

COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD APRIL 14, 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
Gary Merrell, Commissioner

1
RESOLUTION NO. 25-253

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS
FROM REGULAR MEETING HELD APRIL 10, 2025:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on April 10, 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 Mrs. Lewis Aye Mr. Merrell Aye Mr. Benton Aye

2
PUBLIC COMMENT

3
RESOLUTION NO. 25-254

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES,
AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0400 AND MEMO TRANSFERS
IN BATCH NUMBERS MTAPR 0411:

It was moved by Mr. Merrell, seconded by Mr. Benton, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR 0411 and memo transfers in batch numbers MTAPR 0411 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO’ Increase			
(P2501880) Prime Construction	URF Operations & Maintenanc	66611900-5410	\$50,000.00

PR Number	Vendor Name	Line Description	Account	Amount
R2502700	WILSON LAWN & FIELD SERVICES LLC	LAWN MOWING SERVICES	10011105 - 5325	\$ 68,750.00
R2502747	NATIONWIDE HOTEL & CONF CTR	2026 STATE OF THE COUNTY	10011139 - 5335	\$ 4,631.40
R2502747	NATIONWIDE HOTEL & CONF CTR	2026 STATE OF THE COUNTY	10011139 - 5381	\$ 6,200.00
R2502754	PELTON ENVIRONMENTAL PRODUCTS	AERATION DIFFUSERS FOR ALUM CREEK	66211900 - 5228	\$ 21,080.00
R2502787	BEST ONE TIRE & SERVICE OF MID AMERICA INC	TIRES FOR CONUTY VEHICLES	10011106 - 5228	\$ 30,000.00
R2502796	TYLER TECHNOLOGIES INC	RMS CAD SYSTEM	42311453 - 5452	\$ 134,192.82
R2502796	TYLER TECHNOLOGIES INC	RMS CAD SYSTEM	21411306 - 5452	\$ 33,160.43

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

4
RESOLUTION NO. 25-255

IN THE MATTER OF SETTING DATE, TIME AND PLACE FOR THE FINAL HEARING BY THE COMMISSIONERS FOR THE PROPOSED SLATE LICK LATERAL #1 WATERSHED DRAINAGE IMPROVEMENT:

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

WHEREAS, on September 2, 2021, the Board of Commissioners of Delaware County (the “Board”) held a public hearing and determined that the proposed Slate Lick Lateral #1 Watershed Drainage Improvement is necessary and conducive to the public welfare, and that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs; and

WHEREAS, the Board also ordered the Delaware County Engineer to prepare the reports, plans, and schedules for the proposed improvement; and

WHEREAS, the Delaware County Engineer has filed the reports, plans, and schedules for the proposed improvement with the Clerk of the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the County of Delaware hereby fixes **Monday, June 16, 2025, at 10:00A.M.**, at the Office of the Board of County Commissioners, 91 North Sandusky Street Delaware, Ohio, as the time and place of the final hearing on the report of the County Engineer.

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

5
RESOLUTION NO. 25-256

IN THE MATTER OF APPROVING A RESOLUTION FROM THE DELAWARE COUNTY BOARD OF COMMISSIONERS DECLARING APRIL 13-19, 2025 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATOR WEEK IN THE COUNTY OF DELAWARE, OHIO:

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

WHEREAS, the Congress of the United States, and the President of the United States have, since 1992, established the second week of April as National Public Safety Telecommunicator Week; and

WHEREAS, emergencies can occur at any time; and

WHEREAS, public safety telecommunicators daily serve the citizens of Delaware County by providing that first and most critical contact between our citizens and their need for a public safety response; and

WHEREAS, public safety telecommunicators are the single vital communications link for monitoring, dispatching, providing information and ensuring the safety of law enforcement, fire, emergency medical and emergency management responders; and

WHEREAS, this board believes that the public safety telecommunicators that serve the citizens of Delaware County are a highly trained and dedicated corps of personnel; and

WHEREAS, the services of public safety telecommunicators is a “silent service” that is seldom observed by the public that deserves recognition; and

NOW, THEREFORE, be it resolved by the Board of County Commissioners, Delaware County, State of Ohio, enthusiastically supports recognition of all our professional public safety telecommunicators declaring the second full week of April as the National Public Safety Telecommunicator Week in Delaware County, and that all our residents are invited to observe this event.

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

6
GLENN MARZLUF, PE GENERAL MANAGER/CEO DEL-CO WATER COMPANY

PRESENTATION ON DEL-CO WATER CO UPDATES

7
RESOLUTION NO. 25-257

IN THE MATTER OF RE-APPOINTING MEMBERS TO THE EVANS FARM NEW COMMUNITY AUTHORITY BOARD OF TRUSTEES:

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

WHEREAS, on June 15, 2017, the Delaware County Board of Commissioners (the “Board”) adopted Resolution No. 17-623, establishing the Evans Farm New Community Authority, pursuant to Chapter 349 of the Revised Code; and

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WHEREAS, as the organizational board of commissioners, the Board shall make appointments to the Evans Farm New Community Authority Board of Trustees, pursuant to Resolution No. 17-623 and section 349.04 of the Revised Code; and

WHEREAS, the terms for two seats will expire June 14, 2025, and the two members occupying those seats wish to be re-appointed; and

WHEREAS, on June 20, 2013, the Board adopted Resolution No. 13-645, adopting a policy 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 to conduct interviews of any applicants; and

WHEREAS, the Board desires to approve an exception to the Policy in order to re-appoint current members of the board of trustees of the Evans Farm New Community Authority;
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 appointments made herein by choosing to waive the requirement for posting the position and to proceed directly to appointment.

Section 2. The Board hereby approves the re-appointments of the following members to the Evans Farm New Community Authority Board of Trustees for the terms specified herein:

Position	Appointee	Term Ends
Local Government Representative	Rob Riley	June 14, 2027
Citizen Member	John Kirksey	June 14, 2027

Section 3. The re-appointments approved herein shall take effect on June 15, 2025.

Section 4. The Clerk of the Board is hereby directed to certify a copy of this Resolution to Evans Farm Land Development Company, LLC, as the statutory developer for the Evans Farm New Community Authority.

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

8
RESOLUTION NO. 25-258

IN THE MATTER OF APPROVING A TRANSFER OF APPROPRIATIONS FOR THE SHERIFF’S OFFICE:

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

Transfer of Appropriation		
From:	To:	
24231333-5201	24231333-5450	\$7,395.00
Sheriff Equitable Sharing FOJ Gen Supply & Equipment <1,000	Sheriff Equitable Sharing FOJ Machinery & Equip (>\$5,000)	
24231333-5260	24231333-5450	\$5,000.00
Sheriff Equitable Sharing FOJ Inv Tool, Equip, Furn 1000-4999	Sheriff Equitable Sharing FOJ Machinery & Equip (>\$5,000)	
24231333-5301	24231333-5450	\$5,000.00
Sheriff Equitable Sharing FOJ Contracted Professional Services	Sheriff Equitable Sharing FOJ Machinery & Equip (>\$5,000)	
24331334-5201	24331334-5450	\$7,500.00
Sheriff Equitable Share Treasury Gen Supply & Equipment <1,000	Sheriff Equitable Share Treasury Machinery & Equip (>\$5,000)	
24331334-5260	24331334-5450	\$4,000.00
Sheriff Equitable Share Treasury Inv Tool, Equip, Furn 1000-4999	Sheriff Equitable Share Treasury Machinery & Equip (>\$5,000)	

This is to adjust the budget to provide the additional funding for the Crisis Negotiators Van that has been approved for purchase.

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

9
RESOLUTION NO. 25-259

RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2025:

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

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WHEREAS, the Board of Commissioners of Delaware County, Ohio (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees that each party hereto shall be responsible for liability associated with that party’s own errors, actions, and failures to act.
- d. The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 85% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, May 2nd, **by 5:00 p.m**. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

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

Section 1. That this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, subject to future appropriation, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract.

Section 2. That the Delaware County, Ohio Engineer is authorized to act on behalf of the Board of Commissioners of Delaware County, Ohio to order up to 12,000 tons of road salt under this agreement from the ODOT 2025-2026 road salt contract.

Section 3. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Resolution shall be in full force and effect immediately upon adoption.

Section 5. The Clerk shall provide a copy of this Resolution to the Delaware County, Ohio Engineer.

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

10
RESOLUTION NO. 25-260

IN THE MATTER OF APPROVING THE PLATS OF SUBDIVISION FOR HYATTS MEADOWS
SECTION 3 PHASE A AND WOODCREST CROSSING SECTION 7:

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

WHEREAS, Olentangy Falls II, Ltd. has submitted the plat of subdivision for Hyatts Meadows Section 3, Phase A including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

WHEREAS, M/I Homes of Central Ohio, LLC has submitted the plat of subdivision for Woodcrest Crossing

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Section 7 including related development plans, and requests approval thereof by the Board of Commissioners of Delaware County; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby approves the plats of subdivision for Hyatts Meadows Section 3 Phase A and Woodcrest Crossing Section 7.

Hyatts Meadows Section 3 Phase A:

Situated in the State of Ohio, County of Delaware, Township of Liberty, in Farm Lot 16, Quarter Township 4, Township 4, Range 19, United States Military Lands, containing 19. 275 acres of land, more or less, said 19.275 acres being a resubdivision of Lot 670 of the subdivision entitled “Hyatts Meadows Section 3 Phase A”, of record in Official Record 1984, Page 2413, said Lot 670 being conveyed to Olentangy Falls II, Ltd. by deed of record in Recorder’s Office, Delaware County.

Woodcrest Crossing Section 7:

Situated in the State of Ohio, County of Delaware, Township of Liberty, in Farm Lot 39, Quarter Township 3, Township 4, Range 19, United States Military Lands, containing 19.759 acres of land, more or less, said 19.759 acres being apart that tract of land conveyed to M/I Homes of Central Ohio, LLC by deed of record in Official Record 2074, Page 1535, also being a resubdivision of part of Lot 6112 of the subdivision entitled “Steitz Road-Hyatts to Clark-Shaw Section 1”, of record in Official Record 1685, Page 2022, Recorder’s Office, Delaware, Ohio.

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

11
RESOLUTION NO.25-261

IN THE MATTER OF AWARDING A BID AND APPROVING A CONTRACT BETWEEN THE DELAWARE COUNTY COMMISSIONERS AND THE SHELLY COMPANY FOR THE 2025 DEL-COUNTY ROAD IMPROVEMENTS PROGRAM:

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

**DEL-County Road Improvements Program
Bid Opening: April 1, 2025**

WHEREAS, as the result of the above referenced bid opening, the County Engineer recommends that a bid award be made to The Shelly Company, the low bidder for the project; and

WHEREAS, the County Engineer recommends approval of the contract between the Delaware County Commissioners and The Shelly Company for the project;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners awards the bid to and approves the following contract with The Shelly Company for the 2025 DEL-County Road Improvements Program:

CONTRACT

THIS AGREEMENT is made this 14th day of April, 2025, by and between The Shelly Company, 80 Park Drive, PO Box 266, Thornville, Ohio 43076, hereinafter called the “Contractor” and the Delaware County Commissioners, hereinafter called the “Owner”.

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

ARTICLE 1. Statement of Work

The Contractor shall furnish all supervision, technical personnel, labor, materials, machinery, tools, equipment, and services, including utility and transportation services, and perform and complete all work required for the construction of the improvements embraced in the project named “**2025 DEL-County Road Improvements Program**”, and required supplemental work for the project all in strict accordance with the Contract Documents.

ARTICLE 2. The Contract Price

The Owner will pay the Contractor for the total quantities of work performed at the unit prices stipulated in the Bid for the respective items of work completed for the sum not to exceed **Two Million Six Hundred Six Thousand Five Hundred Seventy Dollars and Forty-Six Cents (\$2,606,570.46)** subject to additions and deductions as provided in the Contract Documents.

ARTICLE 3. Contract

The executed Contract Documents shall consist of the following:

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

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

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

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RESOLUTION NO. 25-262

IN THE MATTER OF ESTABLISHING A MAINTENANCE BOND AND RELEASING A CONSTRUCTION BOND FOR IVY WOOD SECTION 1:

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

WHEREAS, the roadway construction has been completed for the project known as Ivy Wood Section 1 (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, in accordance with 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, Northstar Residential Development LLC (the “Owner”) has provided a maintenance bond in the amount of \$152,300.00 as to secure the Owner’s obligations during the one-year maintenance period; and

WHEREAS, the Engineer also recommends that, in accordance with the Owner’s Agreement, the construction bond being held for the Project be returned to the Owner;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners accepts the maintenance bond in the amount of \$152,300.00 for the Project, places the Project on the required one-year maintenance period, and returns the construction bond being held for the Project to the Owner.

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

13
RESOLUTION NO. 25-263

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

It was moved by Mr. Benton, seconded by Mr. Merrell, 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:

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PERMIT #	APPLICANT	LOCATION	TYPE OF WORK
UT2025-0084	SPD PERMITTING	KELLY MCMASTER RD	ROAD BORE
UT2025-0085	CINCINNATI BELL	VARIOUS	INSTALL FIBER OPTIC
UT2025-0086	BRIGHTSPEED	N OLD STATE RD	UTILITY POLE
UT2025-0087	CROWN CASTLE	ROYAL BELFAST BLVD	PLACE FIBER AND POLES
UT2025-0088	BRIGHTSPEED	VANS VALLEY RD	REROUTE LINE
UT2025-0089	SPECTRUM	CARDIGAN RIDGE PL	ROAD BORE
UT2025-0090	CINCINNATI BELL	VARIOUS	INSTALL FIBER OPTIC
UT2025-0091	SPECTRUM	PEACHBLOW RD	ROAD BORE
UT2025-0092	SPD PERMITTING	PENRY RD	ROAD BORE
UT2025-0093	CROWN CASTLE	GREEN MEADOWS DR	PLACE HDPE DUCT
UT2025-0094	COLUMBIA GAS OF OHIO	RUTHERFORD RD	INSTALL PIPE
UT2025-0095	US SIGNAL	HOSKINS	PLACE MICRO DUCT

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

14
ADMINISTRATOR REPORTS

CA Davies and DCA Huston – Nothing to report.

15
COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Benton – will be attending Land Bank meetings today, will be attending the Legends Luncheon on 4/15 and Records Commission meeting on 4/16.

Commissioner Merrell – Nothing to report.

Commissioner Lewis – Nothing to report.

Recess at 10:11 am / Reconvene at 10:45 am

16
RESOLUTION NO. 25-264

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF
PENDING OR IMMINENT LITIGATION:

It was moved by Mr. Benton, seconded by Mr. Merrell, 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 Pending or Imminent Litigation.

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

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RESOLUTION NO. 25-265

IN THE MATTER OF ADJOURNING OUT OF EXECUTIVE SESSION:

It was moved by Mr. Merrell, 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

Jennifer Walraven, Clerk to the Commissioners