable hazards to the public. Said roadway shall not be closed to traffic except as approved by the **Delaware County Engineer**. Construction signs, barricades and lights shall be placed as needed on the job site as in accordance with the **Ohio Department of Transportation "Uniform Traffic Control Devices"** and "**Traffic Control for Construction and Maintenance**".
- 8) The **OWNER** further agrees that any violation of or noncompliance with any of the provisions as stipulations of this **AGREEMENT** shall constitute a breach of contract, and the **Delaware County Engineer** shall have the right to stop work forthwith and use the surety for the completion of the improvements.
- 9) If the **OWNER** should 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**.
- 10) Upon approval and acceptance of the improvements, the original copy of the **PLAN** shall become the property of the **COUNTY** and shall be filed in the office of the **Engineer**.

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11) In consideration whereof, the **BOARD OF COUNTY COMMISSIONERS OF DELAWARE COUNTY, OHIO** hereby grants to the **OWNER** or his agent the right and privilege to make the said improvements stipulated herein.

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

**16
RESOLUTION NO. 25-134**

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

It was moved by Mr. Merrell, seconded by Mrs. Lewis, 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
UT2025-0032	SPECTRUM	AFRICA RD	ROAD BORE

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

**17
RESOLUTION NO. 25-135**

IN THE MATTER OF APPROVING PLANS, SPECIFICATIONS, ESTIMATE AND SETTING THE BID DATE FOR THE PROJECT KNOWN AS THE 2025 CULVERT SUPPLY CONTRACT:

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

WHEREAS, the County Engineer has prepared specifications and an estimate for the project known as the 2025 Culvert Supply Contract;

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

Section 1. The specifications and estimate for the project known as the 2025 Culvert Supply Contract are hereby approved.

Section 2. The County Engineer is authorized to advertise for and receive bids on behalf of the Board in accordance with the following Public Notice:

**Public Notice
Advertisement for Bids**

Bids shall be submitted electronically through the www.bidexpress.com web service until 10:00 am on Tuesday, March 18, 2025, at which time they will be publicly received and read aloud, for the project known as:

DEL-2025 CULVERT SUPPLY CONTRACT

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 September 30, 2025. The estimated commencement of work date is March 31, 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.

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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: March 1, 2025

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

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RESOLUTION NO. 25-136**

IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND FOR DUBLIN COURT:

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

WHEREAS, the roadway construction has been completed for the project known as Dublin Court (the "Project"); and

WHEREAS, as the result of the Engineer's recent field review of the Project, the Engineer has determined that only minor remedial work remains, which can be accomplished during the subsequent one-year maintenance period; and

WHEREAS, the Engineer recommends that, under the Owner's Agreement, the maintenance bond be set at ten percent (10%) of the original construction estimate for the Project and that the Project be placed on the required one-year maintenance period; and

WHEREAS, Romanelli & Hughes Building Company (the "Owner") has provided a maintenance bond of \$53,600.00 to secure its obligations during the one-year maintenance period;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners accepts the maintenance bond of \$53,600.00 for the Project and places the Project on the required one-year maintenance period.

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

**19
RESOLUTION NO. 25-137**

IN THE MATTER OF AUTHORIZING THE SUBMITTING OF AN APPLICATION FOR THE CAPITAL IMPROVEMENT LOCAL JAILS PROJECTS GRANT FOR THE DELAWARE COUNTY SHERIFF'S OFFICE:

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

WHEREAS, the Delaware County Sheriff's Office requests authorization to submit an application for the following grant to be used for the renovation of the Delaware County Jail:

Source:	House Bill 2, Section 379.20, 135 th Ohio General Assembly
Grant Amount:	\$5,839,038.90
10% Local Match:	<u>648,782.10</u>
Total Grant Amount:	\$6,487,821.00

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 Capital Improvement Local Jails Projects 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. Benton Absent Mrs. Lewis Aye Mr. Merrell Aye

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**JEFF FISHEL, DIRECTOR OF EMERGENCY MEDICAL SERVICES
DISCUSSION OF THE FOLLOWING TOPICS:**

Potential adoption of a policy for insurance-only billing for all patients treated and transported by DCEMS

Possible Direction to the Director of EMS to collaborate with the third-party billing vendor on refunding amounts collected as self-pay

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ADMINISTRATOR REPORTS

CA Davies – Nothing to report.

DCA Huston – Reminder of Health Fair on 02/27/25

22

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Merrell – attended the Sunbury State of the City and a CIOC meeting on 02/20/25. He will be attending the CCAO Legislative Meeting for new Commissioners on 02/25/25

Commissioner Lewis – Nothing to report.

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RESOLUTION NO. 25-138

**IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR PENDING OR
IMMINENT LITIGATION AND FOR COLLECTIVE BARGAINING:**

It was moved by Mr. Merrell, seconded by Mrs. Lewis, 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 Pending or Imminent Litigation and for Collective Bargaining.

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

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RESOLUTION NO. 25-139

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

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

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

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There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners