

COMMISSIONERS JOURNAL NO. 82 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD SEPTEMBER 8, 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

10:00 A.M. Public Hearing for consideration of the Evergreen Cemetery Watershed Drainage Improvement Petition

1
RESOLUTION NO. 25-701

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD SEPTEMBER 4, 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 September 4, 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. 25-702

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0905:

It was moved by Mr. Merrell, seconded by Mr. Benton, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR 0905 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO’ Increase			
Chesrown (P2500528) #1	Facilities Department Service Cen	10011106-5228	\$3,500.00
Chesrown (P2500528) #2	Facilities Department Service Cen	10011106-5328	\$2,800.00

<u>PR Number</u>	<u>Vendor Name</u>	<u>Line Description</u>	<u>Account</u>	<u>Amount</u>
R2504251	PRECISION WINDOW CLEANING LLC	WINDOW CLEANING	10011105 - 5328	\$ 8,756.00
R2504256	XYBIX SYSTEMS INC	911 CONSOLE MAINTENANCE	21711326 - 5325	\$ 12,344.20

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

4
RESOLUTION NO. 25-703

IN THE MATTER OF GRANTING ANNEXATION PETITION FROM AGENT FOR THE PETITIONER, KEVIN MULLINS, REQUESTING ANNEXATION OF 0.709 ACRES OF LAND IN CONCORD TOWNSHIP TO THE VILLAGE OF SHAWNEE HILLS:

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

WHEREAS, on August 6, 2025, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Kevin Mullins, agent for the petitioners, requesting annexation of 0.709 acres, more or less, from Concord Township to the Village of Shawnee Hills; 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

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WHEREAS, 25 days have passed and the Clerk of the Board has not received an objection from the Village of Shawnee Hills or the Township of Concord;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners grants the petition requesting annexation of 0.709 acres, more or less, from Concord Township to the Village of Shawnee Hills.

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

5
RESOLUTION NO. 25-704

**IN THE MATTER OF A NEW LIQUOR LICENSE FROM EDINA NAILS SPA, 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 Mr. Benton, to approve the following resolution:

WHEREAS, the Ohio Division of Liquor Control has notified the Delaware County Board of Commissioners of a request for a new D5 and D6 license from Edina Nails Spa LLC, located at 6547 Artesian Run, Suite 140, Orange Township, Lewis Center, Ohio 43035; and

WHEREAS, the Delaware County Board of Commissioners has found no reason to file an objection;

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Board shall complete the necessary forms and notify the Ohio Division of Liquor Control that no objections are made and no hearing is requested by this Board of County Commissioners.

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

6
RESOLUTION NO. 25-705

**IN THE MATTER OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS
PROCLAIMING SEPTEMBER 2025 AS NATIONAL RECOVERY MONTH IN DELAWARE
COUNTY:**

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

WHEREAS, behavioral health is an essential part of health and one’s overall wellness, and prevention works, treatment is effective, and people can and do recover from substance use and mental health disorders; and all people have the fundamental right to be accepted and treated with respect, human dignity, and worth; and

WHEREAS, individuals should have access to fully participate in community life, economic advancement and prosperity; to access fair housing, quality education, and opportunities for material, cultural and social progress; and

WHEREAS, it is critical to educate our community that substance use and mental health disorders are treatable, and that people should seek assistance for these conditions with the same urgency as they would any other health condition; and

WHEREAS, all individuals should have the opportunity to access behavioral healthcare, consistent with the provisions of the federal mental health and addictions parity legislation; and

WHEREAS, substance abuse and mental health disorders are serious public health problems. In the first half of FY 2025, 10,727 Delaware County residents received behavioral healthcare services from the county’s publicly funded system; and

WHEREAS, to help more people achieve long-term recovery, and learn how recovery positively benefits Delaware County’s overall well-being, the Delaware County Board of Commissioners, the Delaware-Morrow Mental Health & Recovery Services Board, and their community partners invite all residents of Delaware County to participate in National Recovery Month.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of Delaware County, Ohio, hereby declare the month of September 2025 as National Recovery Month in Delaware County.

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

7
RESOLUTION NO. 25-706

**IN THE MATTER OF APPROVING A PSYCHOTROPIC DRUG REIMBURSEMENT PROGRAM
FUNDING AGREEMENT BETWEEN THE DELAWARE-MORROW MENTAL HEALTH &
RECOVERY SERVICES BOARD AND THE DELAWARE COUNTY BOARD OF**

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COMMISSIONERS FOR FY2026:

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

WHEREAS, the Delaware-Morrow Mental Health & Recovery Services Board and the Delaware County Sheriff and staff recommend the Psychotropic Drug Reimbursement Program Funding Agreement between the Delaware-Morrow Mental Health & Recovery Services Board and the Delaware County Board of Commissioners for FY2026;

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

Section 1. The Board hereby approves the Psychotropic Drug Reimbursement Program Funding Agreement between the Delaware-Morrow Mental Health & Recovery Services Board and the Delaware County Board of Commissioners for FY2026.

Section 2. The Board hereby authorizes the County Administrator to execute the Psychotropic Drug Reimbursement Program Funding Agreement between the Delaware-Morrow Mental Health & Recovery Services Board and the Delaware County Board of Commissioners for FY2026, on behalf of the Board.

**Psychotropic Drug Reimbursement Program Funding Agreement between the
Delaware-Morrow Mental Health & Recovery Services Board
and the
Delaware County Board of Commissioners
FY2026**

This Agreement is by and between the Delaware-Morrow Mental Health & Recovery Services Board, 40 N. Sandusky Street, Suite 301, Delaware, Ohio 43015, (hereinafter "Board"), and the Delaware County Board of County Commissioners, 91 North Sandusky St., Delaware, Ohio 43015 ("BOC").

Whereas, Pursuant to Ohio Revised Code §5119.19, Ohio has established a Psychotropic Drug Reimbursement Program (hereinafter "Program") to provide reimbursement to counties for the cost of psychotropic drugs that are dispensed to inmates of county jails in Ohio, including the Delaware County Jail;

Whereas, the Ohio Department of Mental Health and Addiction Services (OhioMHAS) is responsible for implementing and administering the Program;

Whereas, the amount of reimbursement to be provided to the BOC by OhioMHAS under the Program shall be processed through Board;

Whereas, Board and the BOC wish to set forth their mutual understanding with respect to this funding arrangement.

Now, therefore, in consideration of the mutual promises hereinafter set forth, the parties agree as follows:

1. **Reimbursement Process.**
 - a. The BOC must comply with OhioMHAS reimbursement request requirements and deadlines in order to be eligible for Program reimbursement for each of two reporting periods; (July 1, 2025 - December 31, 2025 and January 1, 2026 to June 30, 2026).
 - b. Funding amounts available to the County Jail for both reporting periods shall not exceed a total calculated and allotted in accordance with the Program funding formula established by OhioMHAS, subject to and including any rules hereafter adopted by the Director, OhioMHAS.
 - c. Board will draw-down funds once available from OhioMHAS via the Grants and Funding Management System and shall notify the BOC that the funds are being processed.
 - d. The BOC shall submit an invoice to Board for the total reimbursement amount allowed by OhioMHAS.
 - e. Payment shall be made to the BOC after funds are received by Board.
 - f. Board shall not be liable for any payments under this Agreement other than amounts made available to Board by OhioMHAS for payment to the BOC under the Program for each Program Reporting Period.
 - g. Questions regarding reimbursement reporting, process and amounts should be directed to OhioMHAS.
2. **Agreement Term.**

The term of this Agreement shall be effective July 1, 2025 continuing to June 30, 2026.

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3. **Information and Audits.**
Both Parties shall retain all documentation and public records pursuant to the laws of the State of Ohio related to the provision of funding under this Agreement and make such documentation available to the other Party upon request as necessary for the requesting party to fulfill its administrative and legal requirements.
4. **Relationship of the Parties.**
The Parties are fully autonomous and neither Party is an agent, representative, employee or partner of the other Party. This Agreement shall not be interpreted or construed to create an association, agency, employment, joint venture or partnership between the Parties or to impose any liability attributable to such a relationship upon either Party.
5. **Compliance with Legal Requirements.**
The Parties agree to perform their respective obligations under this Agreement in accordance with all applicable federal, state and local laws and requirements.
6. **Entire Agreement.**
It is acknowledged by the Parties that this Agreement represents the entire agreement between the Parties and supersedes any and all previous written or oral agreements between the Parties concerning the subject matter of this Agreement.
7. **Amendment.**
No change, amendment or modification of any provision of this Agreement shall be valid unless set forth in a written instrument and signed by the Parties.
8. **Liabilities of the Parties.**
The parties are governmental entities/political subdivisions and lack authority to indemnify. Each Party agrees to accept and be responsible for its own acts or omissions, as well as the acts or omissions of its employees and agents, in complying with the terms of this Agreement and nothing in this Agreement shall be interpreted to place any such responsibility for professional acts or omissions onto the other Party. All losses, costs, or damages which may occur or be claimed with respect to any person or persons, corporation, property or chattels resulting from activities of a Party pursuant to this Agreement shall be the responsibility of that Party as such liabilities may be determined by a court of law or pursuant to any other appropriate procedures.
9. **No Third-Party Beneficiaries/Assignment.**
Nothing express or implied in this Agreement is intended or shall be deemed to confer upon any person other than the Parties and their respective successors or assigns, any rights, remedies, obligations or liabilities. Neither Party may assign or delegate its rights or obligation s pursuant to this Agreement without the prior written consent of the other.
10. **Applicable Law.**
The laws of the State of Ohio shall govern all matters relating to the validity, performance, interpretation, and construction of this Agreement, or the breach thereof and venue shall be in Delaware County, Ohio.

IN WITNESS WHEREOF, the Parties hereto have hereby executed this Agreement evidenced by the signatures of their duly authorized representatives on the dates set forth below.

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

8
RESOLUTION NO. 25-707

IN THE MATTER OF APPROVING THE REQUEST FOR PROPOSALS AND SETTING DATE AND TIME FOR THE REQUEST FOR PROPOSALS FOR INMATE MEDICAL SERVICES FOR THE DELAWARE COUNTY JAIL:

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

WHEREAS, the Delaware County Sheriff and Staff recommend the request for proposals, specifications, and the opening date and time for Inmate Medical Services for the Delaware County Jail;

NOW, THEREFORE, BE IT RESOLVED that the Board of Delaware County Commissioners approves the request for proposals, specifications, and the opening date and time for Inmate Medical Services for the Delaware County Jail;

**PUBLIC NOTICE
REQUEST FOR PROPOSALS
BOARD OF COMMISSIONERS
DELAWARE COUNTY, OHIO**

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The Delaware County Commissioners are seeking competitive sealed proposals from contractors for the provision of health care services for inmates and detainees at the Delaware County Jail. Proposals will be received at the Delaware County Commissioners’ Office, 91 North Sandusky Street, Delaware, Ohio 43015, until **3:00 p.m. on Friday October 31, 2025**. At that time, proposals will be opened publicly in a manner to avoid public disclosure of contents; however, only names of offerors will be read aloud. One (1) original and five (5) copies are to be included. Submittals pursuant to this request will not be received after the hour and date stated above.

The complete Request for Proposals is posted on the internet and may be viewed on Delaware County’s web page at <http://www.co.delaware.oh.us> under the heading Bids and Notices or may be obtained from the Delaware County Sheriff’s Office, 1776 State Route 521, Delaware, Ohio, during normal business hours.

Any proposals submitted to Delaware County, Ohio are to be prepared at the submitter’s expense. Delaware County reserves the right to reject any and all proposals in whole or in part. Acceptance of a proposal shall not constitute an agreement between the submitter and Delaware County. Delaware County shall have no liability whatsoever to any submitter whose proposal is not accepted.

Any proposal submitted shall be accompanied by bond or certified check, cashier’s check, or money order on a solvent bank or savings and loan association in the amount of Five Hundred Dollars (\$500.00).

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

9
RESOLUTION NO. 25-708

RESOLUTION OF NECESSITY FOR THE PURCHASE OR LEASE OF MOTOR VEHICLES FOR THE USE OF THE COUNTY SHERIFF OR HIS EMPLOYEES:

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

WHEREAS, pursuant to section 307.41 of the Revised Code, the Board of Commissioners of Delaware County, Ohio (the “Board”) may find, by resolution of necessity, that it is necessary to expend county monies for the purchase or lease of motor vehicles to be used by the County Commissioners, by any county department, board, commission, office or agency, or by any elected county official or his or her employees; and

WHEREAS, the Delaware County Sheriff has demonstrated a need for one (1) new motor vehicle;

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

Section 1. The Board hereby declares that it is necessary to purchase one (1) new motor vehicle for use by the County Sheriff or his employees, at a total estimated cost not to exceed \$42,000.00.

Section 2. The Clerk of the Board is hereby directed to certify a copy of this Resolution to the County Sheriff and the County Auditor.

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

10
RESOLUTION NO. 25 -709

IN THE MATTER OF APPROVING A SUPPLEMENTAL EASEMENT AND RIGHT OF WAY TO OHIO POWER COMPANY:

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

WHEREAS, the Sanitary Engineer recommends that an easement be granted to Ohio Power Company;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, Ohio hereby approves granting the following easement to Ohio Power Company:

Line Name: Sawmill - Lazelle
Line No.: TLN380:OH357 **Easement No.:** 80

SUPPLEMENTAL EASEMENT AND RIGHT OF WAY

THIS SUPPLEMENTAL EASEMENT AND RIGHT OF WAY made on this 8th day of September, 2025, by and between **County of Delaware, Ohio**, whose address is 10333 Olentangy River Rd., Powell, Ohio 43065, (“Grantor”), whether one or more persons, and **Ohio Power Company**, a(n) Ohio corporation, being a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215 (“AEP”). WHEREAS, AEP has electrical facilities built upon a right of way across the property of the Grantor situated in the State of Ohio, Delaware County, Liberty Township, Section 3, Township No. 3, Range No. 18, being the same

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premises as described in that certain document, dated 10/29/1976 recorded in DV 403, Page 515 (Parcel No. 318-333-01-008-000); which facilities have been in place since approximately 1925 (“Facilities”); and

WHEREAS, Grantor is the successor in interest to all or part of the lands affected by the Original Facilities.

NOW, THEREFORE, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which Grantor hereby acknowledges, the Grantor hereby grants and conveys and warrants to AEP this Supplemental Easement and Right of Way ("Easement") for electric transmission, distribution, and communication lines and appurtenant equipment and fixtures to allow for the rebuilding of the line across the property of Grantor set forth above, as follows:

The Easement Area shall be revised to be as more fully described and depicted on Exhibit “A”, a copy of which is attached hereto and made a part hereof (“Easement Area”).

GRANTOR FURTHER GRANTS AEP THE FOLLOWING RIGHTS:

The right, now and in the future, to construct, reconstruct, operate, maintain, alter, improve, extend, inspect, patrol, protect, repair, remove, replace, upgrade and relocate within the Easement Area, poles, towers, and structures, made of wood, metal, concrete or other materials, and crossarms, guys, anchors, grounding systems, and all other appurtenant equipment and fixtures, and to string conductors, wires and cables (“Facilities”); together with the right to add to said Facilities from time to time, and the right to do anything necessary, useful or convenient for the enjoyment.

The right, in AEP’s discretion, to cut down, trim, remove, and otherwise control, using herbicides or tree growth regulators or other means any and all trees, overhanging branches, vegetation and brush situated within the Easement Area. AEP shall also have the right to cut down, trim or remove trees situated on lands of Grantor which adjoin the Easement Area when in the opinion of AEP those trees may endanger the safety of, or interfere with the construction, operation or maintenance of Facilities or ingress or egress to, from or along the Easement Area.

The right of unobstructed ingress and egress, at any and all times, over, across and along and upon the Easement Area, and across the adjoining lands of Grantor as may be necessary for access to and from the Easement Area for the above referenced purposes.

THIS GRANT IS SUBJECT TO THE FOLLOWING CONDITIONS:

In no event shall Grantor, its heirs, successors, and assigns plant or cultivate any trees or place, construct, install, erect or permit any temporary or permanent building, structure, improvement or obstruction including but not limited to, storage tanks, billboards, sign, sheds, dumpsters, light poles, water impoundments, above ground irrigation systems, swimming pools or wells, or permit any alteration of the ground elevation, over, or within the Easement Area. AEP may, at Grantor’s cost, remove any structure or obstruction if placed within the Easement Area, and may re-grade any alterations of the ground elevation within the Easement Area.

AEP agrees to repair or pay the Grantor for actual damages sustained by Grantor to crops, fences, gates, irrigation and drainage systems, drives, or lawns that are permitted herein, when such damages arise out of AEP’s exercise of the rights herein granted.

The failure of AEP to exercise any of the rights granted herein, or the removal of any Facilities from the Easement Area, shall not be deemed to constitute an abandonment or waiver of the rights granted herein.

Except as supplemented and amended herein, the Original Easement shall remain in full force and effect. The Original Easement, as supplemented and amended herein, contains the complete agreement, express and implied between the parties herein and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, and licensees.

This Easement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

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

11
RESOLUTION NO. 25-710

IN THE MATTER OF APPROVING CHANGE ORDER NO. 01 TO THE AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND STRAWSER PAVING CO, INC. FOR THE JEWETT ROAD TRUNK SEWER IMPROVEMENTS:

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

WHEREAS, the Delaware County Board of Commissioners entered into an agreement with Strawser Paving Co., Inc., on February 20,2025, for the Jewett Road Trunk Sewer Improvements; and

WHEREAS, Change Order No. 01 authorizes a reduction in the overall contract price in the amount of \$101,730.00 due to unused funds; and

WHEREAS, the Sanitary Engineer recommends approval of Change Order No. 01;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners approves Change Order No. 01 to the Agreement between the Delaware County Board of Commissioners and Strawser Paving Co., Inc. for the Jewett Road Trunk Sewer Improvements.

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

12
RESOLUTION NO. 25-711

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:

PERMITS	APPLICANT	LOCATION	TYPE OF WORK
UT2025-0241	SPD PERMITTING	TROUTMAN RD	SERVICE DROP
UT2025-0242	SPD PERMITIING	MINK ST & BROWN RD	ROAD BORE
UT2025-0243	CINCINNATI BELL	LETTERMAN & PLEASANT VIEW	FIBER OPTIC CABLE
UT2025-0244	CINCINNATI BELL	HYATTS RD	FIBER OPTIC CABLE

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

13
ADMINISTRATOR REPORTS

CA Davies – announced that the TID meeting scheduled for the 10th has been canceled. She will be attending a DCFA meeting this week.

14
COMMISSIONERS’ COMMITTEES REPORTS

Commissioner Merrell – will be attending the DKMM meeting on 09/09/25.

Commissioner Benton – gave reminder that the Delaware County Fair starts this weekend. He will be attending the CEBCO executive meeting.

Commissioner Lewis – Nothing to report.

15
RESOLUTION NO. 25-712

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT AND COMPENSATION OF A PUBLIC EMPLOYEE OR A PUBLIC OFFICIAL, TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSE AND FOR COLLECTIVE BARGAINING:

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

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

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

Section 1. The Board hereby adjourns into executive session for consideration of Employment and Compensation of a Public Employee or a Public Official, to consider the purchase of property for public purpose and for Collective Bargaining.

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

16
RESOLUTION NO. 25-713

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 Mr. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

17
10:00A.M.- PUBLIC HEARING FOR CONSIDERATION OF THE EVERGREEN CEMETERY
WATERSHED DRAINAGE IMPROVEMENT PETITION FILED BY THE BERLIN TOWNSHIP
TRUSTEES:

The Board of Commissioners opened the hearing at 10:12 A.M.

The Board of Commissioners closed the hearing at 10:32 A.M.

RESOLUTION NO. 25-714

IN THE MATTER OF PROCEEDING WITH THE PROJECT SURVEY AND DESIGN FOR THE
EVERGREEN CEMETERY WATERSHED DRAINAGE IMPROVEMENT, PETITIONED BY THE
BERLIN TOWNSHIP TRUSTEES:

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

WHEREAS, on February 19, 2025, a petition for the Evergreen Cemetery Watershed Drainage Improvement was filed with the Board of Commissioners of Delaware County (the “Board”); and

WHEREAS, on **Monday June 16, 2025**, the Board conducted a view of the proposed improvement; and

WHEREAS, on **Monday September 8, 2025**, the Board held the first hearing on the petition; and

WHEREAS, after hearing the preliminary report of the Delaware County Engineer and any evidence offered by any owner for or against the granting of the proposed improvement or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, the Board is prepared to vote to determine whether to proceed with the project survey and design or to dismiss the petition, taking into consideration the petition, the preliminary report, and comments on the proposed improvement;

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

Section 1. The Board hereby finds that the proposed improvement is necessary, that it will be conducive to the public welfare, and that it is reasonably certain that the benefits of the proposed improvement will outweigh its costs. Accordingly, the Board hereby decides to proceed with the project survey and design.

Section 2. The Board hereby determines that the route and termini of the proposed improvement, and the manner of construction thereof, shall be as set forth in the Delaware County Engineer’s preliminary report.

Section 3. The Board hereby orders the Delaware County Engineer to prepare reports, plans, and schedules for the proposed Evergreen Cemetery Watershed Drainage Improvement. The Board hereby sets September 8, 2027, as the date by which the Delaware County Engineer shall file the reports, plans, and schedules, whereupon a public hearing date will be set and proper notification given to property owners in the affected watershed.

Section 4. THE BOARD HEREBY APPROVES ESTABLISHING A NEW ORGANIZATION KEY FOR THE EVERGREEN CEMETERY WATERSHED DRAINAGE IMPROVEMENT PROJECT 403114-XXX.

Section 5. This 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

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Board that resulted in said formal actions were conducted in compliance with the laws of the State of Ohio.

Section 6. This Resolution shall be effective immediately upon adoption.

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

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RESOLUTION NO. 25-715

IN THE MATTER OF ADJOURNING INTO EXECUTIVE SESSION FOR CONSIDERATION OF APPOINTMENT AND COMPENSATION OF A PUBLIC EMPLOYEE OR A PUBLIC OFFICIAL, TO CONSIDER THE PURCHASE OF PROPERTY FOR PUBLIC PURPOSE AND FOR COLLECTIVE BARGAINING:

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 Employment and Compensation of a Public Employee or a Public Official, to consider the purchase of property for public purpose and for Collective Bargaining.

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

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RESOLUTION NO. 25-716

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 Mr. Benton Aye Mrs. Lewis Aye Mr. Merrell Aye

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell