

**COMMISSIONERS JOURNAL NO. 83 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 26, 2026**

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

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

**1
RESOLUTION NO. 26-210**

IN THE MATTER OF APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM REGULAR MEETING HELD MARCH 23, 2026:

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

WHEREAS, the Board of Commissioners of Delaware County, Ohio (the “Board”) met in regular session on March 23, 2026; 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. Benton Absent Mrs. Lewis Aye Mr. Merrell Aye

**2
PUBLIC COMMENT**

**3
RESOLUTION NO. 26-211**

IN THE MATTER OF APPROVING PURCHASE ORDERS, THEN AND NOW CERTIFICATES, AND PAYMENT OF WARRANTS IN BATCH NUMBERS CMAPR 0325 AND MEMO TRANSFERS IN BATCH NUMBERS MTAPR 0325:

It was moved by Mrs. Lewis, seconded by Mr. Merrell, to approve Then and Now Certificates, payment of warrants in batch numbers CMAPR 0325, memo transfers in batch numbers MTAPR 0325 and Purchase Orders as listed below:

<u>Vendor</u>	<u>Description</u>	<u>Account</u>	<u>Amount</u>
PO' Increase			
(P2601818) Path Master	Emergency Medical Services	10011303-5260	\$5433.00

PR Number	Vendor Name	Line Description	Account	Amount
R2602638	EXACT EXCAVATING LLC	DEMOLITION SERVICES 1251 US HIGHWAY 23 NORTH	10011102 - 5301	\$ 22,686.80
R2602641	JAGS ENVIRONMENTAL INC	HACH FLOW METERS	66211900 - 5450	\$ 32,742.00
R2602643	BISHOP UNLIMITED INC	RIVERSIDE FORCEMAIN LOCATING SERVICES	66211900 - 5328	\$ 6,485.50
R2602646	AT & T MOBILITY LLC	CRADLEPOINT ROUTERS	10011303 - 5260	\$ 8,097.30
R2602646	AT & T MOBILITY LLC	PANORAMA ANTENNAS	10011303 - 5201	\$ 806.92
R2602660	LOEB ELECTRIC CO	LIGHTING - 911 CARNEGIE RENOVATIONS	42011438 - 5410	\$ 5,300.00
R2602669	EDGE AI SOLUTIONS INC	AI CODING AND DATA TRANSMISSION - RESOLUTION	66211900 - 5320	\$ 79,000.00
R2602672	OHIO WATER DEVELOPMENT AUTHORITY	OWDA LOAN ADMIN FEE	66211900 - 5316	\$ 22,906.00
R2602689	SPEER MECHANICAL INC	EMERGENCY BOILER REPLACEMENT – JAIL	40111402 - 5410	\$124,704.00

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

**COMMISSIONERS JOURNAL NO. 83 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 26, 2026**

**4
RESOLUTION NO. 26-212**

IN THE MATTER OF APPROVING TRAVEL EXPENSE REQUESTS:

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

The Sanitary Engineer’s office is requesting that Kellie Pike attend a SWANA Transfer Station Management Certification Course in Moraine, Ohio from April 13th – April 16th, 2026; at the cost of \$1,748.00 (fund 68011916).

The Administrative Services Records Center Department is request that Chris Shaw attend the 2026 NAGARA (National Association of Government Archives and Records Administrators) Annual Conference in Philadelphia, Pennsylvania July 21-26, 2026; at the cost of \$2,134.36 (fund number 10011103).

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

**5
RESOLUTION NO. 26-213**

IN THE MATTER OF GRANTING THE ANNEXATION PETITION OF 141.508 ACRES OF LAND IN DELAWARE TOWNSHIP TO THE CITY OF DELAWARE:

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

WHEREAS, on March 24, 2026, the Clerk to the Board of the Delaware County Commissioners received an annexation petition filed by Amelia N. Blankenship, of Bricker Graydon LLP, agent for the petitioner, of 141.508 acres, more or less, in Delaware Township to the City of Delaware; and

WHEREAS, the petition was filed as an “Expedited Type 1 Annexation,” under the procedure set forth in section 709.022 of the Revised Code; and

WHEREAS, pursuant to section 709.022 of the Revised Code, upon receipt of the petition and a certified copy of the applicable agreement, the board of county commissioners, at the board’s next regular session, shall enter upon its journal a resolution granting the annexation;

NOW, THEREFORE, BE IT RESOLVED that the Delaware County Board of Commissioners (the “Board”) grants the annexation petition to annex 141.508 acres, more or less, in Delaware Township to the City of Delaware;

BE IT FURTHER RESOLVED that the Board directs the Clerk of the Board to deliver a certified copy of the entire record of the annexation proceedings, including all resolutions of the Board, signed by a majority of the members of the Board, the petition, map, and all other papers on file, and the recording of the proceedings, if a copy is available, to the auditor or clerk of the City of Delaware.

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

**6
RESOLUTION NO. 26-214**

IN THE MATTER OF APPROVING A BUILDING PERFORMANCE SERVICE AGREEMENT BETWEEN THE DELAWARE COUNTY BOARD OF COMMISSIONERS AND HONEYWELL BUILDING PERFORMANCE SERVICES FOR HVAC BUILDING CONTROL MAINTENANCE FOR THE JAIL, 117 COURTHOUSE, AND THE CARNEGIE BUILDING:

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

WHEREAS, the Director of Facilities recommend approval of the agreement with Honeywell Building Performance SERVICES for HVAC building control maintenance for the Jail, 117 Courthouse, and the Carnegie Building;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Delaware County, State of Ohio, hereby approves the agreement with Honeywell Building Performance Services for HVAC building control maintenance for the Jail, 117 Courthouse, and the Carnegie Building, a copy of which is on file with the Clerk and shall be retained in accordance with the applicable records retention schedule.

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

**7
RESOLUTION NO. 26-215**

IN THE MATTER OF APPROVING A STORMWATER BEST MANAGEMENT PRACTICES

**COMMISSIONERS JOURNAL NO. 83 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 26, 2026**

**OPERATIONS AND MAINTENANCE AGREEMENT BY AND BETWEEN THE BOARD OF
COMMISSIONERS OF DELAWARE COUNTY, OHIO, AND THE CITY OF DELAWARE FOR
THE PROPERTY LOCATED AT 2104 STATE ROUTE 521, DELAWARE, OH 43015:**

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

**STORMWATER BEST MANAGEMENT PRACTICES
OPERATIONS AND MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this 26th day of March, 2026, by and between the Board of Commissioners of Delaware County, Ohio, (hereinafter the "Landowner"), and The City of Delaware (hereinafter "City");

WITNESSETH

WHEREAS, the landowner is proceeding to build and develop the Property Parcel IDs# 51830001064000 & 51830001059000 located at 2104 State Route 521, Delaware, OH 43015; and

WHEREAS, the stormwater Post-Construction Operation and Maintenance Plan ("Plan") has been approved by the City (hereinafter referred to as the "Plan") for the property identified herein, which is kept on file with the City, provides for management of stormwater within the confines of the Property through the use of Best Management Practices ("BMP(s)"); and

WHEREAS, the City and the Landowner, its successors and assigns, agree that the health, safety and welfare of the residents of the City and the protection and maintenance of water quality require that onsite stormwater Best Management Practices be constructed and maintained on the Property as detailed in the Plan: and

WHEREAS, for the purpose of this agreement, BMP/Best Management Practices means activities, facilities, designs, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Municipal Stormwater Management Ordinance.

WHEREAS, the City requires, through the implementation of the Plan that stormwater management BMPs as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated, maintained, repaired, and inspected by the Landowner, its successors and assigns;

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein and the following terms and conditions, the parties hereto agree as follows:

1. Construction and Final Inspection Approval. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan. The Landowner shall certify in writing to the City within 30 days of completion of the BMPs that the BMPs are constructed in accordance with the approved Plan. The Landowner shall further provide an As-Built Certification, including As-Built Survey and Inspection, a copy of this complete Operation and Maintenance Agreement, and the approved Post-Construction Operation and Maintenance Plan.

2. Duty of Operation, Maintenance, and Repair of Facility.

A. The Landowner shall operate and maintain in perpetuity the BMP(s) as shown on the Plan in good working order acceptable to the City and in accordance with the specific maintenance requirements noted on the Plan.

B. The Landowner shall provide a Post-Construction Operation and Maintenance Plan for each BMP. The Plan shall include the following:

- i. The location of each BMP and identification of the drainage areas served by each BMP.
- ii. Photographs of each BMP, including all inlets and outlets upon completion of construction.
- iii. A schedule of inspection.
- iv. A schedule for regular maintenance for each aspect of the BMP and description of routine and non-routine maintenance tasks to ensure continued performance of the BMP as is detailed in the approved Plan. The Landowner shall also provide a maintenance and inspection checklist written so the average person can understand it. The Plan will include a detailed drawing of each BMP and outlet structures with the parts of the outlet structure labeled. This schedule may include additional standards, as required by the City engineer, to ensure continued performance of BMP(s) permitted to be located in, or within 50 feet of, water resources.
- v. Location and documentation of all access and maintenance easements on the Property.

C. The Landowner shall maintain, update, and store the maintenance records and inspection reports for the BMP(s).

**COMMISSIONERS JOURNAL NO. 83 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 26, 2026**

D. The Landowner shall perform all maintenance in accordance with the Post-Construction Operation and Maintenance Plan and shall complete all repairs identified through regular inspections, and any additional repairs as requested in writing by the City.

E. The Landowner shall inspect all BMP(s) listed in this Agreement at least once every year.

3. Right of Entry on Premises. The Landowner hereby grants permission to the City, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.

4. Alteration or Termination Prohibited: Alteration or termination of these stipulations is prohibited. Operation and Maintenance Plans must be tailored to the BMP(s) approved for a specific development and the maintenance necessary and associated schedule for each BMP. The Plans for all BMP(s) shall be drawn up to comply with the latest edition of the Ohio Environmental Protection Agency’s “Rainwater and Land Development Manual.”

5. Options if Landowner Fails to Maintain. In the event the Landowner fails to operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the City, the City or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the City to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the City is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City.

6. Reimbursement by Landowner. In the event the City, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work or labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the City for all expenses (direct and indirect) incurred within 10 days. If the Landowner fails to do so, the City may certify the charge to the County Auditor so that the charge will be collected at the next tax succeeding collection. The County Auditor shall place the charge on the tax duplicate of the County with the interest and penalties allowed by law, and it shall be collected as other taxes are collected.

7. Purpose of Agreement. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.

8. Release of City. The Landowner, its executors, administrators, assigns, and other successors in interests shall release the City’s employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or City.

9. Inspections by City. The City intends to inspect the BMP(s) at a minimum of once every three years to ensure their continued functioning.

10. Recording of Agreement/Covenant Running with the Land. This agreement shall be recorded at the Delaware County Recorder’s Office, Delaware, Ohio and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, its heirs, successors, and assigns, and any other successors in interests, in perpetuity.

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

CONSIDERATION FOR OTHER BUSINESS

RESOLUTION NO. 26-216

IN THE MATTER OF DECLARING AN EMERGENCY RELATED TO HVAC SYSTEMS AT THE DELAWARE COUNTY JAIL:

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

WHEREAS, the Delaware County Board of Commissioners (the “Board”) owns the Delaware County Jail and is required to equip the Delaware County Jail such that it may be operated in a manner as to comply substantially with the minimum standards for jails in Ohio adopted by the Department of Rehabilitation and Correction; and

WHEREAS, the minimum standards for jails include a requirement for temperature to be mechanically controlled to acceptable comfort levels; and

WHEREAS, on or about March 24, 2026, jail personnel and contracted technicians determined that two boilers at the Delaware County Jail are not functioning properly, resulting in a loss of heat to a portion of the facility; and

**COMMISSIONERS JOURNAL NO. 83 - DELAWARE COUNTY
MINUTES FROM REGULAR MEETING HELD MARCH 26, 2026**

WHEREAS, the boilers in question are also at the end of their useful life and require replacement; and

WHEREAS, the County deems it necessary to take emergency action for the maintenance of proper operations at the Delaware County Jail;

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

Section 1. The Board hereby finds and determines that the malfunctioning of HVAC systems at the Delaware County Jail constitutes a real and present emergency requiring immediate remedial action in order to maintain the proper operations at the Delaware County Jail.

Section 2. The emergency replacement of one of the boilers at the Delaware County Jail is hereby declared to be exempt from the competitive bidding process, pursuant to section 307.86(A)(1) of the Revised Code, because the emergency replacement is necessary and estimated to cost less than one hundred twenty-five thousand dollars (\$125,000).

Section 3. The Board hereby authorizes the Deputy County Administrator, as acting county administrator, to negotiate and approve contracts for the necessary installation of one boiler at the Delaware County Jail. This action is authorized as the minimum action necessary to maintain proper operations, and the Board hereby directs the Facilities Department to prepare the necessary documents to seek competitive bids for the full remediation of the HVAC systems at the Delaware County Jail at a later date.

Section 4. This Resolution shall take effect immediately upon adoption.

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

ADMINISTRATOR REPORTS

DCA Huston and Attorney Hochstettler – Nothing to report.

COMMISSIONERS' COMMITTEES REPORTS

Commissioner Lewis – attended the City of Sunbury “State of the City” event along with Commissioner Merrell. She also wants to welcome a reporter from Delaware Source to Session today.

Commissioner Merrell – attended a OCCO meeting yesterday and a ground breaking for new Olentangy School.

There being no further business, the meeting adjourned.

Jeff Benton

Barb Lewis

Gary Merrell

Jennifer Walraven, Clerk to the Commissioners