

COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD JULY 7, 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 - Absent

10:00 A.M. Public Hearing for consideration of a Petition from the Orange Township Board of Trustees requesting Vacation of a portion of Parkway Drive in Orange Township, Delaware County, Ohio, under the Special Procedures of R.C. 5553.045

1
RESOLUTION NO. 25-497

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS
FROM REGULAR MEETING HELD JUNE 30, 2025:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on June 30, 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 Absent Mr. Benton Aye

2
PUBLIC COMMENT

Mary Ann Durochia – Opposed to Annexation

Chris Stropki – Opposed to Annexation

3
RESOLUTION NO. 25-498

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES,
AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0703, MEMO TRANSFERS IN
BATCH NUMBERS MTAPR 0703:

It was moved by Mr. Benton, seconded by Mrs. Lewis, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR 0703, memo transfers in batch numbers MTAPR 0703, Procurement Card and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO’ Increase			
(P2500288) Carr Suppluss	Land and Buildings	10011105-5260	\$5,857.00
(P2501024) Various FCFC Parent Reimbursement	Flexible Funding Pool	70161608-5348	\$15,000.00
(P2501038) Kohls	JFS PRC	22411602-5348	\$150,000.00
(P2500989) Sedgwick Comp	HR Services	61311923-5370	\$150,000.00

PR Number	Vendor Name	Line Description	Account	Amount
R2503499	BOUND TREE MEDICAL LLC	OPER IQ ASSET MNGT REBATE	10011303 - 5244	\$ 46,800.00
R2503553	PEDI-ED-TRICS EMERGENCY MEDICAL SOLUTIONS LLC	ONSITE PIG LAB WINTER CONFERENCE - PHCB	10011160 - 5305	\$ 11,400.00
R2503555	DELAWARE AUTO SALES LLC	5-20-25 DEER CRASH	60111901 - 5370	\$ 7,958.91
R2503575	FREEDOM WINDOWS LLC	WINDOW REPLACEMENT - EMS #4	40111402 - 5228	\$ 15,630.00

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R2503575	FREEDOM WINDOWS LLC	WINDOW REPLACEMENT - EMS #5	40111402 - 5228	\$ 15,630.00
R2503579	GARLAND/DBS INC	PHASE - RESOLUTION 25-481	66611900 - 5410	\$273,078.00
R2503585	INFORMATION MANAGEMENT SRVCS INC	SERVICE DATES 8 30 25-8 29 26.	10011103 - 5325	\$ 7,002.00
R2503630	DELAWARE AUTO SALES LLC	6-29-25 SHERIFF INCIDENT	60111901 - 5370	\$ 8,085.48

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

4
RESOLUTION NO. 25-499

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Sanitary Engineer Department is requesting that Tiffany Maag, Erik McPeek and Jason Watts attend the 2025 WEFTEC Conference, in Chicago, IL on September 27-30, 2025, at the cost of \$5,330.00.

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

5
RESOLUTION NO. 25-500

IN THE MATTER OF ACKNOWLEDGING RECEIPT OF ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, MOLLY GWIN, ATTORNEY AT LAW, REQUESTING ANNEXATION OF 1.443 ACRES OF LAND IN ORANGE TOWNSHIP TO THE CITY OF COLUMBUS:

It was moved by Mr. Benton, seconded by Mrs. Lewis, to acknowledge that on June 26, 2025, the Clerk to the Board of Commissioners received a petition requesting annexation of 1.443 acres of land from Orange Township to the City of Columbus.

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

6
RESOLUTION NO. 25-501

IN THE MATTER OF APPROVING SUPPLEMENTAL APPROPRIATIONS:

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

Supplemental Appropriation		
60211925-5370	Flexible Spending Accounts/Insurance Premiums & Claims	111,361.00

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

7
KATIE WHITE, EXECUTIVE DIRECTOR CENTRAL OHIO AREA AGENCY ON AGING

PRESENTATION/UPDATE ON AN OVERVIEW OF COAAA AND DISCUSSION ON PROPOSED TRANSITION TO A REGIONAL COUNCIL OF GOVERNMENTS

8
RESOLUTION NO. 25-502

IN THE MATTER OF APPROVING THE GRANT AGREEMENT AND FUNDING APPLICATION BY AND BETWEEN THE STATE OF OHIO, DEPARTMENT OF YOUTH SERVICES, AND THE DELAWARE COUNTY BOARD OF COUNTY COMMISSIONERS ON BEHALF OF THE DELAWARE COUNTY JUVENILE COURT:

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

WHEREAS, the County Juvenile/Probate Court Judge and Staff recommend approval of the Grant Agreement and Funding Application by and between the State of Ohio, Department of Youth Services, and the Delaware County Board of County Commissioners on behalf of the Delaware County Juvenile Court;

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NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Grant Agreement and Funding Application by and between the State of Ohio, Department of Youth Services, and the Delaware County Board of County Commissioners on behalf of the Delaware County Juvenile Court:

**OHIO DEPARTMENT OF YOUTH SERVICES
JUVENILE COURT GRANT AGREEMENT AND FUNDING
APPLICATION**

This Grant Agreement and Funding Application is made and entered into by and between the State of Ohio, Department of Youth Services (herein referred to as "Department"), and the Delaware County Board of County Commissioners or County Executive (herein referred to as "County") on behalf of the Delaware County Juvenile Court (herein referred to as "Juvenile Court"). The Department will provide the base and variable allocations for each fiscal year for the biennial period beginning July 1, 2025, and ending June 30, 2027, subject to the terms and conditions of this agreement.

TERMS AND CONDITIONS

Eligibility

This Grant Agreement and Funding Application must be signed by the Administrative Judge and President of the County Commissioners or County Executive. A copy must be submitted to the local Ohio Family and Children First Council. The program shall include a method of assuring equal access for minority youth to the programs, care, and services provided through this grant.

Program Performance:

- 1) The Juvenile Court agrees to provide prevention, treatment, and rehabilitation programs for alleged or adjudicated unruly and delinquent children or children at risk of becoming unruly and delinquent children, inclusive of alternatives to commitment of youth to the Department.
- 2) The Juvenile Court agrees to provide early intervention, treatment and rehabilitation programs for youth adjudicated delinquent, unruly, or juvenile traffic offenders as outlined in this Agreement.
- 3) The Juvenile Court agrees to develop effective programs for youth, which preserve their rights and dignity. Program activities must be safe, productive, humane, and adequately supervised.
- 4) If funds are used to place youth in a community rehabilitation center or those that are located in a detention center, the center must meet the Ohio Department of Youth Services Standards for Detention Centers and the Standards for Community Residential Centers, or be accredited by the American Correctional Association. The center must adhere to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) requirements.
- 5) If funds are used to place youth in a community corrections facility, the facility must meet the Ohio Department of Youth Services Standards for Community Residential Centers.
- 6) If funds are used to provide out of home placement of youth in a facility other than those identified in (4) or (5) above, the facility must be certified by a state agency with Grant Agreement FY 2026-2027 certification, licensure, or approval authority, including, but not limited to, the Department of Youth Services, Department of Children and Youth, Department of Education, Department of Mental Health, or Department of Developmental Disabilities, or be accredited by the American Correctional Association.
- 7) The Juvenile Court agrees to participate in any program and fiscal monitoring conducted by or on behalf of the Department.
- 8) The Juvenile Court agrees to monitor and evaluate all programs funded through this grant.
- 9) If the Juvenile Court fails to submit the required data reporting forms or other documentation, the Department shall not make base or variable allocation payments to the county until the required information is received.
- 10) If a variable allocation payment is withheld due to failure to submit required reports and those reports are not submitted within 180 days of the due date, then the payment shall not be made to the county.
- 11) The Juvenile Court shall complete and submit with the Funding Application the individual Program Narratives (Attachment B) of this Agreement.
- 12) Describe the methods employed to ensure equal access for minority youth to the grant programs, care and services as specified in this Grant Agreement and Funding Application:

All youth and families will be provided services dependent only on their needs and assigned risk level

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- 13) First Year (FY 2026) Goals:
- a) Projected number of admissions to DYS in FY 2026: 1
 - b) Projected number of admissions to CCF in FY 2026: 2

Fiscal Accountability:

1. The Juvenile Court shall complete Attachment A of this Agreement.
2. Funds shall be used only for the provision of direct services to youth and for administrative costs associated with the direct services provided.
3. Administrative costs charged to a program are limited to those essential to the administration of the program; indirect costs charged by the county are unallowable within the grant.
4. Funds shall be deposited into the county Felony Delinquent Care and Custody Fund.
5. Funds received by the Juvenile Court shall not be commingled with any other funds.
6. All expenditures must be directly related to the approved programs identified in this Agreement.
7. The Juvenile Court shall maintain files on all agreements funded with grant funds, which shall be made available to DYS upon request.
8. Funds shall not be used for capital construction projects in a total amount exceeding 15% of the base allocation for the current fiscal year. No variable funds may be used for capital construction projects.
9. If any cash balance exists at the end of the state fiscal year, it shall be carried over into the next fiscal year within the Felony Delinquent Care and Custody Fund and shall not be reverted to the county's general fund.
10. Funds shall be in addition to, and shall not be used to reduce, any usual annual increase in county funding that the Juvenile Court is eligible to receive, or the current level of county funding of the Juvenile Court, and of any programs or services for delinquent children, unruly children, juvenile traffic offenders, or non-adjudicated youth supported by county moneys.
11. Funds shall be in addition to, and shall not be used to supplant, any existing county funds.
12. Reimbursement for training and travel costs is limited to that which relates to court services to youth. Records for these expenses shall be maintained.
13. Should a county employee be employed and paid by the subsidy grant in addition to his/her full-time job, the work must be performed on the employee's own time outside of his/her core hours for the other job and compensation must be reasonable and consistent with fair market value. Hours worked for both jobs must be clearly documented.
14. Overtime premiums paid to court employees must be prorated among the various activities of the employee and may not be charged exclusively to grant funds unless the employee works full time on the grant. Overtime rates can be paid only if, and in proportion to the time, the employee worked on the grant during the relevant time period.
15. At the time of separation from employment, the Department will only recognize accrued vacation/sick leave expense liability in proportion to the percentage of the employment period during which the employee was employed in programs funded by the grant and paid from grant funds, pursuant to statutory and county policy limits.
16. All obligations must be incurred by June 30th of each State Fiscal Year and liquidated by September 30th of the following State Fiscal Year, excepting unemployment and worker's compensation expenses.
17. Expenditures shall not exceed an approved program or approved program line item by twenty percent or five thousand dollars, whichever is less. An amendment must be submitted for the Department's prior approval for any expense which would exceed these limits or which would alter the nature of the program.
18. Up to one thousand dollars may be moved between or within programs into an approved program line item. In such cases, the court shall submit amended budget forms to the Department. Transfers of more than one thousand dollars require that an amendment be submitted to the Department for approval prior to the transfer of funds.
19. Cost of equipment, property, services or any other budgeted items must be at fair market value, or that which would be paid by a prudent buyer in a given community.

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20. All purchases are subject to county purchasing policies and procedures, except that purchases of direct service for youth do not have to be competitively bid. If no county purchasing procedures exist, state purchasing procedures as outlined in the Ohio Revised Code shall be followed.
21. Proper inventory schedules must be maintained for all equipment purchased with grant funds, including the following information for all equipment: number, purchase price, date of acquisition, vendor, condition and location.
22. County-established guidelines will be used for the salvage of unusable, damaged, and/or non-repairable equipment taken out of the juvenile court or programs funded by the grant. If no county guidelines exist, state guidelines shall be followed.
23. The Department shall suspend funding to a Subsidy Grant funded program if it finds failure to comply with the Ohio Revised Code or administrative rules promulgated by the Department.

Audits and Monitoring

1. The Juvenile Court shall submit tracking forms, statistical information, and other reports on forms and according to the time frame established by the Department.
2. The Juvenile Court shall maintain records as needed to allow the Department or its designee to conduct program monitoring and evaluation.
3. The Juvenile Court shall, in writing, request the Auditor of State to perform additional procedures as part of the audit performed under Section 117.11 of the Ohio Revised Code, and shall provide a copy of applicable sections of the audit report to the Department upon request. The cost of performing the additional audit procedures shall be paid from the Felony Delinquent Care and Custody Fund. The scope of the additional procedures shall include legal compliance with Sections 5139.34 and 5139.43 of the Ohio Revised Code and Chapter 5139-67 of the Ohio Administrative Code, and examination of revenues and expenditures, cash balance, outstanding obligations, and internal controls.
4. The Department may perform an audit of the county Felony Delinquency Care and Custody Fund. When a county is selected for audit, the Department will perform an audit of the fiscal records in accordance with generally accepted auditing standards, including such tests of the funding records and such auditing procedures considered necessary under the circumstances. The scope of the audit will encompass, but may not be limited to, an examination of the financial transactions, funds and reports pertaining to the approved programs and an evaluation of compliance with the established rules and Grant Agreement.
5. Upon completion of the audit examinations, the Department shall issue an audit report which shall include a statement regarding the expenditures of funds and compliance with applicable regulations and the Grant Agreement, and with approved program amendments.
6. Within one hundred twenty (120) days of the date the Department conducts an audit, the Department shall, in writing, notify the Administrative Juvenile Judge of its intention to take exception to any of the actual costs therein reported. The County Fiscal Agent shall be required to refund to the Department from the county general revenue fund the amount of the exception to the reported costs within forty-five (45) days unless an appeal of the exception is filed.
7. If, within forty-five (45) days of the date of the Department's notification to take exception, the Administrative Juvenile Judge or Board of County Commissioners or County Executive does not file with the Department a request for appeal, the action proposed in the Department's notification shall be final and binding. If an appeal is filed, the Director of the Department shall notify the juvenile court regarding the decision of the appeal within forty-five (45) days from its receipt. The actions proposed in the Department's notifications may be made final and binding before the expiration of the forty-five days within which the county may appeal if the Administrative Juvenile Judge and the Board of County Commissioners or County Executive waive, in writing, the provisions of this paragraph. If the determination is made that the appeal of the exception is denied, the County Fiscal Agent shall be required to refund to the Department from the county general revenue fund the amount of the exception to the reported costs within thirty (30) days of notification of the appeal decision.
8. If the County Fiscal Agent fails to repay the amount of the exception as provided in numbers (6) and/or (7) above, the amount will be deducted from the Juvenile Court's future base or variable payments.
9. The Juvenile Court shall, with reasonable advance notice, provide the Department or its designee with access to records, including any or all documents related to the Felony Delinquent Care and

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Custody Fund.

- 10. The Juvenile Court shall maintain accurate, legible and current fund records which indicate all income and expenditures related to the Felony Delinquent Care and Custody Fund.
- 11. The Juvenile Court shall support all income and expenditures with documentation to provide a clear audit trail for every transaction.
- 12. The Juvenile Court shall maintain all records related to this Agreement until the Department has accepted a final closing expenditures report for the last year for which the record documents or supports a cost or expenditure, or for three years, whichever is longer.

Certification of Program Compliance and Non-Supplanting of Funds:
We certify that this program is in compliance with applicable sections of Ohio Revised Code, Sections 5139.34 and 5139.41 - 5139.44, and the Administrative Rules promulgated by the Department and will comply with all laws, including those involving ethics and all executive orders. A copy of this agreement has been submitted to the local Ohio Family and Children First Council.

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

9
RESOLUTION NO. 25-503

IN THE MATTER OF DECLARING PERSONAL PROPERTY OBSOLETE, UNFIT, OR NOT NEEDED FOR PUBLIC USE AND THE INTENT OF SELLING SUCH PROPERTY VIA INTERNET AUCTION OR DISPOSAL OF PROPERTY OF NO VALUE:

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

WHEREAS, Delaware County has personal property not needed for public use, obsolete, or unfit for the use for which it was acquired; and

WHEREAS, Ohio Revised Code section 307.12(E) allows, by resolution, the sale of such property by internet auction; and

WHEREAS, the Delaware County Board of Commissioners passed Resolution No. 16-749 on August 1, 2016, declaring its intent to sell such property by internet auction; and

WHEREAS, certain of such property may require a signature to transfer such property from the county to a buyer; and

WHEREAS, certain of such property may receive no bids during the internet auction and can be declared to be of no value;

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Delaware County, State of Ohio, that the following property listed below be sold in the manner prescribed in Resolution No. 16-749 and that items receiving no bids be considered of no value and may be discarded or salvaged at the direction of the Director of Facilities. The Director of Facilities is hereby authorized to sign any documents needed to transfer such property on behalf of the Board.

Asset #	Type	Make	Model	VIN/Serial Number	Mileage/ Note
710	SUV	FORD	2019 POLICE INTERCEPTOR	1FM5K8ARXKGB28151	120,831
390	SUV	FORD	2017 POLICE INTERCEPTOR	1FM5K8AR5HGB93305	127,735
392	SUV	FORD	2017 POLICE INTERCEPTOR	1FM5K8AR7HGB93306	112,694
396	SUV	FORD	2017 POLICE INTERCEPTOR	1FM5K8AR6HGB93300	118,235
397	SUV	FORD	2017 POLICE INTERCEPTOR	1FM5K8AR1HGB93298	113,256
444	SUV	FORD	2017 POLICE INTERCEPTOR	1FM5K8AR0GGD31816	139,070
446	SUV	FORD	2017 POLICE INTERCEPTOR	1FM5K8AR6GGD31819	140,741
187	SUV	CHEVY	2014 TAHOE 4X4 5.3L	1GNSK2E06ER187083	141,496
417	PICKUP	GMC	2014 SIERRA 1500	1GTV2TEH7EZ277313	145,602

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

10
RESOLUTION NO. 25-504

IN THE MATTER OF APPROVING A ONE-TIME AUTHORIZATION OF AMENDED LIMITS TO A PROCUREMENT CARD FOR THE REGIONAL SEWER DISTRICT:

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

WHEREAS, on September 30, 2004, the Board of Commissioners of Delaware County (the “Board”) adopted Resolution No. 04-1193, adopting a policy for the use of county procurement cards, pursuant to section 301.29 of the Revised Code; and

WHEREAS, on October 3, 2011, the Board adopted Resolution No. 11-1040, adopting amendments to the Policies and Procedures for the county procurement card program; and

WHEREAS, the Board has authorized the use of county procurement cards to pay for specific classes of work related expenses, without submitting a monthly estimate of the expenses, pursuant to section 301.29(F)(2) of the Revised Code; and

WHEREAS, Jason Watts of the Regional Sewer District was issued a County procurement card on September 7, 2017, per Resolution No. 17-930; and

WHEREAS, the Regional Sewer District is requesting that Jason Watts utilize his procurement card to make a purchase of sensors that measure sulfides in wastewater from the vendor SulfiLogger, an electronics manufacturer in Denmark; and

WHEREAS, the purchase from SulfiLogger exceeds the currently established limits of Jason Watts’ procurement card, and the credit card processing fee exceeds the allowable amount under the County procurement card policy; and

WHEREAS, the Regional Sewer District is requesting a one-time authorization that deviates from Jason Watts’ established procurement card limits to allow the purchase from SulfiLogger in an amount not to exceed \$30,000.00; and

WHEREAS, the Regional Sewer District is requesting a one-time exception to the credit card processing fee limit for the purchase from SulfiLogger by authorizing a credit card processing fee in an amount not to exceed \$1,500.00;

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

Section 1. The Board hereby authorizes the use of the following procurement card to the limits indicated below to allow for the one-time purchase from SulfiLogger:

Card 1:	
Appointing Authority:	County Commissioners
Office/Department:	Regional Sewer District
Daily spending per card:	\$35,000
Monthly spending per card:	\$50,000
Single transaction limit:	\$30,000
Daily number of transactions per card:	10
Monthly number of transactions per card:	50
Name on Card: Jason Watts	
Department Coordinator: Brittany Tuggle	

Section 2. The Board hereby approves the credit card processing fee for the SulfiLogger purchase in an amount not to exceed \$1,500.00.

Section 3. This Resolution constitutes a one-time exception to the established limits. Except for purposes of the specific purchase from SulfiLogger authorized herein, Resolution Nos. 04-1193, 11-1040, and 17-930 shall remain in full force and effect.

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

11
RESOLUTION NO. 25-505

IN THE MATTER OF APPROVING AN OWNER’S AGREEMENT FOR KROGER DRIVE HOME ROAD:

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

WHEREAS, the Engineer recommends approving the Owner’s Agreement for Kroger Drive Home Road;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves the Owner’s Agreement for Kroger Drive Home Road:

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THIS AGREEMENT made and entered into this 7th day of July, 2025, by and between the COUNTY OF DELAWARE (acting through its BOARD OF COUNTY COMMISSIONERS), hereinafter called the COUNTY, and The Kroger Co. hereinafter called the OWNER, as evidenced by the Engineering and Construction Plan entitled Kroger Drive Home Road, 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 \$628,700.00 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 \$25,000.00 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 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 30, 2026, and will receive an approval letter from the Delaware County Engineer as evidence of the OWNER’S release from responsibility to said project. Following acceptance of the public improvements by the COUNTY, the COUNTY will be responsible, at its sole cost, for all maintenance and future upgrades of the improvements.
- 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, except to the extent caused by the negligence or willful misconduct of the COUNTY or its employees, contractors, or agents.
- 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.
- 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 Mrs. Lewis Aye Mr. Merrell Absent Mr. Benton Aye

12
RESOLUTION NO. 25-506

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

It was moved by Mr. Benton, 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:

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PERMITS	APPLICANT	LOCATION	TYPE OF WORK
UT2025-0165	SPECTRUM	RED BANK RD	ROAD BORE
UT2025-0166	TELEPORT COMM.	PEACHBLOW RD& PIATT RD	DIRECTIONAL BORE
UT2025-0167	FRONTIER COMM.	BIG WALNUT RD	ROAD BORE
UT2025-0168	DEL-CO WATER	RADNOR RD	ROAD BORE
UT2025-0169	DEL-CO WATER	TROY RD	ROAD BORE
UT2025-0170	DEL-CO WATER	TROY RD	ROAD BORE
UT2025-0171	DEL-CO WATER	TROY RD	ROAD BORE
UT2025-0172	HARRIS & HEAVNER EXCAVATING	HOUSEMAN RD	ROAD BORE
UT2025-0173	CINCINNATI BELL	EVERGREEN AVE&MEADOW PARK AVE	DIRECTIONAL BORE
UT2025-0174	FRONTIER COMM.	PERRY RD	ROAD BORE
UT2025-0175	CINCINNATI BELL	HOME RD	DIRECTIONAL BORE
UT2025-0176	SPECTRUM	COAL BEND & OLD IRONSIDE LN	ROAD BORE
UT2025-0177	COLUMBIA GAS	WILSON RD	INSTALL MAIN LINE
UT2025-0178	AEP	S OLD STATE RD	REPLACE EXISTING POLES

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

13
10:00 A.M. PUBLIC HEARING FOR CONSIDERATION OF A PETITION FROM THE ORANGE TOWNSHIP BOARD OF TRUSTEES REQUESTING VACATION OF A PORTION OF PARKWAY DRIVE IN ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO, UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:

The Board of Commissioners opened the hearing at 10:13 A.M.

RECESS AT 11:00 A.M. / RECOVENE AT 11:08 A.M.

The Board of Commissioners closed the hearing at 11:22 A.M.

RESOLUTION NO. 25-507

IN THE MATTER OF DENYING THE PETITION FROM THE ORANGE TOWNSHIP BOARD OF TRUSTEES REQUESTING VACATION OF A PORTION OF PARKWAY DRIVE IN ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO, UNDER THE SPECIAL PROCEDURES OF R.C. 5553.045:

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

WHEREAS, on May 29th, 2025, the Delaware County Board of Commissioners (the “Board”) received a petition filed by the Orange Township Board of Trustees, requesting the Board adopt a resolution ordering the vacation of a portion of Parkway Drive in Orange Township, Delaware County, Ohio (the “Petition”); and

WHEREAS, the Delaware County Engineer provided a written report, with recommendations, regarding the Petition; and

WHEREAS, the Board held a Public Hearing on the Petition on July 7, 2025, at the Office of the Board, 91 North Sandusky Street, Delaware, Ohio, all abutting landowners having been properly notified of the time and date thereof;

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

Section 1. The Board hereby determines that the Petition is invalid because Parkway Drive is a road used to calculate distributions of the auto registration distribution fund under division (E) of section 4501.04 of the Revised Code and, thus, is a road or portion of a road certified by the board of township trustees to the director of transportation in accordance with that division as mileage in the township used by and maintained for the public. Therefore, Parkway Drive does not meet the definition of a “road” in section 5553.045(A) of the

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Revised Code, and the Petition is hereby denied.

Section 2. The Board hereby directs the Clerk of the Board to certify a copy of this Resolution to the Orange Township Board of Trustees and the Delaware County Engineer.

Section 3. The Board finds and determines that all formal actions taken by this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in said formal actions were in meetings open to the public, in compliance with the laws of the State of Ohio.

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

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ADMINISTRATOR REPORTS

Nothing to report

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COMMISSIONERS’ COMMITTEES REPORTS

Mrs. Lewis – attended the Sunbury 4th of July parade.

Mr. Benton – Nothing to report.

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners